



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT**

**FEBRUARY 9, 2017
CDP_2016-0032**

OWNER/APPLICANT: JENKINS RIMA
8315 HILLTOP CIRCLE DR
IMPERIAL, PA 15126

REQUEST: Coastal Development Permit to: (1) construct a 1,642± square-foot single family residence with approximately 470± square feet of deck, a 600± square-foot detached garage, a 120± square-foot electric shed, a 720± square-foot barn, and a 720± square-foot studio; (2) install a septic system, propane tank, and water storage tank; (3) clear vegetation from building footprint; and (4) temporary occupancy of a trailer coach for construction support.

DATE DEEMED COMPLETE: 8/17/2016

LOCATION: The site is located in the Coastal Zone, 2.5± miles southeast of Little River, on both sides of Frog Pond Road (private), approximately 0.6 mile east of its intersection with Highway One, at 33080 Frog Pond Road (APN 121-030-07).

APPEALABLE AREA: No

PERMIT TYPE: Administrative Coastal Development Permit

TOTAL ACREAGE: 4.9±

GENERAL PLAN: Rural Residential 5 acre minimum (RR5)

ZONING: Rural Residential 5 acre minimum (RR5)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt - Class 3 (a) - Construction of a single-family residence and accessory structures.

RECOMMENDATION: Approve with conditions.

STAFF PLANNER: Robert LaPorte

BACKGROUND

PROJECT DESCRIPTION: Coastal Development Permit to: (1) construct a 1,642± square-foot single family residence with approximately 470± square feet of deck, a 600± square-foot detached garage, a 120± square-foot electric shed, a 720± square-foot barn, and a 720± square-foot studio; (2) install a septic system, propane tank, and water storage tank; (3) clear vegetation from building footprint; and (4) temporary occupancy of a trailer coach for construction support.

APPLICANT'S STATEMENT: Off-grid solar, single-family dwelling with electrical shed and existing well (drilled), permit approved septic system to be installed. Will require tree removal over building site which is small. RPF will file a timberland conversion exempt permit with Forestry Dept. We will have a propane tank, water storage tank, and solar panels.

OTHER RELATED APPLICATIONS:

On-Site

- CDP_2003-0049 (Anton) – CDP for a SFR on the subject property approved January 27, 2005 and Expired January 27, 2007. Authorized construction of a single story 1,983 square foot residence with a 484 square foot attached garage, 758 square feet of exterior decks, and associated improvements. This CDP was processed as a Standard Permit because it included grading and restoration within 100 feet of Smith Creek. The restoration work has been satisfactorily completed (Department of Fish and Game letter to PBS, dated 1/13/2005). No work on the single family residence was initiated and therefore the permit was not vested. It has since expired in accordance with Standard Condition 1.

SITE CHARACTERISTICS: The 4.9± acre site is located in the Coastal Zone approximately 2.5 miles southeast of the town of Little River. The site is a heavily forested primarily with second growth redwood and douglas fir. The majority of the lot has steep slopes and the Smith Creek drainage runs through the lot from the northeast corner to the southwest corner. The site is accessed by Frog Pond Road, a private dirt road, which crosses Smith Creek and leads to a previously cleared driveway and building pad. Additional existing development on the lot includes a drilled well. The parcel is bounded to the west, east and south by developed single family residential lots of 5 to 10 acres in size. The 80 acre parcel to the north is undeveloped and is zoned Timber Production Zone (TPZ).

TABLE 1: SURROUNDING LAND USE AND ZONING:

	ADJACENT GENERAL PLAN	ADJACENT ZONING	ADJACENT LOT SIZES	ADJACENT USES
NORTH:	Forest Land 160	Timber Production (TP)	75.7± acres	Timber Production Zone
EAST:	Rural Residential 10 (RR10)	Rural Residential 10 (RR10)	9.6± acres	Single Family Residential
SOUTH:	Rural Residential 5 (RR5)	Rural Residential 5 (RR5)	5.0± acres	Single Family Residential
WEST:	Rural Residential 5 (RR5)	Rural Residential 5 (RR5)	4.3± acres	Single Family Residential

PUBLIC SERVICES:

Access: Frog Pond Road (private)
Fire District: Albion-Little River Fire District & CalFire
Water District: None
Sewer District: None
School District: Mendocino School District

AGENCY COMMENTS: On August 23, 2016 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Agency comments and related permits, if any, are listed below in Table 2. Any comments that would trigger a project modification or denial are discussed in full as key issues in the following section.

TABLE 2: SUMMARY OF AGENCY REFERRALS

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Environmental Health-FB		Comments	9-1-2016
Department of Transportation		No Comment	9-26-2016
Building Services-FB PBS		No Comment	9-2-2016
Planning-Ukiah		No Comment	8-31-2016
Assessor		No Response	

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Redwood Valley Rancheria		No Response	
Sherwood Valley Band of Pomo Indians		No Response	
Cloverdale Rancheria		No Response	
CalFire	CalFire 14-15	Comments	9-1-2016
CA Department of Fish and Wildlife		Comments	9-28-2016
Coastal Commission		No Response	
Albion-Little River Fire Department		No Response	

Environmental Health stated that the project had a valid sewage design for a 3 bedroom residence.

CalFire commented that Public Resources Code 4290 must be adhered to.

CA Department of Fish and Wildlife had correspondence and a site visit with staff regarding the 100-foot ESHA buffer as well as the biological scoping surveys conducted for the project. Please see discussion in the Natural Resources section as well as the project file.

Details about agency responses are included in the Coastal Permit Approval Checklist (Checklist).

KEY ISSUES

Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Code (MCC). The Checklist individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project. The 'key issues' listed below are drawn from the Checklist and are considered key because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

1. Natural Resources

The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

A Biological Scoping Survey Report was prepared for the project by Alison Gardner (Botanical Survey for Rima Jenkins, Alison Gardner. June 21, 2016). Gardner's survey identified Smith Creek and its riparian vegetation as the only ESHA on the site. Alison Gardner's survey confirms a previous botanical report prepared by Laurie L. Berry, North Coast Resource Management dated July 14, 2004 that identified the Smith Creek riparian zone as the only ESHA on site (see CDP#49-03 file). Mendocino County Code typically requires a 100-foot buffer from all identified ESHA. All proposed development shall be in conformance with Mendocino County Code requirements for appropriate setback distances from the identified ESHA. A 100-foot buffer from Smith Creek and its associated riparian habitat has been established by Asa B. Spade, Spade Natural Resources Consulting (SNRC) as identified in Figures 1 & 2 attached to the letter dated April 20, 2016. To ensure that coastal resources are protected during construction and future use of the site the following measures are recommended as **Condition 11**.

Condition 11: The following protective measures shall be implemented to provide for the protection of natural resources. A buffer distance of no less than 100 feet shall be maintained between any development on the site and the identified ESHA of Smith Creek and its associated riparian habitat. Any development within the 100-foot ESHA buffer shall require a Coastal Development Permit.

The previous restoration of native plant revegetation and slope stabilization implemented to remedy a grading violation was noted by Alison Gardner to be well established (see Special Conditions 3 and 7 of CDP#49-03). The restoration work has been satisfactorily completed (Department of Fish and Game letter to PBS, dated 1/13/2005).

A site visit was conducted by County Staff and CA Department Fish and Wildlife staff (DFW) on 9/28/2016. Noting the botanical surveys and the onsite presence of potential Sonoma Tree Vole (STV) habitat, an additional biological survey for STV was requested from the applicant based on the recommendation from DFW. SNRC conducted a survey for STV on December 26, 2016 and established the absence of STV on the site (SNRC Sonoma Tree Vole Survey dated January 12, 2017).

With the proposed conditions, the project is found to be consistent with Mendocino County Code requirements for protection of natural resources, and protective measures are recommended to reduce any potential impacts.

2. Utilities

The proposal includes placement of a propane storage tank to service the residence. The site has existing water well on the parcel and would install a water storage tank. The Division of Environmental Health (DEH) has reviewed the application and commented on 9/1/2016 that DEH has approved an "onsite sewage system permit for a 3 bedroom residence". The existing water well and proposed septic design would be adequate to service the proposed residence.

The proposed project includes an off-the-grid electrical design consisting of a roof mounted photo voltaic solar array. The project does not propose to tie into the electrical grid though adjacent properties are currently serviced through PG&E. As generators are commonly associated with off-the-grid electrical systems and can cause intermittent noise and be a nuisance in residential areas, the applicant is advised of MCC Appendix C (Exterior Noise Limit Standards). Appendix C establishes a rural residential noise level standard of 40 dBA between the hours of 10:00 p.m. —7:00 a.m and 50 dBA between the hours of 7:00 a.m. —10:00 p.m. which are not to be exceeded more than thirty minutes in any hour.

Without any recommended conditions of approval, the proposed project is determined to be provided with adequate utilities to support the development.

3. Access Roads

The parcel is currently provided access off Frog Pond Road (private) which connects to Highway One. The proposed project was referred to the Mendocino County Department of Transportation (DOT) for comment and DOT responded with "no comment". The origins of Frog Pond Road have not been researched, but it appears to be an old logging skid road or carriage road. A culvert crossing on Smith Creek exists on a paved portion of Frog Pond Road located on the subject property. At the culvert, the road forks with a paved road continuing to neighboring properties and an unpaved road leading to the subject parcel as well as three parcels beyond. Along the unpaved road, Smith Creek is crossed again with another culvert. During a site visit with DFW on 9/28/2016, it was noted that the culverts at both creek crossings were underperforming though not failed. In the current state, the creek crossings can accommodate access to the proposed project as well as the parcels with shared access beyond the subject parcel. The applicant is advised that the road runs through an ESHA and the 100-foot ESHA buffer, therefore any improvements, repair, or maintenance of the road shall require a Coastal Development Permit as well as a Streambed Alteration Agreement through DFW for culvert replacement. **Condition 11** provides for a 100-foot buffer from Smith Creek and its riparian habitat within which no development will occur unless a Coastal Development Permit is obtained. Though not required for the subject project, under the circumstance that multiple property owners utilize Frog Pond Road, staff recommends the formation of a private road association through which an application for a Coastal Development Permit can be filed to perform improvements and maintenance of the shared access road.

The project is determined to be provided with adequate access roads to support the proposed development.

4. General Plan and Zoning Consistency:

General Plan: The subject parcel is classified as Rural Residential by the Coastal Element of the Mendocino County General Plan, which is intended “to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element). The principally permitted use designated for the Rural Residential land use classification is “one dwelling unit per existing parcel and associated utilities, light agriculture and home occupation” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element).

The proposed use of the parcel as a single family residence is consistent with the uses permitted in the Rural Residential land use designation.

Zoning Intent: The subject parcel is zoned Rural Residential. The intent of the Rural Residential zoning district is “to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability” (MCC Section 20.376.005). The proposed project is to construct a single family residence and associated accessory buildings which is a principally permitted use in the district. The parcel does not contain prime or non-prime agricultural soils and is densely forested. The proposed project is not expected to have an adverse impact on the potential agricultural viability of the lot and is found to be consistent with the intent of the zoning district.

Use: Existing development on the site consists of a drilled well and a 120-foot compacted soil and gravel driveway. The subject parcel is zoned Rural Residential as shown on the Zoning Display Map. The proposed single-family residential use and accessory structures are in conformance with the permissible uses within the Rural Residential zoning district. Proposed accessory structures include a barn, garage, electrical shed, and storage building all of which are accessory uses to a residential use type in MCC Section 20.456.015. The temporary occupancy of a travel trailer during construction is requested and is permissible as an allowable temporary use through the issuance of a Coastal Development Administrative Permit. **Condition 13** is recommended to insure the travel trailer is utilized in a manner consistent with Mendocino County Code.

Condition 13: A Coastal Development Administrative Permit is hereby granted for temporary occupancy of the travel trailer while constructing the single-family residence, subject to the following conditions of approval:

- a. The term of this administrative permit is valid for the period required to complete construction of the primary dwelling, but shall not exceed two years unless renewed. The administrative permit shall be effective on the effective date of CDP_2016-0032 and shall expire two years henceforth.
- b. A valid building permit for a permanent dwelling on the premises must be in effect.
- c. Building and Environmental Health permits must be obtained prior to the set up and occupancy of the travel trailer.
- d. All utility connections to the travel trailer shall be disconnected and the trailer shall be removed from the property or placed in dead storage per MCC Section 20.456.015(J) prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.

With the inclusion of the recommended condition, the project is found to be consistent with the Rural Residential zoning district and allowable temporary uses, as provided in Mendocino County Code.

Density: The maximum dwelling density in the Rural Residential zoning district in this location is one single-family residence per 5 acres (MCC Section 20.376.025 (C)). The proposed project consists of construction of

a single-family residence and associated accessory structures. Additionally, the proposal requests temporary use of a travel trailer for construction support. Use of a trailer coach for temporary occupancy while constructing the main dwelling is specifically exempted from the maximum dwelling density standards for the Rural Residential zoning district (MCC Section 20.376.025 (C)). The proposed development is in conformance with the dwelling density standards of the Rural Residential zoning district.

Yards: The subject parcel is 4.9± acres and the minimum required front, side, and rear yards in the Rural Residential zoning district for a parcel less than 5 acres are twenty (20) feet in the front, rear, and side yards (MCC Section 20.376.030 and MCC Section 20.376.035).

Although Frog Pond Road is a private road, because it serves four or more parcels it is also subject to a corridor preservation setback for structures of 25 feet on either side measured from the centerline of the road. The proposed location of structures as indicated on the site plan meet the required corridor preservation setback.

Height: The maximum permitted building height for residential structures in the Rural Residential zoning district and non-Highly Scenic Area is twenty-eight (28) feet (MCC Section 20.376.045). The proposed height of the new residence is approximately 25 feet average height above natural grade and the proposed accessory structures are approximately 27.5 feet average height above natural grade; therefore, the proposed project is consistent with the permitted maximum height in the Rural Residential zoning district and for development within a non-Highly Scenic Area.

Lot Coverage: The maximum permitted lot coverage in the Rural Residential zoning district is fifteen (15) percent for a parcel of this size (MCC Section 20.376.065). The parcel is 4.9± acres (213,216± square feet) in size, allowing for a maximum permitted lot coverage of approximately 31,982 square-feet. A Staff estimate of the existing road and driveway coverage is 10,000± square feet and in addition to the proposed 4,522± square feet of structures, the parcel would have a lot coverage of approximately 6.8 percent. The proposed development is consistent with the lot coverage requirements of the Rural Residential zoning district.

5. California Environmental Quality Act (CEQA)

The proposed project is Categorical Exempt from the provisions of CEQA, pursuant to Class 3 of Article 19 of the California Environmental Quality Act Guidelines. The Class 3 exemption consists of the new construction or conversion of small structures. The Class 3(a) finds that new construction of a single-family residence in a residential zone meeting the criteria of Section 15303, has “been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.”

The proposed development meets the criteria of Section 15303, and therefore will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

RECOMMENDATION

By resolution, adopt a Categorical Exemption and grant Coastal Development Permit # CDP_2016-0032 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

DATE

ROBERT LAPORTE
PLANNER I

DATE

COASTAL PERMIT ADMINISTRATOR

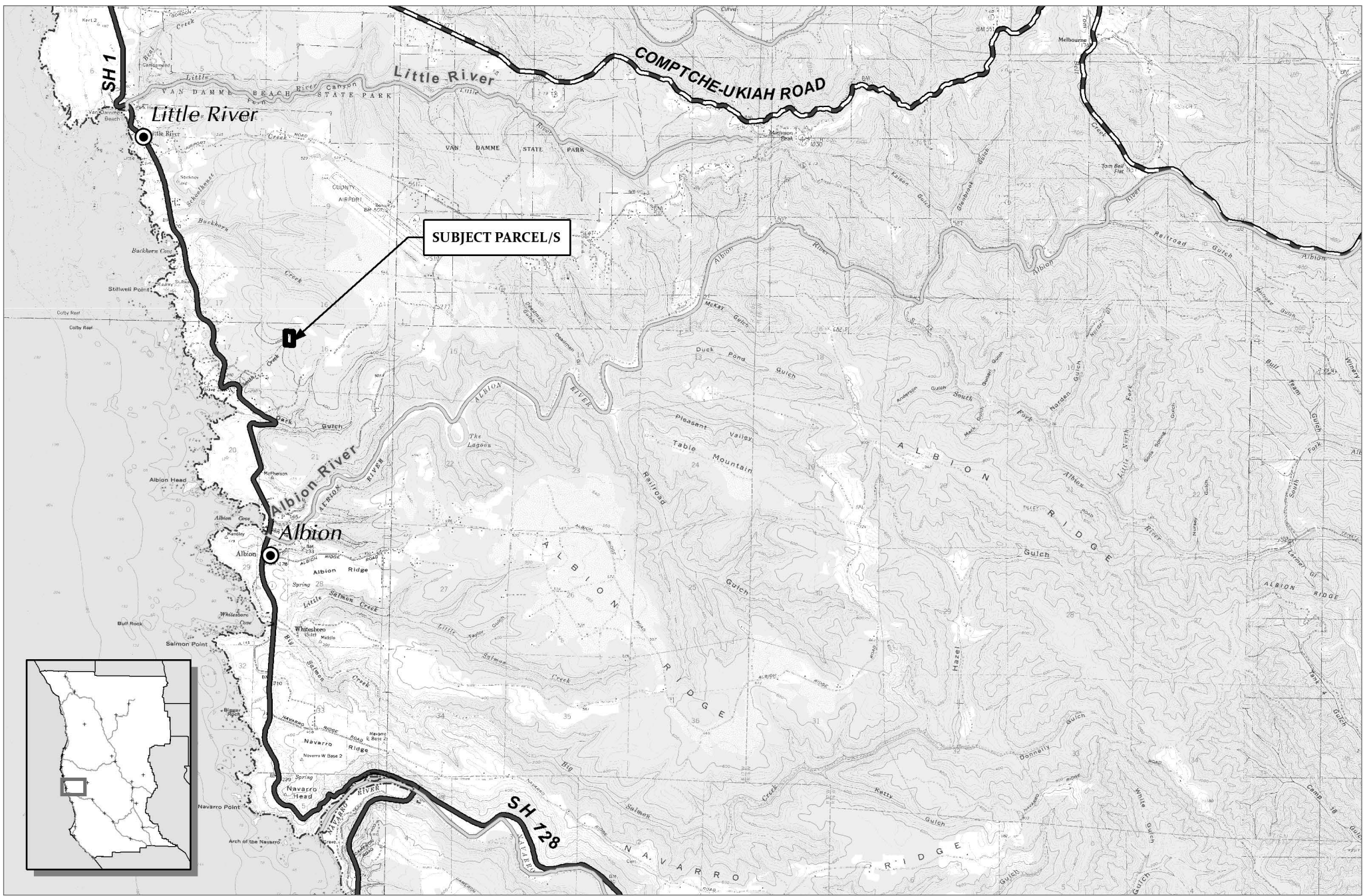
Appeal Period: Ten (10) calendar days for the Mendocino County Board of Supervisors.
Appeal Fee: \$945 - For an appeal to the Mendocino County Board of Supervisors.

ATTACHMENTS:

- A. Location Map
- B. Vicinity Map
- C. Topographic Map
- D. ESRI Imagery Map
- E. Site Plan
- F. Site Plan (Sewage Design)
- G. Floor Plan (Outbuildings)
- H. Floor Plan (Residence)
- I. Outbuilding Elevations
- J. Residence Elevations
- K. Zoning Display Map
- L. General Plan Classifications Map
- M. LCP Land Use Map
- N. LCP Land Capabilities & Natural Hazards Map
- O. LCP Habitats and Resources Map
- P. Appealable Areas Map
- Q. CDP Exclusion Zones Map
- R. Adjacent Parcels Map
- S. Fire Hazard Zones & Responsibility Areas Map
- T. Estimated Slopes Map
- U. Timber Production Zones Map
- V. Classified Wetlands Map

COASTAL PERMIT CHECKLIST

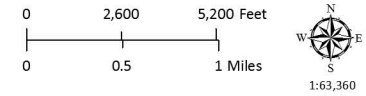
EXHIBIT A: RESOLUTION AND CONDITIONS OF APPROVAL



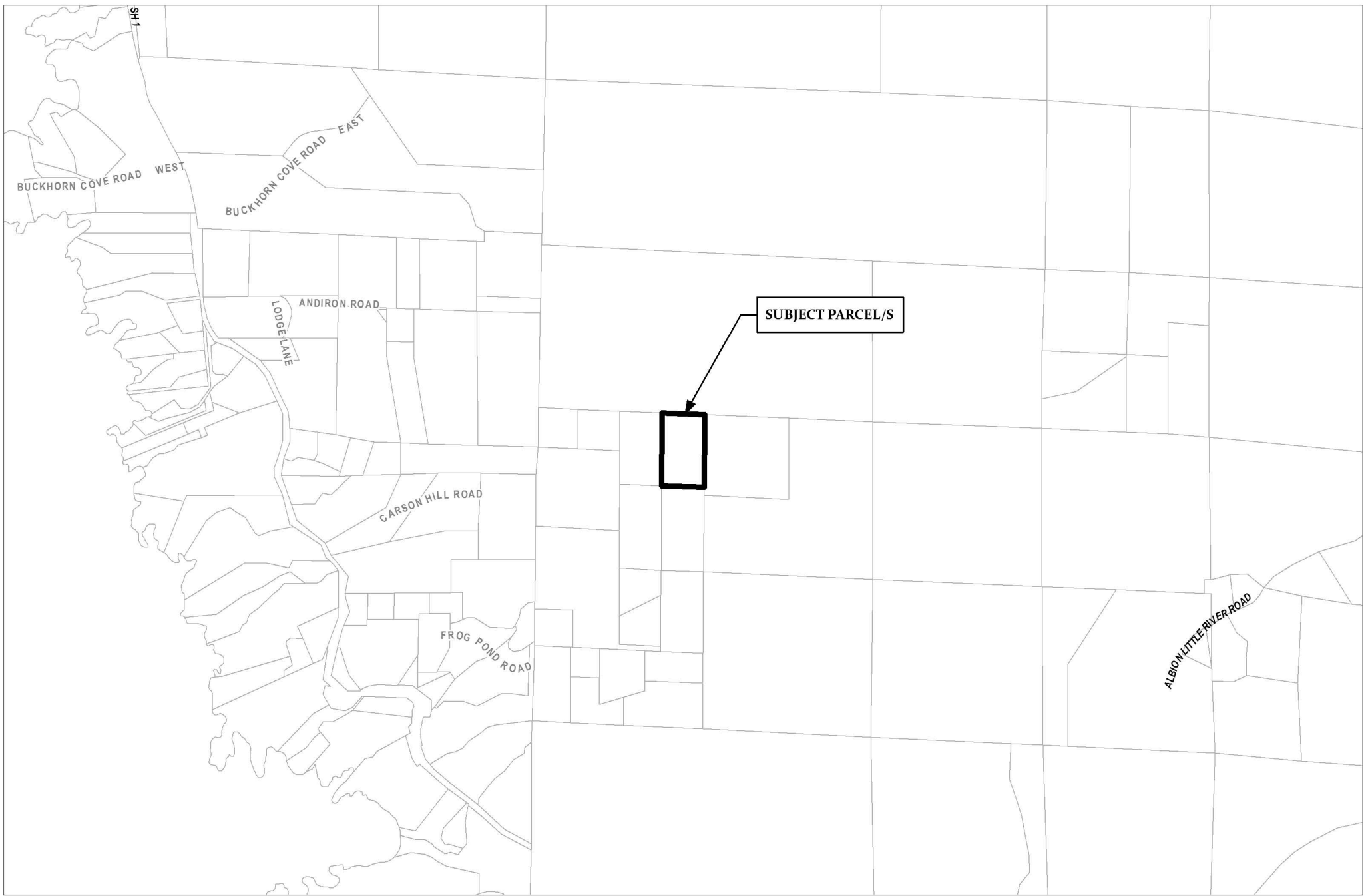
CASE: CDP 2016-0032
OWNER: JENKINS, Rima
APN: 121-030-07
APLCT: Rima Jenkins
AGENT:

ADDRESS: 33080 Frog Pond Road, Little River

- Major Towns & Places
- Major Roads
- Major Rivers
- Highways

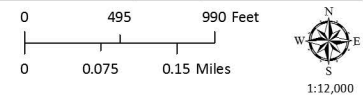


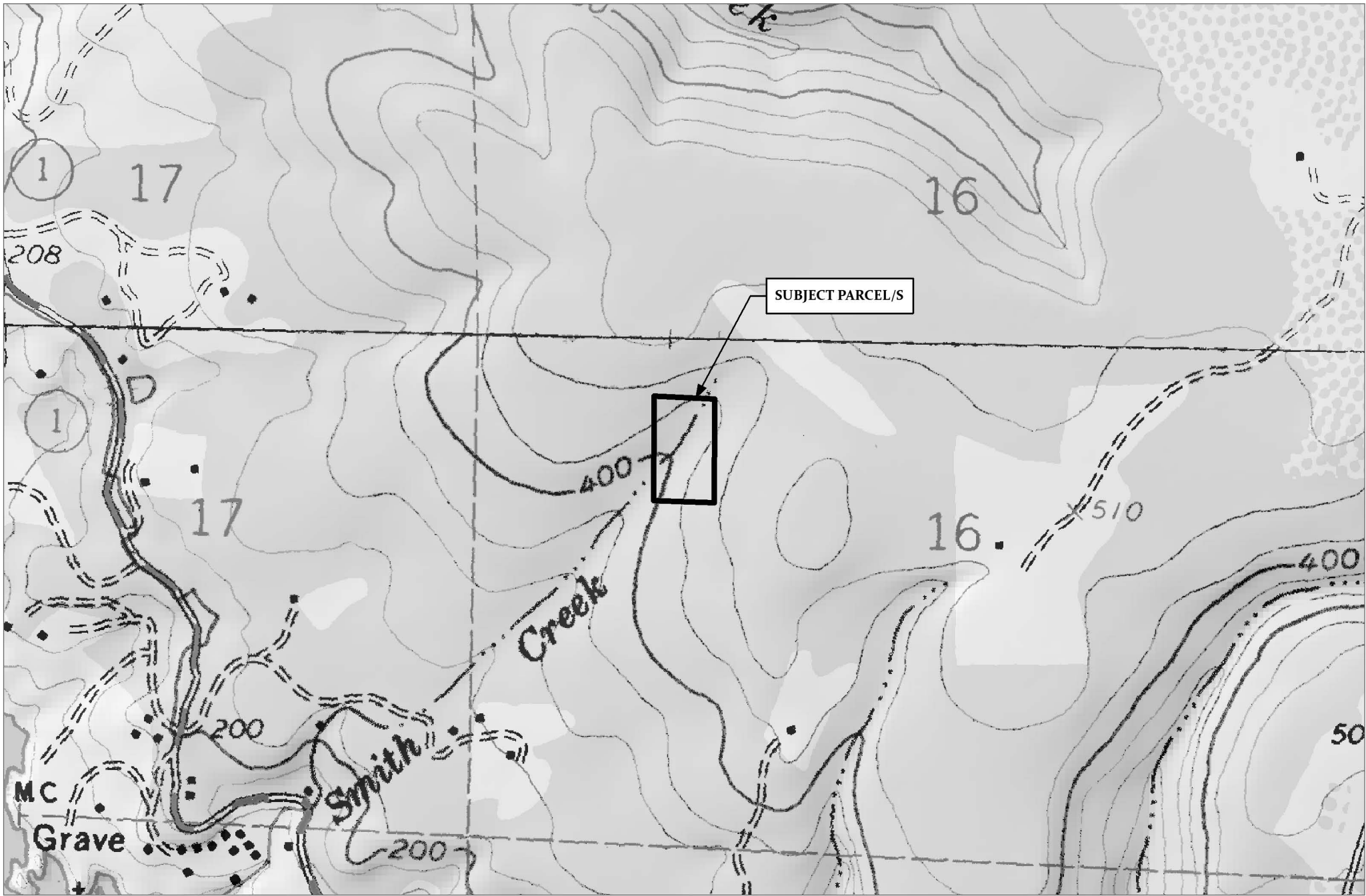
LOCATION MAP
Attachment A



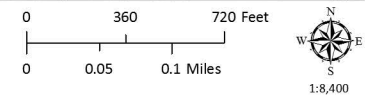
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Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.



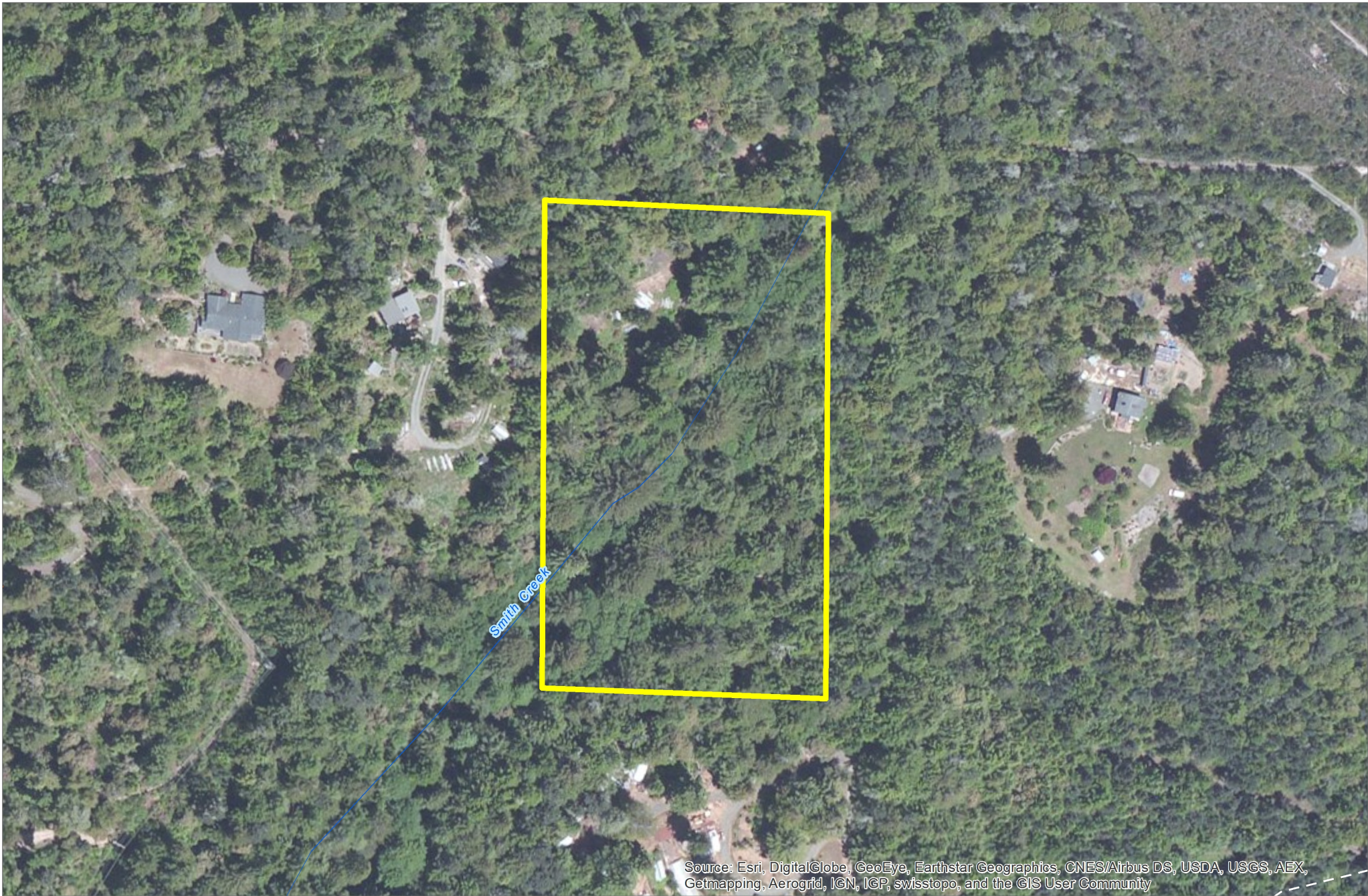


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TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

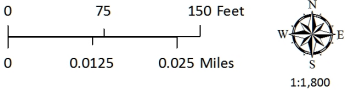
Attachment C



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

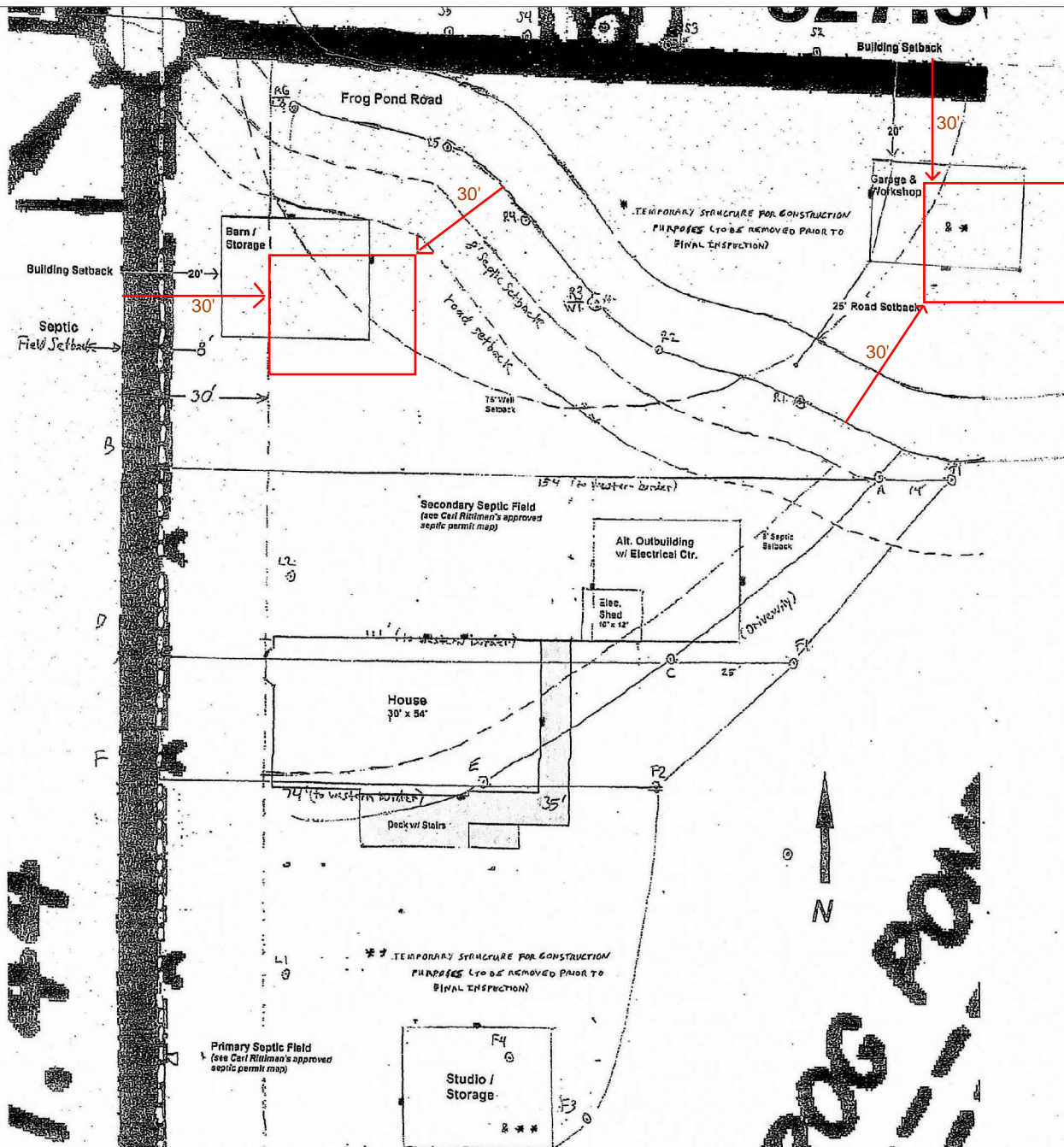
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ADDRESS: 33080 Frog Pond Road, Little River

~ ~ ~ ~ ~ Named Rivers
- - - - - Private Roads
 Driveways/Unnamed Roads



ESRI IMAGERY

Attachment D



CASE: CDP 2016-0032

OWNER: JENKINS, Rima

APN: 121-030-07

APLCT: Rima Jenkins

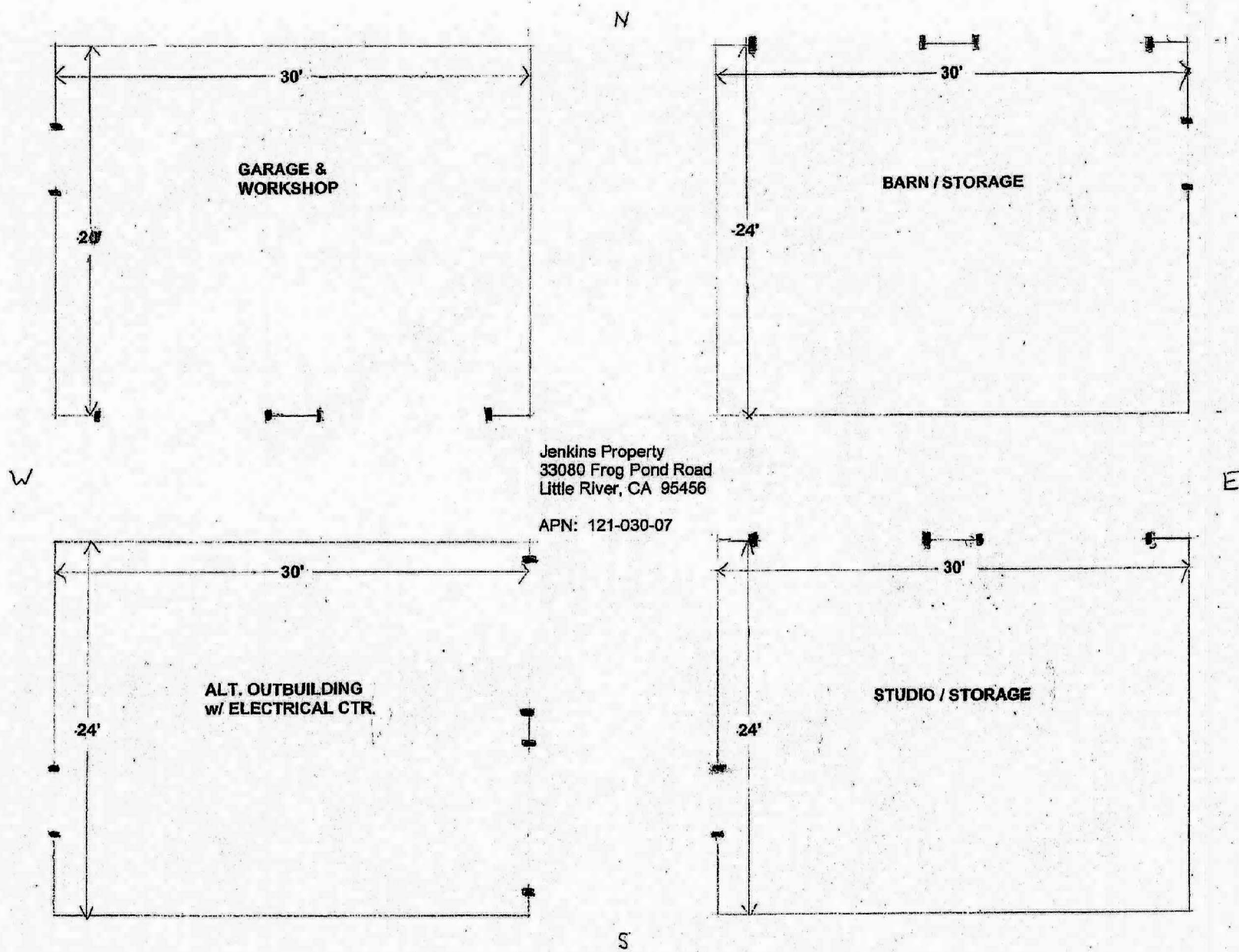
AGENT:

ADDRESS: 33080 Frog Pond Road, Little River

NO SCALE

SITE PLAN

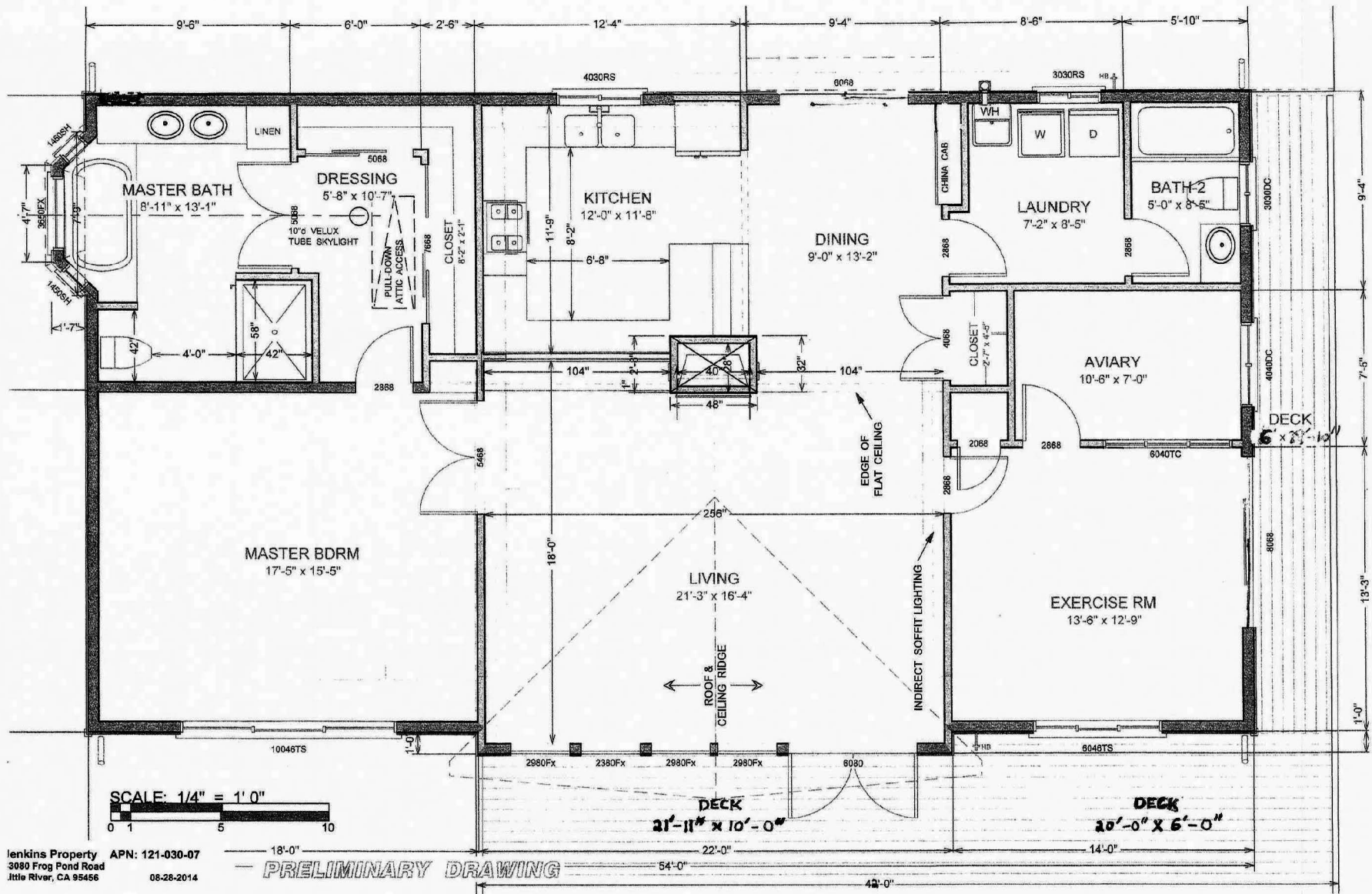
Attachment E



FLOOR PLANS FOR OUTBUILDINGS

CASE: CDP 2016-0032
OWNER: JENKINS, Rima
APN: 121-030-07
APLCT: Rima Jenkins
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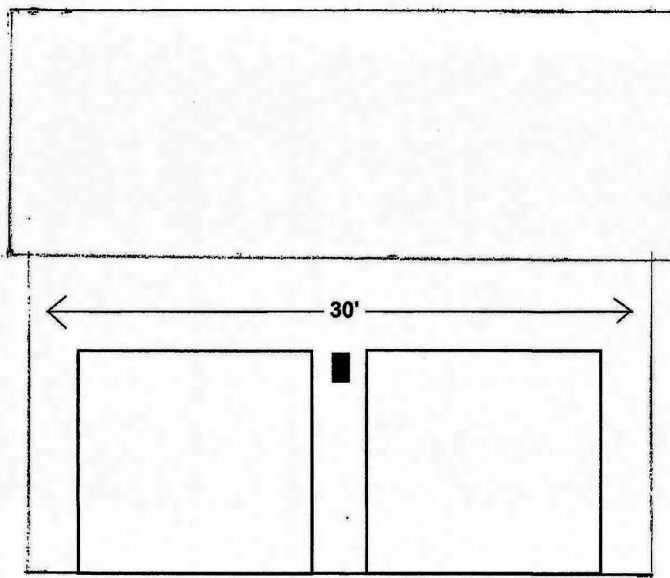
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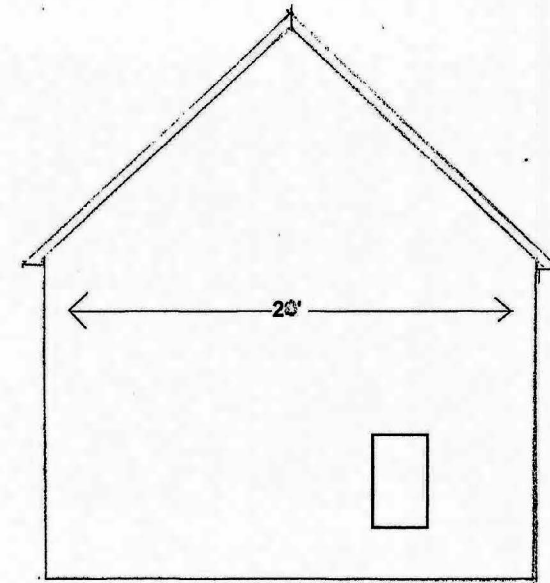
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FLOOR PLAN
Attachment H

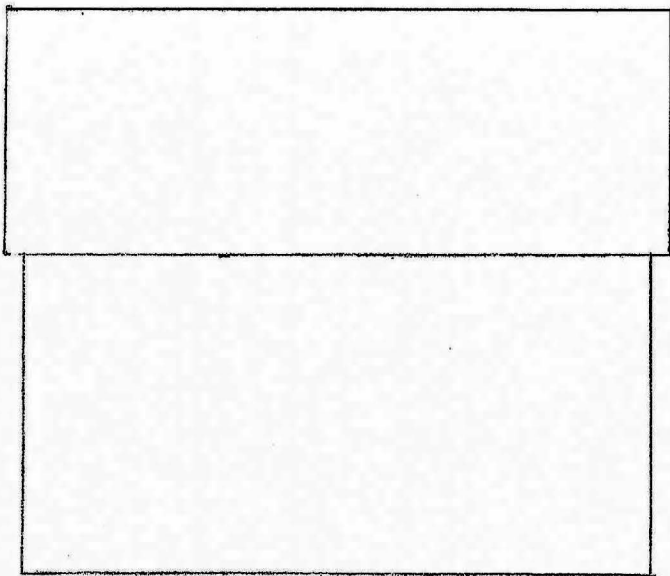


SOUTH ELEVATION

27.5'



EAST ELEVATION

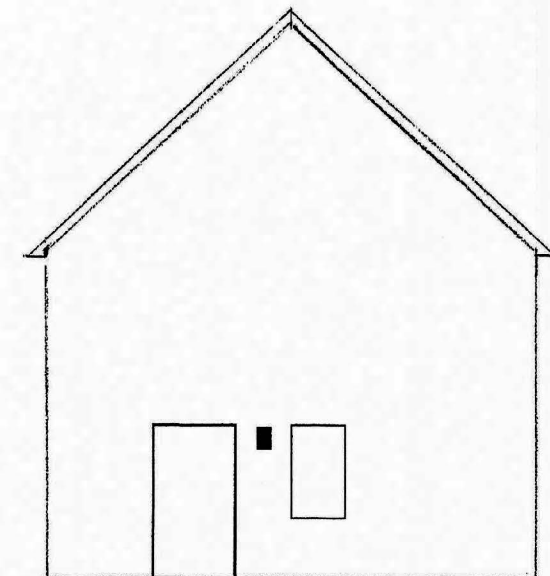


NORTH ELEVATION

**GARAGE &
WORKSHOP**

Jenkins Property
33080 Frog Pond Road
Little River, CA 95456

APN: 121-030-07



WEST ELEVATION

NO SCALE

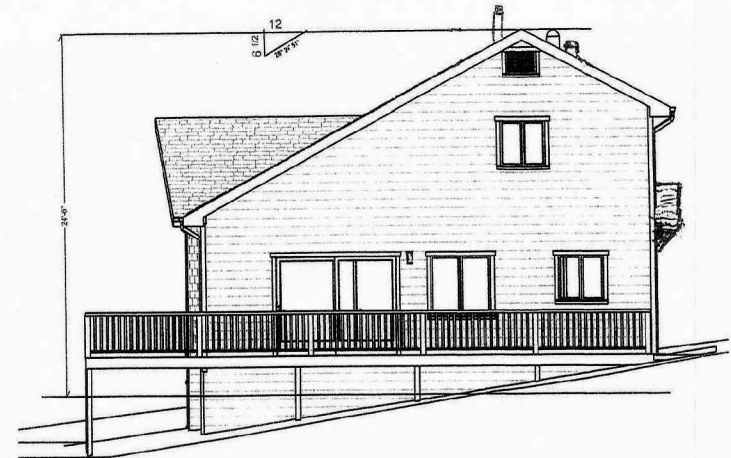
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GARAGE ELEVATIONS

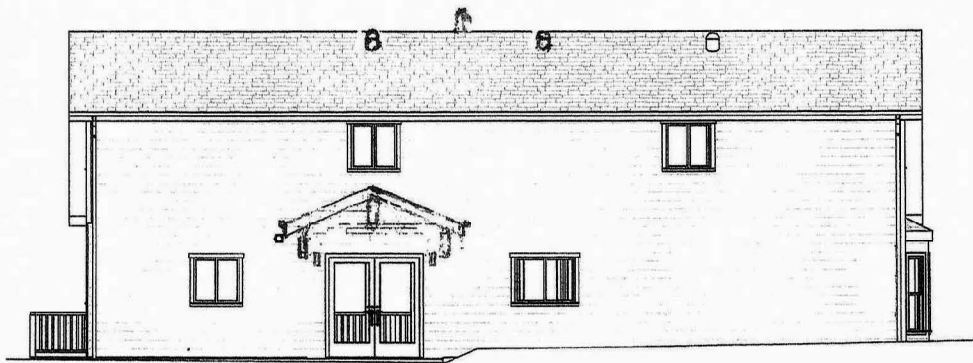
Attachment I



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

SCALE: 1/8" = 1' 0"

Jenkins Property APN: 121-030-07
33080 Frog Pond Road
Little River, CA 95456 08-28-2014

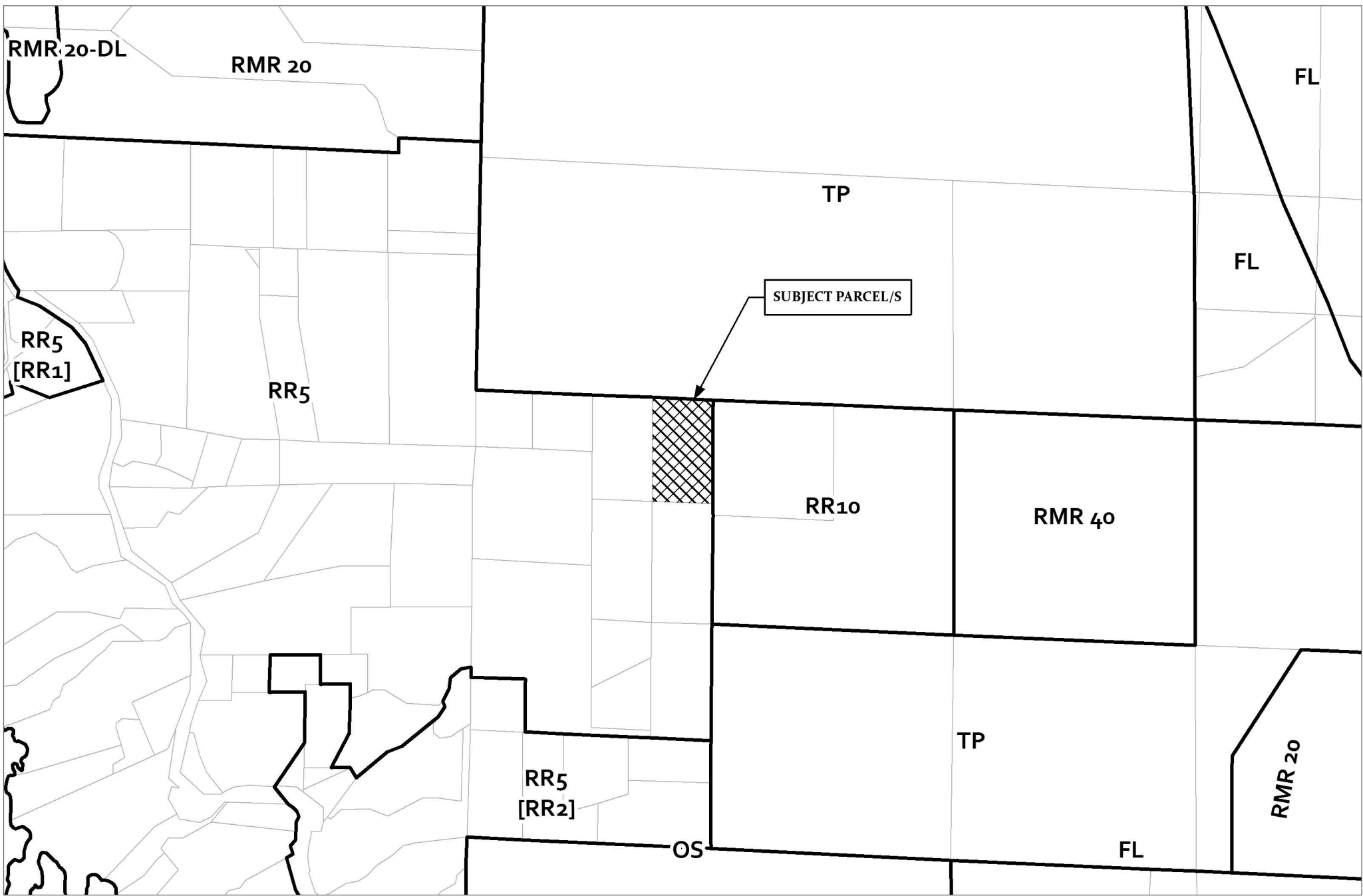
PRELIMINARY DRAWING

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NO SCALE

ELEVATIONS

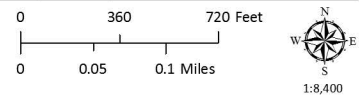
Attachment J



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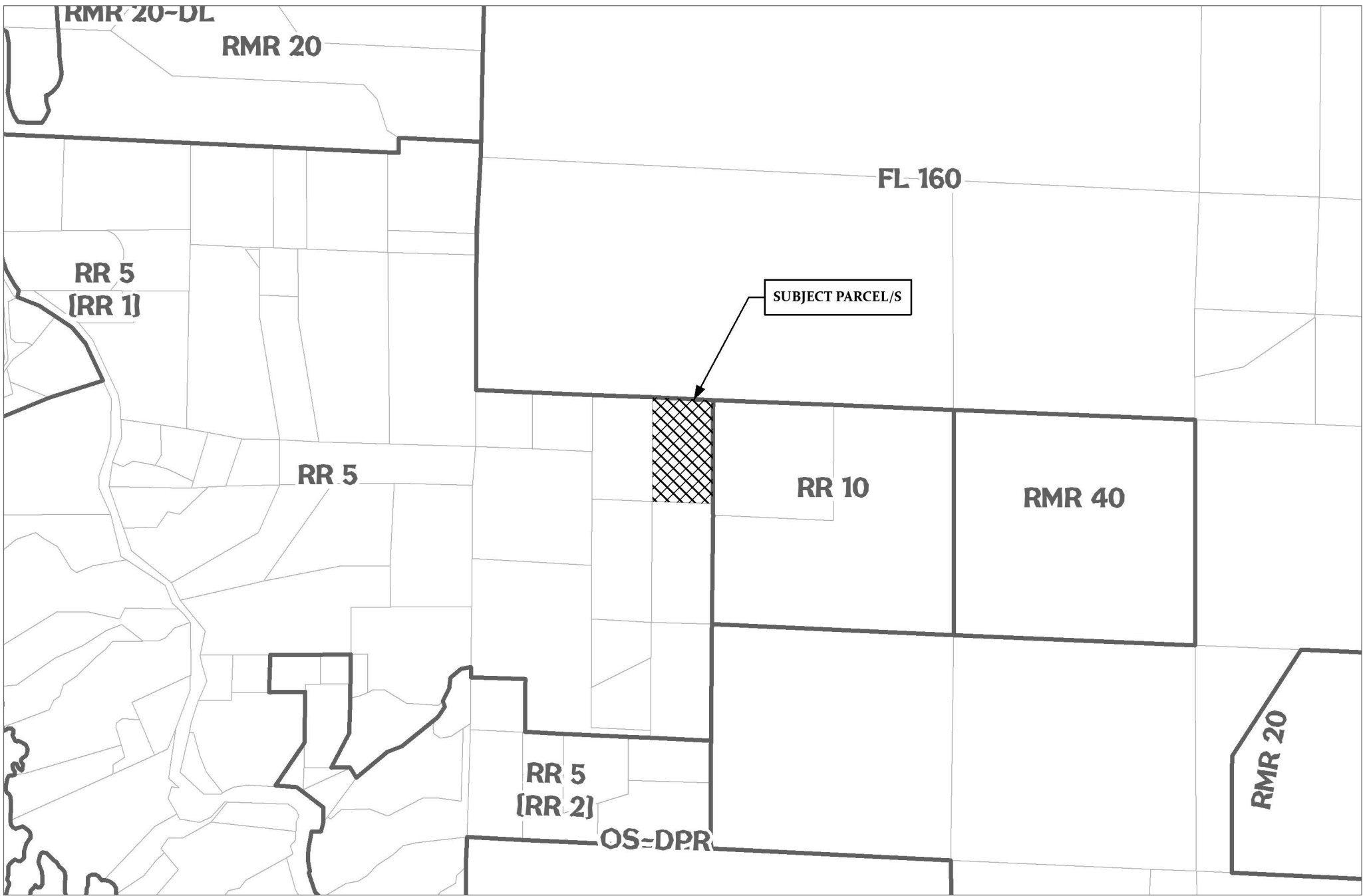
 Zoning Districts



ZONING DISPLAY MAP


Attachment K

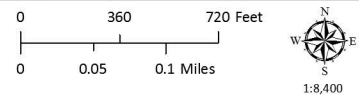
Map produced by the Mendocino County Planning & Building Services, August, 2016
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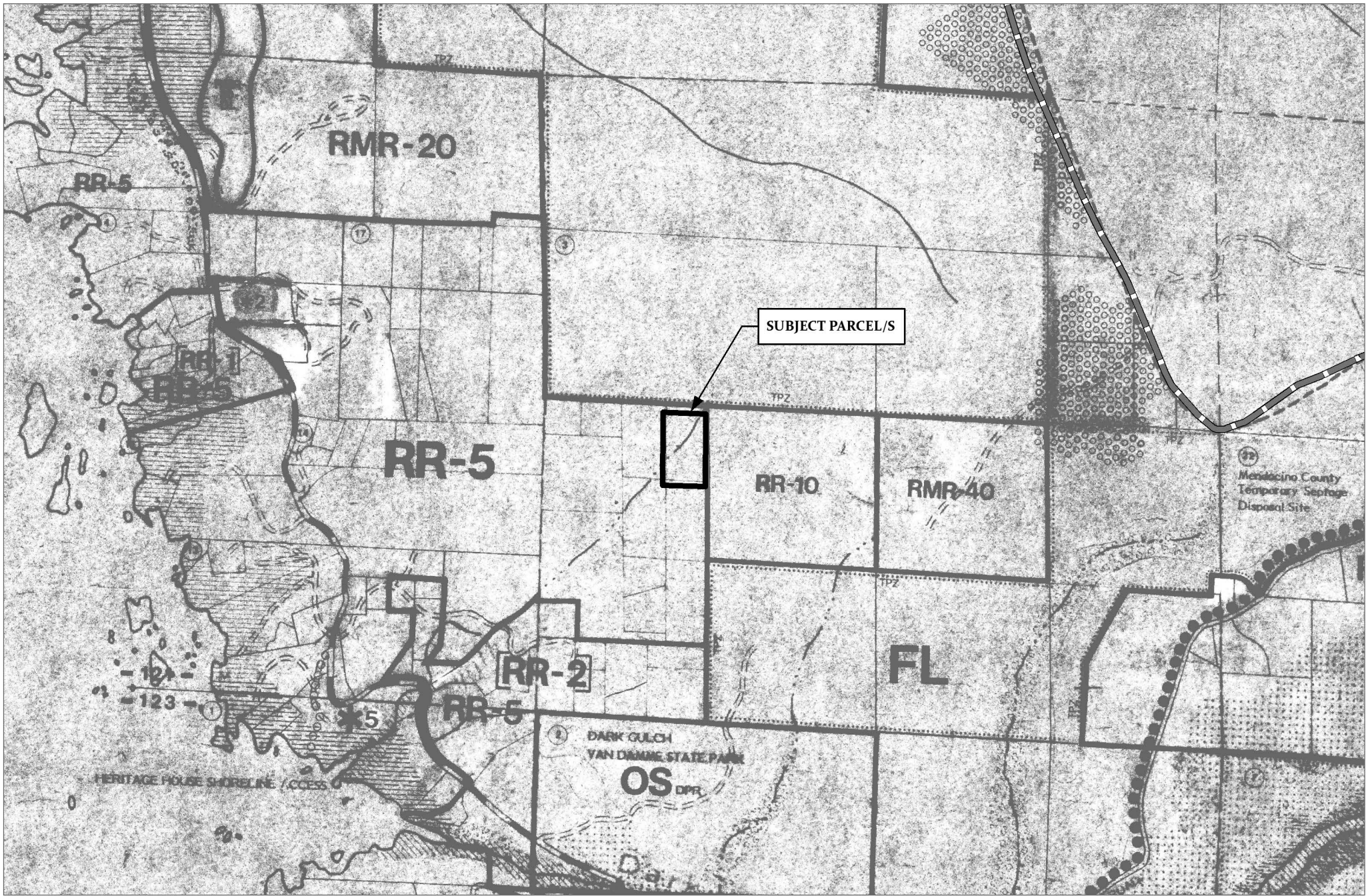


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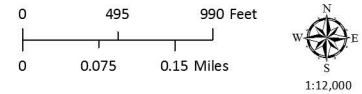
 General Plan Classes





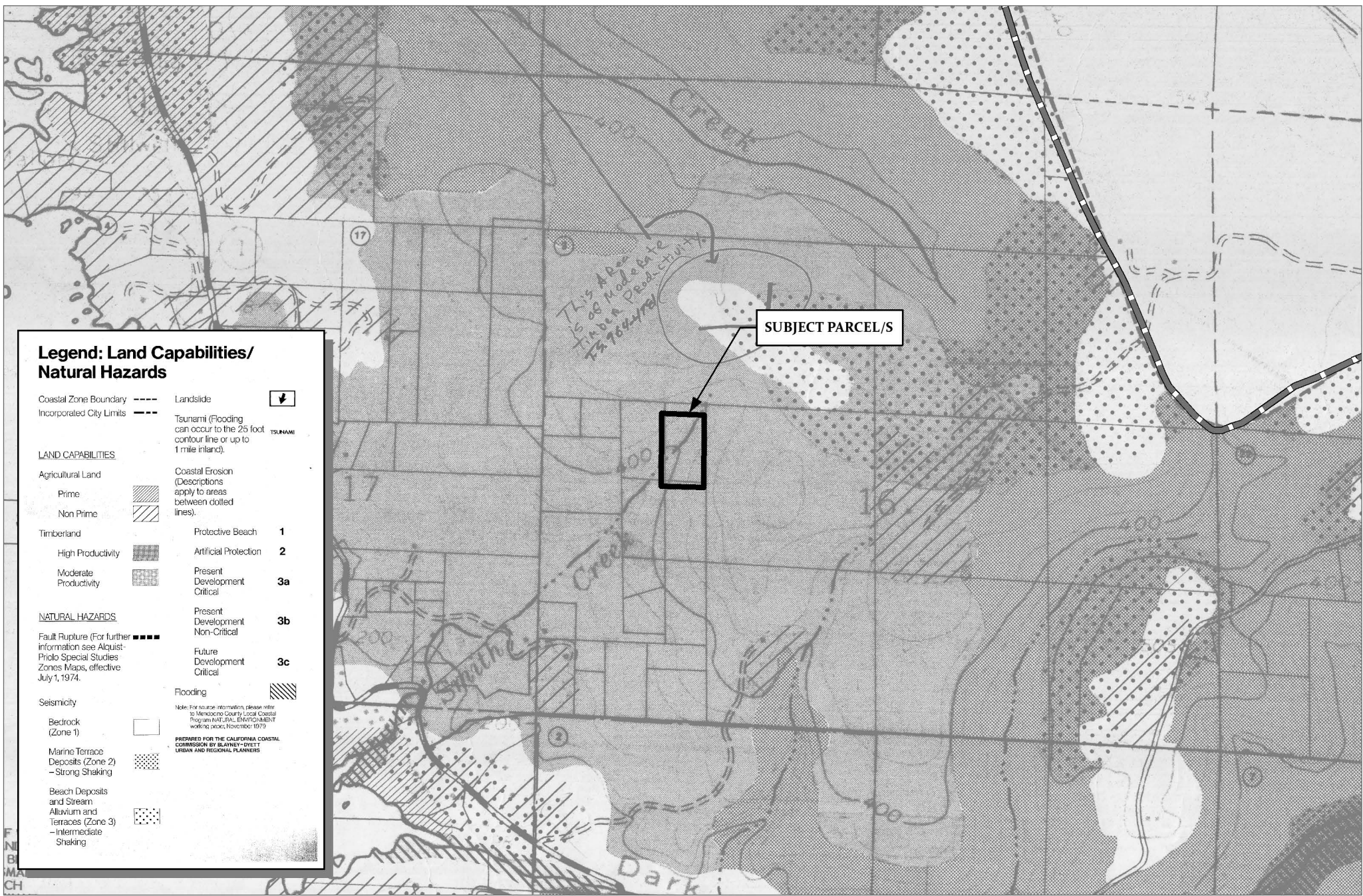
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Coastal Zone Boundary



LCP LAND USE MAP 18: ALBION

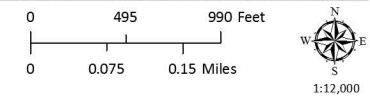
Attachment M

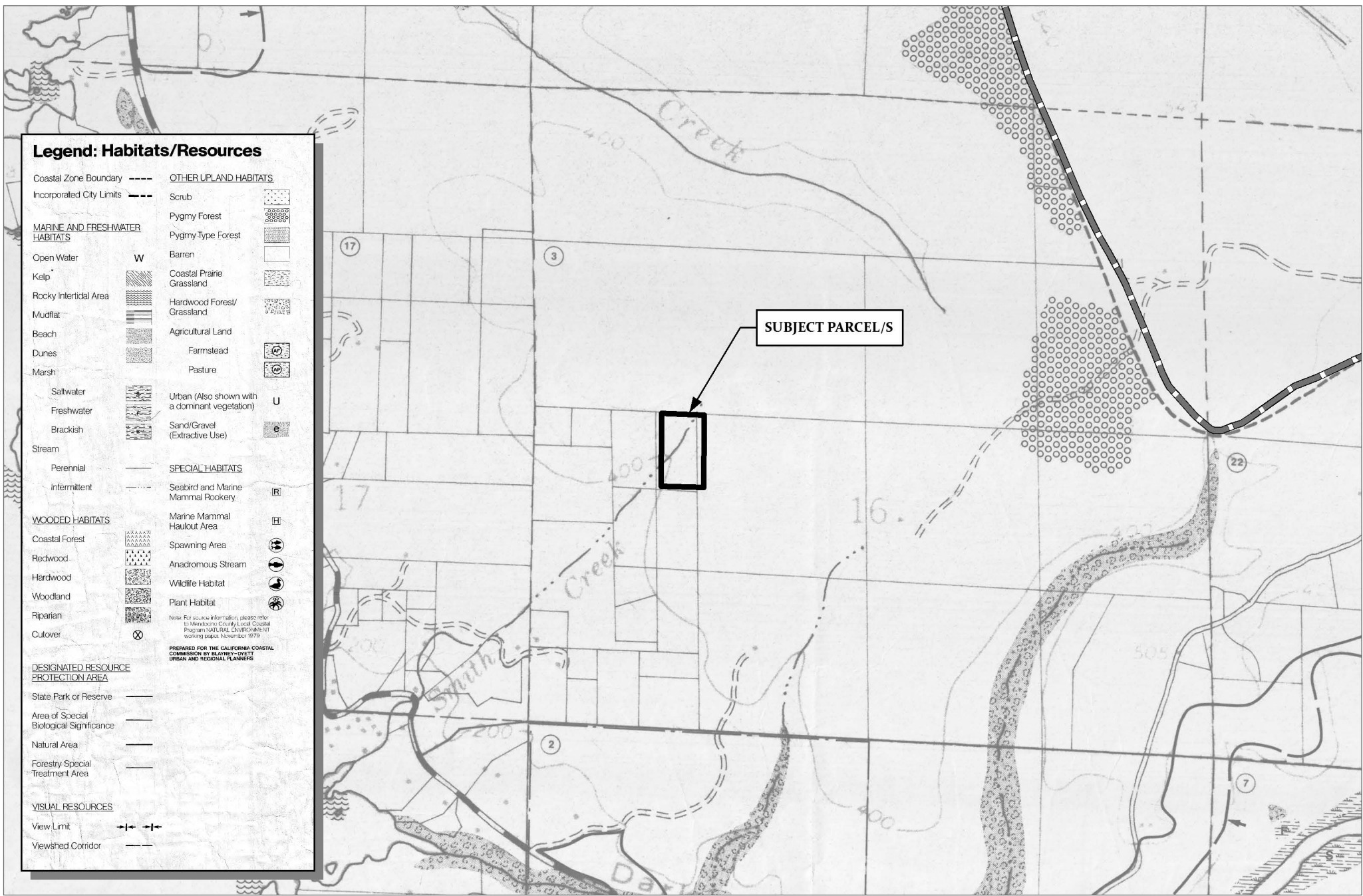


CASE: CDP 2016-0032
OWNER: JENKINS, Rima
APN: 121-030-07
APLCT: Rima Jenkins
AGENT:
ADDRESS: 33080 Frog Pond Road, Little River

Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.

Coastal Zone Boundary

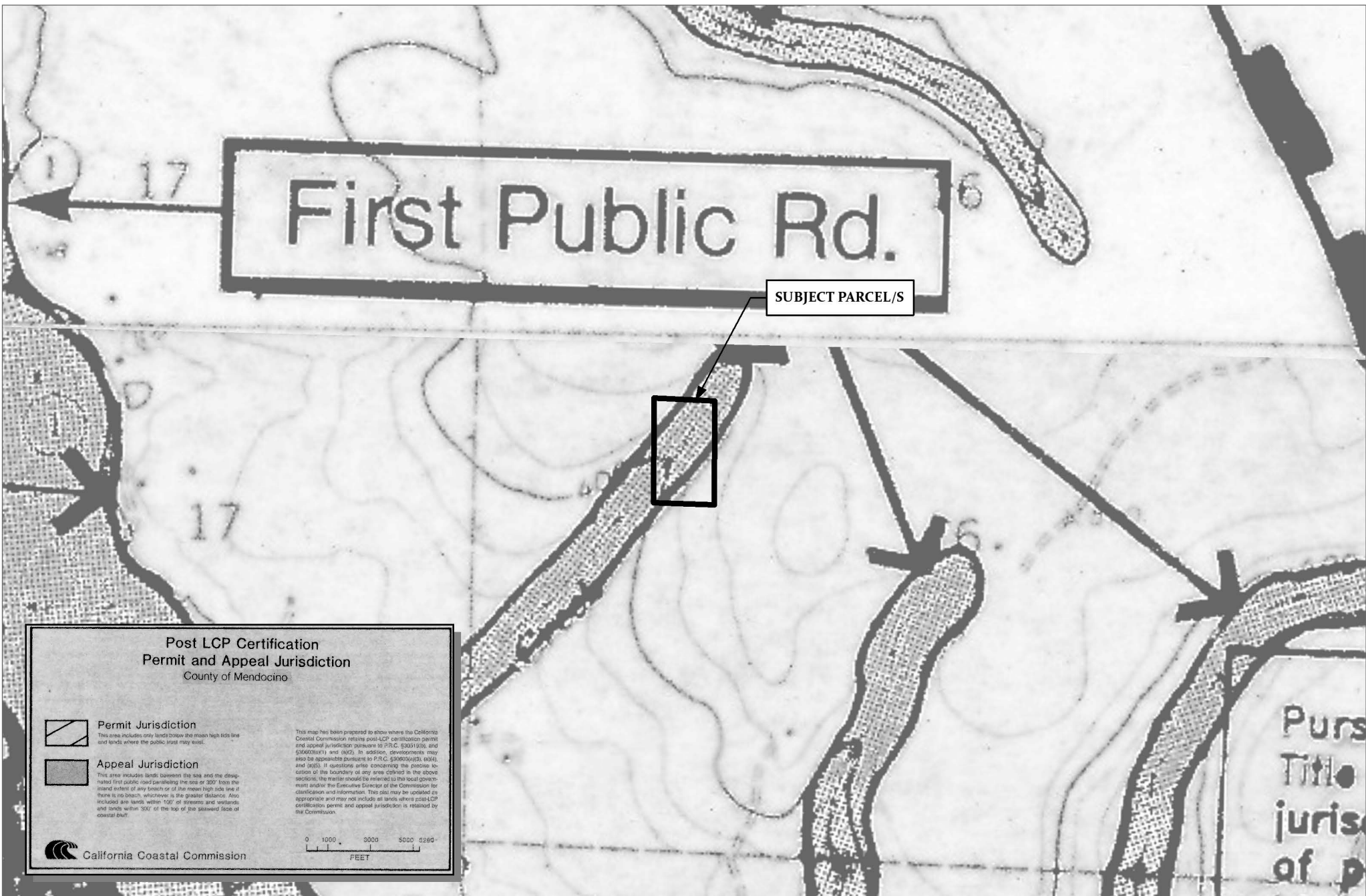




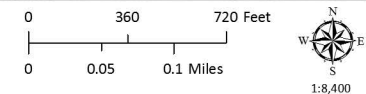
CASE: CDP 2016-0032
 OWNER: JENKINS, Rima
 APN: 121-030-07
 APLCT: Rima Jenkins
 AGENT:
 ADDRESS: 33080 Frog Pond Road, Little River

Coastal Zone Boundary

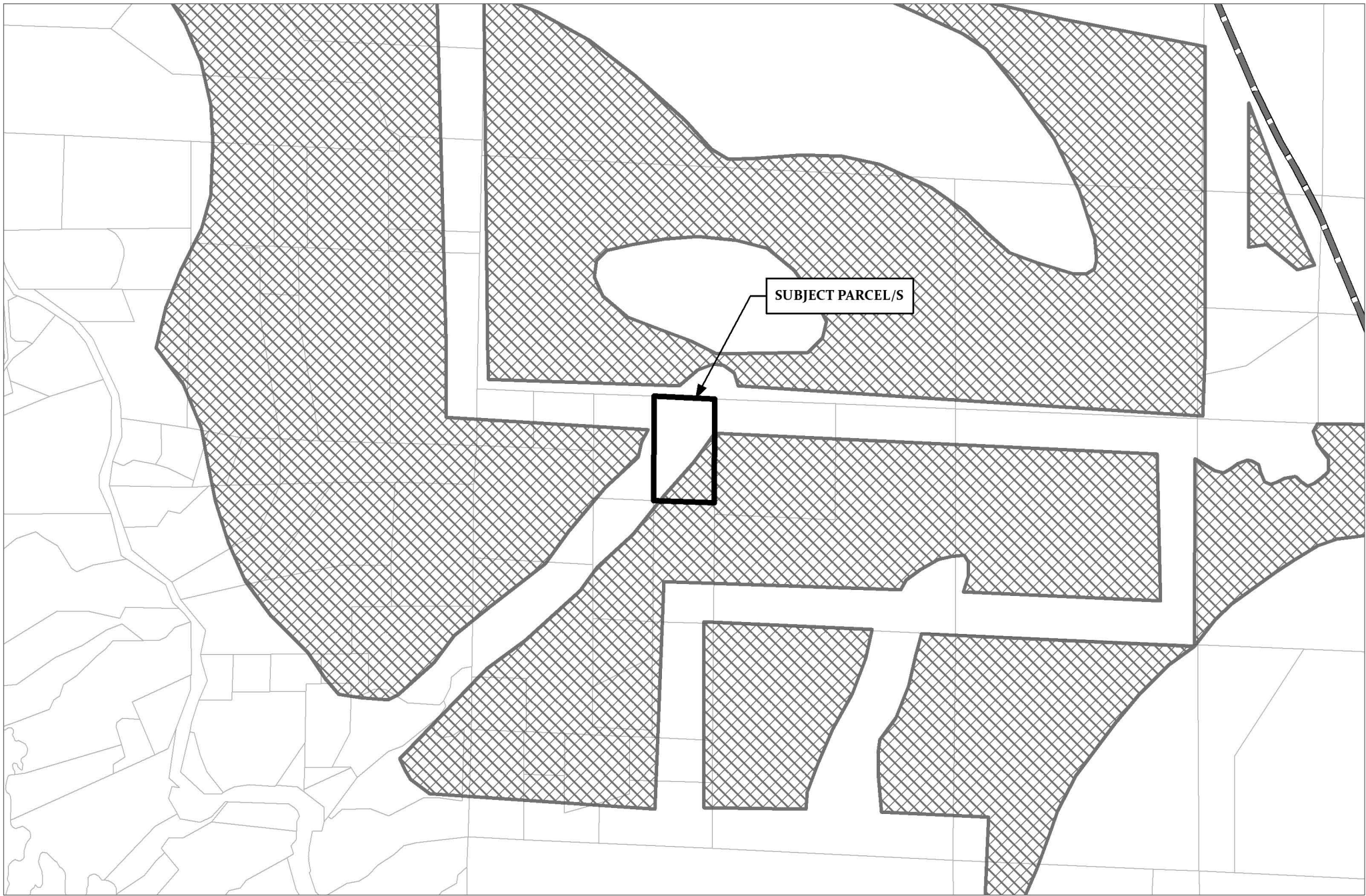
Map produced by the Mendocino County Planning & Building Services, August, 2016
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CASE: CDP 2016-0032
OWNER: JENKINS, Rima
APN: 121-030-07
APLCT: Rima Jenkins
AGENT:
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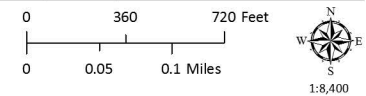
APPEALABLE AREAS
Attachment P



CASE: CDP 2016-0032
OWNER: JENKINS, Rima
APN: 121-030-07
APLCT: Rima Jenkins
AGENT:
ADDRESS: 33080 Frog Pond Road, Little River

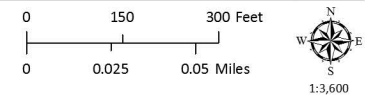
Map produced by the Mendocino County Planning & Building Services, August, 2016
All spatial data is approximate. Map provided without warranty of any kind.

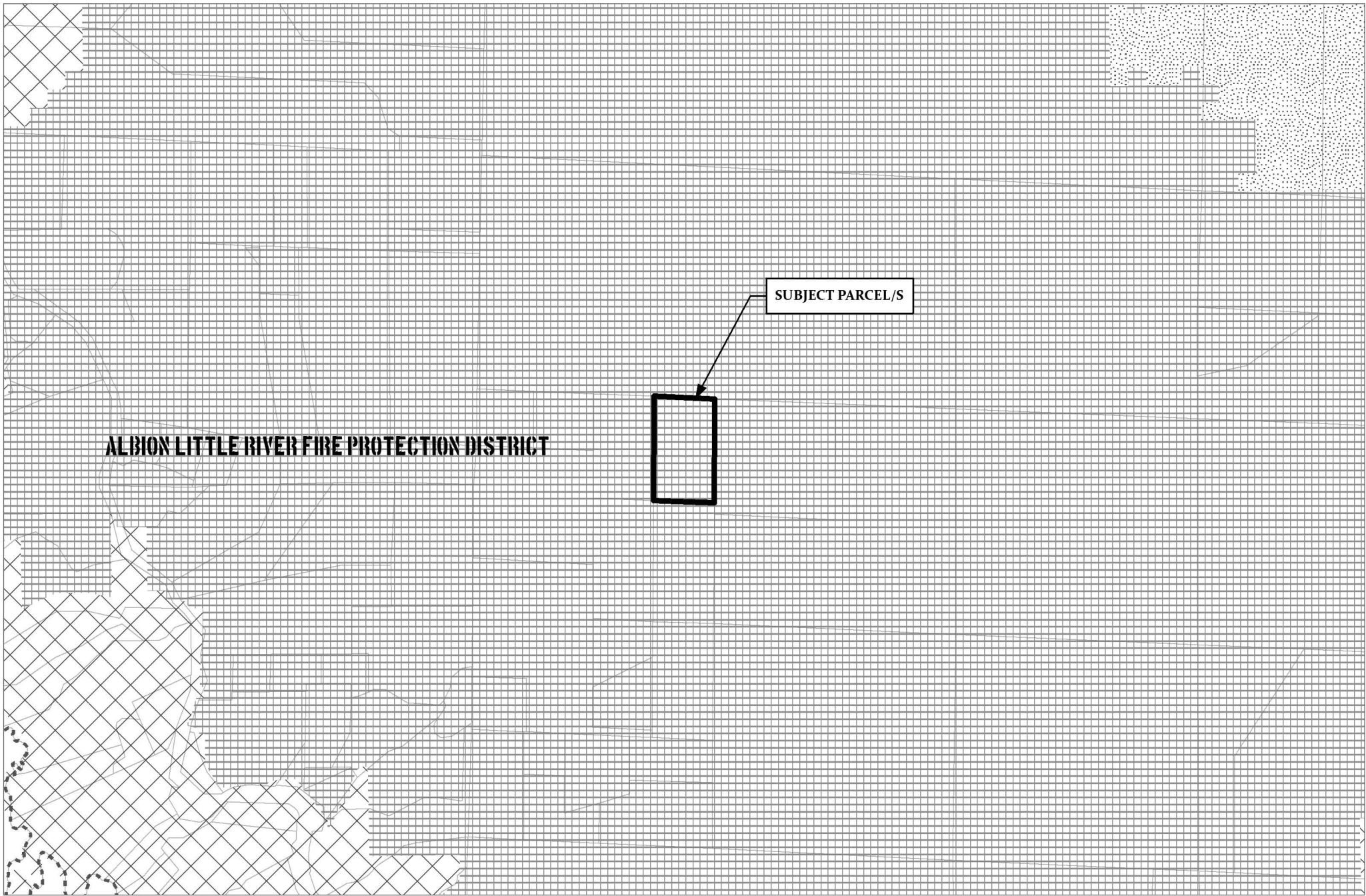
-  Coastal Zone Boundary
-  CDP Exclusion Areas





CASE: CDP 2016-0032
OWNER: JENKINS, Rima
APN: 121-030-07
APLCT: Rima Jenkins
AGENT:
ADDRESS: 33080 Frog Pond Road, Little River







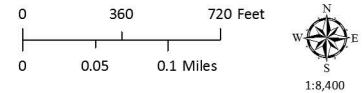


ALBION LITTLE RIVER FIRE PROTECTION DISTRICT

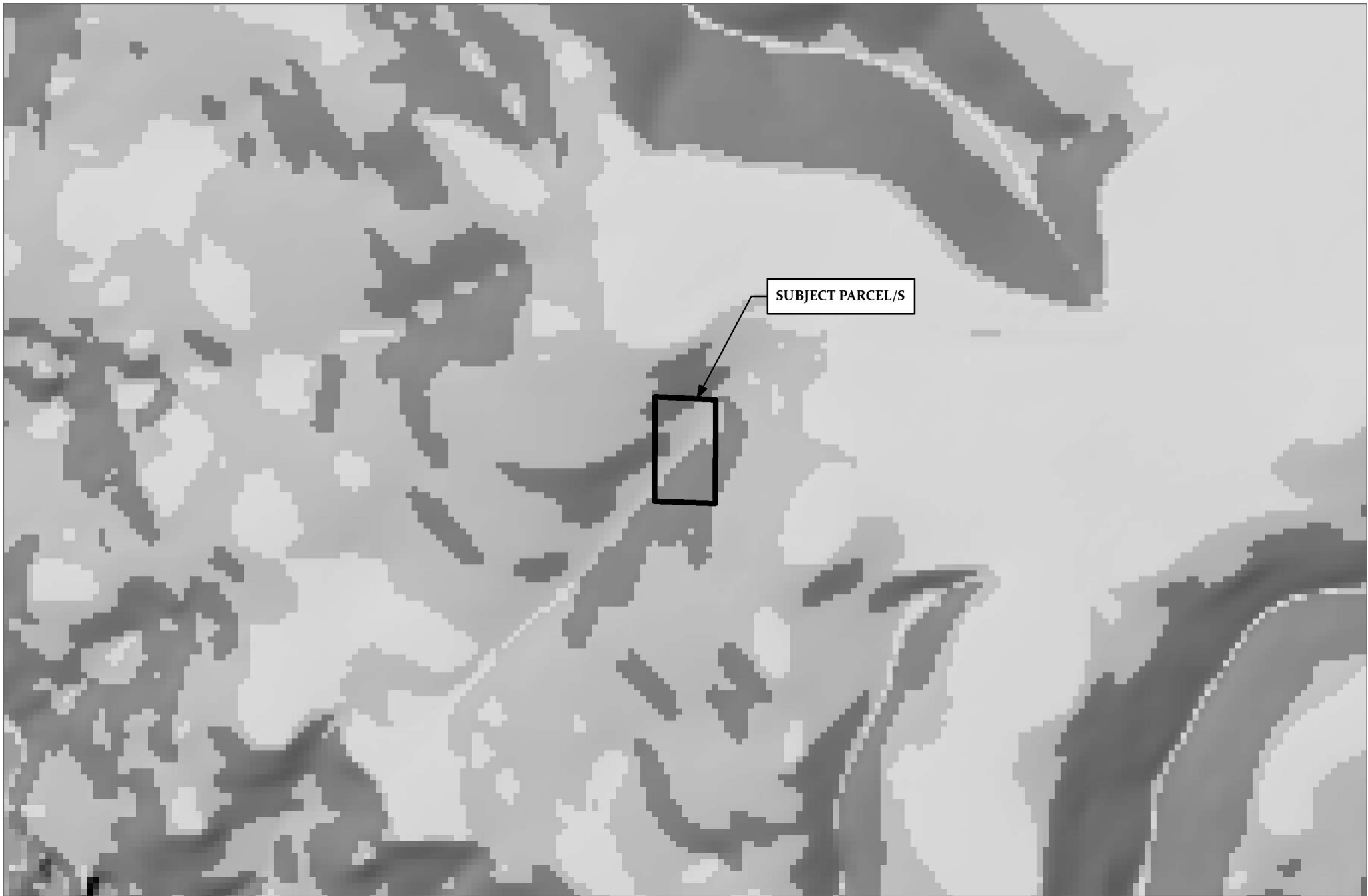
SUBJECT PARCEL/S

CASE: CDP 2016-0032
OWNER: JENKINS, Rima
APN: 121-030-07
APLCT: Rima Jenkins
AGENT:
ADDRESS: 33080 Frog Pond Road, Little River

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

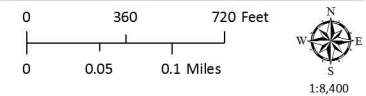
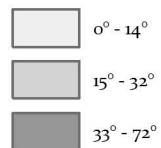


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

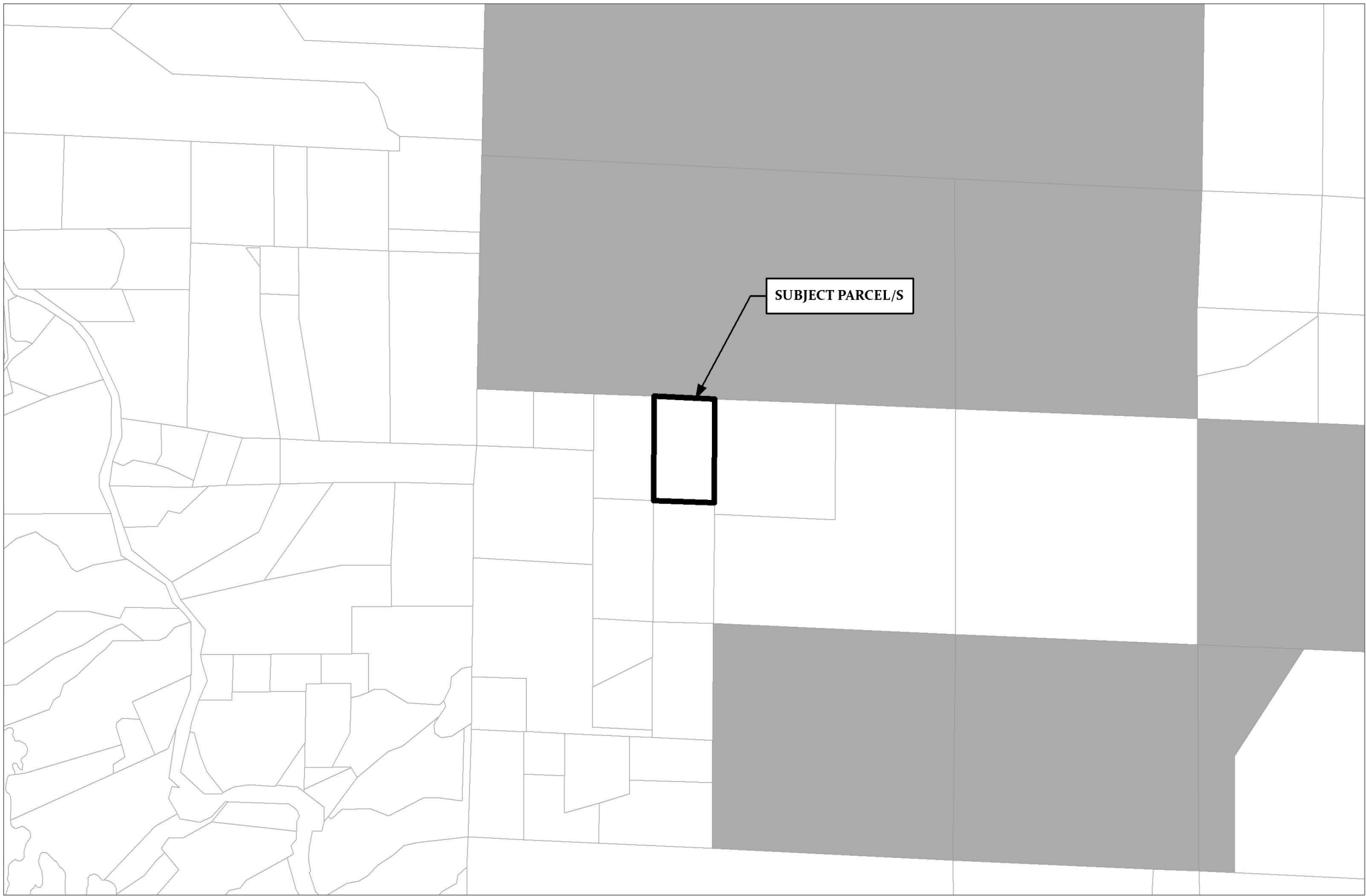


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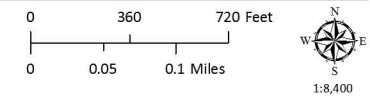
ESTIMATED SLOPE
Attachment T

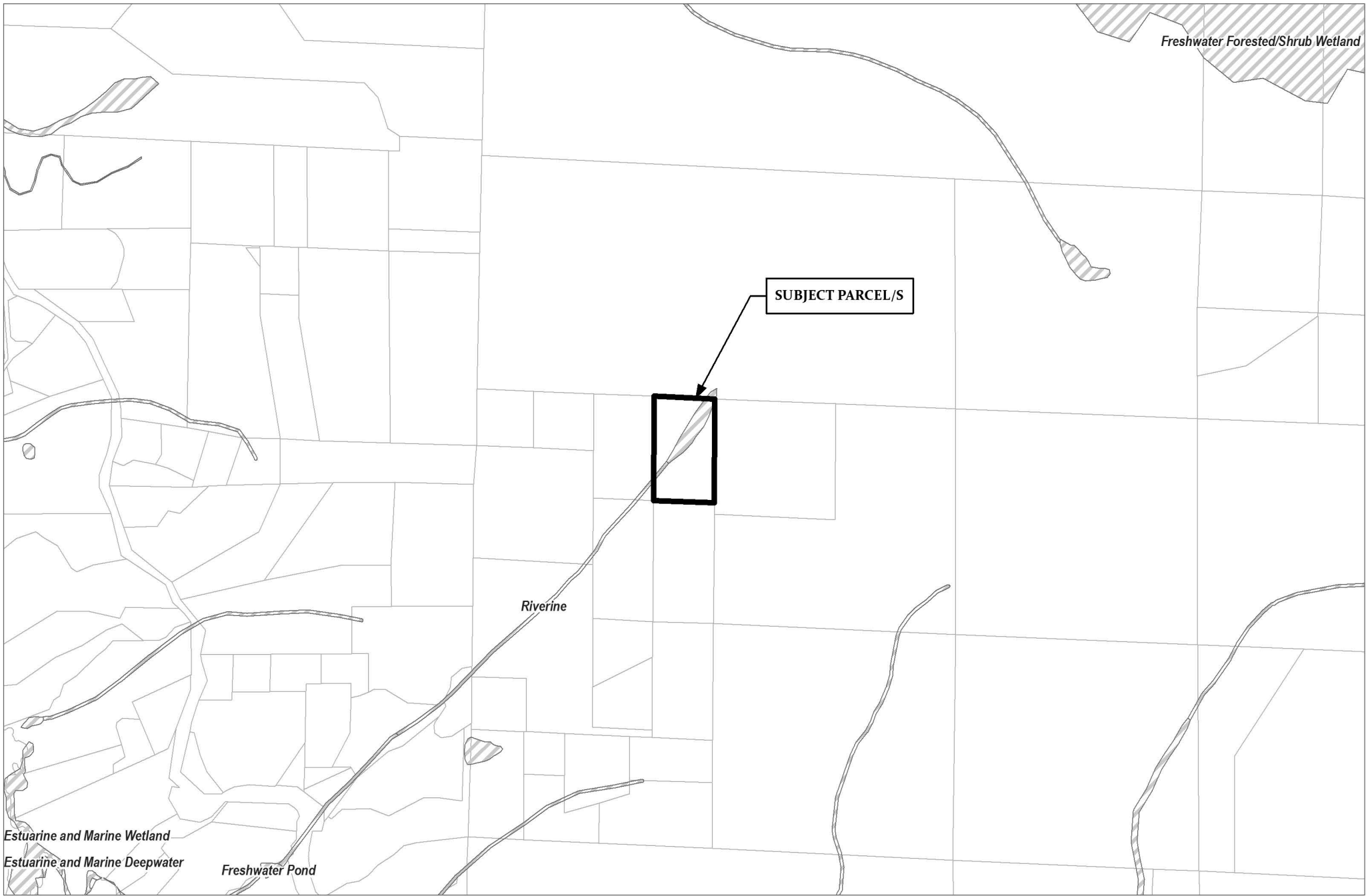


CASE: CDP 2016-0032
OWNER: JENKINS, Rima
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Map produced by the Mendocino County Planning & Building Services, August, 2016
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 TPZ 2015

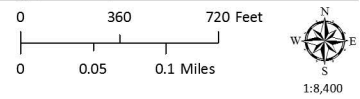




CASE: CDP 2016-0032
OWNER: JENKINS, Rima
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 Wetlands



COASTAL PERMIT CHECKLIST
February 6, 2017

PROJECT TITLE: CDP_2016-0032 (JENKINS)

PROJECT LOCATION: The site is located in the Coastal Zone, 2.5± miles southeast of Little River, on both sides of Frog Pond Road (private), approximately 0.6 mile east of its intersection with Highway One, at 33080 Frog Pond Road (APN 121-030-07).

**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Robert LaPorte, Planner I
Mendocino County Planning and Building Services
120 West Fir Street, Fort Bragg, California 95437
707-964-5379

GENERAL PLAN DESIGNATION: Rural Residential 5 acre minimum (RR5)

ZONING DISTRICT Rural Residential 5 acre minimum (RR5)

DESCRIPTION OF PROJECT: Coastal Development Permit to: (1) construct a 1,642± square-foot single family residence with approximately 470± square feet of deck, a 600± square-foot detached garage, a 120± square-foot electric shed, a 720± square-foot barn, and a 720± square-foot studio; (2) install a septic system, propane tank, and water storage tank; (3) clear vegetation from building footprint; and (4) temporary occupancy of a trailer coach for construction support.

SITE DESCRIPTION AND SETTING: The 4.9± acre site is located in the Coastal Zone approximately 2.5 miles southeast of the town of Little River. The site is a heavily forested primarily with second growth redwood and douglas fir. The majority of the lot has steep slopes and the Smith Creek drainage runs through the lot from the northeast corner to the southwest corner. The site is accessed by Frog Pond Road, a private dirt road, which crosses Smith Creek and leads to a previously cleared driveway and building pad. Additional existing development on the lot includes a drilled well. The parcel is bounded to the west, east and south by developed single family residential lots of 5 to 10 acres in size. The 80 acre parcel to the north is undeveloped and is zoned Timber Production Zone (TPZ).

DETERMINATION: The proposed project **conditionally satisfies all required findings for approval of a Coastal Development Permit**, pursuant to Section 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.☒ *Consistent (with conditions of approval)*

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes Division II of Title 20 of the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the Local Coastal Program are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, CEQA, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Local Coastal Program not specifically addressed elsewhere in this checklist.

General Plan Land Use – Rural Residential

The subject parcel is classified as Rural Residential by the Coastal Element of the Mendocino County General Plan, which is intended “to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element). The principally permitted use designated for the Rural Residential land use classification is “one dwelling unit per existing parcel and associated utilities, light agriculture and home occupation” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element).

The proposed use of the parcel as a single family residence is consistent with the uses permitted in the Rural Residential land use designation.

Hazards

The Coastal Act mandates that new development shall reduce potential risks and avoid substantial alteration of natural landforms. Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone and MCC Section 20.500 (Hazard Areas) provides regulations for those areas. The following is a discussion of the major environmental hazards in the Coastal Zone and potential impacts with the subject project.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone (Department of Conservation, California Geological Survey). The San Andreas fault is located approximately six (6) miles to the west of the project site. The site, as with the rest of Mendocino County, is subject to strong

ground shaking. The Local Coastal Program Land Capabilities & Natural Hazards map indicates that the subject parcel is not located in an area of known soil liquefaction potential. The proposed residential development must meet current building code requirements for building permit approval.

Landslides: The subject parcel is not in an area mapped for translational/rotational or debris slides by the California Geological Survey according to maps available from the Department of Conservation – online California Landslide Inventory. (Department of Conservation, California Geological Survey).

Erosion: The proposed building site is on a relatively level portion of the parcel. Approximately thirty (30) feet to the south of the building footprint the topography transitions to a very steep slope of approximately 25-70%. Smith Creek is located at the toe of the slope, and although it is greater than 100 feet from the building site, protective measures should be implemented to reduce the potential for erosion. Erosion control measures are recommended as **Condition 9**.

Condition 9: The applicant shall employ standard erosion control Best Management Practices (BMPs) to avoid or minimize potential impacts to Smith Creek. BMPs shall be shown on submitted site plans for all building permits associated with this project.

Flooding: The project is located outside all mapped 100-year flood hazard areas, and therefore would not impede or redirect flood flows, and would not expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam.

Fire: The project is located in an area that has a moderate fire hazard severity rating, as shown on the Fire Hazard Zones and Responsibility Areas map. The proposed project consists of development of a new single-family residence and accessory structures. The project application was referred to the Albion-Little River Fire Protection District and California Department of Forestry and Fire Protection (CalFire) for comment. Albion-Little River Fire Protection District did not respond to the referral but CalFire stated that the applicant is expected to adhere to the CalFire 4290 Regulations as stated in the CDF#46-16 Fire Safety Application. CDF#46-16 included a standard condition for defensible space requiring a 30-foot setback from all property lines and/or center of a road. The site plan originally included two accessory buildings, labeled "Garage&Workshop" and "Barn/Storage", which do not meet the 30-foot CDF setback. The site plan has been amended to indicate building locations that meet the CDF setback requirement and shall be adhered to until such time CalFire grants a variance for a reduced defensible space setback of 20 feet from property lines and center of a road. The recommendations of CalFire are included as **Condition 10**.

Condition 10: The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF#14-15) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of building permit(s) for new structures, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.

With the inclusion of the recommended condition, the site is determined to not create a hazard relative to fire protection and adequate services exist to service the proposed development.

Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and Section 20.504 of the Mendocino County Coastal Zoning Code.

The project is not located in a designated Highly Scenic Area and is located east of Highway 1 and therefore the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas.

MCC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel.

The proposed exterior lighting fixtures are downcast and shielded. The project is therefore consistent with the exterior lighting regulations set forth in MCC Section 20.504.035.

Natural Resources

The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

A Biological Scoping Survey Report was prepared for the project by Alison Gardner (Botanical Survey for Rima Jenkins, Alison Gardner. June 21, 2016). Gardner's survey identified Smith Creek and its riparian vegetation as the only ESHA on the site. Alison Gardner's survey confirms a previous botanical report prepared by Laurie L. Berry, North Coast Resource Management dated July 14, 2004 that identified the Smith Creek riparian zone as the only ESHA on site (see CDP#49-03 file). Mendocino County Code typically requires a 100-foot buffer from all identified ESHA. All proposed development shall be in conformance with Mendocino County Code requirements for appropriate setback distances from the identified ESHA. A 100-foot buffer from Smith Creek and its associated riparian habitat has been established by Asa B. Spade, Spade Natural Resources Consulting (SNRC) as identified in Figures 1 & 2 attached to the letter dated April 20, 2016. To ensure that coastal resources are protected during construction and future use of the site the following measures are recommended as **Condition 11**.

Condition 11: The following protective measures shall be implemented to provide for the protection of natural resources. A buffer distance of no less than 100 feet shall be maintained between any development on the site and the identified ESHA of Smith Creek and its associated riparian habitat. Any development within the 100-foot ESHA buffer shall require a Coastal Development Permit.

The previous restoration of native plant revegetation and slope stabilization implemented to remedy a grading violation was noted by Alison Gardner to be well established (see Special Conditions 3 and 7 of CDP#49-03). The restoration work has been satisfactorily completed (Department of Fish and Game letter to PBS, dated 1/13/2005).

A site visit was conducted by County Staff and CA Department Fish and Wildlife staff (DFW) on 9/28/2016. Noting the botanical surveys and the onsite presence of potential Sonoma Tree Vole (STV) habitat, an additional biological survey for STV was requested from the applicant based on the recommendation from DFW. SNRC conducted a survey for STV on December 26, 2016 and established the absence of STV on the site (SNRC Sonoma Tree Vole Survey dated January 12, 2017).

With the proposed conditions, the project is found to be consistent with Mendocino County Code requirements for protection of natural resources, and protective measures are recommended to reduce any potential impacts.

Timber Resources

MCC Chapter 20.510 (Timber Resources) provides development criteria for lands within and adjacent to designated Forest Lands (FL) and Timber Production (TP) with the intent to protect and maintain of the County's timberlands.

The adjacent parcel to the north of the subject parcel is designated TP and is an active Timberland Production Zone (TPZ). MCC Section 20.510.020(A)(1) requires that "no new dwellings in a residential area shall be located closer than two hundred (200) feet from a parcel designated as FL or TP unless there is no other feasible building site on the parcel". Of the 4.9± acre parcel, approximately 4 acres of the land consists of steep slopes of 25% to 70% (Estimated Slope Map). The majority of this steeply sloped area is also within a 100 foot ESHA buffer zone from Smith Creek. Outside of the over-steep lands, the remaining area with buildable grades is located on the northwest corner of the lot which is entirely within 200 feet of the adjacent TP land. The new dwelling is proposed approximately 120 feet south of the adjacent TP land and is the only feasible building site in consideration of the ESHA buffer, steep slope constraints, and property line setbacks.

With the recommended conditions of approval, the project is in conformity with the certified local coastal program.

20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.

☒ *Consistent (with conditions of approval)*

Utilities: The proposal includes placement of a propane storage tank to service the residence. The site has existing water well on the parcel and would install a water storage tank. The Division of Environmental Health (DEH) has reviewed the application and commented on 9/1/2016 that DEH has approved an "onsite sewage system permit for a 3 bedroom residence". The existing water well and proposed septic design would be adequate to service the proposed residence.

The proposed project includes an off-the-grid electrical design consisting of a roof mounted photo voltaic solar array. The project does not propose to tie into the electrical grid though adjacent properties are currently serviced through PG&E. As generators are commonly associated with off-the-grid electrical systems and can cause intermittent noise and be a nuisance in residential areas, the applicant is advised of MCC Appendix C (Exterior Noise Limit Standards). Appendix C establishes a rural residential noise level standard of 40 dBA between the hours of 10:00 p.m —7:00 a.m and 50 dBA between the hours of 7:00 a.m. —10:00 p.m. which are not to be exceeded more than thirty minutes in any hour.

Without any recommended conditions of approval, the proposed project is determined to be provided with adequate utilities to support the development.

Access Roads: The parcel is currently provided access off Frog Pond Road (private) which connects to Highway One. The proposed project was referred to the Mendocino County Department of Transportation (DOT) for comment and DOT responded with "no comment". The origins of Frog Pond Road have not been researched, but it appears to be an old logging skid road or carriage road. A culvert crossing on Smith Creek exists on a paved portion of Frog Pond Road located on the subject property. At the culvert, the road forks with a paved road continuing to neighboring properties and an unpaved road leading to the subject parcel as well as three parcels beyond. Along the unpaved road, Smith Creek is crossed again with another culvert. During a site visit with DFW on 9/28/2016, it was noted that the culverts at both creek crossings were underperforming though not failed. In the current state, the creek crossings can accommodate access to the proposed project as well as the parcels with shared access beyond the subject parcel. The applicant is advised that the road runs through an ESHA and the 100-foot ESHA buffer, therefore any improvements, repair, or maintenance of the road shall require a Coastal Development Permit as well as a Streambed Alteration Agreement through DFW for culvert replacement. **Condition 11** provides for a 100-foot buffer from Smith Creek and its riparian habitat within which no development will occur unless a Coastal Development Permit is obtained. Though not required for the subject project, under the circumstance that multiple property owners utilize Frog Pond Road, staff recommends the formation of a private road association through which an application for a Coastal Development Permit can be filed to perform improvements and maintenance of the shared access road.

The project is determined to be provided with adequate access roads to support the proposed development.

Drainage: Drainage is subject to MCC Chapter 20.492, and provides regulations mitigating the impact of stormwater runoff and erosion. Staff recommends that standard erosion control Best Management Practices (BMPs) should be employed to avoid or minimize potential impacts to Smith Creek and is included as **Condition 12**.

Condition 12: Standard erosion control Best Management Practices (BMPs) shall be employed during construction activities to avoid or minimize impacts to Smith Creek. BMPs shall be shown on submitted site plans for all building permits associated with this project.

20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.

☒ *Consistent (with conditions of approval)*

Intent: The subject parcel is zoned Rural Residential. The intent of the Rural Residential zoning district is "to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability" (MCC Section 20.376.005). The proposed project is to construct a single family residence and associated accessory buildings which is a principally permitted use in the district. The parcel does not contain

prime or non-prime agricultural soils and is densely forested. The proposed project is not expected to have an adverse impact on the potential agricultural viability of the lot and is found to be consistent with the intent of the zoning district.

Use: Existing development on the site consists of a drilled well and a 120-foot compacted soil and gravel driveway. The subject parcel is zoned Rural Residential as shown on the Zoning Display Map. The proposed single-family residential use and accessory structures are in conformance with the permissible uses within the Rural Residential zoning district. Proposed accessory structures include a barn, garage, electrical shed, and storage building all of which are accessory uses to a residential use type in MCC Section 20.456.015. The temporary occupancy of a travel trailer during construction is requested and is permissible as an allowable temporary use through the issuance of a Coastal Development Administrative Permit. **Condition 13** is recommended to insure the travel trailer is utilized in a manner consistent with Mendocino County Code.

Condition 13: A Coastal Development Administrative Permit is hereby granted for temporary occupancy of the travel trailer while constructing the single-family residence, subject to the following conditions of approval:

- a. The term of this administrative permit is valid for the period required to complete construction of the primary dwelling, but shall not exceed two years unless renewed. The administrative permit shall be effective on the effective date of CDP_2016-0032 and shall expire two years henceforth.
- b. A valid building permit for a permanent dwelling on the premises must be in effect.
- c. Building and Environmental Health permits must be obtained prior to the set up and occupancy of the travel trailer.
- d. All utility connections to the travel trailer shall be disconnected and the trailer shall be removed from the property or placed in dead storage per MCC Section 20.456.015(J) prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.

With the inclusion of the recommended condition, the project is found to be consistent with the Rural Residential zoning district and allowable temporary uses, as provided in Mendocino County Code.

Density: The maximum dwelling density in the Rural Residential zoning district in this location is one single-family residence per 5 acres (MCC Section 20.376.025 (C)). The proposed project consists of construction of a single-family residence and associated accessory structures. Additionally, the proposal requests temporary use of a travel trailer for construction support. Use of a trailer coach for temporary occupancy while constructing the main dwelling is specifically exempted from the maximum dwelling density standards for the Rural Residential zoning district (MCC Section 20.376.025 (C)). The proposed development is in conformance with the dwelling density standards of the Rural Residential zoning district.

Yards: The subject parcel is 4.9± acres and the minimum required front, side, and rear yards in the Rural Residential zoning district for a parcel less than 5 acres are twenty (20) feet in the front, rear, and side yards (MCC Section 20.376.030 and MCC Section 20.376.035).

Although Frog Pond Road is a private road, because it serves four or more parcels it is also subject to a corridor preservation setback for structures of 25 feet on either side measured from the centerline of the road. The proposed location of structures as indicated on the site plan meet the required corridor preservation setback.

Height: The maximum permitted building height for residential structures in the Rural Residential zoning district and non-Highly Scenic Area is twenty-eight (28) feet (MCC Section 20.376.045). The proposed height of the new residence is approximately 25 feet average height above natural grade and the proposed accessory structures are approximately 27.5 feet average height above natural grade; therefore, the proposed project is consistent with the permitted maximum height in the Rural Residential zoning district and for development within a non-Highly Scenic Area.

Lot Coverage: The maximum permitted lot coverage in the Rural Residential zoning district is fifteen (15) percent for a parcel of this size (MCC Section 20.376.065). The parcel is 4.9± acres (213,216± square feet) in size,

allowing for a maximum permitted lot coverage of approximately 31,982 square-feet. A Staff estimate of the existing road and driveway coverage is 10,000± square feet and in addition to the proposed 4,522± square feet of structures, the parcel would have a lot coverage of approximately 6.8 percent. The proposed development is consistent with the lot coverage requirements of the Rural Residential zoning district.

20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

☒ *Consistent (without conditions of approval)*

The proposed project is Categorical Exempt from the provisions of CEQA, pursuant to Class 3 of Article 19 of the California Environmental Quality Act Guidelines. The Class 3 exemption consists of the new construction or conversion of small structures. The Class 3(a) finds that new construction of a single-family residence in a residential zone meeting the criteria of Section 15303, has "been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA."

The proposed development meets the criteria of Section 15303, and therefore will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.

☒ *Consistent (with conditions of approval)*

For small projects such as remodels, additions, small outbuildings (projects with minimal earthwork) Mendocino County Department of Planning and Building Services (PBS) procedure is to not refer these types of projects to either California Historic Resource Information System (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and was determined to be an appropriate guidance document for what projects should require archaeological review. The proposed project consists of the construction of a single family residence and associated accessory structures for a total of 4,522± square feet of structures which would require minimal grading work. County staff determined site does not contain characteristics typical of known cultural/archaeological sites on the Mendocino coast and it is unlikely that these resources are therefore present at the project site. Due to the limited ground disturbance of proposed development and the unlikelihood of cultural/archaeological artifacts, no archaeological review is required.

As a precaution, the applicant is advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 8** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

Condition 8: If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the recommended condition of approval, the proposed development should not have any adverse impacts on any known archaeological or paleontological resource.

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.

☒ *Consistent (without conditions of approval)*

Chapter 3.8 of the Mendocino County General Plan Coastal Element addresses Transportation, Utilities and Public Services within the Coastal Zone. Coastal Element Policy 3.8-1 provides general guidelines for all development in the coastal zone, requiring that "Highway 1 capacity, availability of water and sewage disposal

system and other known planning factors shall be considered when considering applications for development permits”.

Solid Waste: The Albion Transfer Station is located approximately seven (7) road miles from the project site, providing for the disposal of solid waste resulting from the existing residential uses on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. The development of a guest cottage and office will not generate any significant additional solid waste at the site. Solid waste disposal is adequate to serve the proposed and existing development.

Roadway Capacity: While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site. Mendocino Department of Transportation reviewed the application and did not state concerns relating to access. The existing roadways and private access are adequate to serve the proposed development.

Without conditions of approval, other public services, including but not limited to, solid waste and public roadway capacity are adequate to serve the proposed development.

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

☒ *Not Applicable*

The proposed development is located east of the first public road; therefore, findings related to public access and public recreation are not applicable to this project.

References:

Botanical Survey for Rima Jenkins, Alison Gardner. June 21, 2016.

Coastal Development Permit file CDP#49-03 (Anton, approved January 27, 2005).

Letter from Spade Natural Resources Consulting, determination of 100 foot buffer from Smith Creek. April 20, 2016.

Mendocino County, Planning and Building Services, Planning Division. *Mendocino County Coastal Zoning Code*. 1992. Ukiah, CA.

Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.

Special Species Status Report Botanical Survey, Laurie L. Berry, Botanist, North Coast Resource Management. July 14, 2004.

State of California, Department of Conservation, California Geological Survey. *Landslide Inventory (Beta)*. 2015.

Resolution Number _____

County of Mendocino
Ukiah, California
February 9, 2017

CDP_2016-0032 – JENKINS

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CLASS 3 CATEGORICAL EXEMPTION AND GRANTING AN ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT CDP_2016-0032 FOR A SINGLE FAMILY RESIDENCE.

WHEREAS, the applicant, Rima Jenkins, filed an application for a Coastal Development Permit with the Mendocino County Department of Planning and Building Services construct a 1,642± square-foot single family residence with approximately 470± square feet of deck, a 600± square-foot detached garage, a 120± square-foot electric shed, a 720± square-foot barn, and a 720± square-foot studio; install a septic system, propane tank, and water storage tank; clear vegetation from building footprint; and temporary occupancy of a trailer coach for construction support. The site is located in the Coastal Zone, 2.5± miles southeast of Little River, on both sides of Frog Pond Road (private), approximately 0.6 mile east of its intersection with Highway One, at 33080 Frog Pond Road (APN 121-030-07); General Plan – Rural Residential; Zoning – Rural Residential; Supervisorial District 5; (the “Project”); and

WHEREAS, the Secretary for Resources has found that certain classes of 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, and the Project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator received all relevant evidence presented in writing regarding the Class 3 Categorical Exemption and the Project and administratively approved the Class 3 Categorical Exemption and the Project on February 9, 2017; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Coastal Permit Administrator regarding the Class 3 Categorical Exemption and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings;

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of Mendocino County Code Division II and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and

6. Other services, including but not limited to, solid waste, public roadway capacity have been considered and are adequate to serve the proposed development.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Class 3 Categorical Exemption. The Coastal Permit Administrator certifies that the Class 3 Categorical Exemption has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Class 3 Categorical Exemption reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Coastal Development Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Coastal Permit Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

NOW, THEREFORE, BE IT RESOLVED that the Coastal Permit Administrator action shall be final on the 11th day after the proposed issuance of the Coastal Development Permit is reported to the Mendocino County Board of Supervisors.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: ADRIENNE THOMPSON
Commission Services Supervisor

BY: STEVE DUNNICLIFF
Director/Coastal Permit Administrator

By: _____

EXHIBIT A

CONDITIONS OF APPROVAL CDP_2016-0032 - Jenkins February 9, 2017

Coastal Development Permit to construct a 1,642± square-foot single family residence with approximately 470± square feet of deck, a 600± square-foot detached garage, a 120± square-foot electric shed, a 720± square-foot barn, and a 720± square-foot studio; install a septic system, propane tank, and water storage tank; clear vegetation from building footprint; and temporary occupancy of a trailer coach for construction support. The site is located in the Coastal Zone, 2.5± miles southeast of Little River, on both sides of Frog Pond Road (private), approximately 0.6 mile east of its intersection with Highway One, at 33080 Frog Pond Road (APN 121-030-07).

APPROVED PROJECT DESCRIPTION: Coastal Development Permit to: (1) construct a 1,642± square-foot single family residence with approximately 470± square feet of deck, a 600± square-foot detached garage, a 120± square-foot electric shed, a 720± square-foot barn, and a 720± square-foot studio; (2) install a septic system, propane tank, and water storage tank; (3) clear vegetation from building footprint; and (4) temporary occupancy of a trailer coach for construction support.

CONDITIONS OF APPROVAL

1. The permit shall become effective on the 11th day after the proposed issuance of the Coastal Development Permit is reported to the Mendocino County Board of Supervisors and shall expire and become null and void at the expiration of two years after the effective date except where use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division III of Title 20 of the Mendocino County Code.
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 applicant 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 applicant shall cease and desist from all further excavation and disturbances within one hundred (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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
9. The applicant shall employ standard erosion control Best Management Practices (BMPs) to avoid or minimize potential impacts to Smith Creek. BMPs shall be shown on submitted site plans for all building permits associated with this project.
10. The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF#14-15) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of building permit(s) for new structures, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
11. The following protective measures shall be implemented to provide for the protection of natural resources. A buffer distance of no less than 100 feet shall be maintained between any development on the site and the identified ESHA of Smith Creek and its associated riparian habitat. Any development within the 100-foot ESHA buffer shall require a Coastal Development Permit.
12. Standard erosion control Best Management Practices (BMPs) shall be employed during construction activities to avoid or minimize impacts to Smith Creek. BMPs shall be shown on submitted site plans for all building permits associated with this project.
13. A Coastal Development Administrative Permit is hereby granted for temporary occupancy of the travel trailer while constructing the single-family residence, subject to the following conditions of approval:
 - a. The term of this administrative permit is valid for the period required to complete construction of the primary dwelling, but shall not exceed two years unless renewed. The administrative permit shall be effective on the effective date of CDP_2016-0032 and shall expire two years henceforth.
 - b. A valid building permit for a permanent dwelling on the premises must be in effect.
 - c. Building and Environmental Health permits must be obtained prior to the set up and occupancy of the travel trailer.
 - d. All utility connections to the travel trailer shall be disconnected and the trailer shall be removed from the property or placed in dead storage per MCC Section 20.456.015(J) prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.