



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- CDP ADMINISTRATIVE**

**JULY 23, 2018
CDP_2017-0019**

SUMMARY

OWNER/APPLICANT: TOBIN & CAROLYN MOLLENKOPF
41700 HARRIS RANCH ROAD
POINT ARENA, CA 95468

REQUEST: Administrative Coastal Development Permit for after-the-fact permitting of existing structures built in 1992, including a 1,168 square foot single family dwelling, 1,253 square foot garage, and a 1,892 square foot accessory building (prefabricated metal Quonset hut).

LOCATION: The site is located 4± miles northeast of the City of Point Arena on Harris Ranch Rd. (Private), 2± miles east of its intersection with Windy Hollow Rd. (CR 508), located at 41700 Harris Ranch Rd, Point Arena (APN: 027-171-03).

TOTAL ACREAGE: 10.08 acres

GENERAL PLAN: Coastal Element, Mendocino County General Plan
Remote Residential, 20 acre minimum parcel size (RMR-20)

ZONING: Division II, Title 20, Mendocino County Code
Remote Residential, 20 acre minimum parcel size (RMR:20)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorical Exemption pursuant to Section 15303 of the California Environmental Quality Act for new construction or conversion of small structures including Class 3(a) for one single-family residence in a residential zone and Class 3(e) for accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

APPEALABLE: No

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Bill Kinser

BACKGROUND

PROJECT DESCRIPTION: After-the-fact permitting of existing structures built in 1992, including: a 1,168 square foot single family dwelling, a 1,253 square foot garage, and a 1,892 square foot accessory building (prefabricated metal Quonset hut). No additional development is proposed. The existing structures have a maximum height of 17 feet. Applications have been submitted for Class K construction permits.

APPLICANTS' STATEMENT: "Permitting of existing structures built in 1992 including a house, garage, and Quonset hut. A permitted septic system was installed in March 1992. A permitted, water well was installed in May 1992. This project is associated with Class K building permit applications."

RELATED APPLICATIONS:

ON-SITE:

- CalFire Fire Hazard Tree Removal Exemption (Accepted on November 10, 2011)
- 6451-F (Approved) Septic
- ST 25508 (Approved) Septic
- BF 2017-0380 (Under Review) Class K - Amnesty for existing two car garage
- BF 2017-0379 (Under Review) Class K - Amnesty for existing storage building
- BF 2017-0378 (Under Review) Class K - Amnesty for existing single family residence
- BC 2011-0024 (Closed) Unpermitted structures

SITE CHARACTERISTICS: The 10.08 acre site is located east of Highway 1 off Harris Ranch Road, approximately 4 miles northeast of the City of Point Arena, located at 41700 Harris Ranch Road (APN: 027-171-03). The parcel is currently developed with structures built in 1992, including a 1,168 square foot single-family residence, a 1,253 square foot garage, and a 1,892 square foot Quonset hut. The parcel also has a well, septic tank and leach field, landscaping (approximately 87,000 square feet), and a number of small out buildings (sheds) (see Exhibits - Aerial Imagery and Site Plan). The existing well is located near the property's northeastern corner, and the existing septic tank and leach field are located near the center of the parcel.

Elevations at the site range from approximately 405 feet above mean sea level (amsl) at the southern part of the property to 410 feet amsl on the northern portion of the site. The site is located within a designated Conditional Highly Scenic Area; however, the project site is approximately 2 miles east of Highway 1 and is not visible from Highway 1 or other public areas.

Vegetation on the site is comprised of a mosaic of northern coastal scrub, willow riparian forest, and closed cone coniferous forest. Much of the area near the existing residence, garage, and Quonset hut is cleared or contains patches of ruderal, non-native vegetation, due to tree and vegetation removal previously completed by the Applicants under an approved Fire Tree Removal Exemption issued by the California Department of Forestry and Fire Protection (CalFire) in November 2011. There is an intermittent stream in the northeastern corner of the property. The entire site contains "Moderate Productivity" timberland and non-prime agricultural land is located in the southwestern portion of the site. The site does not contain important farmland and the parcel and surrounding parcels are classified as grazing land.

The entire parcel and surrounding vicinity is designated as a Point Arena Mountain Beaver Habitat Zone. A *Biological Scoping Survey Report of Compliance for a Mendocino County Coastal Development Permit* (Biological Report) was completed by WRA Environmental Consultants, dated March 29, 2012, which evaluated the potential for wetlands, rare natural communities, and special-status plant and wildlife species to occur on the site (WRA Environmental Consultants, 2012). As provided in the Biological Report, no potential Environmentally Sensitive Habitat Areas (ESHAs), wetlands, rare natural communities, special-status plant species, or special-status wildlife species were observed at the site.

The relatively flat property is located on a coastal terrace. The site is underlain by beach deposits and stream alluvium and terraces (Zone 3), and is subject to intermediate shaking (see Exhibit - LCP Land Capabilities & Natural Hazards Map LCP map). The soil at the project site is Ferncreek sandy loam, 2 to 9 percent slopes. The site is located within a "Critical Water Resources Bedrock" area and a high fire hazard area (see Exhibit - Ground Water Resources Map). The site is located approximately 600 feet southwest of the San Andreas Fault zone (see Exhibit - Earthquake Fault Zones). Mapping does not associate the following with the subject site: bluffs, landslides, erosion, flood, or tsunami hazard.

SURROUNDING LAND USE AND ZONING: The site and surrounding lands to the south, west, and east are designated Remote Residential (RMR-20), while lands immediately north are designated as Forest Lands (FL 160) (see Exhibits - General Plan Classifications and Zoning Display Map). The parcels immediately to the north, south, and east are vacant and the parcel to the west has a single-family residence. Table 1 shows the land use, zoning, acreage, and uses present on surrounding properties.

| Table 1. Surrounding Land Use and Zoning | | | | |
|--|--------------|--------|-----------|-------------------------|
| Direction | General Plan | Zoning | Lot Sizes | Uses |
| North | FL 160 | TP | 40 acres | Vacant |
| East | RMR-20 | RMR:20 | 20 acres | Vacant |
| South | RMR-20 | RMR:20 | 39 acres | Vacant |
| West | RMR-20 | RMR:20 | 10 acres | Single-Family Residence |

LOCAL COASTAL PROGRAM CONSISTENCY

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

Land Use: The parcel is classified as Remote Residential with a 20 acre minimum parcel size (RMR-20) by the Mendocino County General Plan. The Remote Residential classification is intended for lands having constraints for commercial agriculture, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses. The existing development is consistent with the Remote Residential Land Use classification.

Zoning: The project site is in a Remote Residential District, which is intended to applied to lands within the Coastal Zone which have constraints for commercial agriculture, timber production or grazing, but which are well suited for small scale farming, light agriculture and low density residential uses, or where land has already been divided and substantial development has occurred. The existing single-family residence and accessory structures are principally permitted uses within the Remote Residential District, pursuant to Mendocino County Coastal Zoning Code Chapter 20.380 RMR -- *Remote Residential District*.

The project complies with the intent of the Remote Residential District and development requirements for yard setbacks, building height, and lot coverage.

| Table 2: RMR Zoning District Requirements | | |
|---|------------|-----------|
| Front and Rear Yard Setbacks | 50 feet | >50 feet |
| Side Yard Setback | 50 feet | >50 feet |
| Building Height | 28 feet | 17 feet |
| Lot Coverage | 10 percent | 1 percent |

Visual Resource and Special Treatment Areas: Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is addressed in Chapter 3.5 of the General Plan Coastal Element and implemented by MCC Chapter 20.504.

The subject parcel is within a mapped Conditionally Highly Scenic Area and is subject to the development criteria of MCC Section 20.504.015(C). The project involves after-the-fact permitting for existing development constructed in 1992, including a 1,168 square foot single family residence, 1,253 square foot garage, and a 1,892 prefabricated metal Quonset hut; no additional development is proposed. The existing development is subject to and satisfies the development criteria established for lands designated as Conditional Highly Scenic Areas, as follows:

- *Section 20.504.015(C)(1) Development within Highly Scenic Areas shall provide for the protection of coastal views.* Existing development is consistent with surrounding development and is not visible from Highway 1, Harris Ranch Road, or any other scenic vista or public place. No additional development is proposed under the project.
- *Section 20.504.015(C)(3) New development in Highly Scenic Areas shall be subordinate to the natural setting, minimize reflective surfaces, and building materials shall be selected to blend in hue and brightness with their surroundings.* Though the project does not involve any new development, the existing structures on the site meet this requirement.
- *Section 20.504.015(C)(5) regulates the location of building sites.* In compliance with MCC Section 20.504.015(C)(5)(c), the existing development is located near a wooded area.

- *Section 20.504.015(C)(12) Power distribution lines shall be placed underground.* Existing power distribution lines to the property are currently underground. No alternation of existing power distribution lines is required or proposed.
- *Section 20.504.015(C)(13) Access roads and driveways shall be sited to minimize visual resources.* No alteration of existing access roads/driveways is required or proposed.

As previously discussed, the maximum building height of the existing structures is 17 feet, which meets the maximum permitted building height of 28 feet above natural grade for areas within a Highly Scenic Area east of Highway 1 in the RMR District. The subject property is approximately 2 miles east of Highway 1. Harris Ranch Road runs past the property, through a wooded rural agricultural and residential area. The parcel is not visible from Harris Ranch Road, as it is accessed by a private roadway. The project is entirely hidden from the view of motorists traveling on Highway 1 and on Harris Ranch Road and the existing unpermitted development is not visible from any other scenic vista or public place. Staff finds that the project is consistent with standards for development located within a Conditionally Highly Scenic Area.

Habitats and Natural Resources: The purpose of MCC Section 20.496, Environmentally Sensitive Habitats and Other Resource Areas, is to ensure that environmentally sensitive habitat and other designated resource areas (listed on Pages 39, 40 and 41 of the Coastal Element), which constitute significant public resources are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations. Environmentally Sensitive Habitat Areas (ESHAs) include: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals.

A Biological Scoping Survey Report of Compliance for a Mendocino County Coastal Development Permit (Biological Report) was completed for the project (WRA Environmental Consultants, 2012), which evaluated the potential for wetlands, rare natural communities, and special status plant and wildlife species to occur on the site. No potential ESHAs were observed within the project area during the site evaluation; however, the Biological Report noted that it was difficult to accurately assess the likelihood of potential ESHAs to have occurred within the Study Area due to the fire hazard tree removal and resulting disturbance to vegetation (WRA Environmental Consultants, 2012).

Based on existing conditions, the adjacent redwood forest type, and historical aerial imagery, it appears that the site contained second growth closed canopy redwood dominated forest with spare understory, and did not support any wetland or stream features. No special status plant species were observed within the project area, and it was determined that no special status plant species were likely to have occurred in the project area prior to the construction. While a total of 63 special status wildlife species have documented occurrences in the vicinity, only 10 species were determined to have a moderate potential to occur in the project area. Though the northeastern portion of the parcel is located within an area mapped as supporting the Point Arena Mountain Beaver (PAMB), no aquatic features are present and the Biological Report determined that it is unlikely that the PAMB occurred on the site prior to the building construction (WRA Environmental Consultants, 2012). Vegetation, including bishop pines, located within the Study Area may provide, or may have provided, potential habitat for the Sonoma tree vole (*Arborimus pomo*). The Biological Report noted that *"the existing development did not likely result in any significant impacts to potential onsite ESHA's (none observed) which may have been present within the Study Area during the time of construction (WRA Environmental Consultants, 2012)."* Although an intermittent stream is located in the site's northeastern-most corner, it is more than 400 feet north of existing development.

In summary, no potential Environmentally Sensitive Habitat Areas (ESHAs), wetlands, rare natural communities, special-status plant species, or special status wildlife species were observed at the site. Since, the proposed project is an after-the-fact Coastal Development Permit for existing structures previously constructed on the site and no additional development is proposed under the project, no impacts to potential sensitive habitats and species within the vicinity would occur.

Hazards Management: The parcel is located in an area classified with a "High Fire Hazard" severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Redwood Coast Fire Protection District. The project application was referred to CalFire

California Environmental Quality Act (CEQA) under Section 15303 Class 3(a) for one single-family residence in a residential zone and Class 3(e) for accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the existing development is in conformity with the certified Local Coastal Program. A single-family residence and accessory structures are principally permitted uses within the Remote Residential District land use classification and is consistent with the intent of the RMR Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the existing development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site has been served for many years, and would continue to be served, by an on-site well and septic disposal system; and
3. Pursuant with MCC Section 20.532.095(A)(3), the existing development is consistent with the purpose and intent of the Remote Residential District, as well as all other provisions of Title 20 – Division II of the Mendocino County Code, including development criteria for Conditionally Highly Scenic Areas, and preserves the integrity of the Remote Residential District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the existing single-family residence and accessory structures, if in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. Permitting existing single-family residences and accessory structures is categorically exempt pursuant to Section 15301; and
5. Pursuant with MCC Section 20.532.095(A)(5), the existing development 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 Standard Condition 8 is in place when archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The site is currently developed with an existing single-family residence, garage, and Quonset hut and is not anticipated to significantly affect demands on public services; and

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.

and the FPD for input; however, no responses were received. Conditional clearance from CalFire (CalFire File # 102-17) has been provided for the project, dated March 29, 2017, in which standard conditions related to address, driveway, defensible space, and maintaining defensible space are required by CalFire. A standard condition requiring the Applicants to secure of all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction ensures any fire protection policy or plan would be addressed. As conditioned, Staff finds the project to be consistent with Mendocino County policies for fire protection.

The San Andreas Fault Zone is in close proximity (approximately 600 feet northeast) to the proposed development. The site is located within a seismically active region and the site would be expected to experience ground shaking of some magnitude during the economic life span of any site development. However, since no additional development is proposed at the site, there are no elements of the project that would increase the exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault or strong seismic shaking.

Public Access: The project site is located east of Highway 1 and is not designated as a potential public access trail location. As shown on LCP Map 25 *Point Arena*, existing public access to the shore is located south and west of the site.

Grading, Erosion, and Run-Off: Since the project involves after-the-fact permitting for existing development and no additional development is proposed at the site, no additional grading would occur under the project.

Archaeological/Cultural Resources: The proposed project is an after-the-fact permitting request for structures built in 1992, including a single family residence, garage, and Quonset hut. The project was referred to the Archaeological Commission and Sonoma State University for review and comment; however, to date, no responses have been received.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated June 30, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the tribal chairperson notes that the area does include Tan Oak and other traditional food sources that must be protected.

A standard condition advises the Applicants of the "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the standard condition of approval advising the Applicants about discovery of archaeological resources, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resource.

Groundwater Resources: The project site is located within a mapped "Critical Water Resources Bedrock" area. The subject parcel currently utilizes an on-site well, which will continue to be utilized under the project. Since no new parcels or building sites are proposed, additional water studies are not required per MCC Section 20.516.015(B). The Department of Environmental Health (DEH), in their referral response dated July 5, 2017, notes that DEH has approved three building permits for the previously-constructed structures. Staff finds the proposed project would not adversely affect groundwater resources.

Transportation/Circulation: The project would not contribute new sources of traffic on local and regional roadways, as no new development is proposed. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned.

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

- Staff Report Prepared By:

Date _____

BILL KINSER
SENIOR PLANNER

IGNACIO GONZALEZ
COASTAL PERMIT ADMINISTRATOR

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- A. Location Map
- B. Topographic Map
- C. Aerial (Vicinity) Imagery
- D. Aerial Map
- E. Site Plan
- F. House Elevations
- G. House Floor Plan
- H. Garage Elevations
- I. Garage Plan
- J. Quonset Elevations
- K. Quonset Floor Plan
- L. Zoning Display Map
- M. General Plan Classification Map
- N. LCP Land Use Map 25: Point Arena
- O. LCP Habitats & Resources Map
- P. LCP Land Capabilities & Natural Hazards Map
- Q. Appealable Areas Map
- R. Adjacent Parcels Map
- S. Fire Hazard Zones & Responsibility Areas
- T. Earthquake Fault Zone Map
- U. Ground Water Resources Map
- V. Highly Scenic/Tree Removal Areas Map
- W. Classified Wetlands
- X. Local Soils Map
- Y. Lands in Williamson Act Contracts
- Z. Timber Production Zones Map

SUMMARY OF REFERRAL AGENCY COMMENTS:

| | |
|--------------------------------------|-------------|
| Planning (Ukiah) | No Comment |
| Department of Transportation | No Response |
| Environmental Health (FB) | Comments |
| Building Inspection (FB) | No Response |
| Assessors | No Response |
| County Water Agency | No Response |
| Archaeological Commission | No Response |
| Sonoma State University | No Response |
| US Fish & Wildlife Services | No Response |
| Sherwood Valley Band of Pomo Indians | No Response |
| State Clearinghouse | No Response |
| CalFire | Comments |
| Coastal Commission | No Response |
| Redwood Valley Rancheria | Comments |
| Cloverdale Rancheria | No Response |
| Redwood Coast Fire District | No Response |
| Coast Life Support Community Service | No Response |

REFERENCES:

California State Legislature. 1976. California Coastal Act of 1976 (Public Resource Code Division 20).

Mendocino County Board of Supervisors. November 5, 1985. *Mendocino County General Plan Coastal Element*. Mendocino County Department of Planning and Building Services, Ukiah, CA.

Mendocino County Board of Supervisors. October 1991. *Mendocino County Zoning Code Coastal Zoning Code Title 20 – Division II of the Mendocino County Code*. Mendocino County Department of Planning and Building Services, Ukiah, CA.

Mendocino County Board of Supervisors. August 17, 1983. Local Coastal Program (LCP) Map 25 Point Arena – County of Mendocino Coastal Zone. Mendocino County Planning and Building Department.

Mendocino County Department of Planning & Building Services Cartographic Section. December 1988 (from Land Use maps of the Coastal Element of the General Plan adopted by Board of Supervisors August 17, 1983 and certified by California Coastal Commission November 20, 1985). *Highly Scenic & Tree Removal 7.5 Min Series (Map 68)*. Mendocino County Department of Planning and Building Services, Ukiah, CA.

Mendocino County Department of Planning & Building Services. Undated. *Local Coastal Program (LCP) Map 25 Point Arena – County of Mendocino Habitats & Resources*. (Prepared for California Coastal Commission by Blayney-Dyett Urban and Regional Planners November 1979)

Mendocino County Department of Planning & Building Services. Undated. *Local Coastal Program (LCP) Map 25 Point Arena – County of Mendocino Land Capabilities/Natural Hazards Map*. (Prepared for California Coastal Commission by Blayney-Dyett Urban and Regional Planners (for source refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper November 1979))

Mendocino County Department of Planning & Building Services. Undated. *Ground Water Resources*.

Mendocino County Department of Planning & Building Services. Undated. *Fire Hazard Zones & Responsibility Areas Map*.

Mendocino County Department of Planning & Building Services. Undated. *Earthquake Fault Zone Map*.

WRA Environmental Consultants. March 29, 2012. *Biological Scoping Survey Report of Compliance for a Mendocino County Coastal Development Permit*.

