

OWNER/APPLICANT: JOHN & KATHLEEN DOUGLAS
22730 N HIGHWAY 1
FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit for the construction of a five (5) foot livestock (horse) fence enclosure with three, 96 square-foot, trussed horse loafing sheds with a maximum height of eight (8) feet.

LOCATION: In the Coastal Zone, on the west side of Highway 1, 0.6± miles north of its intersection with Airport Road, located at 22730 N Highway 1, Fort Bragg; APN 069-231-13.

APPEALABLE: Yes- west of first public road

PERMIT TYPE: Standard Coastal Development Permit

TOTAL ACREAGE: 4.2 acres

GENERAL PLAN/COASTAL PLAN: Rural Residential (RR)

ZONING: Rural Residential, five-acre minimum, floodplain combining district (RR5[FP])

EXISTING USES: Residential

ADJACENT ZONING: North: Rural Residential (RR)
East: Rural Residential (RR)
South: Rural Residential (RR)
West: Rural Residential (RR)

SURROUNDING LAND USES: North: Single Family Residential
East: Single Family Residential
South: Vacant
West: Single Family Residential

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA – Class 3 (e)
Accessory Structure

PROJECT DETERMINATION: Approve with Conditions

PROJECT DESCRIPTION: The project includes the construction of a five (5) foot livestock (horse) fence enclosure with three, 96 square-foot, trussed horse loafing sheds with a maximum height of eight (8) feet.

SITE DESCRIPTION AND SETTING: The 4.2 acre subject parcel is situated on the north end of Fort Bragg. Highway 1 is to the east and neighboring residences to the west and north, as shown on the Location Map in Attachment A. The site is surrounded by residential development, with industrial uses across Highway 1 and to the southeast. Virgin Creek runs along the northern border of the property. The subject parcel is currently developed with a single family residence and detached garage.

OTHER RELATED APPLICATIONS: None.

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	No comment
Mendocino Department of Transportation	No comment at this time
Environmental Health – Fort Bragg	Can approve at this time. Maintain minimum setbacks to septic system, 8 feet from leach field and 5 feet from septic tank.
Building Inspection – Fort Bragg	No comment
Assessor	No response
County Water Agency	No response
CalTrans	No response
Department of Fish and Wildlife	Provided recommendations as outlined in Appendix A and included in conditions of approval as Condition 9.
Coastal Commission	No response
Fort Bragg City Planning	Recommended completion of botanical study of potentially impacted field. Adjoining properties have known rare plants, ESHA, and federally listed plants.

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 Coastal Zoning Code (MCCZC). APPENDIX A of this report individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project. The issues listed below are drawn from APPENDIX A and have been determined to be “key issues” because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

Natural Resources

Spade Natural Resources Consulting prepared a Biological Scoping Survey Report (on file), dated July 17, 2014, to determine the extent of any environmentally sensitive habitat areas (ESHA) that may be present on the subject parcel. Identified ESHA consist of Virgin Creek and its adjacent riparian area. A fifty (50) foot buffer is recommended between the identified ESHA and all proposed development. A Reduced Buffer Analysis was included in the Survey Report and was agreed upon by CDFW.

Based on the findings of the Biological Scoping Survey Report, it can be concluded that no development will occur in an environmentally sensitive habitat area. Condition 9 is recommended which provides protection and mitigation measures to be implemented to reduce any potential impacts to the existing natural resources present on the parcel and to ensure that no development occurs within the ESHA or associated buffer. Therefore, as required by Condition 9, Resource Protection Impact Findings, enumerated in Section 20.532.100(A), are not applicable to this application.

Utilities

The proposed loafing sheds will not be served by water or gas. Connection of the existing electric to the proposed shed will be reviewed by the Building Division at the time of the building permit application for consistency with building code.

The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. In a response dated December 23, 2014 (on file), the Division stated that “DEH can approve at this time. Maintain minimum setbacks to septic system: 8 feet from leach field and 5 feet from septic tank.” This recommended condition is included as Condition 10.

No internal plumbing is proposed in the application, and DEH will have the opportunity to review a building permit application to ensure compliance with the request that no plumbing be installed. No conditions are necessary to ensure the development is provided with adequate utilities.

Drainage

Drainage is subject to Section 20.492.025 of MCCZC, and provides regulations mitigating the impact of stormwater runoff and erosion. California Department of Fish and Wildlife (CDFW) recommended the applicants be advised of Fish and Game Code Sections 5650 and 5652, which prohibit deposition of deleterious substances in, or allowing deleterious substances to pass into waters of the state. Additionally, CDFW stated in their referral response (on file) that "manure, hay, discarded bedding, and any other materials that may potentially contribute to pollution shall not be stockpiled, discarded or otherwise placed where they may enter, or create runoff into any watercourse." Condition 9 is recommended to achieve compliance with recommendations from CDFW.

Cultural Resources

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 fencing and three, 96 square-foot, trussed horse loafing sheds that are placed directly on the ground, without a permanent foundation or flooring. County staff determined that due to the small scale of the proposed development and lack of ground disturbance, no archaeological review would be required.

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.

PROJECT DETERMINATION 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, based on the following findings and conditions.

REQUIRED FINDINGS FOR THIS COASTAL DEVELOPMENT PERMIT:

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 applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
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.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. 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.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II 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. To provide for the protection of Natural Resources, the following shall be required:
 - a. A suitable buffer shall be established around Virgin Creek and its adjacent riparian habitat and, the pond and slough sedge (*Carex obnupta*) at the neighboring parcel to the west. A buffer distance of 50 feet is required and has been agreed upon by California Department of Fish and Wildlife.

- b. Invasive English ivy (*Hedera helix*), French broom (*Genista monspessulana*), and cotoneaster (*Cotoneaster franchetii*) shall be removed from all portions of the property to the greatest extent practicable.
 - c. During fence construction, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs or salamanders.
 - d. The use of rodenticides or other wildlife poisons shall be avoided.
 - e. Landscaping on the parcel shall not include any invasive plants and shall consist of native plants compatible with the adjacent plant communities.
 - f. Native vegetation between the fencing and ESHAs shall not be removed. If non-native vegetation will be removed in these areas, trees and shrubs shall be replaced with appropriate native species and properly maintained until established. Plants used for landscaping shall be native. No known invasive species shall be used. Exotic plant species that shall be avoided include those identified in the California Invasive Plant Council's database, which is accessible at: <http://www.cal-ipc.org/paf/>.
 - g. Manure, hay, discarded straw bedding, and any other materials that may potentially contribute to pollution shall not be stockpiled, discarded or otherwise placed where they may enter, or create runoff into any watercourse.
 - h. The applicants shall be made aware of Fish and Game Code Sections 5650 and 5652, which generally prohibit depositing deleterious substances in, or allowing deleterious substances to pass into waters of the state. The full text of these Code Sections may be found at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fgc&group=05001-06000&file=5650-5656>.
10. All structures shall maintain minimum setbacks to septic system: eight (8) feet from leach field and five (5) feet from septic tank.

Staff Report Prepared By:

DATE

JULIA ACKER
PLANNER I

March 10, 2015
JA

Appendices List:

Appendix A Coastal Permit Approval Checklist

Attachments List:

- A- Location Map
- B- Google Earth Imagery
- C- Site Plan
- D- Adjacent Parcels
- E- Zoning Display Map
- F- General Plan Classifications
- G- LCP Map 13: Fort Bragg
- H- Fire Hazard Zones & Responsibility Areas
- I- FEMA Flood Zone
- J- Local Soils
- K- Coastal Ground Water Resource Areas
- L- Highly Scenic & Tree Removal Areas
- M- Wetlands Designated Areas
- N- Plant Communities & ESHA Buffer
- O- Fence Example
- P- Loafing Shed Example
- Q- Loafing Shed Elevation
- R- Loafing Shed Floor Plan