



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- CDP_STANDARD**

**APRIL 28, 2016
CDP_2015-0004**

SUMMARY

OWNER/APPLICANT: JACKSON RANCHERIA DEVELOPMENT
PO BOX 1090
JACKSON, CA 95642

AGENT: WYNN COASTAL PLANNING
703 N MAIN STREET
FORT BRAGG, CA 95437

REQUEST: Coastal Development Permit to install new septic components to serve the existing uses and to install a new force line in preparation for a future connection to an off-site leach field.

DATE DEEMED COMPLETE: January 6, 2016

LOCATION: In the Coastal Zone, within the town of Elk, lying west of Highway 1, less than one-half mile north of its intersection with Philo-Greenwood Road (CR 132). Located at 5900 & 5910 S Highway 1 (Griffin House) 5920 & 5926 S Highway 1 (Greenwood), Elk; APN's 127-181-05, -06, -12, and -14. 5900-5926 SO HWY 1, ELK

TOTAL ACREAGE: *Griffin House Property*
0.63 acres

Greenwood Pier Inn Property
1.33 acres

GENERAL PLAN: *Griffin House Property*
RV (Rural Village)

Greenwood Pier Inn Property
RV (Rural Village)

ZONING: *Griffin House Property*
RV (Rural Village)

Greenwood Pier Inn Property
RV (Rural Village)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: A Class 2 Categorical Exemption from the California Environmental Quality Act pursuant with Guideline Section 15302(c), which states "replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity."

RECOMMENDATION: Approve with conditions

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION:

Coastal Development Permit to install new septic components to serve the existing uses on APN 127-181-05 and -06, and to install a new force line in preparation for a future connection to an off-site leachfield.

APPLICANT'S STATEMENT:

A request to repair, replace, and install septic infrastructure on two adjoining lots owned by Jackson Rancheria Development. The work will address deficiencies in the current septic system that serves (1) Griffin House, a 7-unit visitor serving facility with on-site laundry processing, (2) a two-bedroom Griffin House manager's residence, and (3) Bridget Dolan's Pub-Restaurant with 21 seats. The proposal is to install new collection and delivery system components on the Griffin House Inn property to serve all of the current uses on the property and to install new force line on Greenwood Pier Inn property in preparation for future sewer connection to the leach field proposed on Lands of Li Foo, across the street from and easterly of the project site, and assigned CDP 2015-0024.

RELATED APPLICATIONS:

- Use Permit U 137-73, submitted on November 12, 1973, approved by the Planning Commission on February 8, 1974, allowed a 12-foot by 48-foot porch addition along the south side of the existing cafe for a five year term, subject to provision of ten parking spaces, a three-foot planter along the building frontage, and repair of a wooden well cover. The permit expired in 1978.
- Use Permit U 130-75, submitted on September 5, 1975, approved by the Zoning Administrator on October 9, 1975, allowed a 12-foot by 16-foot addition to the cafe to house two bathrooms and a storeroom. The permit expired in 1978.
- Use Permit U 141-81, submitted on November 18, 1981, approved by the Planning Commission on February 18, 1982, provided for the conversion of an existing single family residence to a five unit inn, including the addition of a second story to the residence, six off-street parking spaces, and a 35 square-foot sign.
- Preliminary Approval PA 82-09, submitted February 18, 1982, approved February 25, 1982, subject to final approval of Use Permit U 141-81, for the conversion of a residence to an inn.
- Preliminary Approval PA 83-52, submitted on July 14, 1983, approved on July 15, 1983, for replacement of a single family residence destroyed by fire.
- Variance V 14-83, submitted on August 16, 1983, denied by the Zoning Administrator on October, 27, 1983, requested reduced front and side-yard setbacks for the replacement of the burned dwelling. The denial was based on the fact that there was room on the site to comply with required setbacks.

- Use Permit U 4-86, submitted on January 22, 1986, approved by the Planning Commission on March 20, 1986, allowed conversion of an existing residence into a retail gift shop and two visitor units, signs, and the construction of a new two unit structure, subject to parking and landscaping plans, drainage controls, and a geologic report. Local Coastal Plan Consistency Review LCP 86-53, was approved May 13, 1986, for the development allowed by Use Permit U 4-86. Coastal Development Permit CDP 1-86-90, issued by the Coastal Commission on June 11, 1986, permitted the development allowed by Use Permit U 4-86.
- Use Permit U 37-87, submitted on July 23, 1987, approved by the Planning Commission on November 5, 1987, allowed a single visitor unit to be developed in a structure initially built as a water tower, subject to conditions regarding sewage disposal and parking. The permit was never implemented and has expired because sewage disposal requirements could not be met.
- Use Permit U 29-90, submitted on June 26, 1990, approved by the Planning Commission on February 7, 1991, allowed a dilapidated residence to be demolished and replaced with a retail shop specializing in plants and garden related items, subject to conditions regarding driveway surfacing, a boundary line adjustment or casement for parking, sewage disposal and drainage controls. Local Coastal Plan Consistency Review LCP 91-40, was approved on April 4, 1991, for the development allowed by Use Permit U 29-90.
- Boundary Line Adjustment B 102-91, submitted on August 6, 1991, approved by the Minor Subdivision Committee on August 23, 1991, appealed to the Planning Commission and upheld on November 21, 1991, completed on February 11, 1992, merged Mr. Petty's five parcels into two. In denying the appeal, the Planning Commission directed that staff review permits and report back to the Commission.
- Planning Commission review of previous permits, March 5, 1992. The Planning Commission determined that (1) Use Permits U 137-73 and U 130-75 for cafe expansion had expired; (2) Parking spaces for Greenwood Pier Country Store with guest units and Sea Castle guest units required by Use Permit U 4-86 had not been provided; (3) Parking cannot be allowed over septic systems, and applicant must submit new use permit application for cafe expansion by June 30, 1992, and staff to initiate proceedings for modification of Use Permits U 4-86 and U 29-90.
- Use Permit U 22-92, submitted on June 30, 1992, approved by the Planning Commission on May 20, 1993, allowed a number of modifications to the applicant's facilities, some in response to the Planning Commission's directive, and others at the request of the applicant, subject to an extensive list of conditions. U-22-92 was modified by U-22-92/97 allowed for an existing residence to remain; a septic leach field area to be provided off-site; conversion of the "Tower Studio" to a visitor serving facility; expansion of upstairs units; installation of water tanks, irrigation well, commercial hot tub; and a variance (see V-18-98).
- Coastal Boundary Line Adjustment CDB 2-93 and Coastal Minor Subdivision CDMS 3-93, submitted on January 13, 1993, for property on the east side of Highway 1, were withdrawn on January 19, 1995.
- Coastal Development Permit CDP 57-93, submitted on July 8, 1993, issued August 1, 1994, permitted improvements allowed by Use Permit U 22-92, including: an addition to the Cliff House; an addition to the Garden Cottage; and addition to the Cafe; conversion of the Tower Studio into a visitor unit; expansion of the two upstairs units in the Main Inn Building; demolition of the White House; additional parking spaces; and water tanks.
- Immaterial Amendment to Coastal Development Permit CDP 57-93, approved by the Coastal Permit Administrator on August 3, 1994, allowed cafe to be demolished and replaced and the Garden Cottage and Cliff House to be modified and enlarged.

- Coastal Development Permit CDP 10-95, submitted on March 1, 1995, approved by the Coastal Permit Administrator on December 20, 1995, but never issued, requested a permit to move an existing residence from the west side of the highway to a parcel on the east side. Prior to approval, the application was modified to request construction of a new residence on the east side of the highway rather than relocate the existing residence.
- Coastal Development Boundary Line Adjustment CDB 12-95, submitted on March 1, 1995, approved by the Coastal Permit Administrator on September 29, 1995, but not yet completed, would adjust boundaries among three parcels on the east side of Highway 1, one of which is the parcel approved to be used for off-site parking by V 18-98.
- Emergency Permit EM 6-96, approved by the Planning Director on September 5, 1996, provided for sewage effluent from five parcels along the east side of Highway 1 to be collected and pumped to a common leach field area approximately 1,700-feet east of highway on land owned by the Li Foo Alliance. The emergency permit was necessary to prevent contamination of surface water by inadequate disposal systems.
- Variance V-18-98, approved by the Planning Commission on March 2, 2000, allowed for two off-site parking spaces to satisfy parking requirements for the inn. One of the required spaces is for a residence and it may be located in the front yard. PBS is to review and approve a revised parking plan and an easement is to be recorded.
- Coastal Development Permit CDP 2014-0036, submitted on October 10, 2014 and approved on July 30, 2015, for an off-site leach field located east of Highway 1.
- Coastal Development Permit CDP 2015-0024, submitted on September 24, 2015 and yet to be deemed complete, proposes installation of septic infrastructure on Lands of Griffin House, Lands of Greenwood Pier Inn, and Lands of Li Foo, disconnect development on Lands of Griffin House from its obsolete septic infrastructure and connect to new infrastructure.
- Coastal Development Permit CDP 2015-0024, submitted on October 5, 2015 and referred to agencies for comments on February 3, 2016, proposes improves at many lodging facilities situated on or near Greenwood Inn property. Work proposed on Greenwood Inn property includes repair of the foundation, siding, windows, doors, roofing, electrical, and plumbing. No change to the existing building foot print or height is proposed.

SITE CHARACTERISTICS:

The site is located in Elk. The project area, consisting of four contiguous parcels, is situated between Highway 1 and the shore. The project area is developed with lodging facilities and an Eating and Drinking Establishment located between the highway and shore. The site is highly constrained. Currently effluent is disposed seaward of the site. It is dumped onto the bluff face and into ocean waters below. East of the highway, and the project site, are lands that have been previously approved for a leach field (refer to CDP-2014-0036). Suitable effluent disposal areas are in close proximity to the project area.

SURROUNDING LAND USE AND ZONING:

The project site contains four contiguous parcels and two parcels comprise Griffin House, a visitor-serving facility (APN 127-181-05 and 127-181-06). The other two parcels comprise Greenwood Pier Inn (APNs 127-181-12 and 127-181-14). Greenwood Pier Inn is situated between Griffin House and Greenwood-Elk State Park lands. Adjacent uses include residential, civic, and open space land uses (see Table below). Generally, the surrounding land use designation is Rural Village. This designation is also assigned to the project site.

RELATIVE TO PROJECT SITE	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Village	Rural Village	± 1.0	Residential
EAST	Rural Village	Rural Village	± 0.5	Residential and Civic
SOUTH	Open Space	Open Space	± 9.5	Open Space
WEST	Pacific Ocean	Pacific Ocean	Pacific Ocean	Pacific Ocean

PUBLIC SERVICES:

Access: Highway 1
 Fire District: ELK
 Water District: ELK COUNTY WATER DISTRICT
 Sewer District: NONE
 School District: MENDOCINO

AGENCY COMMENTS:

On March 16, 2015, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are listed at the end of this staff report and included in the attached resolution. Any comment that would trigger a project modification or denial is discussed in the Key Issue Section of this report (below).

REFERRAL AGENCIES	RELATED PERMITS	COMMENT	DATE
Archaeological Commission		Comments	April 8, 2015
CalFire		No Comment	March 26, 2015
Caltrans		No Response	
Coastal Commission		No Response	
Department of Fish and Game		No Response	
Department of Transportation		No Comment	April 13, 2015
Elk Fire District		No Response	
Elk Water District		No Response	
Environmental Health Fort Bragg		Comments	March 25, 2015
PBS Building Inspection Fort Bragg		No Comment	March 20, 2015
PBS Planning Ukiah	U-22-92, 1637-87, U-48-86, BLA 102-91	Comments	March 20, 2015
RWQCB		No Response	
US Fish and Wildlife Service		No Comment	March 26, 2015

KEY ISSUES

1. General Plan and Zoning Consistency:

Land Use. The project complies with the general plan goals and objectives for RV designated lands, as set forth in Chapter 2, *Section 2.2 Description of Land Use Plan Map Designations Rural Village - Coastal*, of the Coastal Element, Mendocino County General Plan and in Chapter 4, *Section 4.10 Navarro River to Mallo Pass Creek Planning Area*, of the Coastal Element, Mendocino County General Plan.

Section 2.2 of the Coastal Element lists the intent of the Rural Village - Coastal land use designation to “preserve and maintain the rural atmosphere and visual quality of ... Elk... and to provide a variety of community-oriented neighborhood commercial services...” The proposal is to construct and install new septic components to serve existing visitor-serving land uses for a future connection to an off-site leach field (located east of Highway 1 and across the street from the project site). Installation of the force line and new septic components, could establish better solid-waste management within Elk and could enhance existing commercial services, like lodging facilities.

Coastal Element Policy 4.10-1 states “Elk shall be designated a Rural Village, with residential, commercial, and cottage industry uses limited mainly by sewage disposal standards. Additional overnight accommodation units shall be limited to 20 and commercial floor area limitations shall be set to keep visitor serving uses in scale with community size.” When the proposed force line is connected to an off-site leach field, wastewater disposal from the existing Griffin House and Greenwood Pier Inn (both businesses are visitor serving facilities) would be redirected from the shore to a leach field situated east of Highway 1. This application does not propose to increase the number of overnight accommodation units on either property; rather it proposes an alternative method to dispose of the effluent created on four parcels situated on small lots situated between Highway 1 and the coastline.

Appendix 5, *Community Water Supply and Sewage Disposal Systems*, of Mendocino County Coastal Element, lists 60 to 70 connections within Elk County Water District. The undetermined source “may be able to handle more use; pipes to storage are at capacity.”

Zoning Requirements. The project complies with the zoning requirements for the RV District set forth in Section 20.388.005, et. seq., and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code. The Department of Environmental Health has reviewed the proposed project and recommends that parking barriers be erected to protect the septic tanks located adjacent to gravel parking areas.

Recommended condition: “Parking barriers shall be erected to protect septic tanks.”

2. Local Coastal Program Consistency: The proposed project is consistent with the applicable goals and policies of the Local Coastal Program as described below.

Public Access. Public access follows the Highway 1 corridor through the town of Elk. Cuffy’s Point is located one mile north of Elk. Greenwood-Elk State Park with headlands and undeveloped beach on an adjacent property south of the project and west of Highway 1. The State Park lands begin about the center of Elk to the south-side of Greenwood Creek Beach. Elk Creek Shoreline is two miles south of Elk.

Hazards. The project area contains buff top parcels that are mapped High Fire Hazard, Tsunami Planning Area, and Critical Water Supply. While these hazards may exist, the proposed project would have a marginal effect on fire hazards, wave rush, or water supply. The applicant proposes to repair, replace, and install septic infrastructure. The installation of a new collection and delivery system and a new force line would have a negligible effect on the site’s risk of fire hazard, extreme flooding, or use of ground water. The site’s water source is by connection to the Elk County Water District. A January 16, 2015 geotechnical report prepared by Brunsing Associates states, “impact or inundation from a severe storm surge or tsunami event is not considered a risk for the site (page 12).”

Visual Resources. All of the Rural Village west of Highway 1 is excluded from the Highly Scenic Area.

Archaeological/Cultural Resources. The Archaeological Committee discussed this project on April 8, 2015 and recommended two conditions for project approval. One condition recommends that trenching and other grading activity shall be monitored by a professional archaeologist. The second recommended condition is when archaeological materials or features older than 50-years are encountered during construction, work shall stop, the area secured and evaluated by a professional archaeologist. In addition,

Standard Condition #8 advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Recommended conditions: "Due to the high potential for buried historic era archaeological remains along a lateral trench for this project planned through Assessor's Parcels 127-181-06, 127-181-12, and 127-181-14, that trenching must be monitored by a professional archaeologist. If intact archaeological remains are encountered during that monitoring all work within 25-feet of the discovery shall immediately cease and the procedure described in Condition 10 followed. The archaeologist may determine that monitoring goals have been met at any time while inspecting ground disturbing activities, at which time a letter report shall be issued describing the monitoring activity and outcome."

And "If archaeological materials or features older than 50 years are encountered during future construction of this project, work shall immediately stop within 25-feet of that area and temporary security fencing shall be used to restrict entry to that area. The discovery shall be reported within one business day to the Director of Planning and Building Services. The project proponent shall hire a professional archaeologist to evaluate the nature and significance of the find and determine a suitable course of action in consultation with the project proponent and County. If the discovery is associated with Native American activities, tribal representatives shall be contacted consistent with pertinent laws and regulations."

Groundwater Resources. The site is located within an area mapped as Critical Water Resource. Potable water is provided through connections to the Elk County Water District.

Transportation/Circulation. 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.

3. Environmental Protection:

A Class 2 Categorical Exemption from the California Environmental Quality Act pursuant is recommended, because the project scope follows Guideline Section 15302(c), which states "replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity."

Spade Natural Resource Consulting prepared a biological scoping survey report on March 9, 2015 and July 9, 2015. The scoping survey included the project site and other adjacent lands that are associated with other Coastal Development Permit applications. On the lands associated with CDP 2015-0004, Spade Natural Resource Consulting did not identify sensitive habitat to protect or avoid.

RECOMMENDATION

By resolution, adopt a Class 1 Categorical Exemption from the California Environmental Quality Act and grant a Coastal Development Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

DATE

JULIANA CHERRY
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$1100.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Site Plan 1
- D. Site Plan 2
- E. Site Plan 3
- F. Site Plan 4
- G. Site Plan 5
- H. Site Plan 6
- I. Adjacent Owner Map
- J. Zoning Map
- K. General Plan
- L. LCP Map
- M. Fire Hazards Map

APPENDIX A- COASTAL PERMIT CHECKLIST

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



CASE: CDP 2015-0004
OWNER: Jackson Rancheria Dvlp. Corp.
APN: 127-181-05, 06, 12, 14
APLCT: JRDC
ADDRESS: 5900 S. Hwy. 1, EL

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



LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.



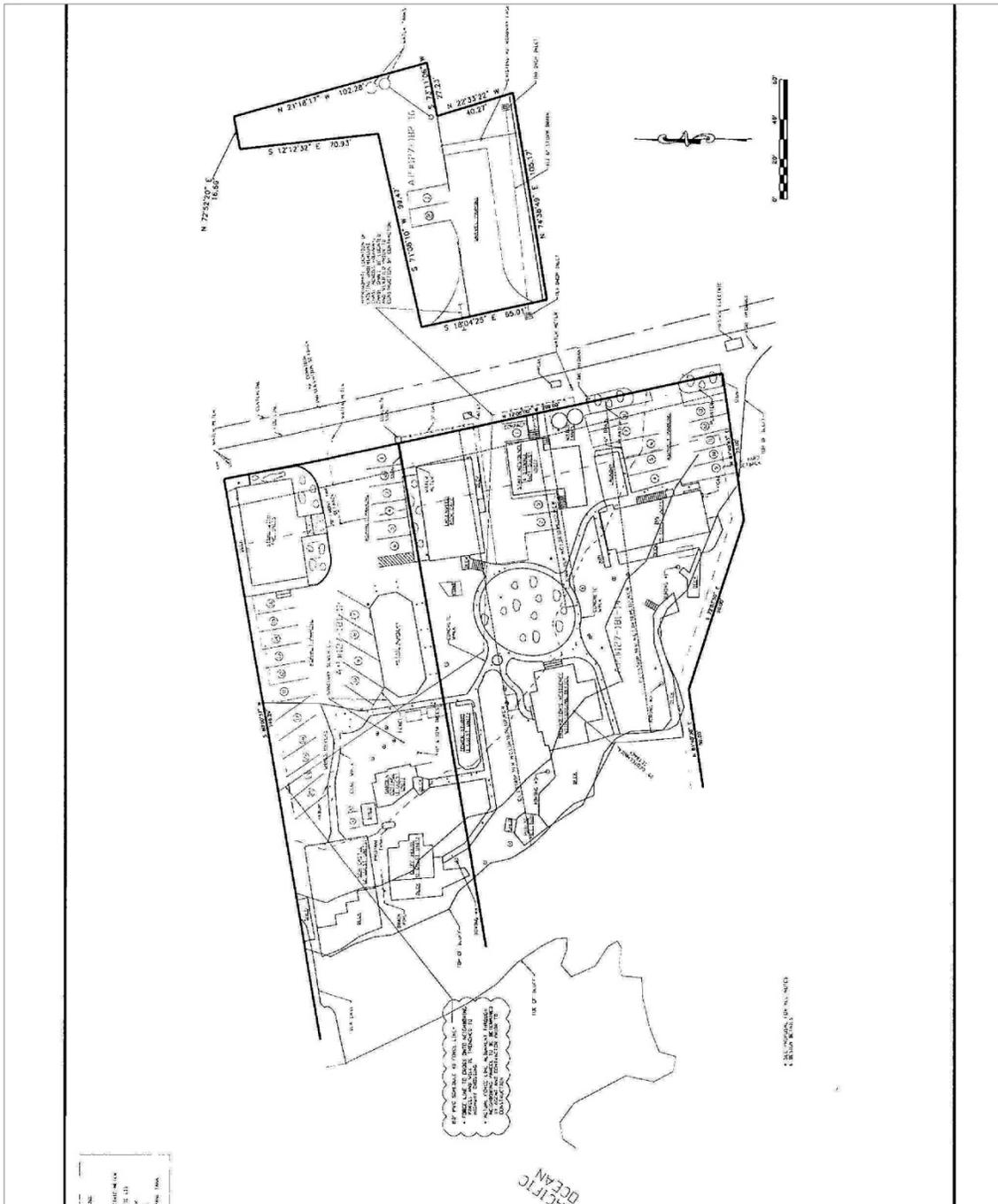
CASE: CDP 2015-0004
OWNER: Jackson Rancheria Dvlp. Corp.
APN: 127-181-05, 06, 12, 14
APLCT: JRDC
ADDRESS: 5900 S. Hwy. 1, EL

Highways

0 25 50 Feet
0 0.0045 0.009 Miles
1:600

GOOGLE EARTH IMAGERY
IMAGERY DATE: 8-17-2013

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.

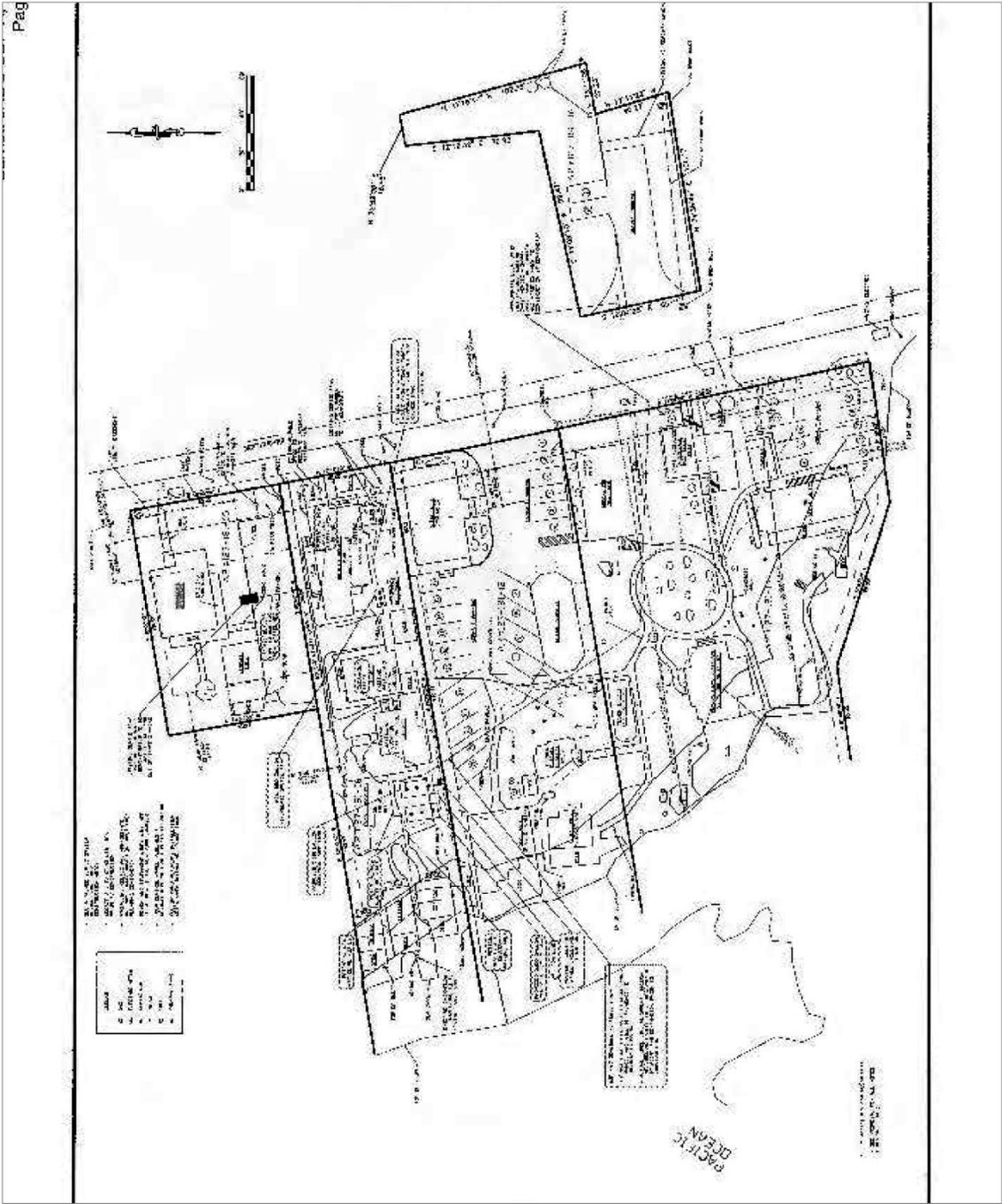


CASE: CDP 2015-0004
OWNER: Jackson Rancheria Dvlp. Corp.
APN: 127-181-05, 06, 12, 14
APLCT: JRDC
ADDRESS: 5900 S. Hwy. 1, EL

NO SCALE

SITE PLAN 2

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

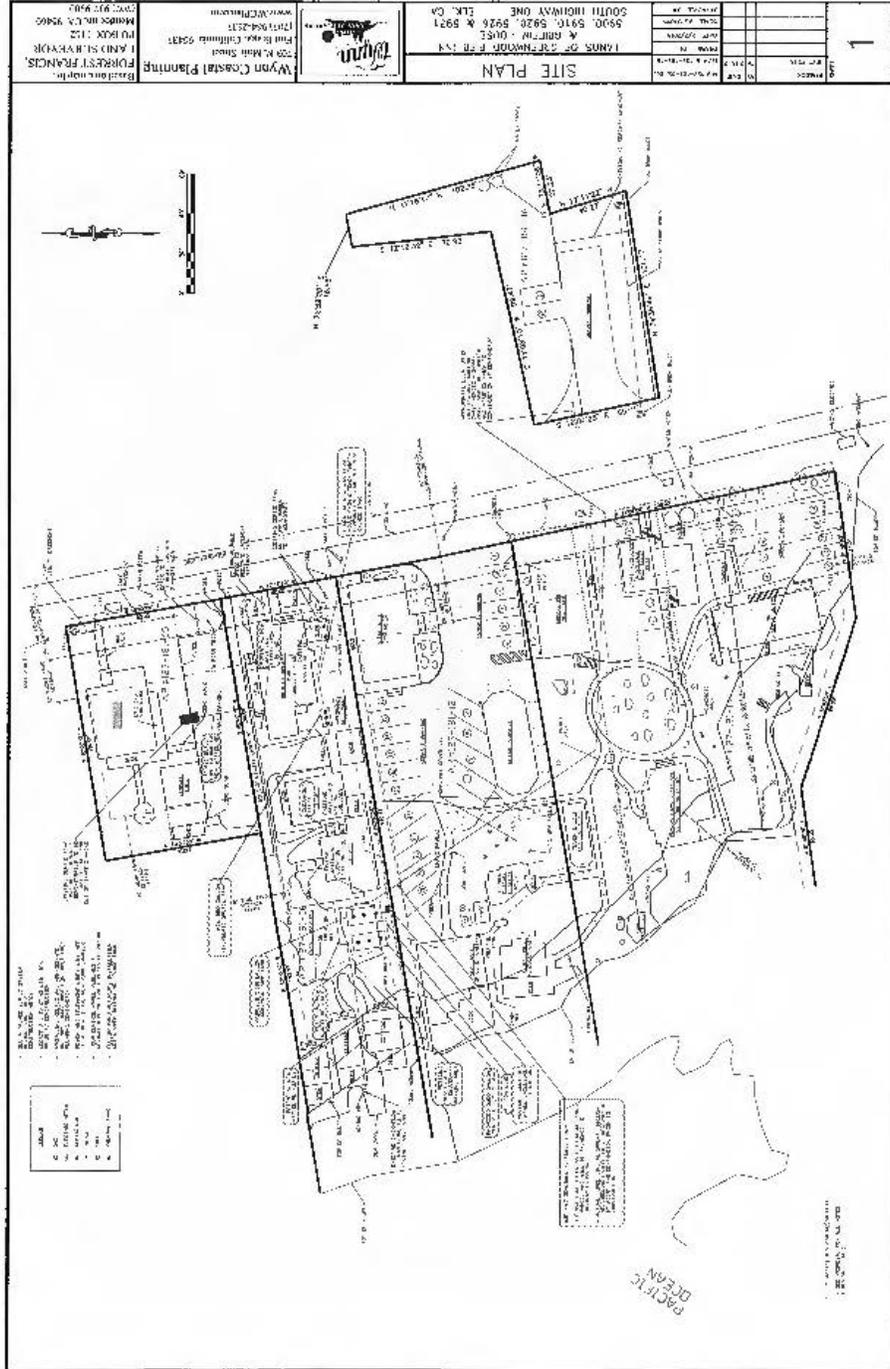


CASE: CDP 2015-0004
 OWNER: Jackson Rancheria Dvlp. Corp.
 APN: 127-181-05, 06, 12, 14
 APLCT: JRDC
 ADDRESS: 5900 S. Hwy. 1, EL

NO SCALE

SITE PLAN 3

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



Wynn Coastal Planning

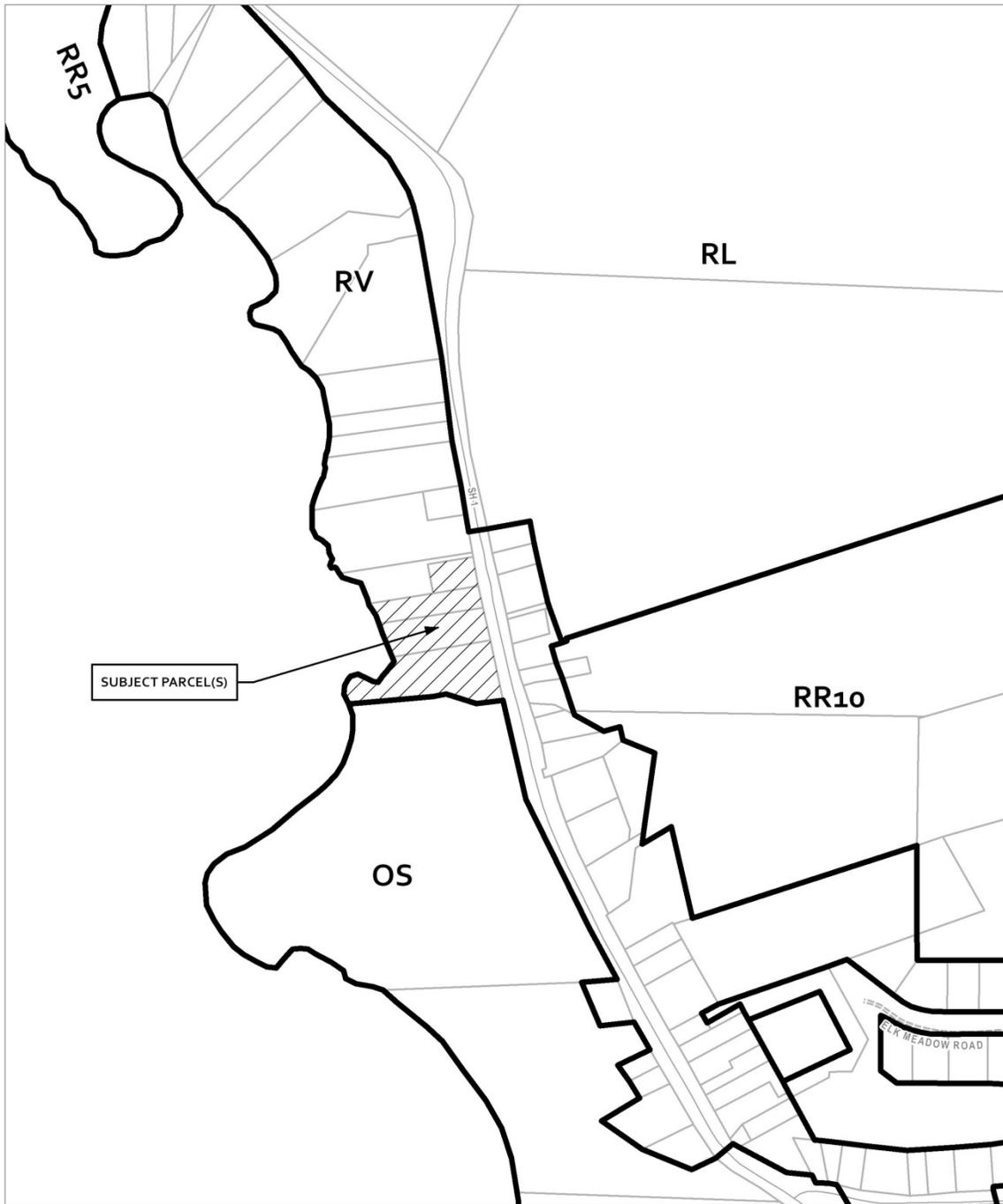


CASE: CDP 2015-0004
OWNER: Jackson Rancheria Dvlp. Corp.
APN: 127-181-05, 06, 12, 14
APLCT: JRDC
ADDRESS: 5900 S. Hwy. 1, EL



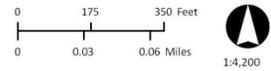
ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.



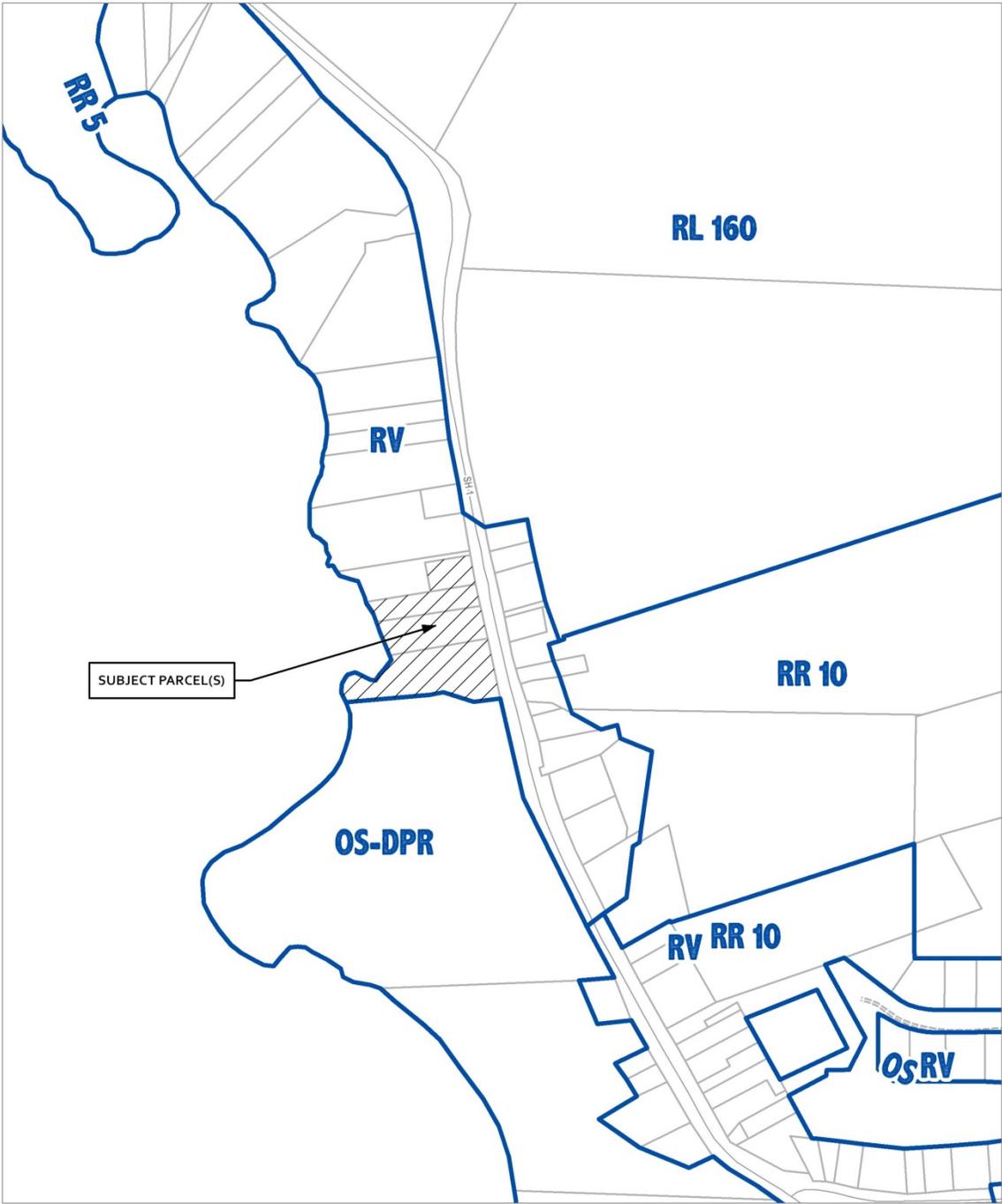
CASE: CDP 2015-0004
OWNER: Jackson Rancheria Dvlp. Corp.
APN: 127-181-05, 06, 12, 14
APLCT: JRDC
ADDRESS: 5900 S. Hwy. 1, EL

 Zoning Master



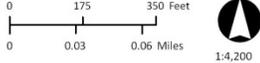
ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.



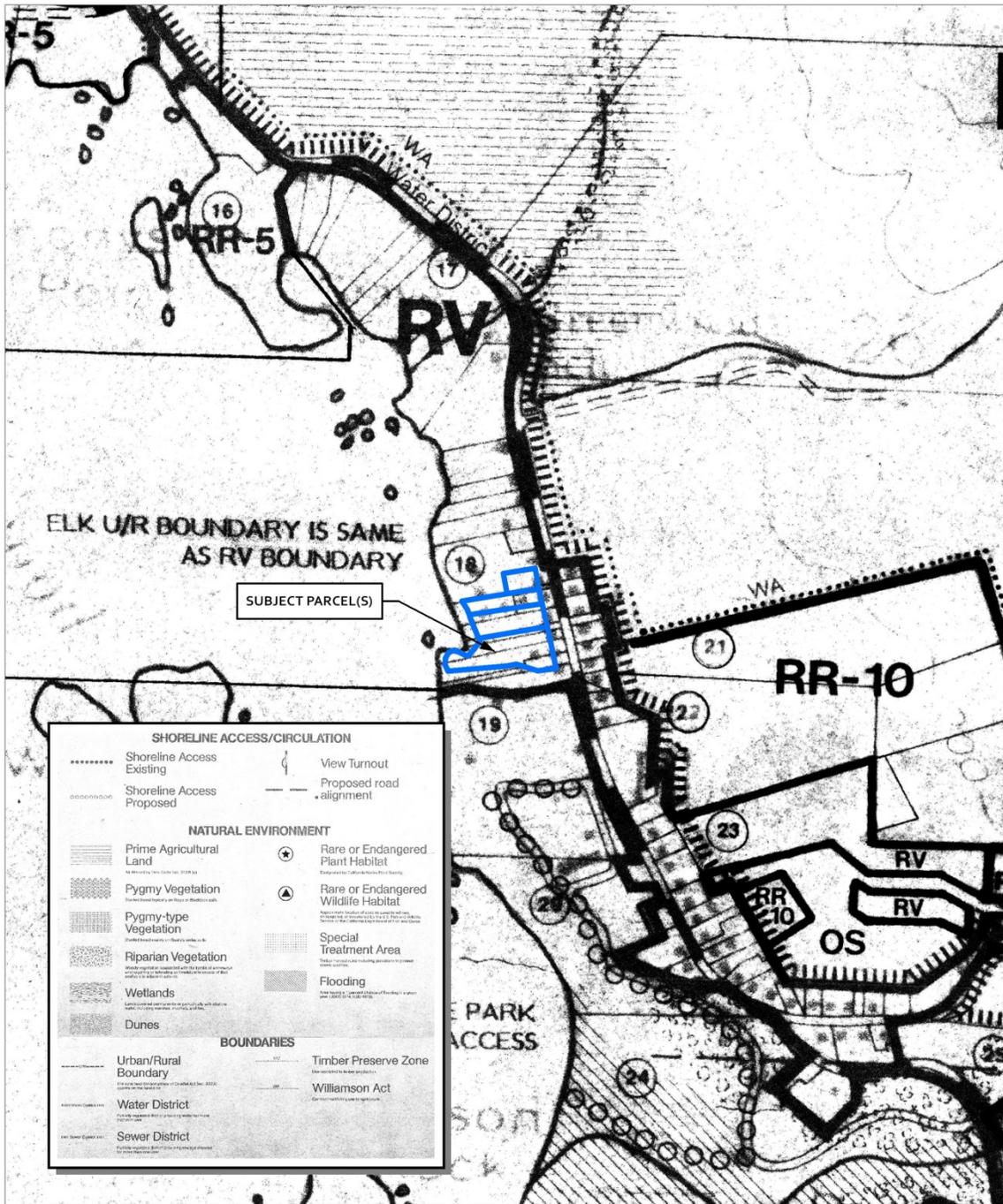
CASE: CDP 2015-0004
OWNER: Jackson Rancheria Dvlp. Corp.
APN: 127-181-05, 06, 12, 14
APLCT: JRDC
ADDRESS: 5900 S. Hwy. 1, EL

 General Plan Master



GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, March, 2015
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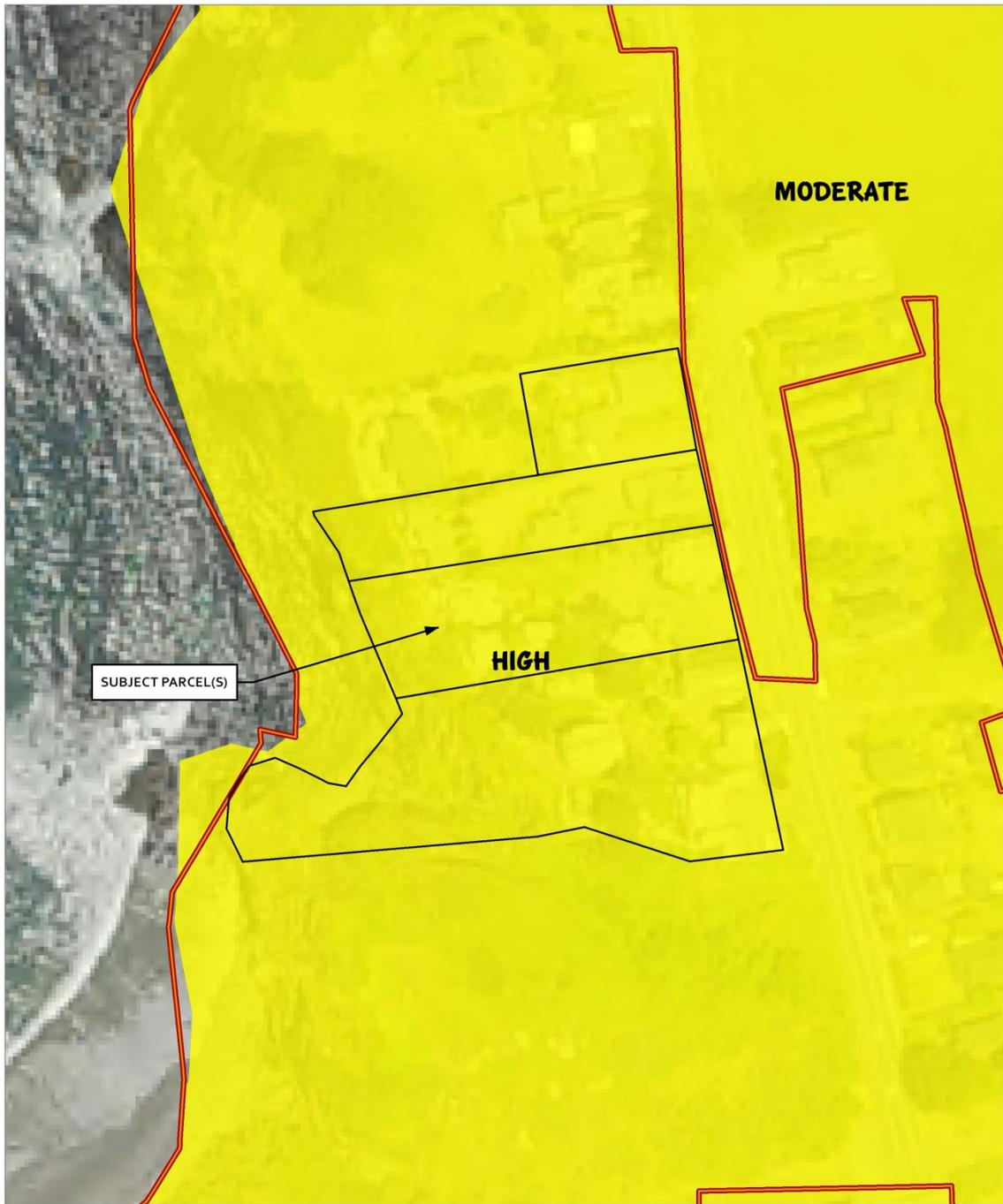


CASE: CDP 2015-0004
 OWNER: Jackson Rancheria Dvlp. Corp.
 APN: 127-181-05, 06, 12, 14
 APLCT: JRDC
 ADDRESS: 5900 S. Hwy. 1, EL



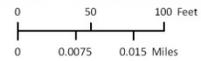
LCP MAP 20: ELK

Map produced by the Mendocino County Planning & Building Services, March, 2015
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CASE: CDP 2015-0004
OWNER: Jackson Rancheria Dvlp. Corp.
APN: 127-181-05, 06, 12, 14
APLT: JRDC
ADDRESS: 5900 S. Hwy. 1, EL

 State Responsibility Areas



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
ELK CSD

Map produced by the Mendocino County Planning & Building Services, March, 2015
All spatial data is approximate. Map provided without warranty of any kind.

**APPENDIX A: COASTAL PERMIT APPROVAL CHECKLIST
CDP_2015-0040 (JACKSON RANCHERIA)
APRIL 28, 2016**

PROJECT TITLE: CDP_2015-0004

PROJECT LOCATION: 5900-5926 So Hwy 1
Elk, California
APN: 127-181-05, -06, -12, and -14

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

GENERAL PLAN DESIGNATION: Mendocino County General Plan – Coastal Element
RV (Rural Village)

ZONING DISTRICT Mendocino County Coastal Zoning Code – Division II
RV (Rural Village)

DESCRIPTION OF PROJECT: A request to repair, replace, and install septic infrastructure on two adjoining lots owned by Jackson Rancheria Development. The work will address deficiencies in the current septic system that serves (1) Griffin House, a 7-unit visitor serving facility with on-site laundry processing, (2) a two-bedroom Griffin House manager’s residence, and (3) Bridget Dolan’s Pub-Restaurant with 21 seats. The proposal is to install new collection and delivery system components on the Griffin House Inn property to serve all of the current uses on the property and to install new force line on Greenwood Pier Inn property in preparation for future sewer connection to the leach field proposed on Lands of Li Foo, across the street from and easterly of the project site.

SITE DESCRIPTION AND SETTING: The site is located in Elk. The project area, consisting of four contiguous parcels, is situated between Highway 1 and the shore. The project area is developed with lodging facilities and Eating and Drinking Establishment located between the highway and shore. The site is highly constrained. Currently wastewater is disposed seaward of the site. East of the highway, and the project site, are lands that have been previously approved for a leach field. Suitable effluent disposal areas are in close proximity to the project area.

DETERMINATION: The proposed project can satisfy all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.532.095 and 20.532.100 of the Mendocino County Coastal Zoning 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 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
(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"/>
(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 checked="" type="checkbox"/>	<input type="checkbox"/>

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

Consistent (without 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 LCP addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluff tops; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes the Mendocino County Coastal Zoning Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

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

General Plan Land Use – Rural Residential

The project complies with the general plan goals and objectives for RV designated lands, as set forth in Chapter 2, *Section 2.2 Description of Land Use Plan Map Designations Rural Village - Coastal*, of the Coastal Element, Mendocino County General Plan and in Chapter 4, *Section 4.10 Navarro River to Mallo Pass Creek Planning Area*, of the Coastal Element, Mendocino County General Plan.

Section 2.2 of the Coastal Element lists the intent of the Rural Village - Coastal land use designation to “preserve and maintain the rural atmosphere and visual quality of ... Elk... and to provide a variety of community-oriented neighborhood commercial services...” The proposal is to construct and install new septic components to serve existing visitor-serving land uses for a future connection to an off-site leach field (located east of Highway 1 and across the street from the project site). Installation of the force line and new septic components, could establish better wastewater management within Elk and could enhance existing commercial services, like lodging facilities.

Coastal Element Policy 4.10-1 states “Elk shall be designated a Rural Village, with residential, commercial, and cottage industry uses limited mainly by sewage disposal standards. Additional overnight

accommodation units shall be limited to 20 and commercial floor area limitations shall be set to keep visitor serving uses in scale with community size.” When the proposed force line is connected to an off-site leach field, wastewater disposal from the existing Griffin House and Greenwood Pier Inn (both businesses are visitor serving facilities) would be redirected from the shore to a leach field situated east of Highway 1. This application does not propose to increase the number of overnight accommodation units on either property; rather it proposes an alternative method to dispose of the solid waste created on four parcels situated on small lots situated between Highway 1 and the coastline.

Hazards

Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone. Mapping does associate the following with the subject site: faults, bluffs, landslides, erosion, fire hazard and flood hazard.

Seismic Activity: In the January 16, 2015 geotechnical report prepared by Brunsing and Associates, the engineer reports that “the subject property is not located within an “Earthquake Fault Zone... The existing structures do not appear to be astride an active fault. However, the proximity of the site to the main trace of the San Andreas Fault continues to be a significant geologic hazard (page 9).”

Flooding: In the January 16, 2015 geotechnical report prepared by Brunsing and Associates, the engineer reports that “impact or inundation from a severe storm surge or tsunami event is not considered a risk for the site (page 12).”

Fire: The parcel is located in an area characterized by a high fire hazard severity rating.¹ The project application was referred to the California Department of Forestry and Fire Protection (CalFire) for input. California Department of Forestry and Fire Prevention reviewed the application and indicated that there were no comments at this time.

Erosion: The project site is situated between Highway 1 and the bluff edge. The bluff face is subject to wave rush and possible erosion. Slope stability analysis was prepared in January 2015 by Brunsing and Associates. Their report Sections 5.4 and 5.5 address slope stability and bluff retreat rates. The conclusion is that the bluff edges have been eroding at a rate of less than one inch per year and that the bluffs have a safety factor greater than 1.5 for static conditions (page 10).

Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan’s Coastal Element and implemented by Chapter 20.504 of the MCC. The subject parcel is not located within a mapped Highly Scenic Area (HSA), as depicted on the *Elk* LCP map.²

- **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 Department of Environmental Health has reviewed the proposed project and recommends that parking barriers be erected to protect the septic tanks located adjacent to gravel parking areas.

Recommended condition: “Parking barriers shall be erected to protect septic tanks.”

Access Roads

¹ *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

² Mendocino County Coastal Zoning Code, § II-20.376.045 (1991).

The four parcels have direct access to Highway 1, as they front the highway. Mendocino County Department of Transportation (MDOT) was invited to provide comment on the application. Letters to Planning and Building Services from MDOT dated April 13, 2015 recommend approval of the permit request as the proposed work does not impact a County road. No response was received from California Department of Transportation (CalTrans).

- **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 (without conditions of approval)

Intent: The subject parcel is zoned Rural Village (RV). The intent of the RV zoning district is “to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.

The proposal is to install new septic components to serve the existing Visitor-Serving Facilities and Eating and Drinking Establishment; and to install a new force line in preparation for a future connection to an off-site leach field.

Use: The proposed work will address deficiencies in the current septic system that serves (1) Griffin House, a 7-unit visitor serving facility with on-site laundry processing, (2) a two-bedroom Griffin House manager’s residence, and (3) Bridget Dolan’s Pub-Restaurant with 21 seats.

Yards: The minimum required front and rear yards in the RV zoning district are twenty feet and side yards are six feet; the site has been historically developed and may not conform with more recent development standards.³

Height: The maximum permitted building height in the RV zoning district is thirty-five feet above natural grade. The site has been historically developed and may not conform to more recent development standards.

Lot Coverage: The maximum permitted lot coverage in the RV zoning district fifty percent. The site has been historically developed and may not conform to more recent development standards. The proposed work is almost entirely underground with the exception of a few bollards installed to protect subterranean tanks located adjacent to existing parking areas.

- **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)

A Class 2(c) Categorical Exemption from CEQA, pursuant to Section 15302, for replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

- **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)

The Archaeological Committee discussed this project on April 8, 2015 and recommended two conditions for project approval. One condition recommends that trenching and other grading activity shall be monitored by a professional archaeologist. The second recommended condition is when archaeological materials or features older than 50-years are encountered during construction, work shall stop, and the

³ Mendocino County Coastal Zoning Code, § II-20.388.035 et seq (1991). Print.

area secured and evaluated by a professional archaeologist. In addition, Standard Condition #8 advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Recommended condition: "Due to the high potential for buried historic era archaeological remains along a lateral trench for this project planned through Assessor's Parcels 127-181-06, 127-181-12, and 127-181-14, that trenching must be monitored by a professional archaeologist. If intact archaeological remains are encountered during that monitoring all work within 25-feet of the discovery shall immediately cease and the procedure described in Condition 10 followed. The archaeologist may determine that monitoring goals have been met at any time while inspecting ground disturbing activities, at which time a letter report shall be issued describing the monitoring activity and outcome."

Recommended condition: "If archaeological materials or features older than 50 years are encountered during future construction of this project, work shall immediately stop within 25-feet of that area and temporary security fencing shall be used to restrict entry to that area. The discovery shall be reported within one business day to the Director of Planning and Building Services. The project proponent shall hire a professional archaeologist to evaluate the nature and significance of the find and determine a suitable course of action in consultation with the project proponent and County. If the discovery is associated with Native American activities, tribal representatives shall be contacted consistent with pertinent laws and regulations."

- **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)

Solid Waste: There will be no increase in solid waste. The proposal is to better manage wastewater onsite, and eventually connect wastewater to an approved off-site leach field. The Department of Environmental Health has reviewed the proposed project, which includes installing underground tanks adjacent to existing parking areas, and recommends that parking barriers be erected to protect the septic tanks located adjacent to gravel parking areas.

Recommended condition: "Parking barriers shall be erected to protect septic tanks."

Roadway Capacity: The subject property is located at 5900-5926 S Highway 1, which is approximately half a mile north of its intersection with Philo-Greenwood Road. The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The proposed septic components and new force line will not directly generate any additional vehicle trips per day.

The nearest data breakpoint in the study is located at the intersection of Philo-Greenwood Road and Highway 1. The existing level of service at peak hour conditions at this location is considered Level of Service A.⁴ No change in service levels is anticipated.

- **20.532.095(B)(1) 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: 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.**

Consistent (without conditions of approval)

The project site is located west of Highway 1, but is not designated as a potential public access trail location on the *Elk* LCP Map. Coastal access is provided contiguous with Highway 1, at numerous locations, throughout Elk. There is no evidence of prescriptive access on the developed site. The project

⁴ *State Route 1 Corridor Study Update for the County of Mendocino*. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Print.

would have no effect on public access to the coast. Other nearby access points include: Cuffy's Point (located one mile north of Elk), Greenwood-Elk State Park with headlands and undeveloped beach (south of the project and west of Highway 1), and Elk Creek Shoreline (two miles south of Elk).

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:				
(a) The proposed use is compatible with the long-term protection of resource lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

➤ **20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made...**

The 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.

Spade Natural Resource Consulting prepared a biological scoping survey report on March 9, 2015 and July 9, 2015. On lands associated with CDP 2015-0004, Spade Natural Resource Consulting did not identify sensitive habitat to protect or avoid.

Resolution Number _____

County of Mendocino
Ukiah, California
4/28/2016

CDP_2015-0004 JACKSON RANCHERIA DEVELOPMENT

RESOLUTION OF THE Coastal Permit Administrator, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING CATEGORICAL EXEMPTION FROM CEQA AND GRANTING A COASTAL DEVELOPMENT PERMIT FOR A SEWER REPAIRS AND FORCE LINE IN THE TOWN OF ELK.

WHEREAS, the applicant, JACKSON RANCHERIA DEVELOPMENT, filed an application for a Coastal Development Permit (CDP-2015-0004) with the Mendocino County Department of Planning and Building Services to install new septic components to serve the existing uses and to install a new force line, in preparation for a future connection to an off-site leach field, located on land in the Coastal Zone, within the town of Elk, lying west of Highway 1, less than one half mile north of its intersection with Philo-Greenwood Road (CR 132). Located at 5900 & 5910 S Highway 1 (Griffin House) 5920 & 5926 S Highway 1 (Greenwood), Elk; APN's 127-181-05, -06, -12, and -14., 5900-5926 SO HWY 1, ELK; 12718105; General Plan RV:U; Zoning RV:40K/NONE; Supervisorial District 5; (the "Project"); and

WHEREAS, a pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto, this project has been found to be Categorically Exempt from environmental review; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on, April 28, 2016, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Class 2 Categorical Exemption from the California Environmental Quality Act pursuant to PRC Section 15302(c) and the Project. All interested persons were given an opportunity to hear and be heard regarding the Class 2 Categorical Exemption from the California Environmental Quality Act and the Project; 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 certified Local Coastal Program and the Board of Supervisors regarding the Class One Categorical Exemption from CEQA 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; the proposed septic repairs and new force line would support Coastal Element Policy 4.10-1 by improving the on-site sewage disposal practices within the Elk; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; the proposed septic repair will establish better access to waste treatment by installing a force line and collection components that will eventually route all sewage waste to an approved leach field located on property to the east of the project site; 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; the RV District is intended to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages, like the Town of Elk;

the existing land uses are allowed and the proposed septic repair will improve the provision of a variety of community-oriented neighborhood commercial services and activities; 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; the Archaeological Commission recommends, based on an archaeological survey, two conditions of approval be accepted which will have the effect of protecting potential resources of historic value; 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; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan; the Coastal Access Trail is contiguous with Highway 1 route through the town of Elk and the proposed project will not diminish access to the coast; and

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Class 2 Categorical Exemption from the California Environmental Quality Act pursuant to Guidelines Section 15302(c).

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.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

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: _____

BY: STEVE DUNNICLIFF, Director

By: ANDY GUSTAVSON, Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM CDP_2015-0004 4/28/2016

Coastal Development Permit to install new septic components to serve the existing uses and to install a new force line in preparation for a future connection to an off-site leach field.

PROJECT DESCRIPTION: Coastal Development Permit to install new septic components to serve the existing uses and to install a new force line in preparation for a future connection to an off-site leach field.

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.

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. That this permit 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 (1) or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.

- d. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) 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 resources in accordance with Section 22.12.090 of the Mendocino County Code.
- *9. Due to the high potential for buried historic era archaeological remains along a lateral trench for this project planned through Assessor's Parcels 127-181-06, 127-181-12, and 127-181-14, that trenching must be monitored by a professional archaeologist. If intact archaeological remains are encountered during that monitoring all work within 25-feet of the discovery shall immediately cease and the procedure described in Condition 10 followed. The archaeologist may determine that monitoring goals have been met at any time while inspecting ground disturbing activities, at which time a letter report shall be issued describing the monitoring activity and outcome.
- *10. If archaeological materials or features older than 50 years are encountered during future construction of this project, work shall immediately stop within 25-feet of that area and temporary security fencing shall be used to restrict entry to that area. The discovery shall be reported within one business day to the Director of Planning and Building Services. The project proponent shall hire a professional archaeologist to evaluate the nature and significance of the find and determine a suitable course of action in consultation with the project proponent and County. If the discovery is associated with Native American activities, tribal representatives shall be contacted consistent with pertinent laws and regulations.
- *11. Parking barriers shall be erected to protect septic tanks.