



SUMMARY

OWNER/APPLICANT: DANIEL STONE
PO BOX 1634
FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit to construct a 312 square-foot Family Care Unit.

DATE DEEMED COMPLETE: May 17, 2016

LOCATION: In the coastal zone, located on the south side of Mitchell Way approximately ½ mile west of its intersection with Boice Lane at 32001 Mitchell Way, Fort Bragg (APN 017-220-31).

TOTAL ACREAGE: 1.5

GENERAL PLAN: Rural Residential 5 acre minimum (RR5)

ZONING: Rural Residential 5 acre minimum (RR5)

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically Exempt - 15303 Class 3(a) new construction of a second dwelling unit.

RECOMMENDATION: Approve with conditions.

STAFF PLANNER: Robert LaPorte

BACKGROUND

PROJECT DESCRIPTION: A Standard Coastal Development Permit to construct a 312 square-foot Family Care Unit. Associated developments consist of connection to existing septic, electric, well, and gas utilities.

APPLICANT'S STATEMENT: Build small family care unit. No other work to be done.

RELATED APPLICATIONS:

On-Site

- GP 20-82 – General Plan Amendment proposed to change the General Plan zoning designation for the Simpson Lane area from RR5 to RR2. This amendment was denied.
- BL 2015-0006 - Business license for Home Occupation - Architectural Drafting.

SITE CHARACTERISTICS: The project site is a parcel east of Highway 1, within the coastal zone, located at 32001 Mitchell Way, Fort Bragg. Mitchell Way is a private road that serves approximately 15 residential parcels ranging from 1 to 23 acres in size. The subject parcel is bordered by residential uses to the east, south, and west, with the Jackson State Forest timberland to the north. The 1.5 acre site is generally level with 0.5% slopes. The soil type at the site is Tregoning-Cleone complex which contains small portions of Blacklock soils, a soil capable of producing pygmy vegetation. During a site visit staff did not observe any stunted vegetation. The property has an existing gravel driveway serving a single-family residence with a few small outbuildings and a landscaped area consisting of a lawn and garden. The proposed location of the Family Care Unit is on the lawn area approximately 25 feet northeast of the existing residence.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Forest Land 160	Timber Production 160	39.15 acres	Timber
EAST	Rural Residential 2	Rural Residential 2	4.87 acres	Single Family Residential
SOUTH	Rural Residential 2	Rural Residential 2	3.41 acres	Single Family Residential
WEST	Rural Residential 5	Rural Residential 5	4.78 acres	Single Family Residential

PUBLIC SERVICES:

Access: Mitchell Way (private)
 Fire District: Fort Bragg Rural & CalFire
 Water District: None
 Sewer District: None
 School District: Fort Bragg

AGENCY COMMENTS: On May 17, 2016 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. Agency comments were received and they are summarized below.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Environmental Health-FB		Comment	5-31-2016
Department of Transportation		No Response	
Building Services-FB PBS		No Response	
Planning-Ukiah	GP 20-82, BL 2015-0006	No Comment	5-23-2016
Assessor		No Response	
US Fish & Wildlife Service		No Response	
Tribes		No Response	
CalFire	CalFire 85-16	Comment	5-20-2016
CA Department of Fish and Wildlife		No Response	
Coastal Commission		No Response	
Fort Bragg Rural Fire Department		No Comment	5-23-2016

Planning identified an existing business license for a home occupation as well as a proposed General Plan Amendment (GP 20-82) that would have affected the subject parcel. The proposed amendment would change the General Plan zoning designation from RR5 to RR2. On March 14, 1983, the Board of Supervisors denied without prejudice GP 20-82 on issues of circulation.

Environmental Health stated that the Family Care Unit must connect to the existing septic system.

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

While no specific conditions for the project's approval were received, details about agency responses are included in the Coastal Permit Approval Checklist (Checklist).

KEY ISSUES

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

1. Fire:

The project is located in an area that has a high fire hazard severity rating, as shown on the Fire Hazard Zones and Responsibility Areas map. The project application was referred to the Fort Bragg Rural Fire Department and California Department of Forestry and Fire Protection (CalFire) for comment. CalFire commented that the applicant adhere to Public Resources Code 4290 which specifies regulations for minimum fire safety standards related to defensible space. The applicant submitted a CalFire Preliminary Clearance (CDF #85-16), with specified conditions for address standards, driveway standards, defensible space standards, and maintaining defensible space. **Condition 8** is recommended to achieve compliance with CalFire safety standards, which states:

Condition 8: The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF #85-16) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the building permit, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.

2. General Plan and Zoning Consistency:

The general plan and zoning for the project site is Rural Residential. Within this designation, *Residential Single-Family* is a principally permitted land use. The existing residence is permitted and consistent with the goals and policies of Mendocino County General Plan, Coastal Element, and the intent of the County Codes.

The parcel subject to the application is classified as Rural Residential as shown on the Zoning Display Map. The proposed construction of a Family Care Unit is permissible as a temporary use under MCC Section 20.460.040, with issuance of a Standard Coastal Development Permit, provided the applicant meets the provisions of the section for eligibility. **Conditions 9 and 10** are recommended to ensure that the Family Care Unit is used in a manner consistent with Mendocino County Code.

Condition 9: The applicant shall have the sole responsibility of renewing the Family Care Unit permit each year, prior to the expiration date. Prior to the granting of the permit and yearly renewal, a statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the Family Care Unit is to provide housing for either: (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who require daily supervision or care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

Condition 10: Should the use or necessity of the temporary Family Care Unit cease, it shall be either removed from the premises or converted to an accessory structure as provided in Chapter 20.456. Should the occupants of the Family Care Unit or the main residence move to another off-site residence, the permits for the Family Care Unit shall become null and void.

RECOMMENDATION

By resolution, adopt a Categorical Exemption and grant Coastal Development Permit # CDP_2016-0018 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

DATE

ROBERT LAPORTE
PLANNING TECHNICIAN II

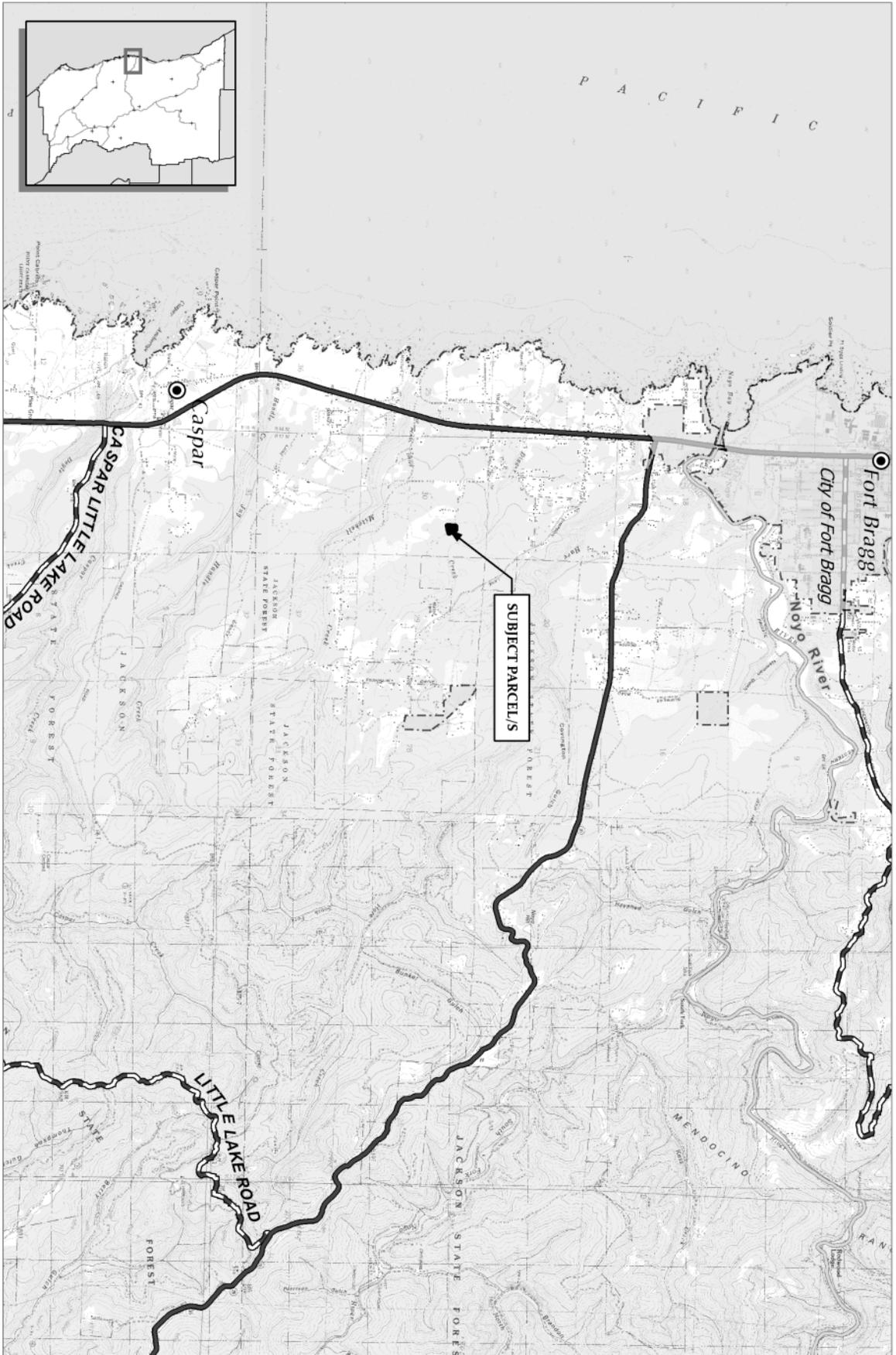
Appeal Period: Ten (10) calendar days for the Mendocino County Board of Supervisors.

Appeal Fee: \$945 - For an appeal to the Mendocino County Board of Supervisors.

ATTACHMENTS:

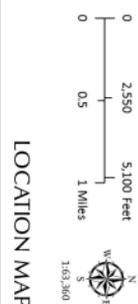
- A. Location Map
- B. Aerial Map
- C. Site Map
- D. Elevations
- E. Floor Plan
- F. Adjacent Parcels Map
- G. Zoning Map
- H. General Plan Map
- I. LCP Map
- J. Fire Hazards Map
- K. Soils Map
- L. Ground Water Resources
- M. Timber Production Map
- N. Land Capabilities & Natural Hazards Map
- O. Habitats & Resources Map

COASTAL PERMIT APPROVAL CHECKLIST



CASE: CDP 2016-0018
OWNER: STONE, Daniel
APN: 07-220-31
AP/CT: Daniel Stone
AGENT:
ADDRESS: 32001 Mitchell Way, FB

- Major Towns & Places
- Incorporated City Limits
- Major Rivers
- Highways
- Major Roads



LOCATION MAP

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



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

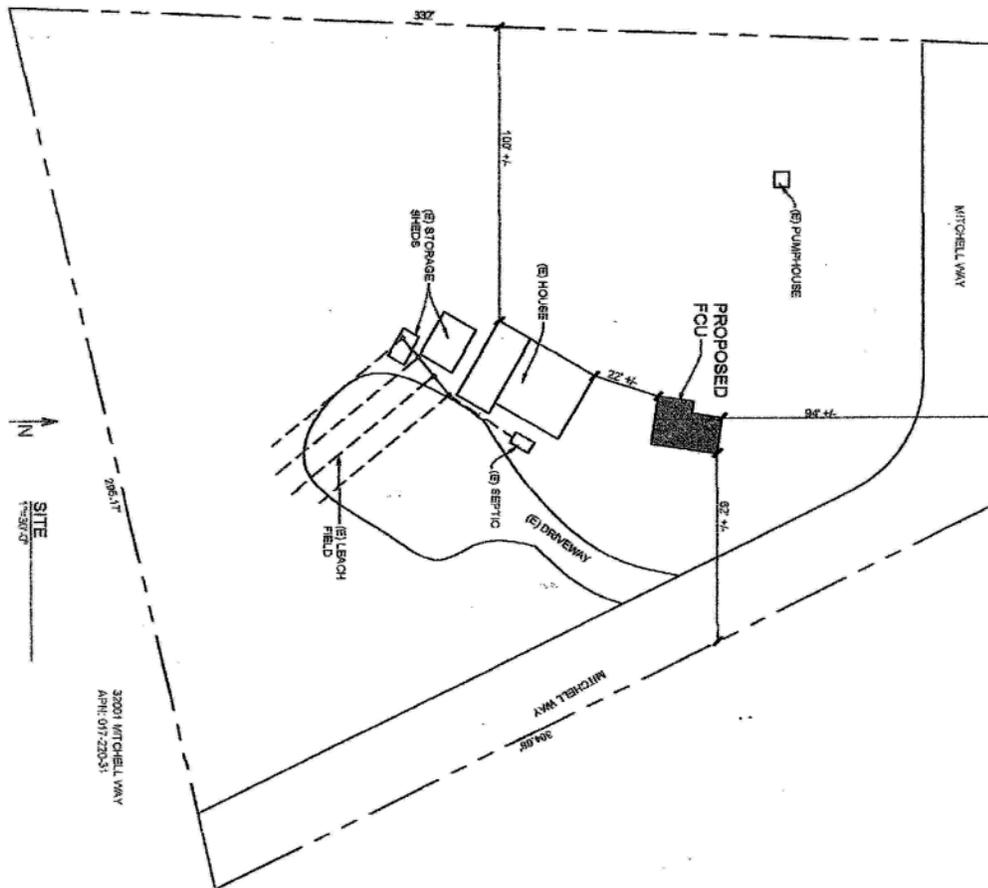


CASE: CDP 2016-0018
 OWNER: STONE, Daniel
 APN: 017-220-31
 AGENT: Daniel Stone
 ADDRESS: 32001 Mitchell Way, FB

--- Private Roads

ESRI IMAGERY

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

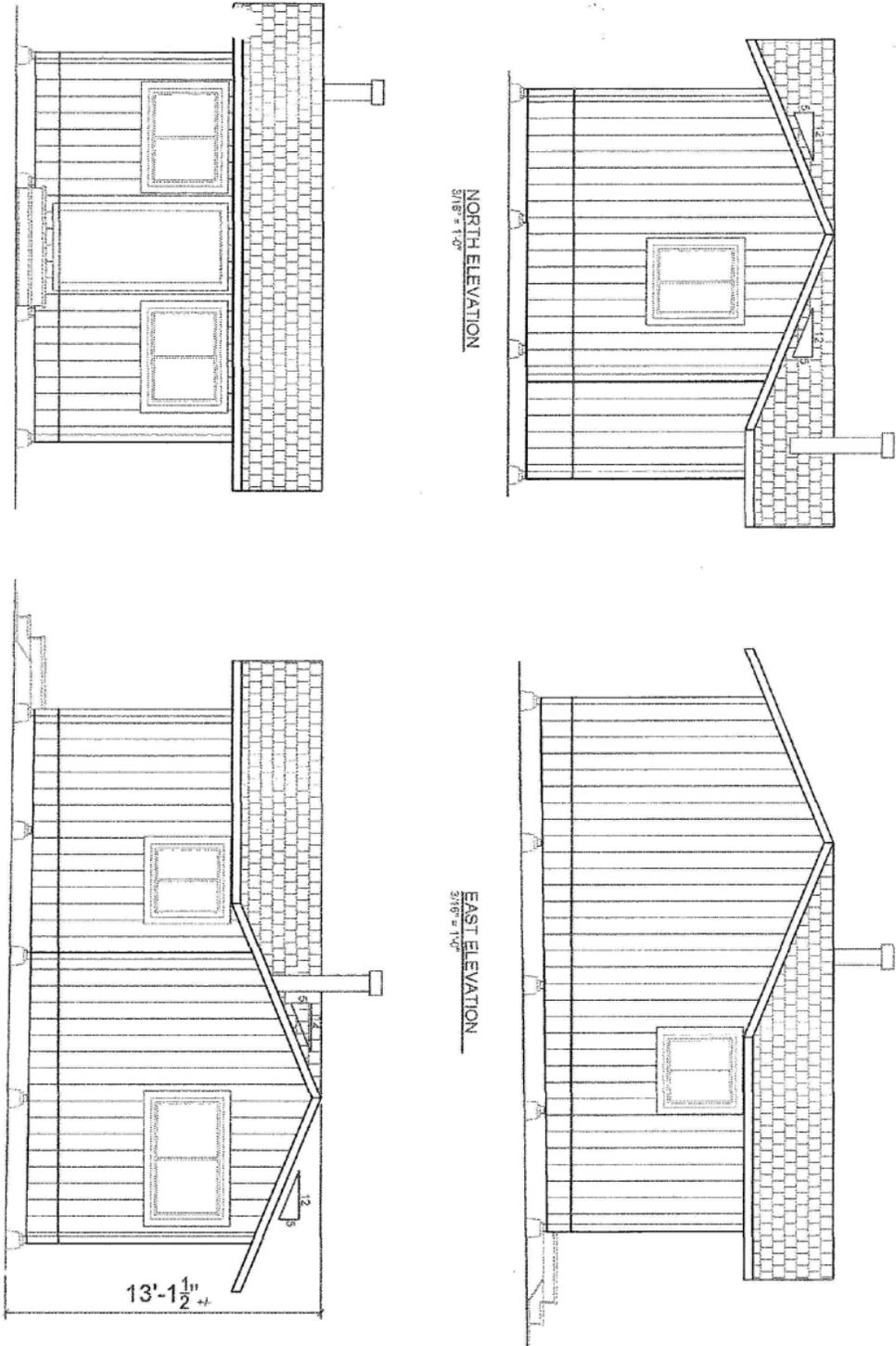


CASE: CDP 2016-0018
OWNER: STONE, Daniel
APN: 017-220-31
AP/CT: Daniel Stone
AGENT:
ADDRESS: 32001 Mitchell Way, FB

NO SCALE

SITE PLAN

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

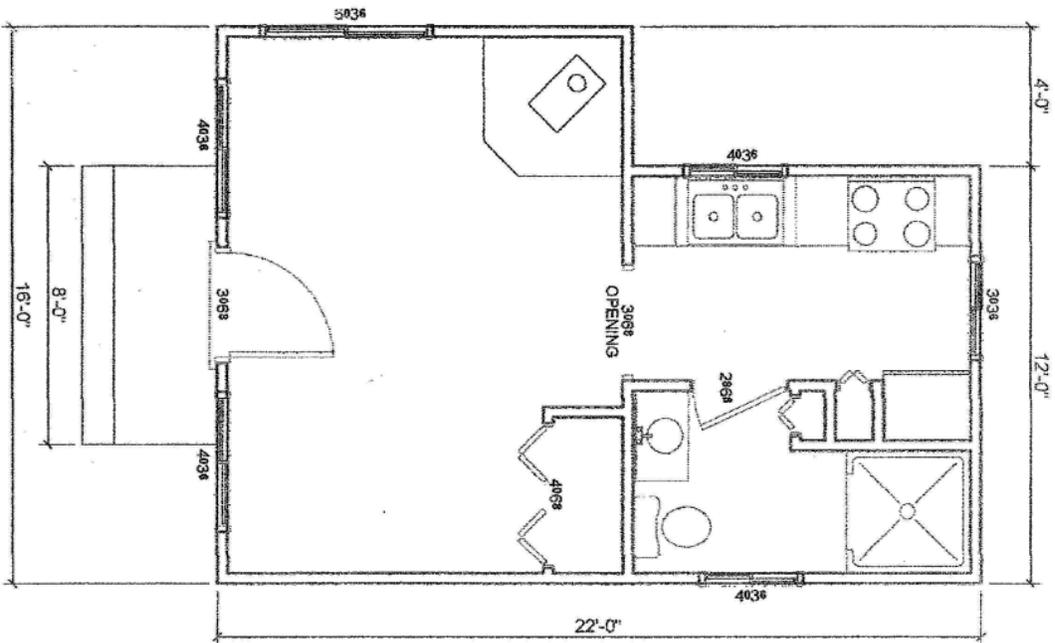


CASE: CDP 2016-0018
OWNER: STONE, Daniel
APN: 017-220-31
AP/CT: Daniel Stone
AGENT:
ADDRESS: 32001 Mitchell Way, FB

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

NO SCALE

ELEVATIONS



FLOOR PLAN
1/4" = 1'-0"

RECEIVED

APR 25 2016

PLANNING & BUILDING SERV
FORT BRAGG CA

*CDP-2016-0018
Daniel Stone*

32001 MITCHELL WAY
APN: 017-220-31

NO SCALE

FLOOR PLAN

CASE: CDP 2016-0018

OWNER: STONE, Daniel

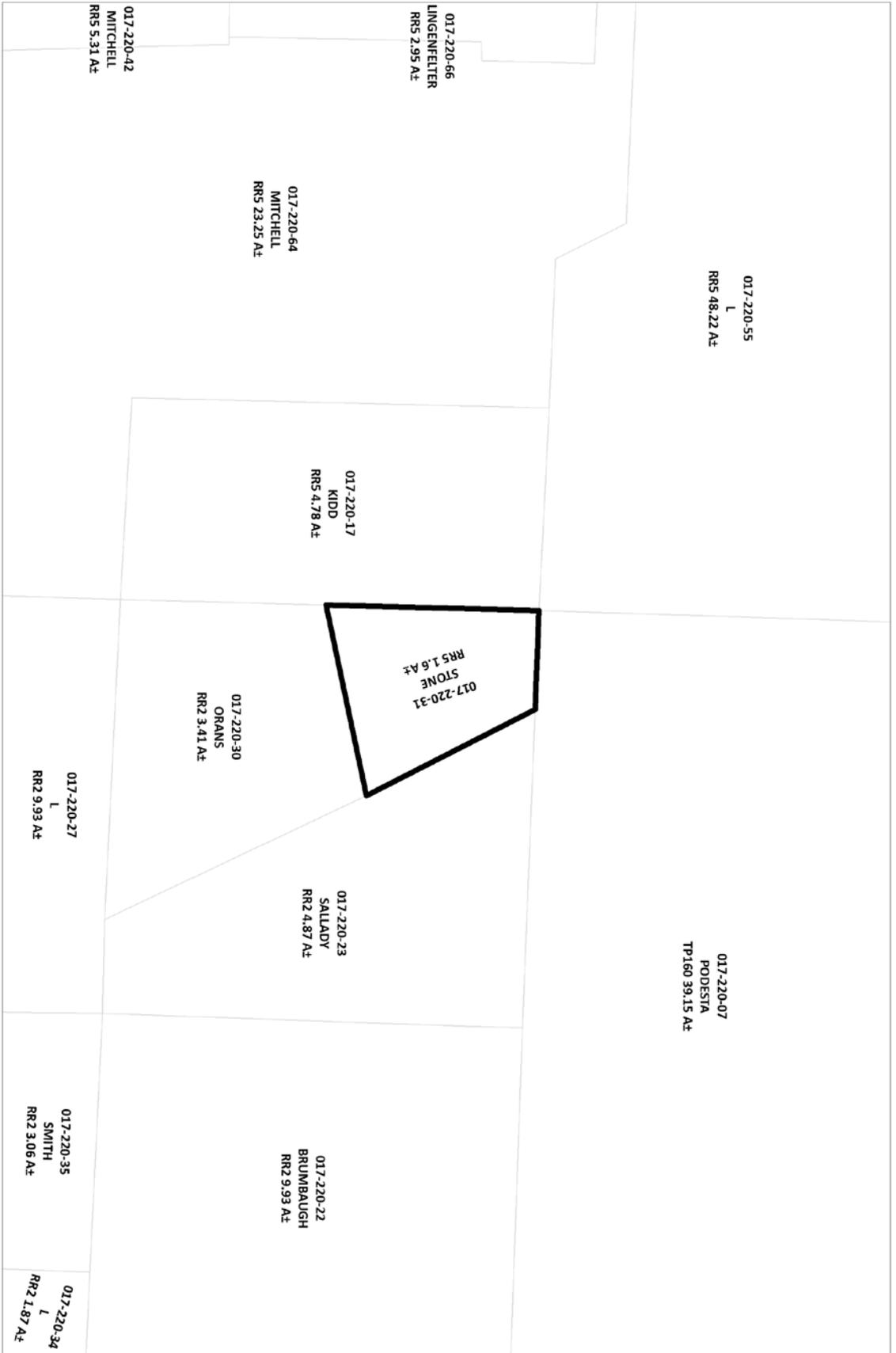
APN: 017-220-31

APPLIC: Daniel Stone

AGENT:

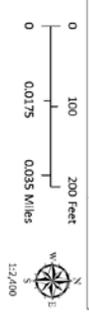
ADDRESS: 32001 Mitchell Way, FB

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

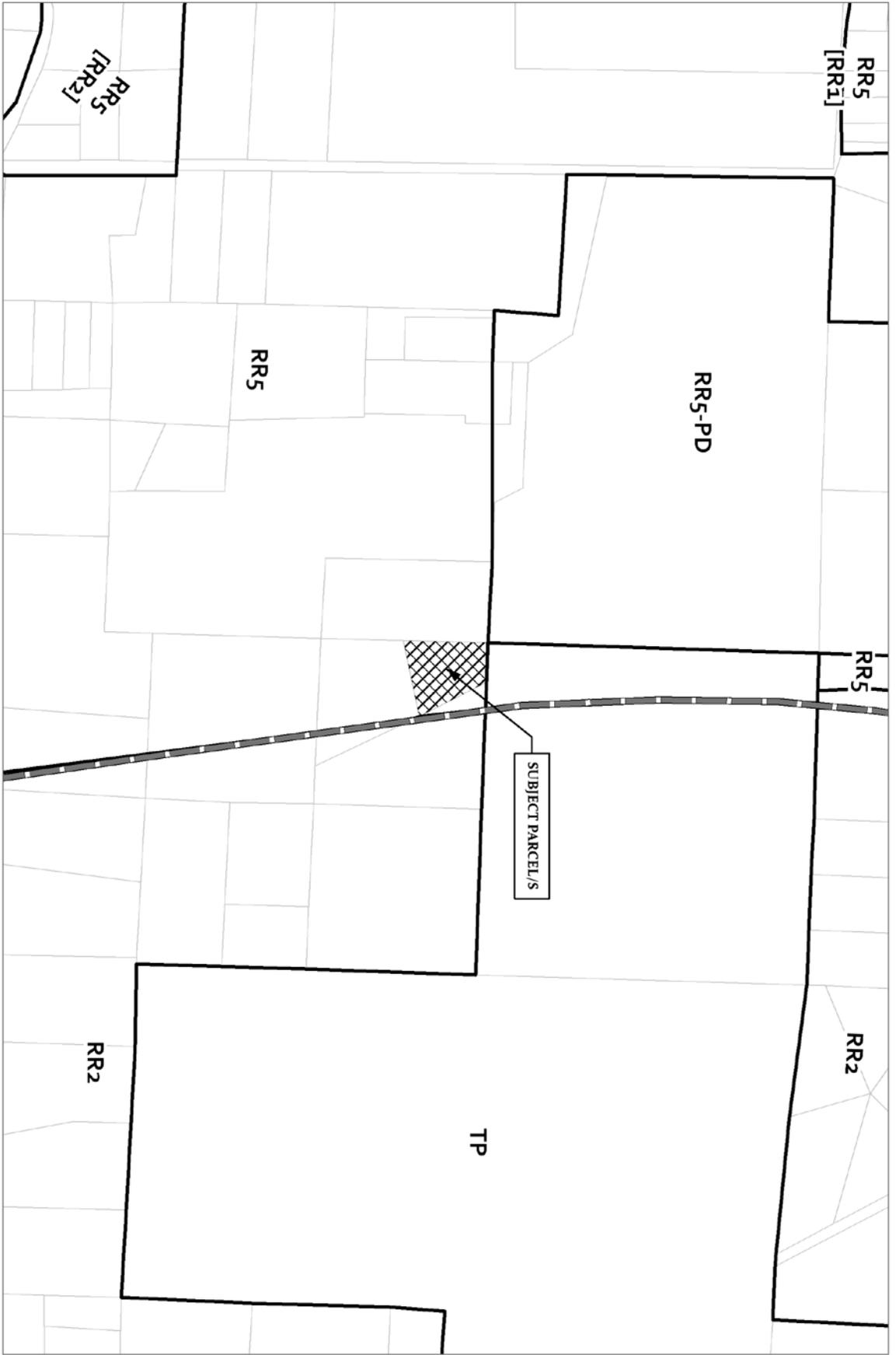


CASE: CDP 2016-0018
OWNER: STONE, Daniel
APN: 017-220-31
AP/C: Daniel Stone
AGENT:
ADDRESS: 32001 Mitchell Way, FB

ADJACENT PARCELS



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

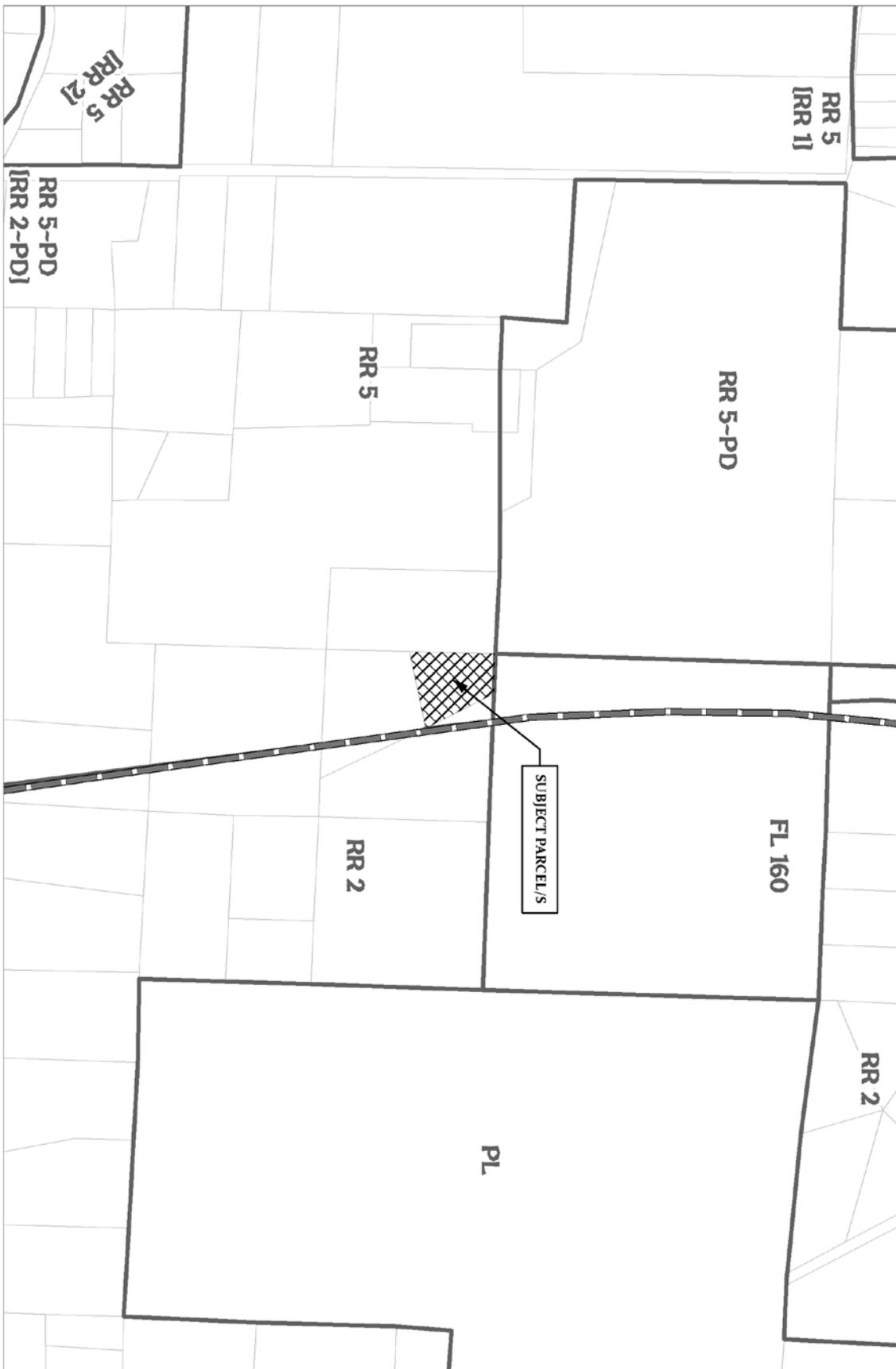


CASE: CDP 2016-0018
OWNER: STONE, Daniel
APN: 017-220-31
AGENT: Daniel Stone
ADDRESS: 32001 Mitchell Way, FB

Coastal Zone Boundary
Zoning Districts

ZONING DISPLAY MAP

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

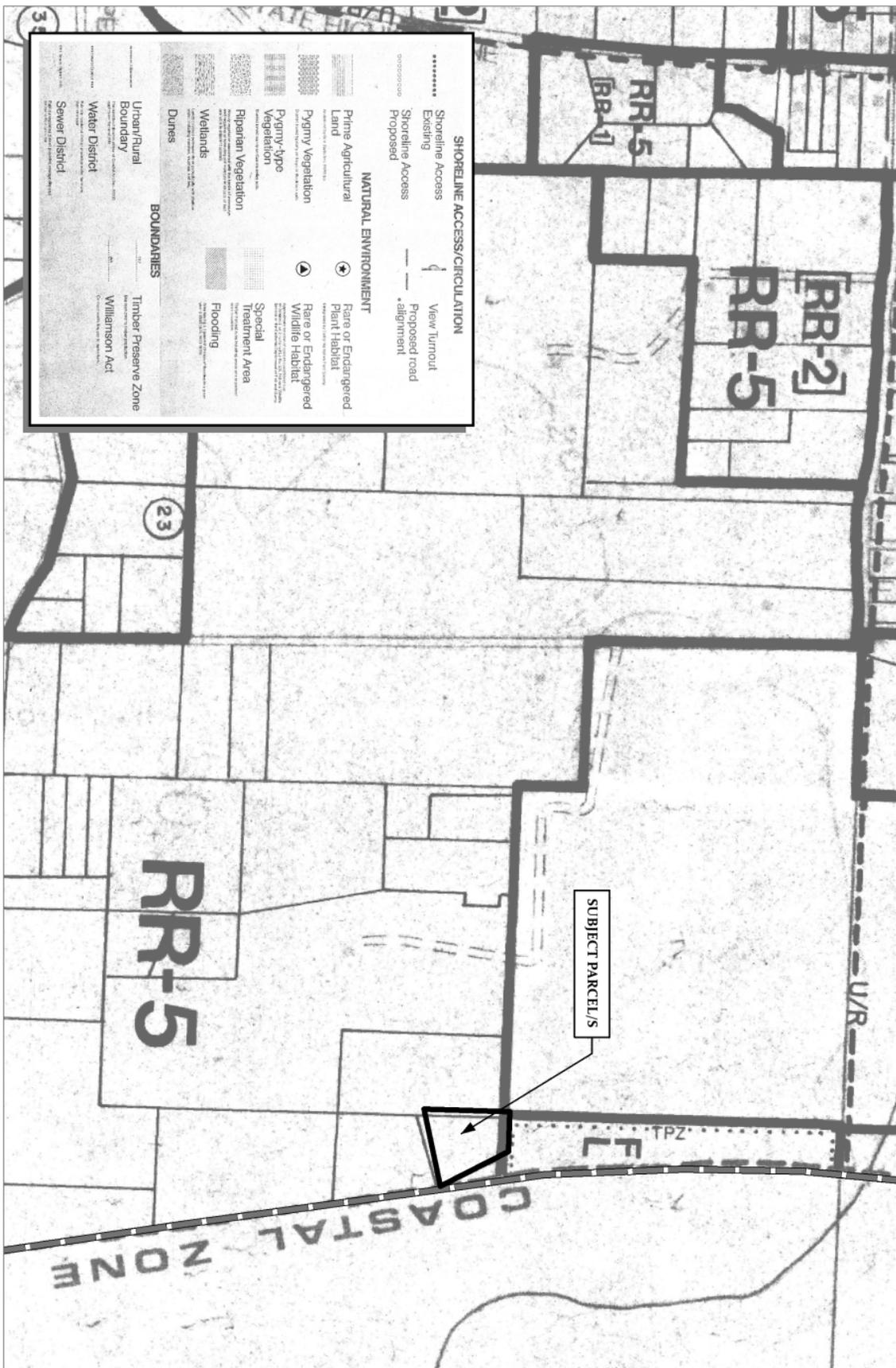


CASE: CDP 2016-0018
OWNER: STONE, Daniel
APN: 017-220-31
AP/CT: Daniel Stone

AGENT:
ADDRESS: 32001 Mitchell Way, FB

Map produced by the Mendocino County Planning & Building Services, April, 2008
All spatial data is approximate. Map provided without warranty of any kind.

GENERAL PLAN CLASSIFICATIONS

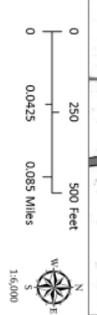


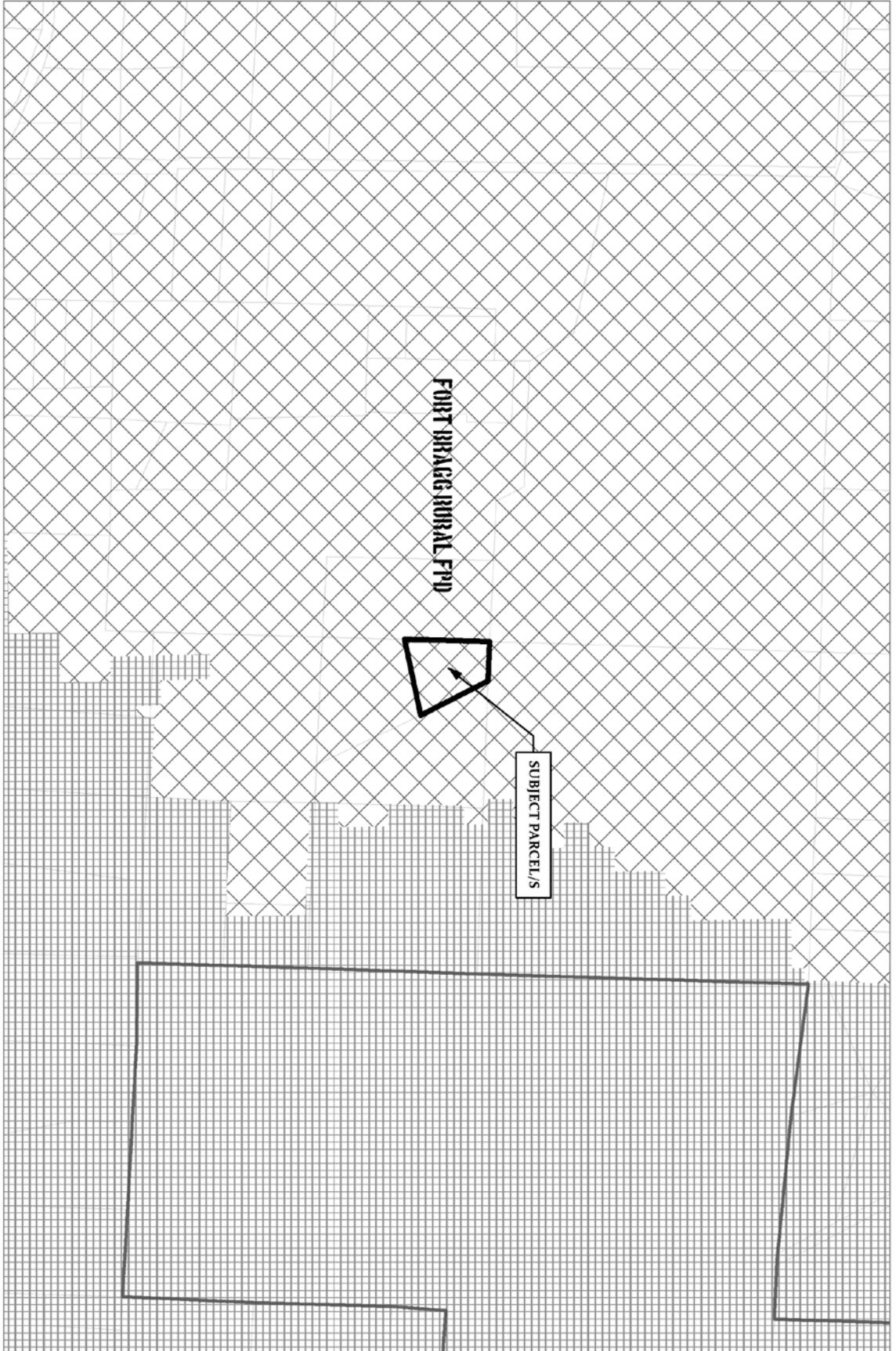
CASE: CDP 2016-0018
 OWNER: STONE, Daniel
 APN: 017-220-31
 APL CT: Daniel Stone
 AGENT:
 ADDRESS: 32001 Mitchell Way, FB

Coastal Zone Boundary

LCP LAND USE MAP 14: BEAVER

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





CASE: CDP 2016-0018
OWNER: STONE, Daniel

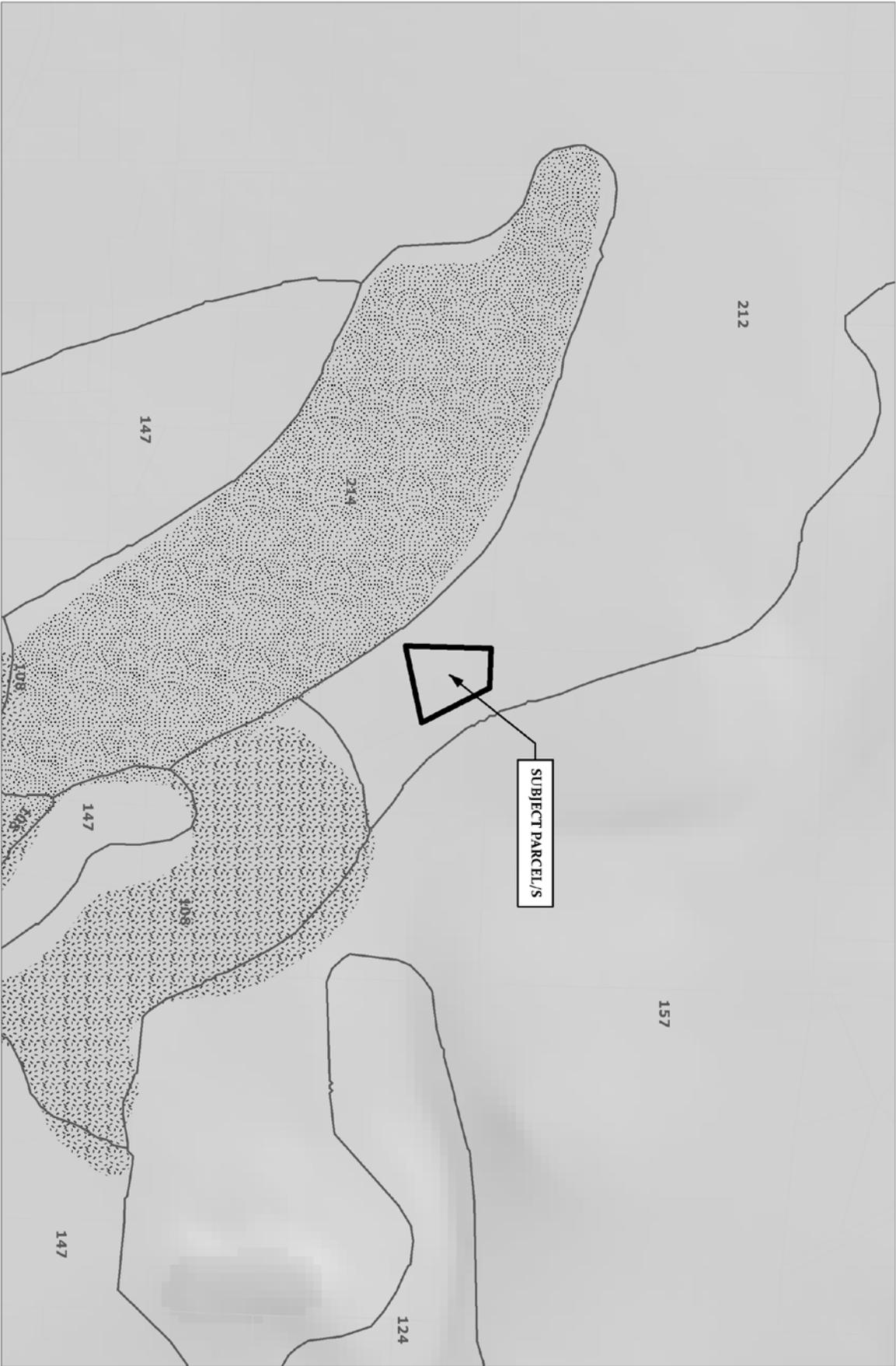
APN: 017-220-31

APN C/E: Daniel Stone

AGENT:

ADDRESS: 32001 Mitchell Way, FB

Map produced by the Mendocino County Planning & Building Services, April, 2006
All spatial data is approximate. Map provided without warranty of any kind.

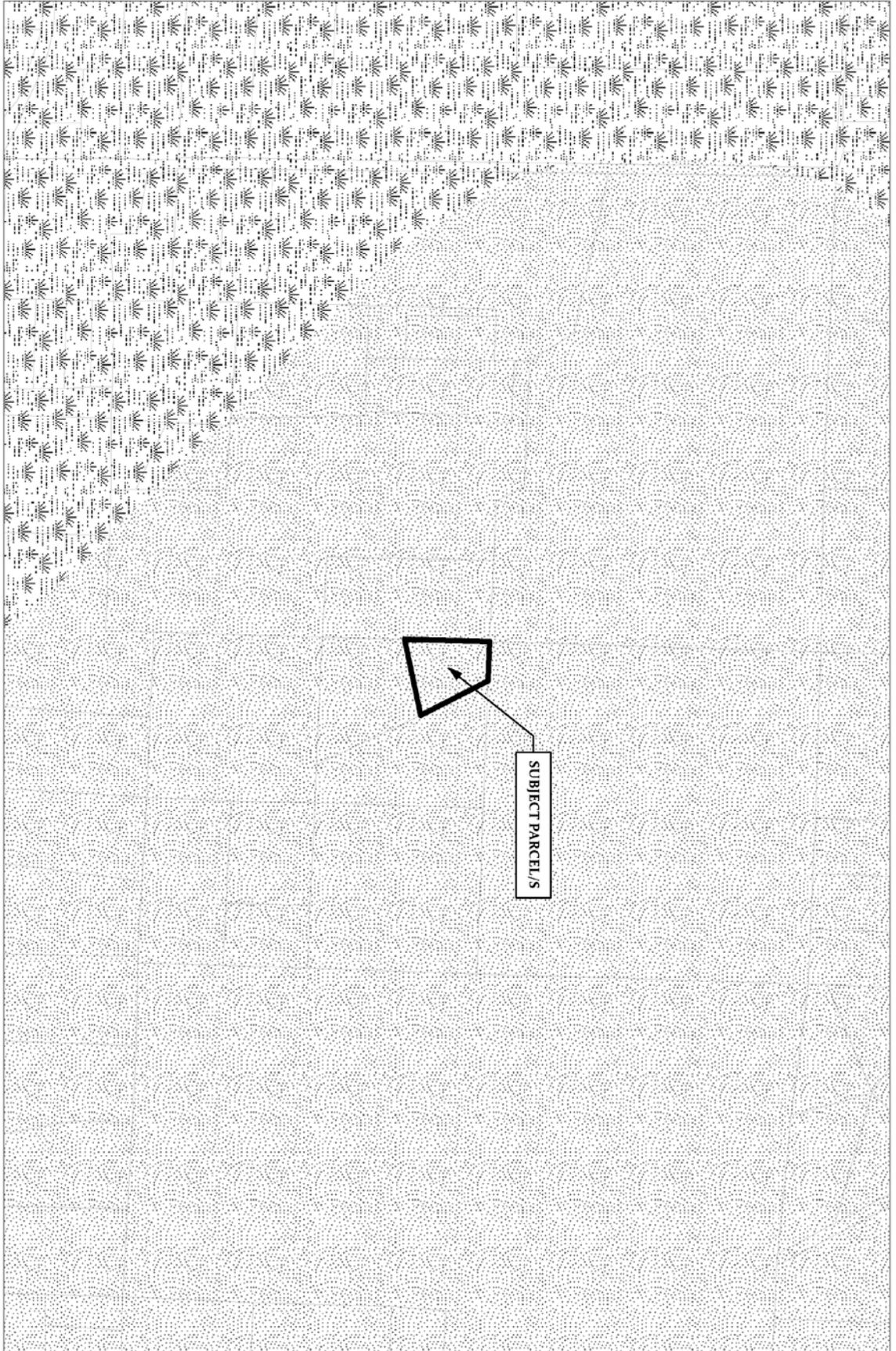


CASE: CDP 2016-0018
 OWNER: STONE, Daniel
 APN: 017 220 31
 APPLIC: Daniel Stone
 AGENT:
 ADDRESS: 32001 Mitchell Way, FB

Western Soils
 Blacklock & Aborigine
 Shinglenmill-Gibney Complex

0 250 500 Feet
 0 0.0425 0.085 Miles
 1:6,000
 LOCAL SOILS

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



CASE: CDP 2016-0018
OWNER: STONE, Daniel

APN: 017-220-31
APN CT: Daniel Stone

AGENCY:
ADDRESS: 32001 Mitchell Way, FB

Legend:
Sufficient Water Resources
Marginal Water Resources

GROUND WATER RESOURCES

Map produced by the Mendocino County Planning & Building Services, April, 2008
All spatial data is approximate. Map provided without warranty of any kind.

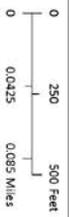


CASE: CDP 2016-0018
OWNER: STONE, Daniel
APN: 017-220-31

AGENT: Daniel Stone

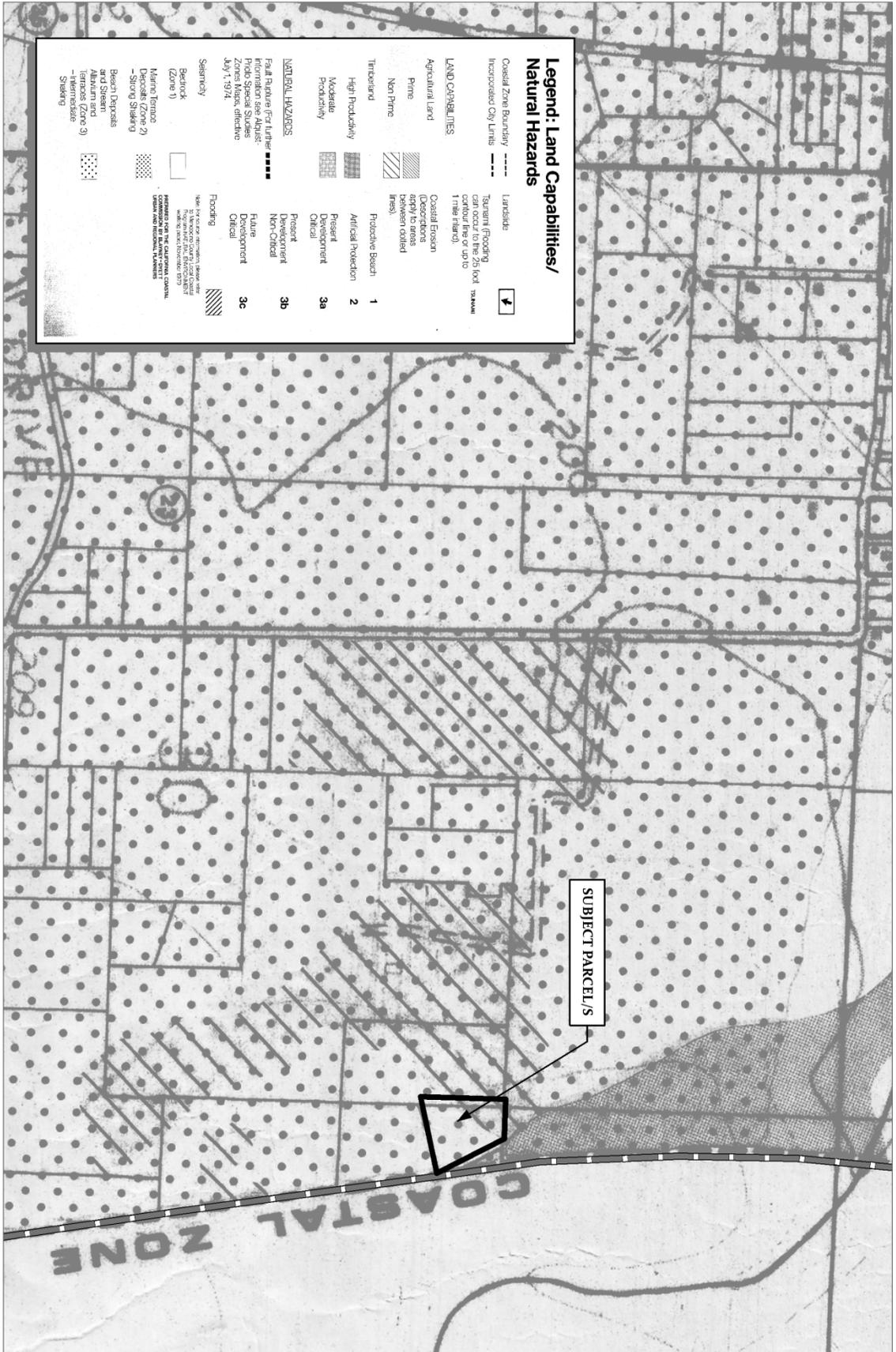
ADDRESS: 32001 Mitchell Way, FB

TPZ 2015



TIMBER PRODUCTION ZONES

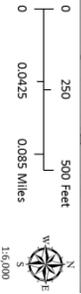
Map produced by the Mendocino County Planning & Building Services April, 2016
All spatial data is approximate. Map provided without warranty of any kind.



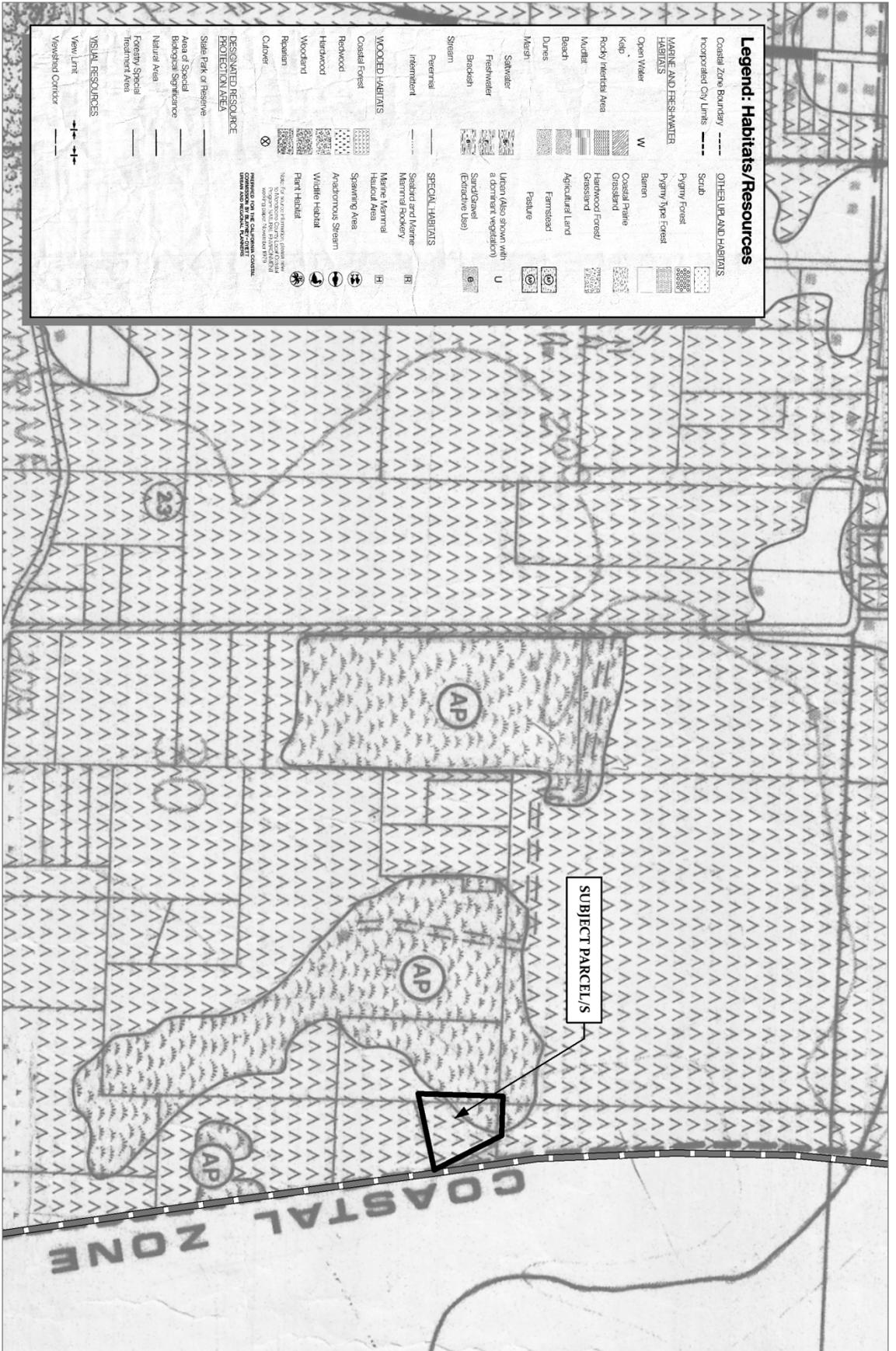
CASE: CDP 2016-0018
 OWNER: STONE, Daniel
 APN: 017-220-31
 APL CT: Daniel Stone
 AGENT:
 ADDRESS: 32001 Mitchell Way, FB

Coastal Zone Boundary

LAND CAPABILITIES & NATURAL HAZARDS



SUBJECT PARCEL/S



CASE: CDP 2016-0018
 OWNER: STONE, Daniel
 APN: 017-220-31
 APLCT: Daniel Stone
 AGENT:
 ADDRESS: 32001 Mitchell Way, FB

Coastal Zone Boundary

HABITATS & RESOURCES



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

**COASTAL PERMIT APPROVAL CHECKLIST
CDP_2016-0018 (Stone, Family Care Unit)
September 22, 2016**

PROJECT TITLE: CDP_2016-0018 (Stone, Family Care Unit)

PROJECT LOCATION: In the coastal zone, located on the south side of Mitchell Way approximately ½ mile west of its intersection with Boice Lane at 32001 Mitchell Way, Fort Bragg (APN 017-220-31).

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

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

ZONING DISTRICT: Rural Residential 5 acre minimum (RR5)

DESCRIPTION OF PROJECT: A Standard Coastal Development Permit to construct a 312 square-foot Family Care Unit. Associated developments consist of connection to existing septic, electric, well, and gas utilities.

SITE DESCRIPTION AND SETTING: The project site is a parcel east of Highway 1, within the coastal zone, located at 32001 Mitchell Way, Fort Bragg. Mitchell Way is a private road that serves approximately 15 residential parcels ranging from 1 to 23 acres in size. The subject parcel is bordered by residential uses to the east, south, and west, with the Jackson State Forest timberland to the north. The 1.5 acre site is generally level with 0.5% slopes. The soil type at the site is Tregoning-Cleone complex which contains small portions of Blacklock soils, a soil capable of producing pygmy vegetation. During a site visit staff did not observe any stunted vegetation. The property has an existing gravel driveway serving a single-family residence with a few small outbuildings and a landscaped area consisting of a lawn and garden. The proposed location of the Family Care Unit is on the lawn area approximately 25 feet northeast of the existing residence.

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

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

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"/>

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

Consistent (with conditions of approval)

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

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

General Plan Land Use – Rural Residential

The subject parcel is classified as Rural Residential (RR) by the Coastal Element of the Mendocino County General Plan, which is intended “to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture...[and] is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.” The principally permitted use designated for the RR land use classification is “residential and associated utilities, light agriculture, [and] home occupation.” The minimum parcel size for the RR land use classification is variable, as designated on the Land Use Map. LCP Map 14 (Beaver) designates the minimum parcel size requirement as five acres.

The existing parcel density is non-conforming; pursuant to Section 20.376.025(D) the allowable density is one dwelling unit per five acres. A permitted single-family residence is present on this 1.5 acre parcel. The existing use is consistent with the RR classification of the Coastal Element of the Mendocino County General Plan. The proposed Family Care Unit is a temporary use, permitted through the issuance of a Standard Coastal Development Permit (MCC Section 20.460.040).

Hazards

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone. According to the LCP Land Capabilities and Natural Hazards Map, the property is located on beach deposits and stream alluvium and terraces which are subject to intermediate shaking. The site, as

with the rest of Mendocino County, is subject seismic activity. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

Landslides: The property lies in an area with 0 to 5 percent slopes therefore the landslide potential on the project site is low.

Erosion: The proposed project does not require any grading and the site is generally level therefore potential for erosion is low. Standard BMPs are required during the building permit phase.

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

Fire: The project is located in an area that has a high fire hazard severity rating, as shown on the Fire Hazard Zones and Responsibility Areas map. The project application was referred to the California Department of Forestry and Fire Protection (Calfire) for comment. Calfire stated that the applicant is expected to adhere to the Calfire 4290 Regulations as stated in the CDF#85-16. The recommendations of Calfire are included as **Condition 8**.

Condition 8: The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF#85-16) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the building permit, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.

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

Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504. The subject parcel is not located within a mapped Highly Scenic Area (HSA) and is therefore not subject to the HSA criteria.

Natural Resources

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

The project is located on a site with the Tregoning-Cleone complex which contains small areas of Blacklock soils which are typical where Pygmy Forest occurs. During a site visit, staff did not observe any stunted vegetation on the property nor in the vicinity of the parcel. The project site is located on an existing lawn. The California Natural Diversity Database (CNDDDB) does not show any other potential occurrences within the general vicinity of the proposed improvements. Therefore, no additional studies were required for the purposes of this permit. Based upon this information, the proposed project is in conformance with MCC Section 20.496.

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 primary residence has existing electric utilities and a gas storage tank, which will provide service to the proposed Family Care Unit. The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. DEH commented on May 31, 2016, that the existing septic allowed for a bedroom addition and that the Family Care Unit must be serviced by

the existing approved septic system on file with the DEH. No conditions are necessary to provide for adequate utilities to the proposed improvements.

Access Roads: The parcel is currently accessed by Mitchell Way, a private road, and no additional access is proposed. The project was referred to the Mendocino County Department of Transportation and no comments were received.

The California Department of Forestry and Fire Protection (Calfire) provided a preliminary clearance for the proposed project (CDF#85-16), which requires that standards for the driveway be met. **Condition 8** is recommended requiring compliance with the preliminary clearance (CDF#85-16) provided by Calfire.

With the inclusion of the recommended condition, the project is determined to be provided with adequate access roads to support the proposed development.

Grading, Erosion and Runoff: MCC Section 20.492.025 provides regulations mitigating the impact grading, erosion and runoff. The size of the structure and the location on 0-5% slopes pose minimal potential for erosion or impacting natural drainage. Therefore, no special conditions are required for compliance with drainage requirements contained in the code. Standard BMPs are required during the building permit phase.

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

Consistent (with conditions of approval)

Intent: The parcel subject to the application is zoned Rural Residential. This district is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability. The proposed project is found to be consistent with the intent of the Rural Residential zoning district.

Use: The parcels subject to the application are classified as Rural Residential as shown on the Zoning Display Map. The applicant proposes the construction of a Family Care Unit is permissible as a temporary use under MCC Section 20.460.040, with issuance of a Standard Coastal Development Permit, provided the applicant meets the provisions of the section for eligibility. **Conditions 9 and 10** are recommended to ensure that the Family Care Unit is used in a manner consistent with Mendocino County Code.

Condition 9: The applicant shall have the sole responsibility of renewing the Family Care Unit permit each year, prior to the expiration date. Prior to the granting of the permit and yearly renewal, a statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the Family Care Unit is to provide housing for either: (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who require daily supervision or care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

Condition 10: Should the use or necessity of the temporary Family Care Unit cease, it shall be either removed from the premises or converted to an accessory structure as provided in Chapter 20.456. Should the occupants of the Family Care Unit or the main residence move to another off-site residence, the permits for the Family Care Unit shall become null and void.

Density: The maximum dwelling density in the Rural Residential zoning district is one single-family residence per five (5) acres (MCC Section 20.364.025) except as provide pursuant to Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coasch) and Section 20.460.040 (Family Care Unit). The existing and proposed development does not conflict with the dwelling density standards of the Rural Residential zoning district.

Yards: The minimum required front, side, and rear yards in the Rural Residential zoning district for a parcel less than 5 acres is twenty (20) feet from all property boundaries (MCC Section 20.376.040). The

proposed Family Care Unit is located approximately 62 feet from the nearest property boundary. The proposed Family Care Unit and all the existing structures on the property are consistent with the yard setback requirements of the Rural Residential zoning district.

Height: The maximum permitted building height for structures in the Rural Residential zoning districts is twenty-eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway One (MCC Section 20.376.045). The proposed project consists of a 320 square foot Family Care Unit with a maximum height of thirteen feet and two inches (13'-2"); therefore, the proposed project is consistent with the permitted maximum height in the Rural Residential zoning district.

Lot Coverage: The maximum permitted lot coverage in the Rural Residential zoning district is twenty (20) percent for a parcel of this size (MCC Section 20.376.065). The parcel is approximately 1.5 acres (65,340 square feet) in size, allowing for a maximum permitted lot coverage of approximately 0.3 acre (13,068 square feet). The existing lot coverage on the property is 1,196 square feet and the proposed project would be 312 square feet for a total lot coverage of 1,508 square feet or 2.3 percent. The proposed development is consistent with the lot coverage requirements of the Rural Residential zoning district.

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

Consistent (without conditions of approval)

The proposed project is Categorically Exempt from the provisions of CEQA, pursuant to Class 3 of Article 19 of the California Environmental Quality Act Guidelines. The Class 3 (a) exemption finds that a "new second dwelling unit in a residential zone", meeting the criteria of Section 15303, has "been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA."

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

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

Consistent (with conditions of approval)

For small project such as remodels, additions, small outbuildings (projects with minimal earthwork) Mendocino County Department of Planning and Building Services (PBS) procedure is to not refer these types of projects to either California Historic Resource Information System (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and was determined to be an appropriate guidance document for what projects should require archaeological review. The proposed project consists of the construction of 320 square foot building requiring minimal grading. County staff determined that due to the small scale of the development and minimal 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 11** advises the applicant of the "Discovery Clause", which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

Condition 11: If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With inclusion of the recommended condition of approval, the project is found consistent with protection of paleontological and archaeological resources.

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: The proposed project is for development of a Family Care Unit in association with an existing single-family residence. Curbside pick-up in this area of the coast is available should the property owner wish to purchase such a service. The Caspar Transfer Station is located approximately two miles south of the proposed development. Solid waste service is adequate to support the proposed development.

Roadway Capacity: The parcel is accessed by Mitchell Way, a private road, which connects to Boice Lane (CR413). The project was referred to the Mendocino County Department of Transportation and no comment was received. 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.

Resolution Number _____

County of Mendocino
Ukiah, California
September 22, 2016

CDP_2016-0018 - Daniel Stone

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING
CATEGORICAL EXEMPTION AND GRANTING CDP_2016-0018 FOR A
FAMILY CARE UNIT.

WHEREAS, the applicant, DANIEL STONE, filed an application for a Standard Coastal Development Permit with the Mendocino County Department of Planning and Building Services to construct a 312-square-foot Family Care Unit in the coastal zone, located on the south side of Mitchell Way approximately ½ mile west of its intersection with Boice Lane at 32001 Mitchell Way, Fort Bragg (APN 017-220-31); General Plan RR5:R; Zoning RR:5/NONE; Supervisorial District 4; (the "Project"); and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State and County 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 September 22, 2016, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Class 3 Categorical Exemption from the California Environmental Quality Act pursuant to PRC Section 15303 and the Project. All interested persons were given an opportunity to hear and be heard regarding the Class 3 Categorical Exemption and the Project; and

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

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

1. Through the application of Condition 8, 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. Through the application of Conditions 9 and 10, the proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the MCC and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other 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 project will not diminish access to the coast; and

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Class 3 Categorical Exemption from the California Environmental Quality Act pursuant to Guidelines Section 15303.

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

ANDY GUSTAVSON
Coastal Permit Administrator

EXHIBIT A

CONDITIONS OF APPROVAL CDP_2016-0018 - STONE September 22, 2016

Standard Coastal Development Permit to construct a 312 square-foot Family Care Unit.

APPROVED PROJECT DESCRIPTION: A Standard Coastal Development Permit to construct a 312 square-foot Family Care Unit. Associated developments consist of connection to existing septic, electric, well, and gas utilities.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by **):

1. This action shall become final and effective 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 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 Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The 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. The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF#85-16) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the building permit, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
9. The applicant shall have the sole responsibility of renewing the Family Care Unit permit each year, prior to the expiration date. Prior to the granting of the permit and yearly renewal, a statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the Family Care Unit is to provide housing for either: (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who require daily supervision or care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.
10. Should the use or necessity of the temporary Family Care Unit cease, it shall be either removed from the premises or converted to an accessory structure as provided in Chapter 20.456. Should the occupants of the Family Care Unit or the main residence move to another off-site residence, the permits for the Family Care Unit shall become null and void.
11. 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.