



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT**

**FEBRUARY 25, 2016
CDP 2015-0016**

SUMMARY

OWNER/APPLICANT: JAMES & CAROLE POMA
27030 N HWY 1
FORT BRAGG, CA 95437

AGENT: MATTHEW GEARY
SUN INCORPORATED
2309 TENAYA DR #B
MODESTO, CA 95354-3936

REQUEST: Standard Coastal Development Permit for construction of a ground-mounted solar array.

LOCATION: In the Coastal Zone, approximately five miles north of Fort Bragg, located on the west side of Highway 1, approximately 0.5 miles south of its intersection with Camp 1 10 Mile Road (CR 427). APN 069-060-31. 27030 NO HWY 1, FORT BRAGG

APPEALABLE Yes, designated as a Highly Scenic Area

TOTAL ACREAGE: 10.9

GENERAL PLAN: RR10:R

ZONING: RR:10/FP

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: A Class 3 categorical exemption from CEQA, pursuant to Section 15303(e) for construction of small accessory structures, like ground-mounted solar panels.

RECOMMENDATION: Approve with conditions

STAFF PLANNER: JULIANA CHERRY

OTHER RELATED APPLICATIONS: Existing garage and single-family residence. 969-367 and 969-051.

PROJECT DESCRIPTION: The applicant proposes to construct a 14-feet by 38-feet (or 541 square-feet) ground-mounted solar array located adjacent to an existing residential structure having a maximum height of 5-feet, 2.5-inches. Trenching would occur in areas previously disturbed by the construction of the house, garage, and landscaping. Non-glare glass will be used in the construction of the solar panels.

LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION: The proposed project is consistent with the applicable goals and policies of the Local Coastal Program as described below.

Land Use. The project location is designated as Rural Residential (RR). The RR classification is intended to encourage local small scale food production in areas which are not well suited for large scale commercial

agriculture. The RR classification is not intended to be a growth area, and residences should be located as to create minimal impact on agricultural viability. Residential uses are permitted.

The existing site development and the proposed ground-mounted solar array support the intent and general uses of the RR land use category. There is an existing 2,050 square-foot home and associated landscaping on the 10.9-acre property. The proposed solar array would be an accessory land use to an existing single-family home.

Public Access. Public access is established along the shore area of Ten Mile Beach Dunes Natural Area and MacKerricher State Park. The property is located east of the park and west of the highway.

Hazards. The project site is located within a Tsunami Planning Area. The easterly mapped boundary of the Tsunami Planning Area is more than 1,500-feet west of the proposed project area.

Visual Resources. The project site is designated as a Highly Scenic Area. The proposed ground-mounted solar array satisfies the development criteria of Section 20.504.015(C), et. seq., and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code. Views of the array will be obscured from Highway 1; they are located more than 250-feet west of the highway. The height of the array is less than 18-feet above natural grade and shown as 5-feet, 2.5-inches tall. Non-glare glass will be used in the construction of the solar panels.

Staff recommends specific conditions in regards to visual resources:

Condition #9: Construction and location of the solar array be located 250-feet west of Highway 1. The property owner shall plant and maintain regionally native, low-height shrubs within and along the front-yard of the property to diminish views of the ground-mounted solar array.

Condition #10: The maximum height of the solar array shall be less than six-feet above natural grade.

Condition #11: The solar array and its associated equipment shall be located and constructed to reduce light reflection or glare from the equipment.

Natural Resources. While a limited area of the westerly portion of the lot includes dunes and associated plant and animal communities; the majority of the lot is not mapped as having significant natural resources. The mapped area is adjacent to the dunes and State Park lands. The area of existing development and the proposed location of the solar array are more than one-thousand feet east of the dunes. The proposed area of work is in close proximity to the existing single-family residence, garage, and landscaping. Trenching will occur in previously disturbed areas. The project was distributed to US Fish and Wildlife. No comments were received.

Archaeological/Cultural Resources. There is existing development at this site; no archaeological or cultural resources were surveyed as part of this application. 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.

Zoning Requirements. The project complies with the zoning requirements for the Rural Residential (RR) District set forth in Section 20. 376.005, et. seq., and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

California Environmental Quality Act. A Class 3 categorical exemption from CEQA, pursuant to Section 15303(e), is recommended for the proposed construction of a small accessory structure, like ground-mounted solar panels.

AGENCY COMMENTS: On July 1, 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 contained in Exhibit A of the attached resolution. A

summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

| REFERRAL AGENCIES | RELATED PERMIT | COMMENT | DATE |
|--------------------------------|------------------------------------|------------|-----------|
| Planning - Ukiah | | No comment | 7-14-2015 |
| Environmental Health-FB/Ukiah | | Comment | 11-9-2015 |
| Comment | Recommend Approval | | |
| Building Services-FBPBS | | No comment | 8-4-2015 |
| Sonoma State University-NWIC | | No comment | 11-3-2015 |
| Comment | Survey requested | | |
| Dept. of Fish & Wildlife | | No comment | |
| CalFire | | Comment | 7-12-2015 |
| Comment | Adhere to CalFire 4290 regulations | | |
| Department of Fish and Game | | | |
| Coastal Commission | | | |
| Fort Bragg Rural Fire District | | No comment | 7-20-2015 |

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends that the Coastal Permit Administrator approve the proposed project, and adopts the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program. The RR designated site includes residential development and the proposal is to construct an accessory use (ground-mounted solar panels). The views of the development would be obscured from public locations, such as Highway 1 to the east or the dunes to the west. The location of the development is easterly of the Tsunami Planning Area Boundary and mapped natural resource boundaries.
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The proposal is to install an array of solar panels that could provide a reliable energy source to an existing, residentially-developed lot. The area is mapped as having sufficient water resources.
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 proposed 541 square-feet of arrayed solar panels is an accessory use to an existing residentially-developed lot. Residential land uses are permitted in the RR District. The design of the solar array satisfies the *Visual Resources and Special Treatment Areas* development standards.
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. A Class 3 categorical exemption from CEQA for the construction of small accessory structures, like ground-mounted solar panels, is recommended.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. The 10.9-acre is developed with a single-family residence and the applicant has been advised (see condition #8) of the procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The residentially development site is situated within a residential zoning district and the incremental increases associated with such land uses was considered with the LCP was adopted.
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 property is situated easterly of an extended public access route located along the shoreline of Ten Mile Beach Dunes Natural Area and MacKerricher State Park.

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. Construction and location of the solar array be located 250-feet west of Highway 1. The property owner shall plant and maintain regionally native, low-height shrubs within and along the front-yard of the property to diminish views of the ground-mounted solar array.
10. The maximum height of the solar array shall be less than six-feet above natural grade.
11. The solar array and its associated equipment shall be located and constructed to reduce light reflection or glare from the equipment.

Staff Report Prepared By:

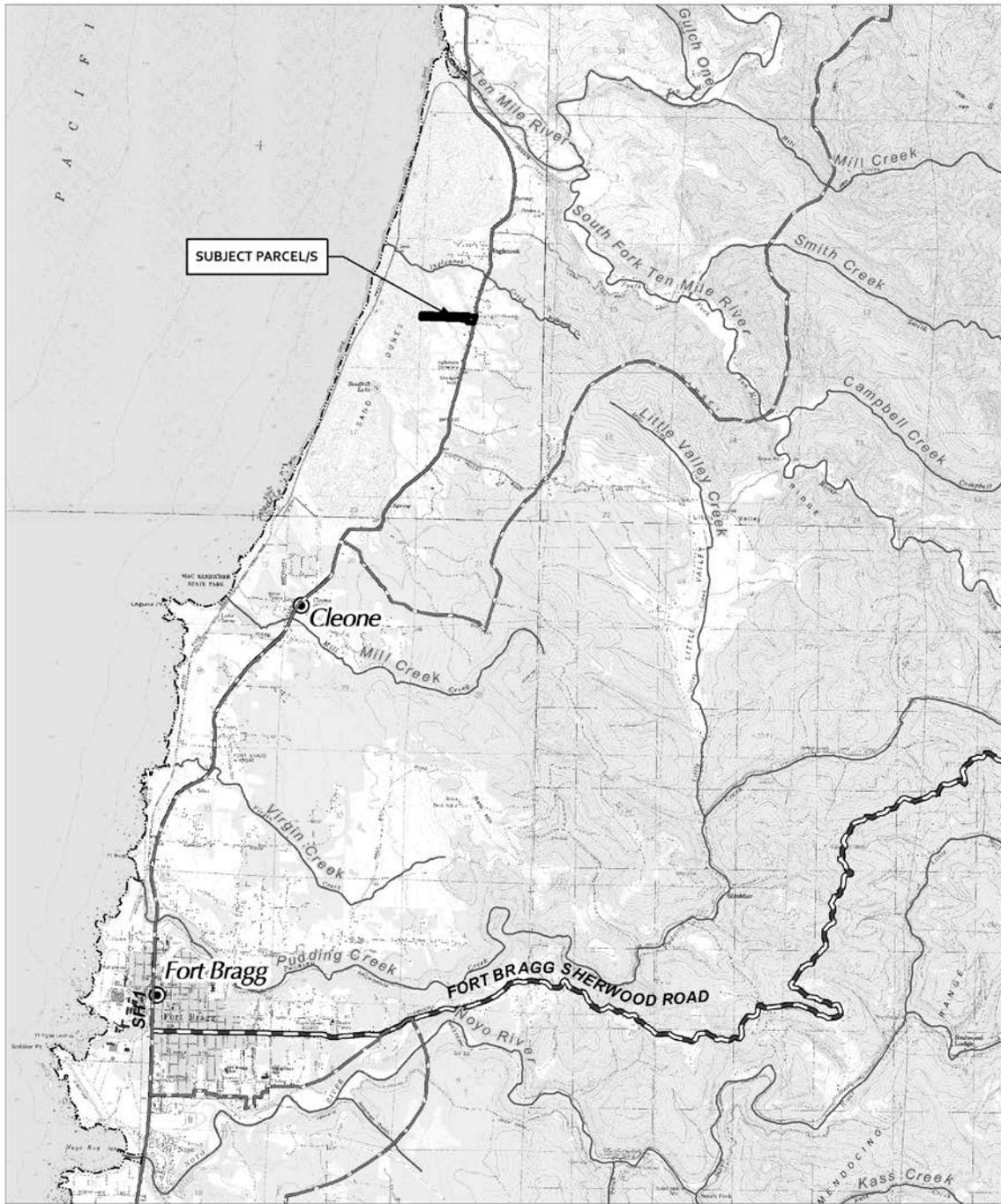
Date

JULIANA CHERRY
PLANNER III

Appeal Period: 10 days
Appeal Fee: \$945.00

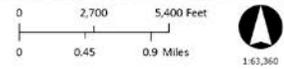
ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Aerial Detail
- D. Adjacent Owners Map
- E. Zoning Map
- F. General Plan Map
- G. LCP Map
- H. Fire Hazard Map
- I. Flood Map
- J. Coastal Groundwater Map
- K. Highly Scenic Map



CASE: CDP 2015 0016
 OWNER: POMA, James
 APN: 069-060-31
 APLT: Geary
 ADDRESS: 27030 N. Hwy. 1, FB

- Coastal Zone Boundary
- Highways
- Major Towns & Places
- Major Roads
- Named Rivers



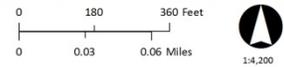
LOCATION MAP

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



CASE: CDP 2015-0016
OWNER: POMA, James
APN: 069-060-31
APLCT: Geary
ADDRESS: 27030 N. Hwy. 1, FB

-  Public Roads
-  Private Roads



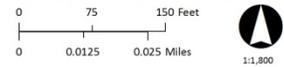
2014 NAIP AERIAL PHOTO

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



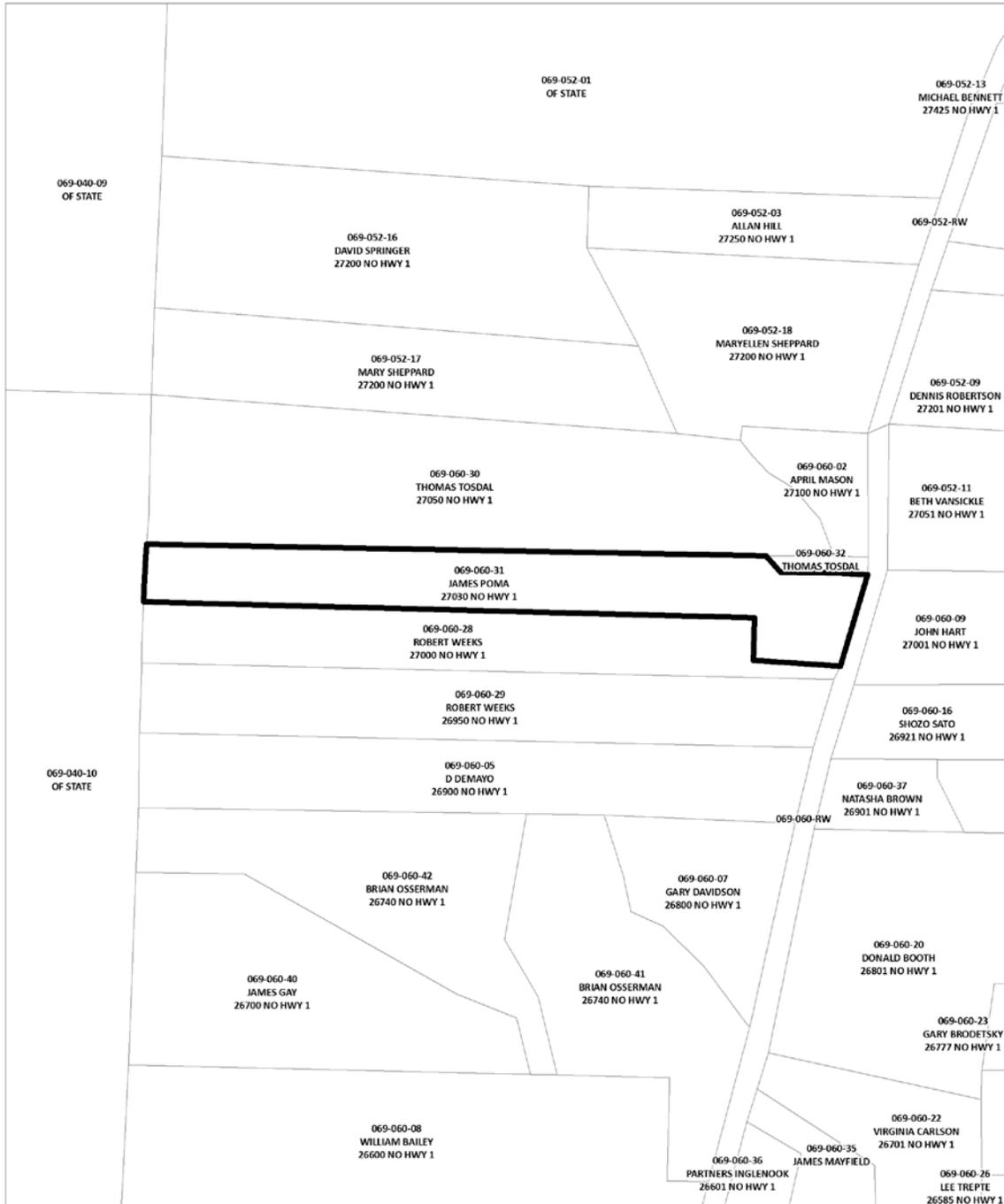
CASE: CDP 2015-0016
OWNER: POMA, James
APN: 069-060-31
APLCT: Geary
ADDRESS: 27030 N. Hwy. 1, FB

- Public Roads
- Private Roads

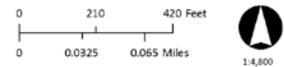


2014 NAIP AERIAL PHOTO

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

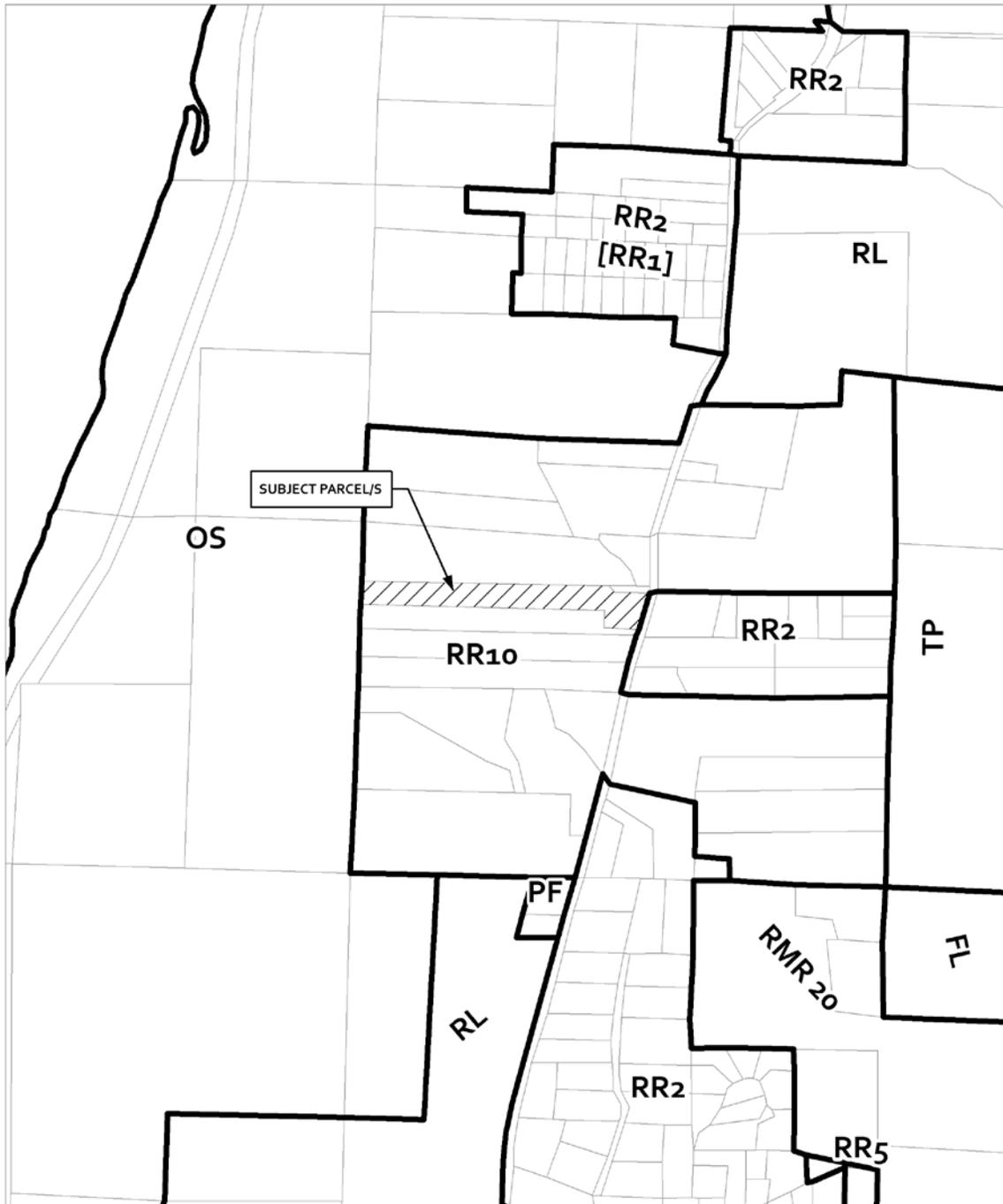


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 APLCT: Geary
 ADDRESS: 27030 N. Hwy. 1, FB



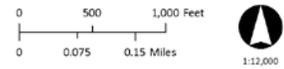
ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, July 2005
 All spatial data is approximate. Map provided without warranty of any kind.



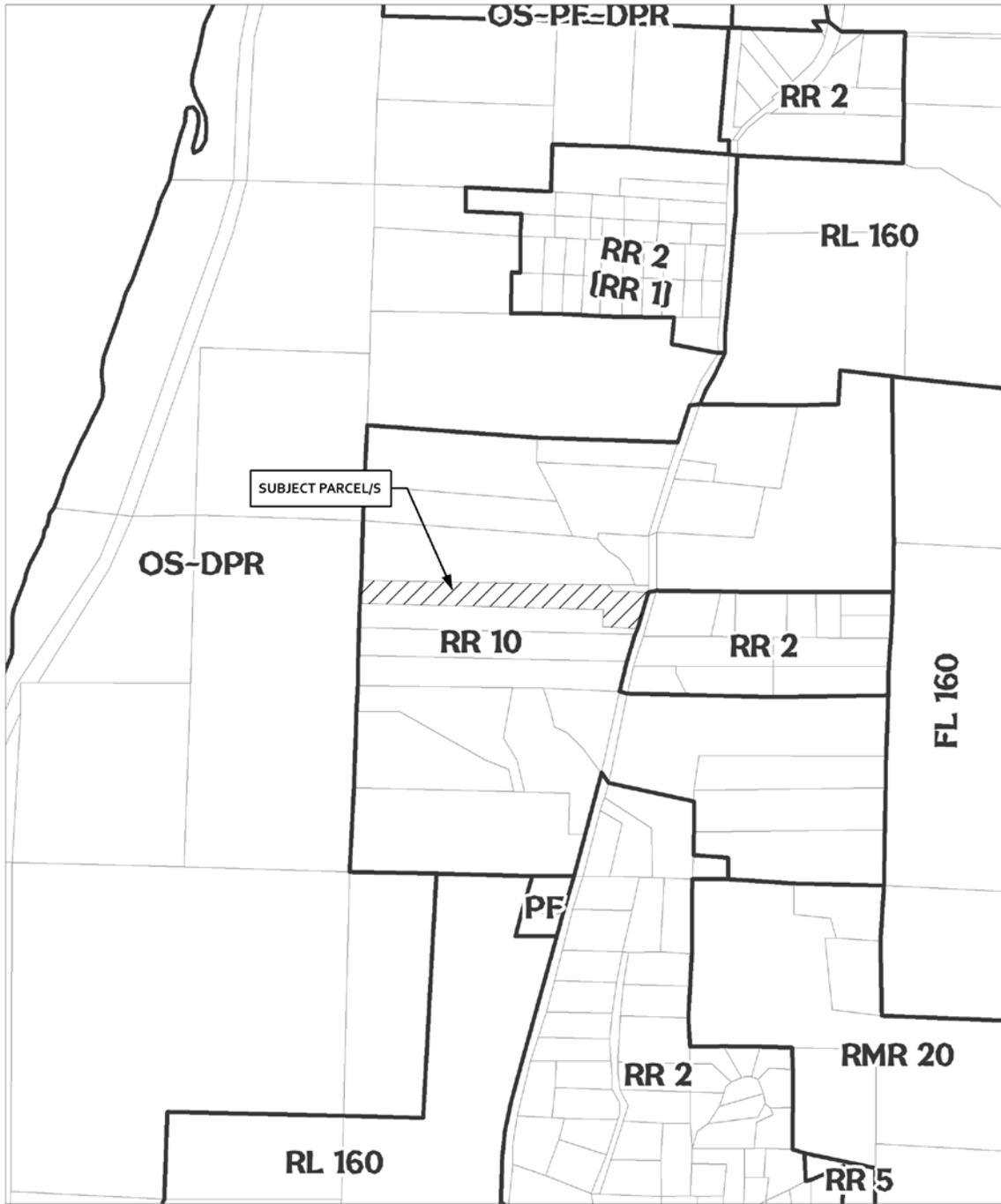
CASE: CDP 2015-0016
OWNER: POMA, James
APN: 069-060-31
APLCT: Geary
ADDRESS: 27030 N. Hwy. 1, FB

 Zoning Master



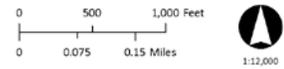
ZONING DISPLAY MAP

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



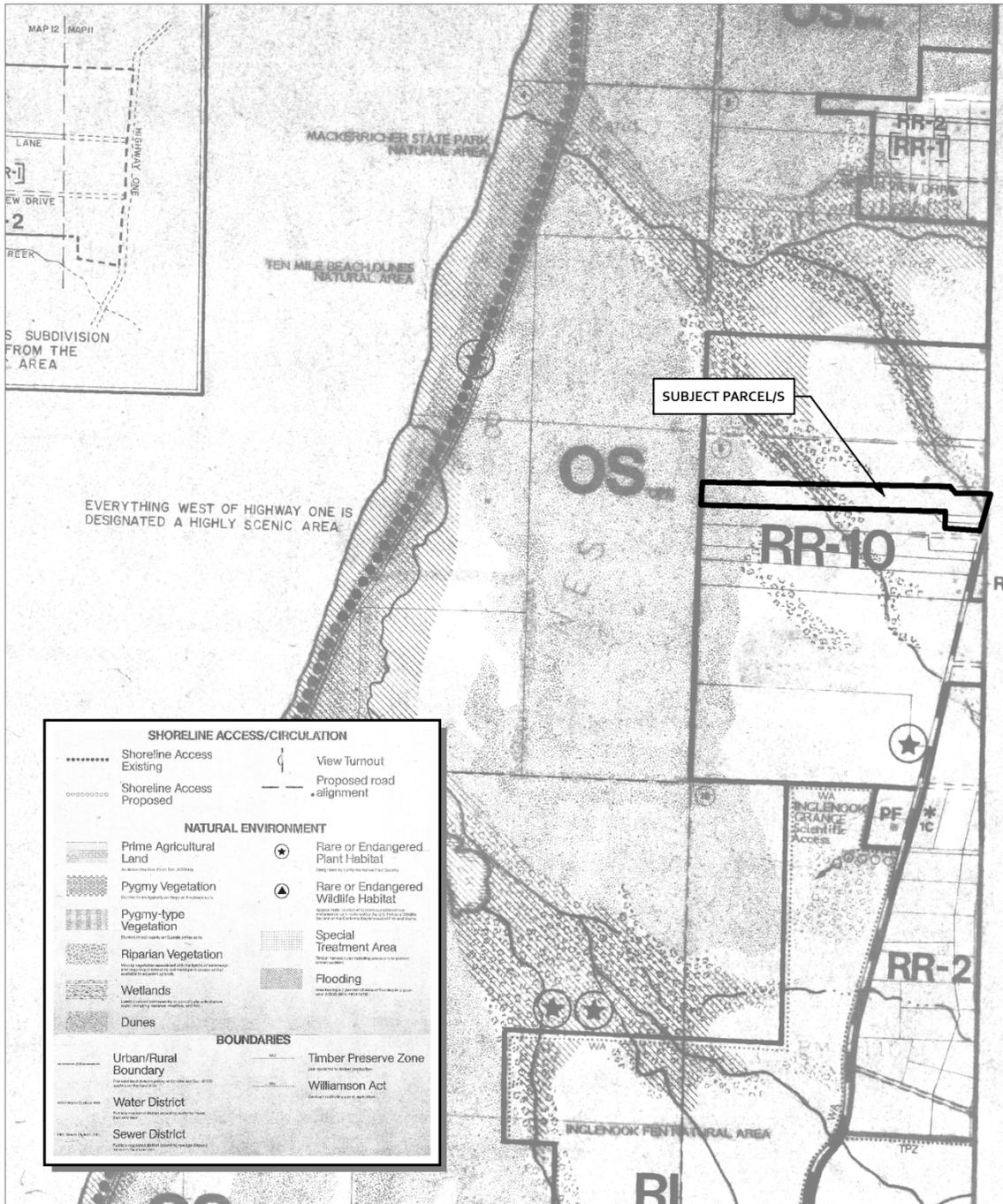
CASE: CDP 2015-0016
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 General Plan Master



GENERAL PLAN CLASSIFICATIONS

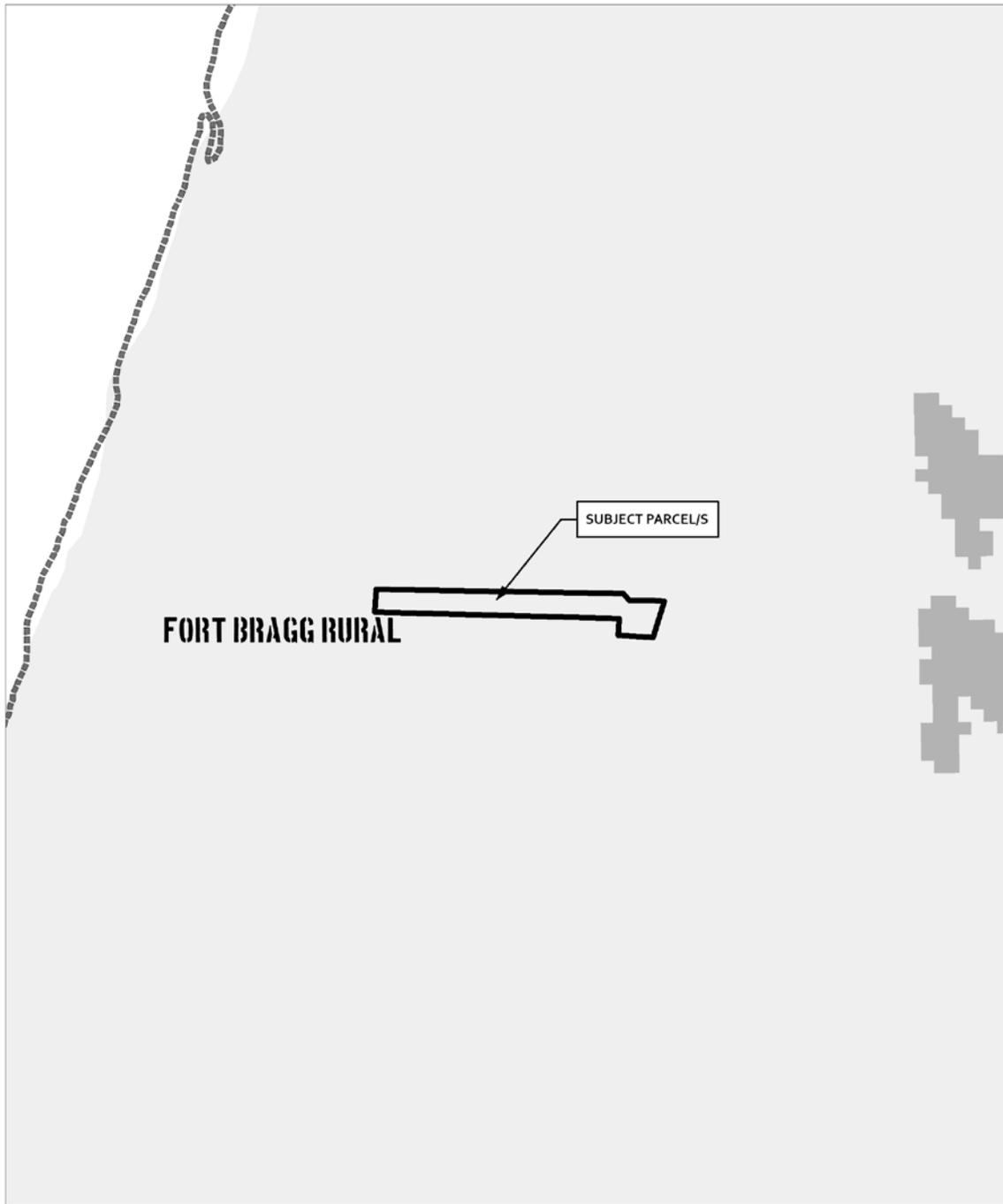
Map produced by the Mendocino County Planning & Building Services, July 2015
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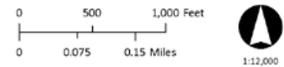
LCP MAP 12: CLEONE

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



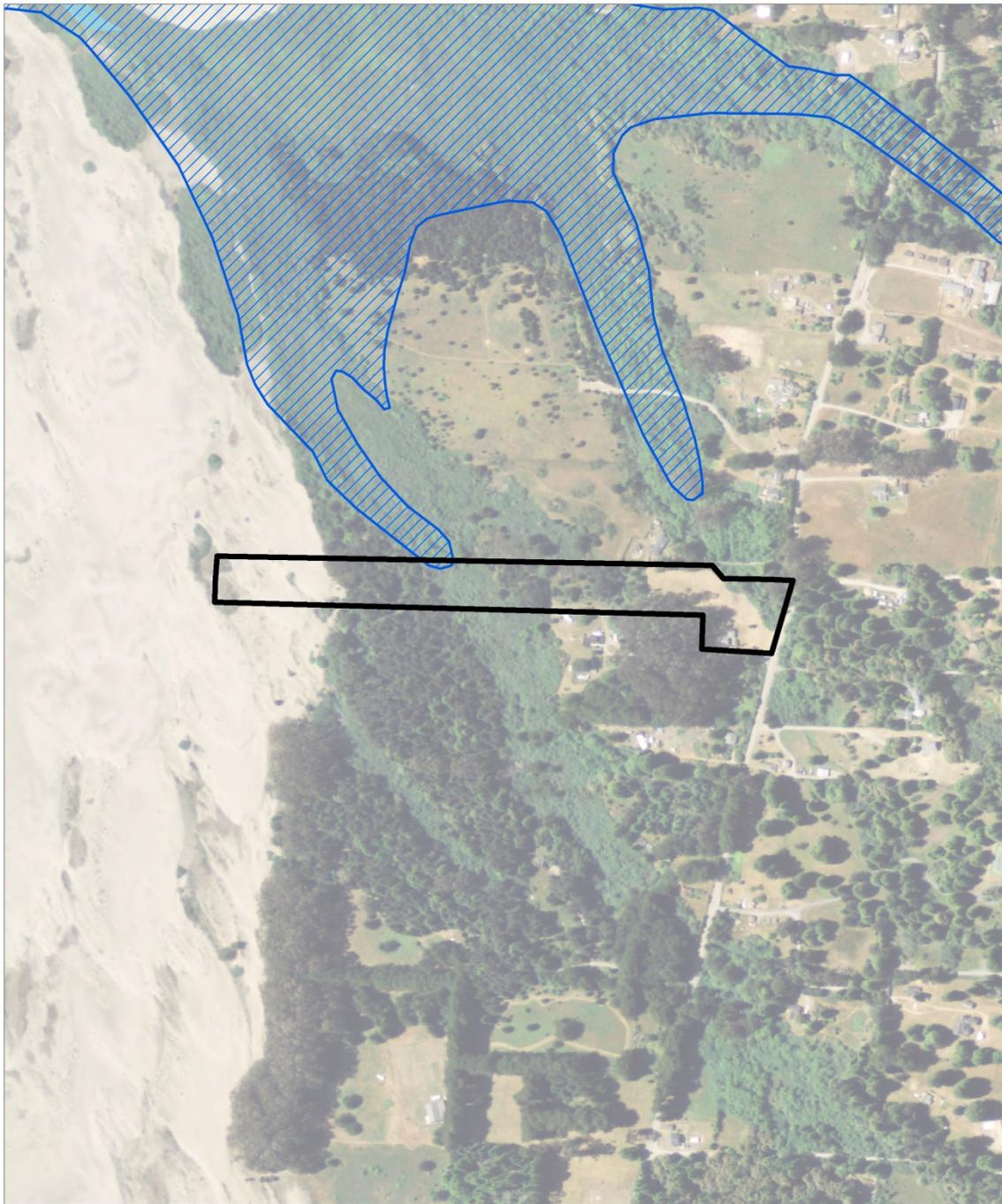
CASE: CDP 2015-0016
OWNER: POMA, James
APN: 069-060-31
APLT: Geary
ADDRESS: 27030 N. Hwy. 1, FB

 High Fire Hazard
 Moderate Fire Hazard



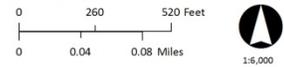
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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



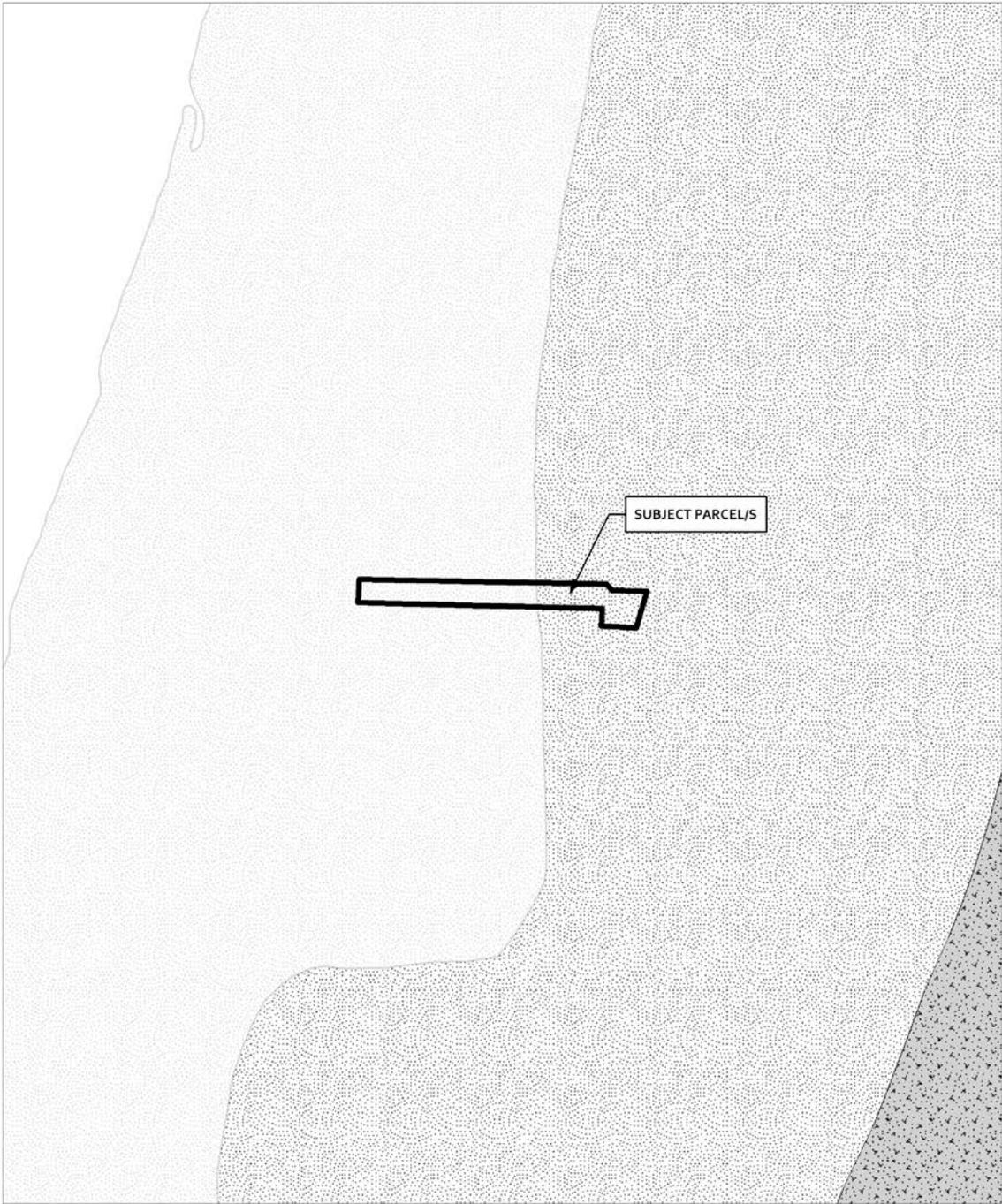
CASE: CDP 2015-0016
OWNER: POMA, James
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 Flood Zone
 Tsunami Inundation Zones



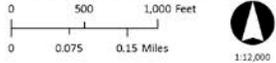
FEMA FLOOD ZONE
NFIP MAPS, JUNE 2nd, 2011

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



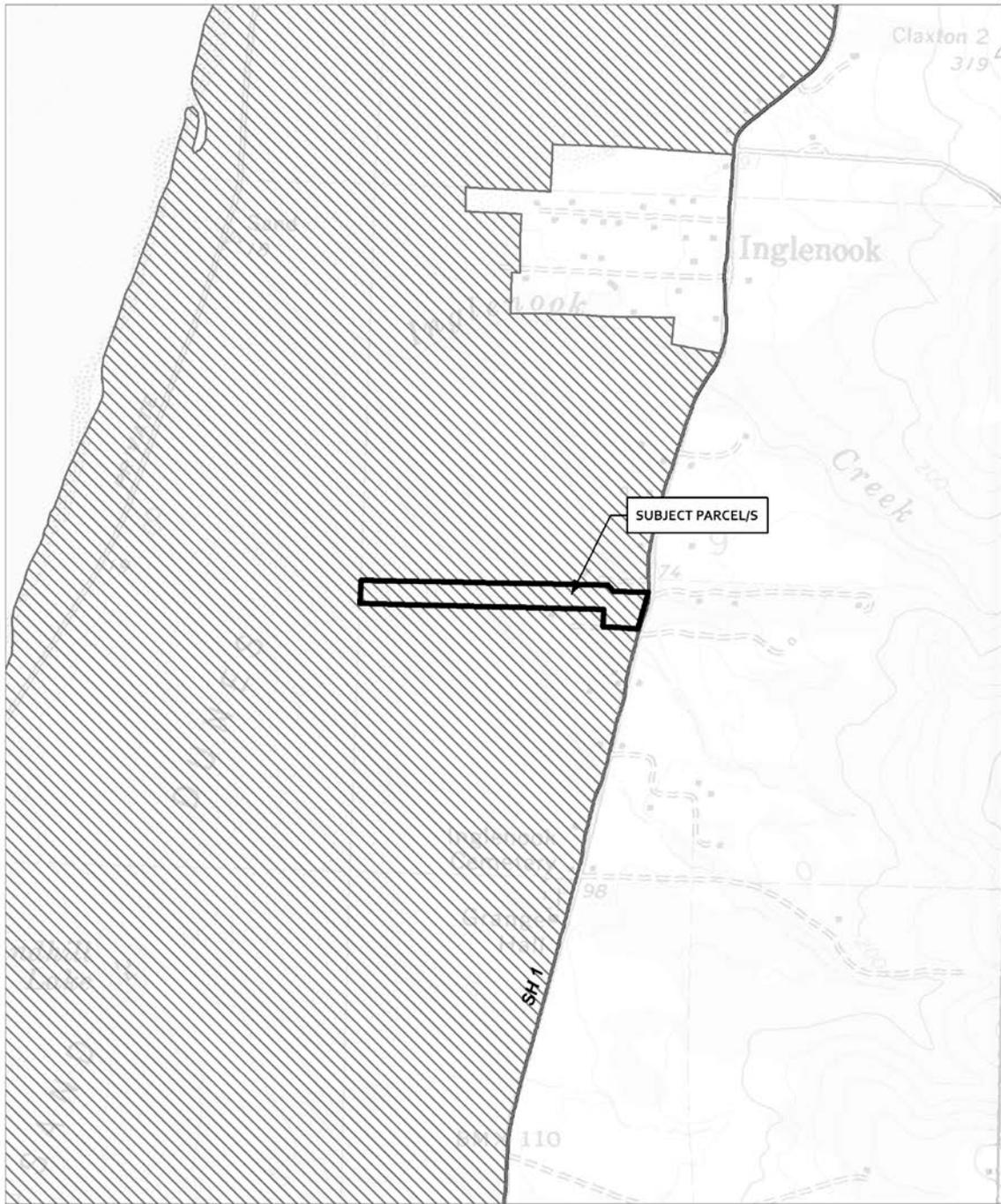
CASE: CDP 2015-0016
OWNER: POMA, James
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ADDRESS: 27030 N. Hwy. 1, FB

-  Sufficient Water Resources
-  Critical Water Resources Bedrock
-  Dunes



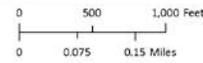
GROUND WATER RESOURCES

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



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OWNER: POMA, James
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APLCT: Geary
ADDRESS: 27030 N. Hwy. 1, FB

 Highly Scenic Area
 Highways



HIGHLY SCENIC & TREE REMOVAL AREAS

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

**COASTAL PERMIT APPROVAL CHECKLIST
COASTAL PERMIT ADMINISTRATOR HEARING**

**CDP_2015-0016 (POMA)
FEBRUARY 25, 2016**

PROJECT TITLE: CDP_2015-0016 (POMA)

PROJECT LOCATION: 27030 N HWY 1
FORT BRAGG, CA 95437

**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 RR
(Rural Residential)

ZONING DISTRICT Mendocino County Code – Division II
RR (Rural Residential)

DESCRIPTION OF PROJECT: The applicant proposes to construct a ground-mounted solar array located on a 10.9-acre site and adjacent to an existing residential structure. The ground-mounted solar array would be situated approximately 259-feet west of Highway 1 and have a maximum height of 5-feet, 2.5-inches. Non-glare surfaces would be used in the construction of the solar panels. The array area would be approximately 14-feet by 38-feet or 541 square-feet.

SITE DESCRIPTION AND SETTING: The proposed project is located in Cleone. It is on the west side of North Highway 1, approximately 0.5 mile south of its intersection with Camp 1 Ten Mile Road (CR 427). The site address is 27030 No Hwy 1, FORT BRAGG (APN 069-060-31).

DETERMINATION: The proposed project satisfies all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.532.095 and 20.532.100 of Division II of Title 20 of the Mendocino County Code (MCC), 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 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 type="checkbox"/> | <input checked="" type="checkbox"/> |

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

Consistent (with conditions of approval)

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The LCP 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 the Mendocino County Code (MCC), and its policies are certified to 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.

Coastal

The project is located within the boundaries of the certified local coastal program and satisfies the policies of Chapter 4.6 of the Coastal Element, Mendocino County General Plan. Coastal Access Trails are located westerly of the project site and follow the shore of Ten Mile Beach Dunes Natural Area and MacKerricher State Park.

General Plan Land Use – Rural Residential

The site and surrounding lands are designated Rural Residential (RR). The RR classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, micro-climate, slope, exposure, etc.

Construction of a residential accessory structure, like a ground-mounted solar array, is consistent with the existing land use classification.

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 located within a mapped Highly Scenic Area (HSA), as depicted on the *Cleone* LCP map, requiring that new structures not exceed "eighteen feet above natural grade...unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures."¹

Scenic Views from Highway 1: The proposal is to construct a 541-square feet ground-mounted solar array that would be 5-feet, 2.5-inches tall and sited 259-feet west of Highway 1. The solar panels are manufactured with low-reflecting material (as this improves the function of the solar panels). While the structures will be sited a considerable distance west of the highway, they may be visible from the highway, as the 10.9-acre site does not have vegetation that would otherwise screen the structure from the roadway. Requiring planting within the front-yard may reduce views of the structure from Highway 1.

Recommended Condition: Construction and location of the solar array be located 250-feet west of Highway 1. The property owner shall plant and maintain regionally native, low-height shrubs within and along the front-yard of the property to diminish views of the ground-mounted solar array.

Recommended Condition: The maximum height of the solar array shall be less than six-feet above natural grade.

Recommended Condition: The solar array and its associated equipment shall be located and constructed to reduce light reflection or glare from the equipment.

Scenic Views from the shore and ocean: The LCP and MCC contain additional development criteria for projects in HSA to protect views to and along the ocean and scenic coastal areas. The proposed development will not be visible from the sea, because views from the west would be across State Park dunes and a grove of trees.

Hazards

Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone.

Seismic Activity. The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.² This project does not conflict with any state or local seismic hazard policy or plan.

Flooding. Although the westerly portion of the property is mapped within the Tsunami Planning Area; the project site is more than 1,500-feet east of the Tsunami Planning Area mapped boundary. The project site is not located within a flooding zone, therefore no conditions are necessary to ensure consistency with flood policy or wave rush hazards.

Fire. The project is located in an area characterized by moderate fire hazard severity ratings. CalFire has reviewed the project and has requested specific conditions to enhance fire safety and response times. A Standard Condition would ensure that CalFire requested conditions would be implemented with the proposed project.

¹ Mendocino County Coastal Zoning Code, § II-20.376.045 (1991).

² State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

Standard Condition: That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

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

Consistent (without conditions of approval)

Utilities

Environmental Health commented that the location of the proposed trenching, to underground electrical conduit connecting the array to the house, is designed to not impact on-site septic, leach fields, or wells. The proposed ground-mounted solar array will not impact existing septic or wells on-site, or generate additional traffic. Two-hundred and fifty (250) feet of trenching is proposed and would follow a direct route from the solar array to the residential structure (see site plan).

Access Roads

The parcel includes an existing driveway intersecting Highway 1. The proposed development will be provided with adequate access roads. The proposal maintains a sufficient 60-foot highway corridor setback from the centerline of Highway 1.

- **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 Residential (RR). The intent of the RR zoning district is “to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.”³ The proposal to construct an array of solar panels will not diminish the capacity of this residentially developed lot to continue to support the intent of the RR District.

The site is also designated a Highly Scenic Area (HSA). The purpose of HSA designated areas is to insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas, and to restore and enhance visual quality in visually degraded areas. The proposed ground-mounted solar array will be sited 259-feet westerly of Highway 1, is designed to be less than six-feet in height, and should be nominally visible from Highway 1. The solar panels are constructed with non-reflecting surfaces to enhance the efficiency of the solar panels.

Use: The project site is in Cleone and zoned Rural Residential (RR). The proposal is to construct a 541 square-foot array of ground-mounted solar panels. The maximum height of the structure is less than six-feet above natural grade.

Yards: The proposed location for the ground-mounted array satisfies minimum yard requirements for a 10.9-acre site in the RR District, including the Corridor Preservation Setback of 60-feet from the centerline of Highway 1. The structure will be sited approximately 259-feet west of Highway 1.

³ Mendocino County Coastal Zoning Code, § II-20.376.005-20.380.065 (1991).

Height: The proposed 5-foot, 2.5-inch tall structure is below the maximum 18 foot height recommendation for lots situated within Highly Scenic Areas.

Lot Coverage: The proposed addition adds a nominal 541 square-feet to the lot coverage of a 10.9-acre site and remains well below the maximum lot coverage allowed in the RR 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 a Class 3(e) exception from Section 15303 of Article 19 of the California Environmental Quality Act. The Class 3 exemption states that the construction of “accessory structures including garages, carports, patios, swimming pools, and fences”, meeting the criteria of Section 15303(e), 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(e), 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)

As a previously developed site, an archaeological survey was not requested. The proposed construction of ground-mounted solar panel array and its associated trenching will disturb a small area of this 10.9-acre site. A Standard Condition 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.

Standard Condition: 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.

- **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 Department of Environmental Health has approved this project and noted that the proposed trenching would not disturb existing septic or wells. Solid waste disposal is adequate to serve the proposed development. The Westport Transfer Station is located approximately ten miles from the project site, providing for the disposal of solid waste resulting from the residential use. Additionally, curbside pickup is available, should the owner choose to purchase the service.

Roadway Capacity: This proposed project will have no effect on roadway capacity, which will remain adequate to serve the existing development. The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located at 27030 N Highway 1, which is approximately 0.5 miles south of its intersection with Camp 1 Ten Mile Road (CR427). The nearest data breakpoint in the corridor study is located in Westport at post mile 77.66. The existing level of service at

peak hour conditions at this location is considered Level of Service B. 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 *Cleone* LCP Map. Coastal access is provided westerly of the project site and along the shoreline. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast.

| 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"/> |

- **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.

Review of the California Natural Diversity Data Base showed little potential for sensitive habitat within 1,500 feet of the proposed location of the ground-mounted solar array, trenching, or the existing single-family home; therefore, no biological assessment was requested. The proposed work will be situated well east of the dunes and on land previously disturbed by the construction of a residential structure and its associated landscaped areas. Comments were requested from US Fish and Wildlife Service, the Department of Fish and Wildlife, and State Parks. No comments were received from these three agencies.