### CDP\_2017-0016 AUGUST 24, 2017

#### **SUMMARY**

OWNER/APPLICANT: DAN GRANATOWSKI

20404 SW 83 AVENUE CUTTER BAY, FL 33189

**REQUEST:** A Coastal Development Standard Permit request to

allow MCC Section 20.460.030 *Camping* land use on an existing driveway that is located on coastal bluff top

lands.

**DATE DEEMED COMPLETE:** May 15, 2017

**LOCATION:** The site is 5±miles north of the community of Elk on the

west side of Highway 1 at 1060 Navarro Bluff Road (CR

517A), Albion (APN: 126-110-14-00).

TOTAL ACREAGE: 2.5 acres

GENERAL PLAN: Mendocino County General Plan – Coastal Element

Rural Residential (RR-5 [RR-1])

**ZONING:** Mendocino Coastal Zoning Code – Division II

Rural Residential Development Limitations (RR5-DL

[RR1-DL])

SUPERVISORIAL DISTRICT: 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt 15304 Class 4(e)

APPEALABLE: Yes, mapped Appeal Jurisdiction

**RECOMMENDATION:** Approve with Conditions

STAFF PLANNER: Juliana Cherry

#### **BACKGROUND**

**PROJECT DESCRIPTION**: The property owner requests a Coastal Development Permit to allow camping, a temporary use, on a bluff top parcel located at the northern terminus of Navarro Bluff Road, Albion. There is an existing, abandoned vehicle on-site that would be removed. The proposed land use is not development as defined by MCC Section 20.308.035(D), but is subject to the camping regulations of MCC Section 20.460.030. The use is permitted in the RR District for up to sixty days in any six month period. Staff recommends that equipment (tents, vehicles) not be stored on the property; the equipment should be removed from the site when not in use on-site.

**APPLICANT'S STATEMENT**: "Coastal Development Administrative Permit. RV or Tent 10x20 (200 sf) on existing driveway (no construction, no development)."

**RELATED APPLICATIONS: None** 

**SITE CHARACTERISTICS**: The 2.5 acre site is located west of Highway 1, on the west side of Navarro Bluff Road (CR 517A), 5± miles north of the community of Elk, at 1060 Navarro Bluff Road in Albion (APN: 126-110-14). The site is a bluff top parcel and is located within a designated *Highly Scenic Area* 

and Tree Removal Area, and adjacent to the Navarro River Estuary State Marine Conservation Area. Since the proposed land use is *Camping*, a geotechnical report was not required even though the location includes shoreline, bluff-top lands and evidence of bluff erosion is present on site and on adjacent lands. Existing development on the site includes a driveway and an abandoned Recreational Vehicle.

Site elevations range from 0-feet above mean sea level (msl), along the site's shorefront, to approximately 175 feet above msl, adjacent to Navarro Bluff Road and the site's eastern boundary. LCP Map 19 *Navarro* shows planned public access in front of the subject property on Navarro Bluff Road. The parcel is classified as grazing land and contains barren upland habitat on the majority of the site and rocky intertidal area along the site's western boundary. Non-prime agricultural land is located along the westernmost portion of the site. The site is underlain by bedrock (Zone 1) and is not subject to strong seismic shaking. The parcel is subject to coastal erosion, within an area classified as "present development critical." The site is located within a mapped *Critical Water Area* and a *Moderate Fire Hazard Area*. The western most portion of the site is located within a flood zone; however, due to elevation changes across the site, the entire lot is not within a tsunami inundation zone.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the site and surrounding lands to the north, south, and east are designated Rural Residential (RR5). The proposed use, *Camping* per MCC Section 20.460.010(D), may be permitted upon issuance of a Coastal Development Administrative Permit. Immediately west of the project site is the Pacific Ocean.

Table 1: Surrounding Land Use, Zoning, Lot Sizes, and Existing Uses				
	GENERAL PLAN	ZONING	LOT SIZES	USES
North	RR 5-DL	RR 5-DL	4 acres	Residential
East	RR 5-DL	RR 5-DL	4 acres	Residential
South	RR 5-DL	RR 5-DL	2 acres	Residential
West	Ocean	Ocean	Ocean	Ocean

The parcels immediately to the north, south and east are currently developed with single family residences and accessory structures. The proposed land use would be compatible with surrounding land uses and development.

### **KEY ISSUES**

**GENERAL PLAN AND ZONING CONSISTENCY:** The proposed *Camping* land use is consistent with the intent and goals of the Local Coastal Plan, the General Plan and its Coastal Element, and Mendocino County Codes as detailed below.

<u>Land Use</u>: The subject parcel is classified as Rural Residential with Development Limitations Combining District and a 5 acre minimum parcel size (RR5-PD) by the Mendocino County General Plan, and is a part of the Coastal Element of that General Plan. The RR plan designation 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, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability." The principally permitted uses designated for the

<sup>&</sup>lt;sup>1</sup> Mendocino County Department of Planning & Building Services. No Date. *Highly Scenic & Tree Removal Areas* [map].

<sup>&</sup>lt;sup>2</sup> Mendocino County Department of Planning & Building Services. No Date. *LCP Land Use Map 19: Navarro* [map].

<sup>&</sup>lt;sup>3</sup> Mendocino County Department of Planning & Building Services. No Date. *Important Farmland* [map].

<sup>&</sup>lt;sup>4</sup> Mendocino County Department of Planning & Building Services. No Date. *LCP Habitats & Resources* [map].

<sup>&</sup>lt;sup>5</sup> Mendocino County Department of Planning & Building Services. No Date. *LCP Land Capabilities & Natural Hazards* [map].

<sup>6</sup> Ibid.

<sup>7</sup> Ibio

<sup>&</sup>lt;sup>8</sup> Mendocino County Department of Planning & Building Services. No Date. *Ground Water Resources* [map].

<sup>&</sup>lt;sup>9</sup> Mendocino County Department of Planning & Building Services. No Date. Fire Hazard Zones & Responsibility Areas [map].

<sup>&</sup>lt;sup>10</sup> Mendocino County Department of Planning & Building Services. No Date. *FEMA Flood Zone* [map].

<sup>&</sup>lt;sup>11</sup> Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino General Plan.* 1991.

RR Classification are "residential and associated utilities, light agriculture, home occupation." 12

Zoning: The project would be consistent with Division II of the Mendocino County Coastal Zoning Ordinance. The zoning district for the site is Rural Residential with Development Limitations Combining District. Pursuant with MCC Section 20.460.030(A) *Camping* land uses may be permitted only in the RR, RMR, AG, RL, FL and TP zoning districts. Since the proposed project is a temporary use and is not *Development*, as defined in MCC Section 20.308.035(D), staff finds that the project would not conflict with the development standards for the RR District.

The DL Combining District is intended to "...be used only in conjunction with another land use classification on parcels or portions of parcels that according to available data have serious constraints that may prevent or severely limit development including slope over 30 percent, erosion, or landslide. Many parcels with this designation have suffered severe bluff erosion and currently may have no feasible building site remaining. In each case on-site inspection and tests will be necessary to determine whether a building site exists. Wetlands, riparian vegetation, dunes, plant or animal habitats, pygmy soils, and areas subject to flooding are shown separately on the plan maps and are not designated DL." Similar principally permitted uses are designated for the DL Combining District, "...provided a building site, capable of safely accommodating the development, without significant adverse effects, as set forth in Chapter 3.4, exists."

The proposed MCC Section 20.460.010(D) *Camping* land use would be consistent with the intent of the RR and DL Combining District.

Staff recommends the following conditions to encourage compliance with County regulation of camping uses in the RR District.

**Recommended Condition:** In compliance with MCC Section 20.460.030(B) *Duration*, the maximum time limit for temporary camping shall not exceed sixty days in any six month period.

**Recommended Condition:** In compliance with MCC Section 20.460.030(C) *Intensity*, not more more than one (1) tent or recreational vehicle may be on site at any one time. Tents or recreational vehicles etc. shall not be blocked up or placed upon any permanent foundation and shall not be connected to any utility such as water, gas, or similar. Tents or recreational vehicles etc. not in use shall be removed from the site.

**Recommended Condition:** The use of a trailer coach as a real estate office, mobile financial business office, occupancy while constructing a dwelling, temporary caretaker housing and others is prohibited, unless proper permits are obtained in the future.

**LOCAL COASTAL PROGRAM CONSISTENCY:** The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below. The proposed *Camping* land use has been reviewed for and found consistent with sections related to archeological and cultural resources, transportation and circulation, public access, hazards, and grading and erosion control, fire protection, and adequate water supply.

<u>Public Access</u>: The property is located within the Appeal Jurisdiction boundaries of the *Post LCP Certification Permit and Appeal Jurisdiction* Map. LCP Map 19 *Navarro* shows planned public access in front of the subject property on Navarro Bluff Road. Staff finds the project would have no effect on public access to the coast.

<u>Hazards</u>: MCC Section 20.500.020(A) *Faults* -- The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone. <sup>15</sup> The San Andreas Fault is located approximately 2 to 3

13 Ibid.

<sup>&</sup>lt;sup>12</sup> Ibid.

<sup>14</sup> Ibia

<sup>&</sup>lt;sup>15</sup> State of California, CGS Information Warehouse: Regulatory Maps, Department of Conservation, California Geological Survey, 2015. Available via http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps

miles west of the project site. The project does not conflict with any State or local seismic hazard policy or plan.

MCC Section 20.500.020(B) *Bluffs and Bluff Erosion* -- The proposed temporary land use would be setback from the bluff's edge. Staff recommends inclusion of a standard condition, when land uses or development is proposed adjacent to coastal bluffs.

MCC Section 20.500.025 Fire Hazard -- The parcel is located within an area classified with a "Moderate Fire Hazard" severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Elk Community Services District (CSD). The project application was referred to CalFire and Elk CSD for input; however, no responses were received.

<u>Visual Resource and Special Treatment Areas</u>: LCP Map 19 *Navarro* designates the project site as a *Highly Scenic and Tree Removal Area*. <sup>16</sup> Pursuant with MCC Chapter 20.504 *Visual Resource and Special Treatment Areas*, criteria is established to ensure that development is 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 surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. The proposed *Camping* land use would be situated on an existing driveway for up to sixty days in any six-month period. No development, as defined in MCC Section 20.308.035(D), is proposed. The maximum height of any structure, equipment, or vehicle would be limited to a height of 18-feet. Staff recommends a standard condition that would require exterior lights to comply with County policies and recommends a condition requiring an approved Coastal Development Permit for any development at this location, pursuant with MCC Section 20.532.010.

**Recommended Condition:** Any person, partnership, corporation, state or local agency or special district proposing to undertake any development as defined in Section 20.308.035(D) shall obtain a coastal development permit in accordance with the provisions of this Chapter, in addition to any other permit or discretionary approval required by any local agency or special district or any State or Federal agency as authorized by law or ordinance. If a coastal development permit is required pursuant to this section, no building permit, water well permit, septic permit, business license, grading permit, transient occupancy registration certificate, encroachment permit, occupancy permit or other entitlement for use shall be issued prior to the issuance of a coastal development permit.

Habitats and Natural Resources: The project is consistent with the MCC Chapter 20.496 Environmentally Sensitive Habitats and Other Resource Areas, because the location of the temporary use is more than 100-feet from any potential sensitive resource area and because the proposed use is not development, as defined in MCC Section 20.308.035(D). The purpose of MCC Section 20.496 is to ensure that environmentally sensitive habitat and other designated resource areas, which constitute significant public resources and are protected for both the wildlife inhabiting them, as well as, the enjoyment of present and future populations. Environmentally Sensitive Habitat Areas (ESHAs) include wetlands, riparian areas, habitats of rare and endangered plants and animals, and others. Adjacent to the project site are two mapped wetland areas located at the base of the bluff, along the shore, and accessible from the ocean. The California Natural Diversity Data Base (CNDDB) indicates the potential for two special-status plant species habitat on the subject property, including Mendocino Coast paintbrush (Castilleja mendocinensis) and Pacific gilia (Gilia capitate ssp. pacifica); and the potential habitat for one special-status plant and one special-status wildlife species within the project vicinity, including grand fir forest (Grand Fir Forest) and obscure bumble bee (Bombus caliginosus). There have also been five observed spotted owl locations within the vicinity of the subject site.

The proposed *Camping* land use would temporarily be located at the end of the existing driveway, which is more than 100-feet from the two mapped wetland areas and any potential ESHA.<sup>19</sup>

<u>Archaeological/Cultural Resources</u>: For small projects such as remodels, additions, small outbuildings (projects with minimal earthwork), Planning and Building Services procedure is to not refer these types of

<sup>&</sup>lt;sup>16</sup> Mendocino County Department of Planning & Building Services. No Date. *LCP Land Use Map 19: Navarro* [map].

<sup>&</sup>lt;sup>17</sup> Mendocino County Department of Planning & Building Services. No Date. *Classified Wetlands* [map].

Mendocino County Department of Planning & Building Services. No Date. Natural Diversity Database [map].

<sup>&</sup>lt;sup>19</sup> Mendocino County Department of Planning & Building Services. No Date. *Site Plan* [map].

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 which projects would require archaeological review. A standard condition advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

<u>Groundwater Resources</u>: The project site is mapped as a critical groundwater resource area. Since the project involves a temporary use of the site, a permanent water and wastewater system would not be installed on the site. Instead, the project could utilize a holding water tank in an Recreational Vehicle for domestic water and wastewater would be pumped out at an off-site location. The project was referred to the Department of Environmental Health (DEH) for comment; however, no response was received. Staff finds that the project would satisfy policies related to adequate water supply. Staff recommends a condition of project approval prohibiting disposal of domestic water and wastewater on-site.

**Recommended Condition:** Storage or disposal of domestic water and wastewater on-site is prohibited. The Recreational Vehicle shall dump waste at a permitted RV dumping site.

**ENVIRONMENTAL PROTECTION:** The County of Mendocino is the Lead Agency for this project under CEQA. The County of Mendocino finds the project to be categorically exempt from CEQA, under a Class 4(e) Categorical Exemption from CEQA, pursuant to Section 15304, Minor Alterations to Land. The proposed *Camping* land use would be exempt from CEQA.

#### RECOMMENDED FINDINGS AND CONDITIONS

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

### **FINDINGS:**

- 1. Pursuant with MCC Section 20.532.095(A)(1), the proposed land use is in conformity with the certified Local Coastal Program. Pursuant with MCC Section 20.460.030, *Camping* land uses are permitted temporary uses in the RR District with an approved Coastal Development Permit; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the proposed land use, which is not *Development*, will be prohibited from using on-site utilities and other necessary facilities; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed land use is consistent with the purpose and intent of the RR District, as well as all other provisions of Division II, including development standards applicable to *Visual Resource and Special Treatment Areas, Rural Residential Districts*, and permitted *Temporary Use Regulations*; and
- 4. Pursuant with MCC Section 20.532.095(A)(4), the proposed land use will not have any significant adverse impacts on the environment and meets the criteria for a Class 4(e), Section 15304 Categorical Exemption within the meaning of the California Environmental Quality Act; and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed land use will not have any adverse impacts on any known archaeological or paleontological resource, as there are none known in the vicinity; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the site; and

7. Pursuant with MCC Section 20.532.095(B), the proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

#### CONDITIONS OF APPROVAL:

- 1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. CDP\_2017-0016 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.
- 2. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
- 3. In compliance with MCC Section 20.536.015 *Expiration*, this valid unrevoked and unexpired coastal development permit CDP2017-0016 shall expire and become null and void at the expiration of two (2) years after granting CDP\_2017-0016; except where use of the property in reliance on CDP\_2017-0016 has been initiated prior to its expiration. To remain valid, CDP\_2017-0016 and the approved *Camping* land use must be ongoing (during any six-month period, sixty days or less of camping) and continuous within the time constraints provided by this permit.
- 4. 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.
- 5. 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.
- 6. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
- 7. The Applicants 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.
- 8. 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.
  - 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.
- 9. 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.
- 10. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 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.
- 11. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall

be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code.

- 12. In compliance with MCC Section 20.460.030(B) *Duration*, the maximum time limit for temporary camping shall not exceed sixty days in any six month period.
- 13. In compliance with MCC Section 20.460.030(C) *Intensity*, not more than one (1) tent or recreational vehicle may be on site at any one time. Tents or recreational vehicles etc. shall not be blocked up or placed upon any permanent foundation and shall not be connected to any utility such as water, gas, or similar. Tents or recreational vehicles etc. not in use shall be removed from the site.
- 14. The use of a trailer coach as a real estate office, mobile financial business office, occupancy while constructing a dwelling, temporary caretaker housing and others is prohibited, unless proper permits are obtained in the future.
- 15. Any abandoned vehicles shall be immediately removed from the site. Storage of vehicles on site is prohibited.
- 16. Storage or disposal of domestic water and wastewater on-site is prohibited. The Recreational Vehicle shall dump waste at a permitted RV dumping site.
- 17. Noise, such as use of a generator, is subject to Mendocino County exterior noise limit standards for residential land uses, including hours and noise level standards.
- 18. Any person, partnership, corporation, state or local agency or special district proposing to undertake any development as defined in Section 20.308.035(D) shall obtain a coastal development permit in accordance with the provisions of this Chapter, in addition to any other permit or discretionary approval required by any local agency or special district or any State or Federal agency as authorized by law or ordinance. If a coastal development permit is required pursuant to this section, no building permit, water well permit, septic permit, business license, grading permit, transient occupancy registration certificate, encroachment permit, occupancy permit or other entitlement for use shall be issued prior to the issuance of a coastal development permit.
- 19. Prior to the issuance of Coastal Development Permit CDP\_2017-0016, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
  - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards:
  - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
  - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant:
  - d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject structures or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
  - e. The landowner shall remove structures when bluff retreat reaches the point where structures are threatened. In the event that portions of structures, or other improvements, fall to the beach or ocean before they can be removed from the bluff top, the landowner shall remove all recoverable debris associated with this site from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;

f. The deed restriction shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

Juliana Cherry Planner III

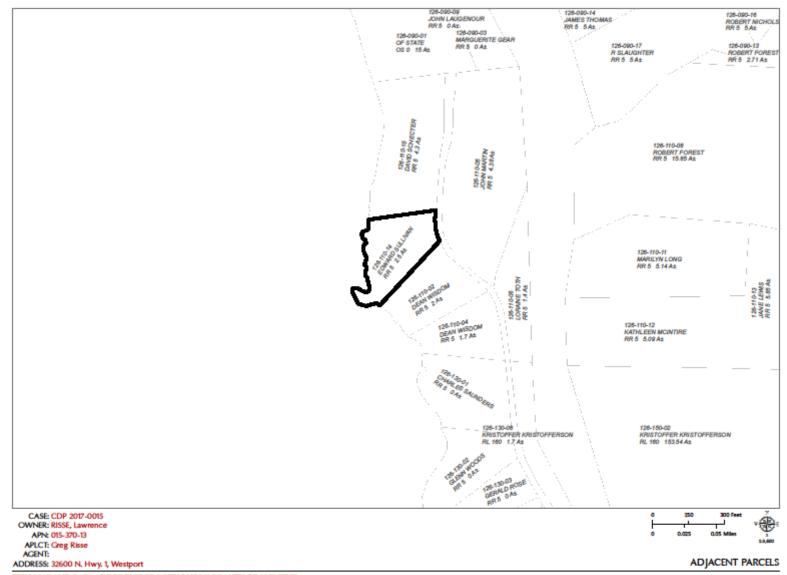
Staff Report Prepared By:

Date

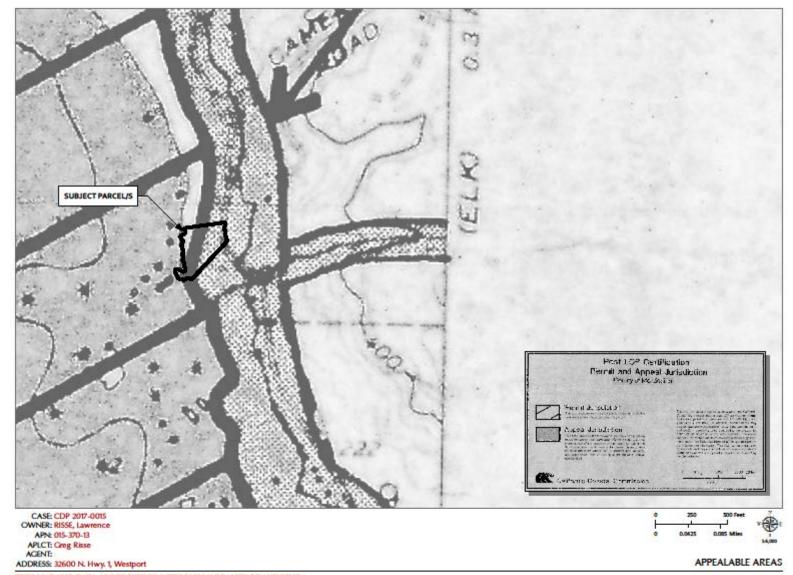
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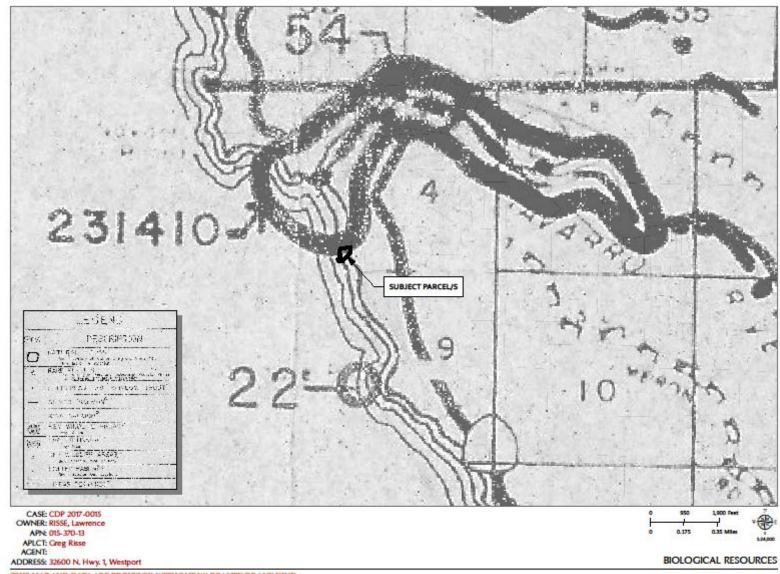
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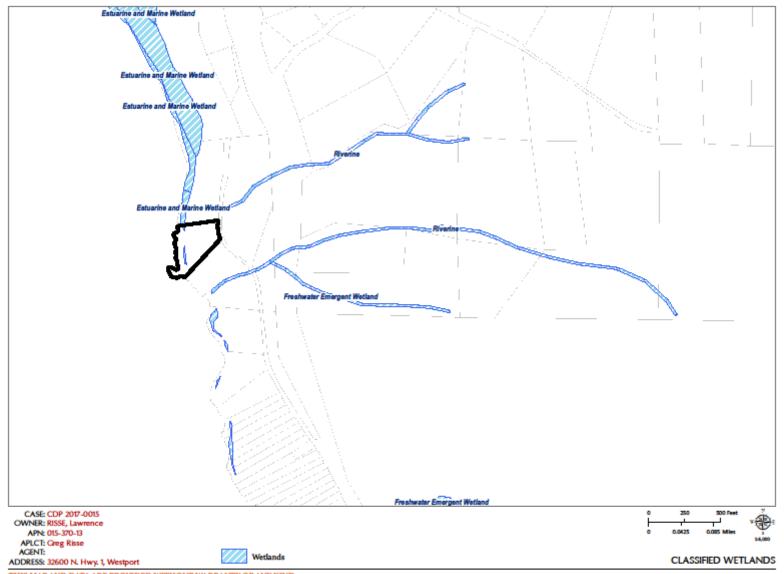
- A. Adjacent Parcels
- B. Aerial Imagery
- C. Appealable Areas
- D. Biological Resources
- E. Classified Wetlands
- F. FEMA Flood Zone
- G. Fire Hazards Zones & Responsibility Areas
- H. General Plan Classifications
- I. Ground Water Resource Area
- J. Highly Scenic & Tree Removal Areas
- K. Important Farmland
- L. LCP Habitats & Resources
- M. LCP Land Capabilities & Natural Hazards
- N. LCP Land Use Map 19: Navarro
- O. Local Soils Map
- P. Location Map
- Q. Site Plan
- R. Zoning Display Map

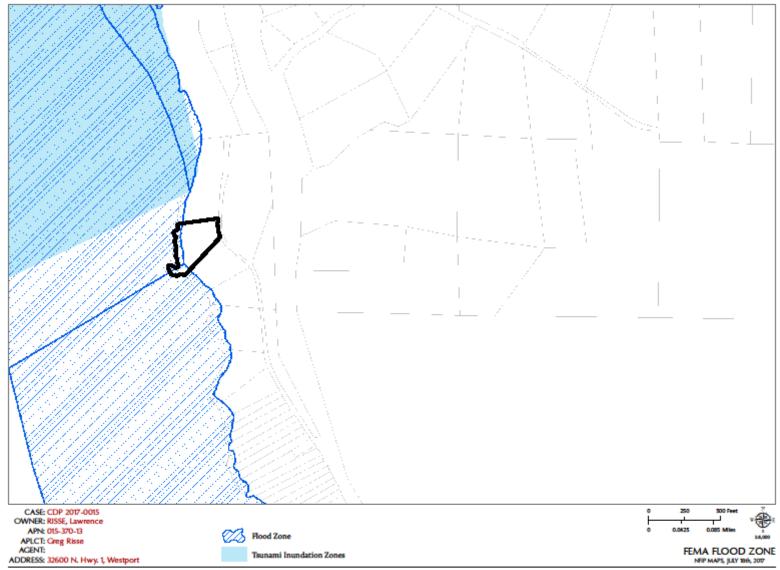


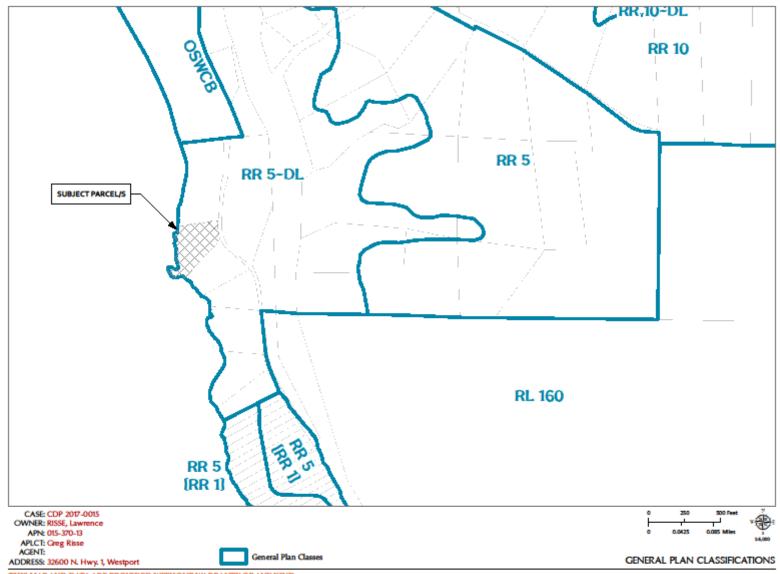


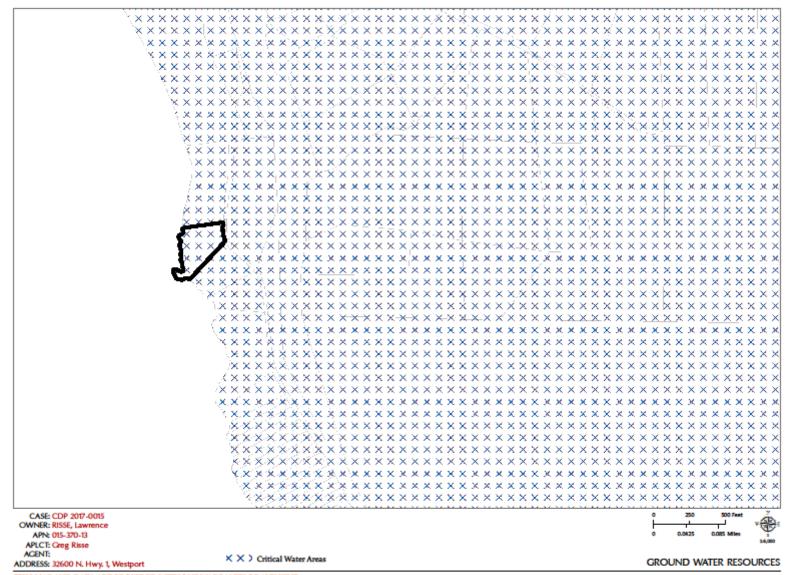




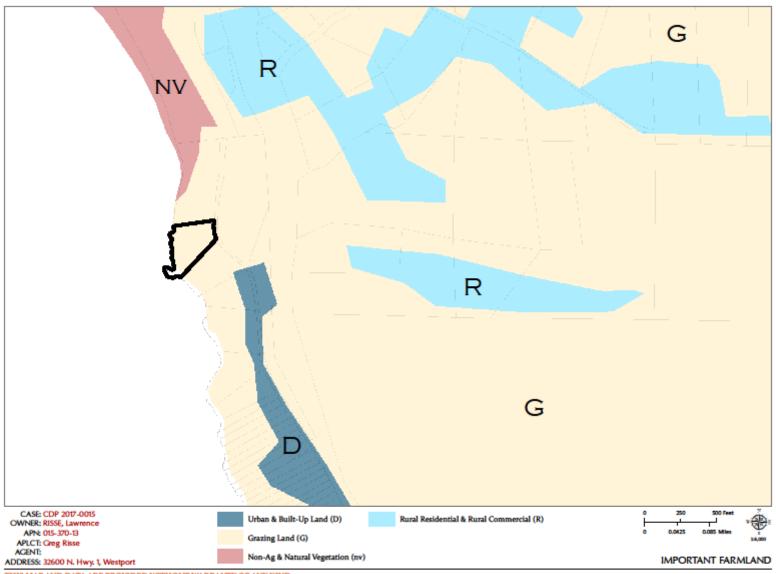


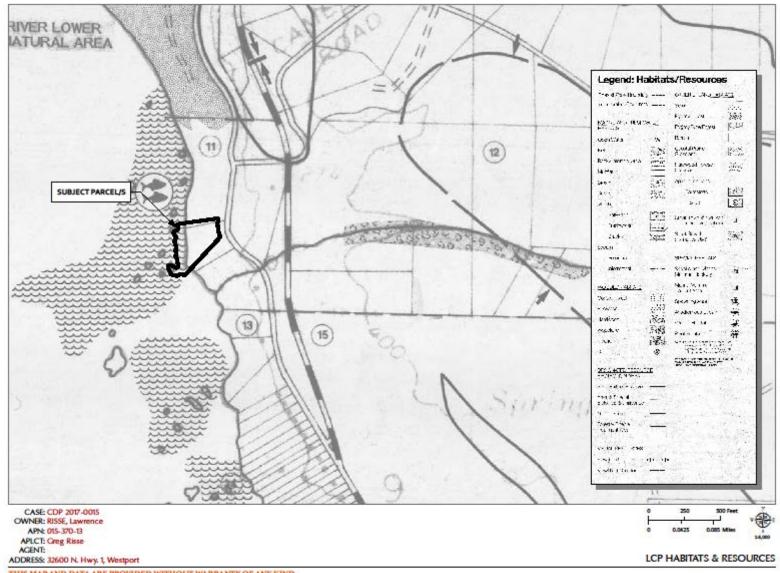


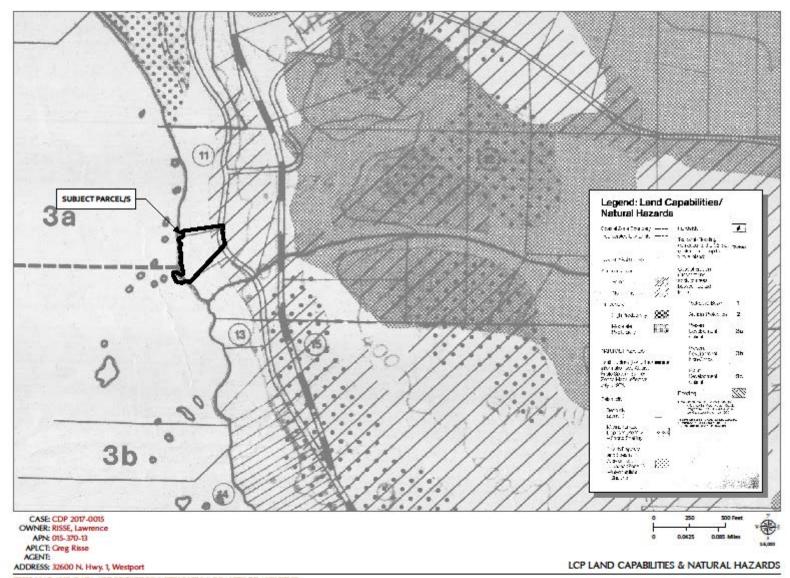


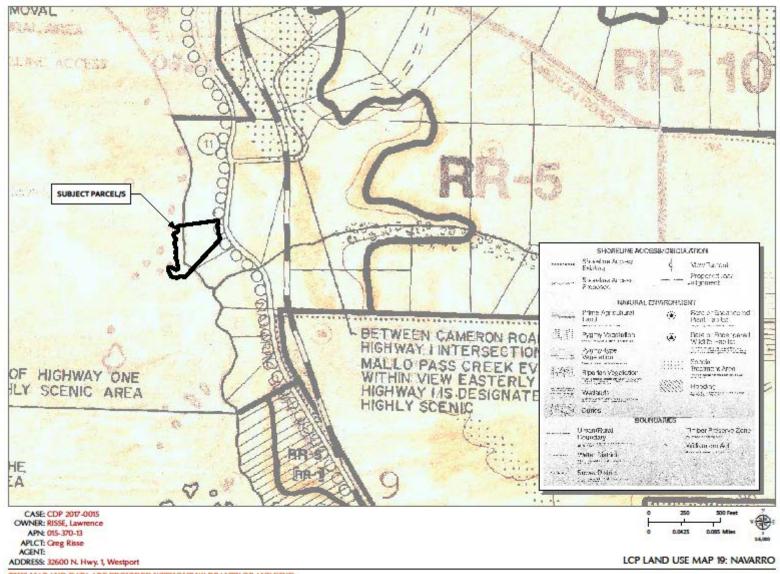


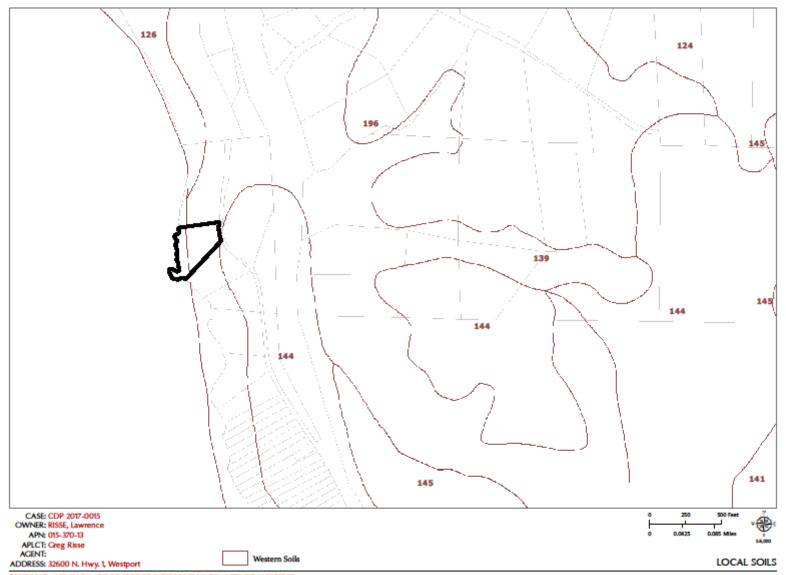


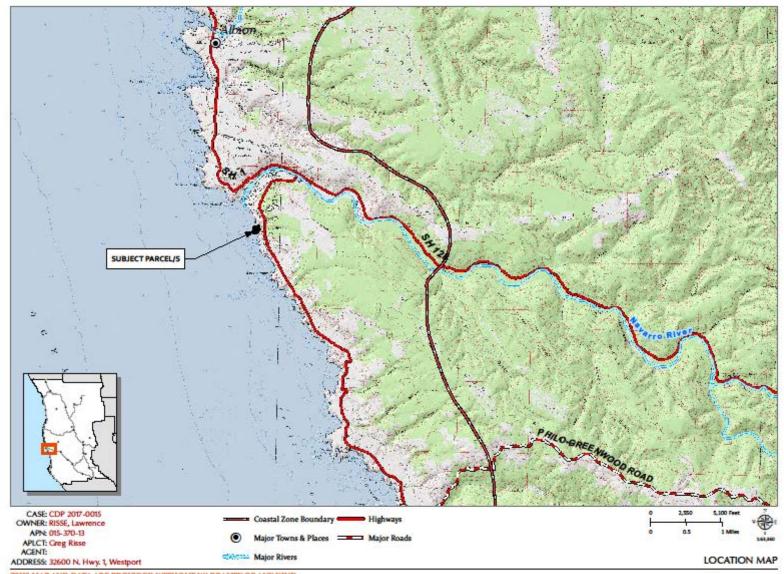


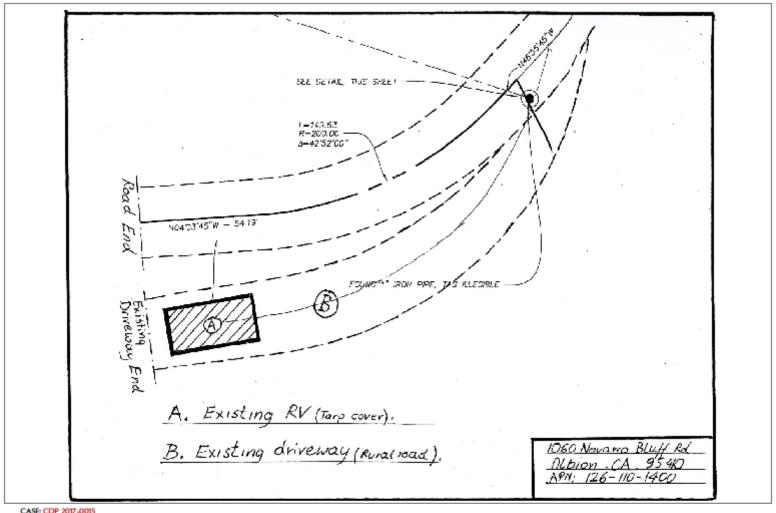












CASE: CDP 2017-0015 OWNER: RISSE, Lawrence APN: 015-370-13 APLCT: Greg Risse AGENT:

NO SCALE

ADDRESS: 32600 N. Hwy. 1, Westport

SITE PLAN

