

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877

MAILING ADDRESS:  
P. O. BOX 4908  
EUREKA, CA 95502-4908



# W22a

Date Filed:	May 14, 2003
49th Day:	July 2, 2003
180 <sup>th</sup> Day:	November 10, 2003
90-Day Extension Submitted:	October 22, 2003
Final Date for Commission Action:	January 20, 2004
Staff:	Randall Stemler
Staff Report:	December 30, 2003
Hearing Date:	January 14, 2004
Commission Action:	

## STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.:	<b>1-97-077-A1</b>
APPLICANT:	<b>K. JOE NANYA</b>
APPLICANT'S AGENT:	Roger Collin
PROJECT LOCATION:	Albion River Campground at 33800 North Albion River Road, Albion, Mendocino County (APN 123-170-01).
DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:	Conversion of Albion River Campground from a mobile home park to an 18-space recreational vehicle park; including removal of ten dilapidated mobile homes, and improvement of water, electrical and septic capacity.
DESCRIPTION OF AMENDMENT REQUEST:	Demolish existing shower and restroom buildings; relocate 10 existing campsites; modify the septic system; install landscaping; construct a new 15-foot-high tractor shed/garage; and construct a two-story 3,840-square-foot multipurpose building with a maximum height of 25 feet to house offices, a relocated laundry facility, meeting and recreation

hall, a reception and interpretive lobby, storage rooms, and shower and restroom facilities

GENERAL PLAN DESIGNATION: FV (Fishing Village)

ZONING DESIGNATION: FV (Fishing Village), FP (Flood Plain)

LOCAL APPROVALS RECEIVED: Mendocino County LCP Consistency Review

SUBSTANTIVE FILE DOCUMENTS: CDP No. 1-97-077 (Seto);  
Mendocino County LCP

---

**SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit, granted originally for the conversion of the Albion Campground from a mobile home park to an 18-space recreational vehicle park with improvements to water, electrical and septic capacity. The amendment request seeks authorization for construction of a two-story, 3,840-square-foot, landscaped multipurpose building not to exceed 25 feet in height. The multipurpose structure would accommodate the relocation of existing temporary toilet, shower, and laundry facilities, create new offices and storage rooms, and provide a meeting hall with a reception and interpretive lobby for the use of guests of the existing campground. The multipurpose building would be served by installation of a new 3,000 gallon concrete septic tank, a new 1,500 gallon concrete pump chamber, and an existing leach field. Ten existing campsites that would be displaced by construction of the new multipurpose building would be relocated. A new 784-square-foot, 15-foot-tall tractor-shed/garage would be constructed. The proposed development is located at the existing Albion River Campground at 33800 North Albion River Road, Albion, Mendocino County.

Staff is recommending eight new special conditions (in addition to the one special condition still in full force and effect from the original permit) to ensure that the project is consistent with the Chapter 3 policies of the Coastal Act. Special Condition No. 2 requires, prior to the issuance of the permit, that the applicants provide the Executive Director a copy of any permit required by the State Lands Commission. Special Condition No. 3 requires that, prior to issuance of the permit, a deed restriction be recorded imposing all of the special conditions as covenants, conditions and restrictions on the use and enjoyment of the subject property. Special Condition No. 4 requires use of specific non-reflective, dark, earthtone natural-appearing colors and materials for exterior siding and visible exterior components to ensure that the development will be visually compatible with the surrounding area, and that outdoor lighting be the minimum necessary for the safe ingress and egress of the structures, low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel. Special Condition No. 5 requires conformance to the approved landscaping plan. Special Condition No. 6 requires removal and proper disposal of demolition debris. Special Condition No. 7 requires submittal of a revised runoff control plan. Special Condition No. 8

requires submittal of a Flood Hazard Zone Development Permit approved by Mendocino County prior to the commencement of construction. Finally, Special Condition No. 9 requires the permittee to assume the risks of flooding hazards to the property, indemnify the Commission for all liability and waive any claim of liability against the Commission.

As conditioned, staff has determined that the development as amended would be consistent with Chapter 3 policies of the Coastal Act.

---

**STAFF NOTES:**

**1. Procedure and Background:**

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and procured before the permit was granted.

Coastal Development Permit (CDP) No. 1-97-077 (Seto) was approved for conversion of a mobile home park to a recreational vehicle park with various improvements to the Albion River Campground including installation of new electrical and water supply lines to replace and repair existing utilities to the 18 new recreational vehicle spaces; repairing the sewage disposal system; and demolishing ten dilapidated mobile homes. The Commission granted this permit on March 11, 1998 with one special condition imposed to assure that the site would remain a lower-cost, visitor-serving recreational facility, consistent with Sections 30213, 30221, and 30222 of the Coastal Act. The special condition limits the use of the recreational vehicle spaces to transient visitor use and requires additional permit authorization for any future development on the site including conversion of the recreational vehicle spaces to residential use.

The current amendment requests approval for construction of a two-story, 3,840-square-foot, landscaped multipurpose building not to exceed 25 feet in height. The multipurpose building would be served by installation of a new 3,000 gallon concrete septic tank, a new 1,500 gallon concrete pump chamber, and an existing leach field. The multipurpose structure would accommodate the relocation of existing temporary toilet, shower, and laundry facilities, create new offices and storage rooms, and provide a meeting hall with a reception and interpretive lobby for the use of guests of the existing campground. The multipurpose building would be served by an existing alternate septic system. Ten existing campsites that would be displaced by construction of the new multipurpose building would be relocated. A new 784-square-foot, 15-foot-tall tractor-shed/garage would be constructed. The proposed development would be located at the existing Albion River Campground at 33800 North Albion River Road, Albion, Mendocino County. The building exteriors are proposed to have a wood appearance siding painted in dark earthtone colors to blend with natural surroundings. Roofing and window frames would be non-reflective, and be painted in earthtone colors.

The Executive Director has determined that the proposed amendment would not lessen or avoid the intent of the original conditionally approved permit. As described above, the original permit issued by the Commission authorized a change in use from a mobile home park to a recreational vehicle park, and included a special condition to require only short-term, transient use limited to a six-month stay within each twelve-month period. The recreational park development as amended would conform with these requirements since (1) construction of the proposed multipurpose structure would accommodate the relocation of existing temporary toilet, shower, and laundry facilities, create new offices and storage rooms, and provide a meeting hall with a reception and interpretive lobby for the use of guests of the existing campground; and (2) ten existing campsites that would be displaced by construction of the multipurpose structure would be relocated. Consistent with the new development findings contained in the original permit, the new development as amended would be served by adequate water and septic facilities, and be located in the recreational vehicle park near existing developed areas able to accommodate it without causing significant adverse effects. Consistent with the public access findings contained in the original permit, the new development as amended would not increase the demand for public access to the shoreline, and would have no significant adverse impacts on existing or potential public access. Consistent with the visual resources findings contained in the original permit, the new development as amended would be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize alteration of natural landforms, and be visually compatible and subordinate with the character of surrounding areas. The changes proposed by the amendment would not involve any significant grading that would alter any natural landforms. In addition, the structures would be subordinate to the character of their setting as they would (1) be located adjacent to existing structures, (2) utilize building materials and colors that would blend with the surrounding landscape, (3) include landscaping to soften the appearance of the new structures, (4) be built to heights compatible with the existing development, and (5) be of a style consistent with surrounding development. Therefore, as this amendment request would not result in a lessening or avoidance of the intent of the originally approved permit, the Executive Director accepted the amendment request for processing.

## **2. Standard of Review**

The proposed project is located on the Albion River Flats within the Commission's area of original jurisdiction, and is subject to the Commission's permit authority. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

## **3. Commission Action Necessary**

The Commission must act on the application at the January 14, 2003 meeting to meet the requirements of the Permit Streamlining Act.

## **I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

The staff recommends that the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 1-97-077 pursuant to the staff recommendation.

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

**II. STANDARD CONDITIONS: (See attached)**

**III. SPECIAL CONDITIONS:**

Special Condition No. 1 of the original permit (Seto CDP No. 1-97-077) remains in full force and effect (see Exhibit No. 5). Special Conditions Nos. 2-8 are new conditions attached to the permit amendment.

**2. State Lands Commission Review**

**PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director a written determination from the State Lands Commission that:

- a. No State lands are involved in the development; or
- b. State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or

- c. State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

3. **Deed Restriction**

**PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

4. **Design Restrictions**

- A. All exterior siding, trim, and roofing of the proposed structures shall be consistent with the following limitations on materials and colors: (1) The siding of the multipurpose building and tractor shed/garage shall simulate a wood appearance similar to the siding of the existing store/café; (2) The bodies of the multipurpose building, tractor shed/garage, and existing manager's residence structures shall be medium gray "Eucalyptus Tree" color (Glidden paint chip #10GY 30/104); (3) The trim of the multipurpose building, tractor shed/garage, and existing manager's residence structures shall be dark gray "Campground" color (Glidden paint chip #30GY 14/071); (4) The standing seam steel roofs of the new multipurpose building and new tractor shed/garage structures shall be medium gray "Dolphin Gray" color (BASF Industrial Coating); (5) The vinyl windows shall be black-colored; and (6) The doors shall be natural wood or "Eucalyptus Tree" color (Glidden paint chip #10GY 30/104). The approved structures shall not be repainted or stained with products that will lighten the color of the structures as approved without an amendment to this permit. In addition, all exterior materials, including roofs and windows, shall be non-reflective to minimize glare, and;
- B. All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

**5. Landscaping and Maintenance Requirement**

The permittee shall undertake development in accordance with the approved landscaping plan as proposed. No invasive exotic plants shall be planted. If any of the approved landscape plantings die or are removed for any reason, they shall be immediately replaced in-kind. Any proposed changes to the approved landscaping plan shall be reported to the Executive Director. No changes to the approved landscaping plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**6. Removal of Demolition Debris**

All debris from the demolition of the existing structures on the project site shall be removed from the site, and disposed at a location where such material may be lawfully disposed at an approved disposal site.

**7. Revised Runoff/Erosion Control Plan**

- A. PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval of the Executive Director, a final revised Runoff/Erosion Control Plan that substantially conforms with the plan submitted to the Commission on October 31, 2003, and received November 12, 2003, entitled "*Albion River Campground Rainwater Drainage Plan For Proposed Multipurpose Building*" except that it shall be revised to include the following provisions addressing runoff and erosion impacts from construction of the development:
1. A physical barrier consisting of bales of straw placed end to end shall be placed between any construction and the banks of the Albion River. The bales shall be composed of weed-free, rice straw, and shall be maintained in place throughout the construction period.
  2. Vegetation at the site shall be maintained to the maximum extent possible and any disturbed areas shall be replanted or seeded with native vegetation immediately following project completion.
  3. All on-site demolition and construction debris stockpiles shall be covered and contained at all times.

- B. The permittee shall undertake development in accordance with the approved Runoff/Erosion Control Plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. **Flood Hazard Zone Development Permit**

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the applicant shall provide to the Executive Director a copy of a Flood Hazard Zone Development Permit approved by the Mendocino County Planning and Building Department demonstrating that the finished foundation of the structures would be elevated to or above the base flood elevation or designed to be flood-proofed and capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. The applicant shall inform the Executive Director of any changes to the project required by the Mendocino County Planning and Building Department. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

9. **Assumption of Risk**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

IV. **FINDINGS AND DECLARATIONS FOR APPROVAL**

The Commission hereby finds and declares:

1. **Site Description & Project Description**

A. **Site Description**

The subject site is an approximately 9 <sup>3</sup>/<sub>4</sub>-acre parcel containing the Albion River Campground and Marina, located at Albion Flat on the north side of the Albion River, just east of the Highway One Bridge, at 33800 North Albion River Road, Albion, Mendocino County (Exhibit Nos. 1 and 2). The site is used as a private campground and marina facility

that accommodates both commercial fishermen and recreational boaters. Albion Flat is on the lower Albion River estuary floodplain. The site originally supported a lumber mill before being converted to the existing campground and marina complex. The site is in an area designated as "highly scenic" by the Mendocino County Land Use Plan, and is primarily visible from the Highway One Bridge, and from public roads within the Albion community atop and along the bluff on the south side of the river. Although the river contains environmentally sensitive eelgrass and supports threatened salmonid species, there is no sensitive habitat on the upland portions of the site where the campground is located.

### **B. Project Description**

The amendment request seeks approval for construction of a two-story, 3,840-square-foot, landscaped multipurpose building not to exceed 25 feet in height (page 7 of Exhibit 3). The multipurpose structure would accommodate the relocation of existing temporary toilet, shower, and laundry facilities, create new offices and storage rooms, and provide a meeting hall with a reception and interpretive lobby for the use of guests of the existing campground. The multipurpose building would be served by installation of a new 3,000-gallon concrete septic tank, a new 1,500-gallon concrete pump chamber, and an existing leach field. Ten existing campsites that would be displaced by construction of the new multipurpose building would be relocated. A new 784-square-foot, 28-foot-wide by 28-foot-wide, 15-foot-tall tractor-shed/garage would be constructed. The applicant has proposed landscaping to plant eleven 15-gallon-sized shore pine trees; seven 5-gallon-sized wax myrtle trees; and two 5-gallon-sized silk tassel bushes around the southeastern sides of the multipurpose building and store/café-clustered buildings (page 5 of Exhibit No. 3). The applicant has also provided a runoff/erosion control plan to minimize the volume and velocity of stormwater runoff leaving the developed site, and to capture sediment and other pollutants contained in stormwater runoff from the development, by facilitating on-site infiltration and trapping of sediment. Additionally, the applicant has proposed a selection of colors with which to paint the proposed new structures as well as the existing manager's residence and existing store/café. The applicant's selected colors include "Dolphin Gray" for the roofs; "Eucalyptus Tree" for the bodies of the structures; and "Chatham Green," "Campground," or "Cape May" for the trim; natural wood or the body color for the doors; and black for the vinyl trimmed windows.

### **C. Project History**

In 1978, Mendocino County approved a use permit (#U 84-77) to convert an existing mobile home park and campground (previously allowed by the Planning Commission's approval of use permit #U 54-71 in 1972) to an 86-space recreational vehicle park with a convenience store, snack bar, laundry facility, restrooms, and office. The use permit was approved exclusively for recreational vehicles, and no permanent mobile homes were allowed; the previously existing mobile homes were to be phased out and replaced by recreational vehicle spaces. At that time there were 19 mobile home spaces and 82 recreational vehicle spaces. The applicant did not convert the mobile home sites to recreational vehicle sites, and also did not obtain a coastal development permit from the Coastal Commission for the conversion.

A number of coastal development permits obtained through the years by the applicant for the site were not exercised and subsequently expired, including CDP 80-A-43 for construction of a temporary storage shed, and CDP 1-83-49 for construction of a recreation building. In 1990 the applicant obtained an exemption to replace a 975-square-foot bathhouse destroyed by fire with a new 960-square-foot bathhouse building.

In 1994 the Commission granted CDP 1-93-35 for dredging at the site, and CDP 1-93-36 for the construction of a concrete seawall to protect the site from bank erosion. In 1997, the Commission approved an amendment to this permit to allow for installation of rock rip-rap revetment along the existing riverbank instead of constructing the concrete seawall two to three feet inshore of the existing riverbank. In 1998, the Executive Director approved Coastal Permit Waiver No. 1-98-004-W to demolish and reconstruct an existing store/office building that had been in existence since 1970, and replace the existing failed septic system with a new septic system. Also in 1998, the Commission approved CDP No. 1-97-77 (see Exhibit No. 5) authorizing a change in use from a mobile home park to a recreational vehicle park for short-term, transient use only, and various improvements including the installation of new electrical and water supply lines, and demolition of ten dilapidated mobile homes.

## 2. Locating New Development

Section 30250(a) of the Coastal Act states that:

*New residential, commercial, or industrial development...shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...*

The proposed project would construct a multipurpose building to house: (1) the relocation of existing temporary toilet and shower facilities (four showers and seven toilets relocated from existing structures to be demolished); (2) a new office and operations room on the ground floor, and a private office and full bath on the second story; 3) a relocated laundry facility; 4) a meeting and recreation hall; 5) a reception and interpretive lobby; and 6) operations storage rooms. Ten existing campsites that would be displaced by construction of the new multipurpose building would be relocated. Also, a new tractor-shed/garage would be constructed in a location near the existing manager's residence. The project is designed to better serve the current volume of campground visitors and would not add dwelling units or increase the capacity of campground use. The existing recreational development is not connected to any public water system or public sewage treatment facility. Instead, water is provided by on-site wells located across the river. The Mendocino County Division of Environmental Health has determined the well water to be adequate to serve the facility. The development as amended includes construction of a multipurpose building to house relocated restrooms and showers that would be served by installation of a new 3,000 gallon concrete septic tank, a new 1,500 gallon concrete pump chamber, and an existing leach field. The Mendocino County Division of Environmental Health has approved the proposed modification to the septic system, finding that the system is sufficient.

to meet the needs of the proposed development (Exhibit No. 4). Since the development as amended would not increase the number of campground spaces or the demand for septic capacity, and the campground is served by an adequate supply of well water and an approved septic system, the development as amended would be located where it can be accommodated.

The development as amended would not result in an increase in traffic demand on Highway One, since the new facilities would not result in a change in intensity of use at the site or surrounding area. Furthermore, as discussed in the findings below, the development as amended has been conditioned to be consistent with the Coastal Act.

The Commission finds, therefore, that as conditioned, the development as amended is consistent with Coastal Act Section 30250(a) because there are adequate services on the site to serve the development as amended, and the project would not contribute to adverse cumulative impacts on highway capacity, scenic values, or other coastal resources.

### 3. Flood Hazards

Section 30253 states in applicable part:

*New development shall:*

*(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard and neither create nor contribute significantly to erosion or geologic instability.

The subject 9 <sup>3</sup>/<sub>4</sub>-acre property is located along the Albion River, and the primary natural hazard affecting development of the subject property is flooding. As depicted on the applicable 7 <sup>1</sup>/<sub>2</sub>' series Flood Hazard Map, the subject site is located within the 100-year flood plain, but not within the floodway zone. Property located in a 100-year flood plain has a 1-in-100 chance in any given year of flooding. Property located in the actual floodway is within those portions of the flood plain, in or adjoining the channel, that are reasonably required to carry or store regional flood discharge. The floodway and the 100-year flood plain are within an area of Special Flood Hazard.

As described above, the project site is presently developed as a recreational vehicle park with a convenience store, café, laundry facility, restrooms, and office. Historically, the site supported a lumber mill before being converted to the existing recreational vehicle park. There is no record of any structures on the property ever being adversely affected by flooding. However, the Local Coastal Program Consistency Review performed for the proposed project by the County of Mendocino noted that the project site is designated in the LCP as being within a flood combining zone and that prior to issuance of a building permit from the County, a Flood Hazard Zone Development Permit would be required. This permit is a ministerial, non-discretionary, County permit that is required for development within areas of Special Flood Hazard to insure

compliance with County flood hazard zoning regulations contained in Chapter 20.420 of the Mendocino County certified Coastal Zoning Code. For the proposed development at the subject site, (1) new construction and substantial improvements of any structure(s) shall have the lowest floor, including basement (if any), elevated to or above the base flood elevation, or (2) the structure(s) together with attendant utility and sanitary facilities must:

- A. Be flood-proofed so that below the base flood level the structure(s) is/are watertight with walls substantially impermeable to the passage of water;
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects on buoyancy; and
- C. Be certified by a registered professional engineer or architect that the required standards are satisfied. Such certification shall be provided to the Mendocino County Department of Planning and Building Services.

To ensure that the proposed residence is designed to minimize risks to life and property from flood hazards as required by Coastal Act Section 30253, the Commission attaches Special Condition No. 8 that requires the applicant to provide evidence that a Flood Hazard Zone Development Permit has been approved by the Mendocino County Planning and Building Department prior to the commencement of construction.

Additionally, Special Condition No. 9 requires the landowner to assume the risks of flooding hazards to the property and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite flooding risks, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards.

Furthermore, to ensure that all future owners of the property are aware of the flood hazard present at the site, the Commission's immunity from liability, and the indemnity afforded the Commission, Special Condition No. 3 requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property.

Therefore, as conditioned, the project would minimize risks to life and property from flood hazards and is consistent with Section 30253 of the Coastal Act.

#### **4. Visual Resources**

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. 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 surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas...shall be subordinate to the character of its setting.*

The subject site is on a 9 <sup>3</sup>/<sub>4</sub>-acre parcel located on the east side of Highway One in an area designated as highly scenic in the Mendocino County LUP. The existing public views of the project site are east from the Highway One Bridge, south from North Albion River Road, and north from Albion Ridge. None of these views are toward the ocean. Therefore, the development as amended would not adversely affect views of the ocean.

The changes proposed by the amendment would not involve any significant grading or excavation. Therefore, the project would not alter any natural landforms.

The view of the subject site east from Highway One is mainly from the bridge over the Albion River. This view looks down on the Albion Flats where the existing 86-space recreational vehicle park with a convenience store/café, laundry facility, restrooms, and office are located. The existing development dominates the site. The tallest structure currently on the property is the existing manager's residence, which is a 16-foot-tall, mobile home unit. The existing store/café is a 15-foot-tall, 1,008-square-foot building. The design height of the proposed multipurpose building is 23 <sup>1</sup>/<sub>2</sub> feet, which may need to be raised to a maximum of 25 feet to meet the standards required for issuance of the Mendocino County Flood Hazard Zone Development Permit. The proposed height of the tractor shed/garage is 15 feet. The existing store/café is also 15 feet high. Because the public views of the site are predominantly from vantage points high above the development, the fact that the proposed multipurpose building would be 7<sup>1</sup>/<sub>2</sub> to 10 feet taller than the existing structures on the site would not have a significant adverse effect on the visual character of the site as the additional height would not block views and would appear very small. Therefore, the maximum 25-foot height of the new multipurpose building and the 15-foot height of the tractor shed/garage would be compatible and subordinate to the character of the area.

The basic architectural style of the proposed new structures, the bulk, shape, and size of the building, and the use of natural appearing materials and colors, would be consistent with other development in the vicinity. The style of the architecture selected for the multipurpose building very closely resembles that of the old lumber mill that for decades occupied roughly the same site. It is a typical barn appearance common in rural areas (see Exhibit 3 for an artist's rendering of the structure as it would appear on the site). The architectural style of the tractor shed/garage is also a typical design, one common for small storage structures. The size and bulk of the new buildings would not be uncharacteristic for the area. The 15-foot-tall tractor shed/garage is a very small, square building, measuring 28 feet on a side, and would be constructed adjacent to the larger existing 16-foot-tall manager's residence. Even though the multipurpose building would rise to as high as 25 feet, that structural height would not look out of place for buildings east of the highway where structures are allowed to be as high as 28 feet. The applicant has proposed to utilize exterior building materials and colors that blend with the natural

surroundings. The new tractor-shed/garage and multipurpose structure would use siding and batten that simulates a wood appearance similar to the existing store/café.

The existing store/café building, as well as the existing manager's residence, would then be painted the same color as the new proposed multipurpose structure making all of the buildings a consistent color that would blend more fully into the surrounding landscape. The applicant has proposed two color-choices for the trim: "Campground" and "Chatham Green." The Commission finds that use of "Chatham Green" for the trim, which is a light-colored ivory color, would be too light, and would not blend with the surroundings as well as the use of "Campground" would. Use of the light "Chatham Green" color for the trim would negate some of the value of painting the siding material the "Eucalyptus" color as the light colored trim would outline the buildings in a manner that would make them stand out from their surroundings. If the applicant uses the dark gray "Campground" color (Glidden paint chip #30GY 14/071) for the trim, the medium gray "Eucalyptus Tree" color (Glidden paint chip #10GY 30/104) for the bodies of the structures; the medium gray "Dolphin Gray" color (BASF Industrial Coating) for the standing seam steel roofs of the new multipurpose building and new tractor shed/garage, black-colored vinyl windows, and doors that would be natural wood or "Eucalyptus Tree" (the same color as the body of the buildings), the development as amended would remain subordinate to the character of its setting. The view from Highway One of the development as modified by the proposed amendment would not cause additional view blockage.

Because the development is located in a designated highly scenic area, the proposed exterior building materials and colors must be subordinate to the natural setting, minimize reflective surfaces, and blend in hue and brightness with their surroundings consistent with Section 30251 of the Coastal Act. With the exception of the proposed "Chatham Green" trim, the building colors and materials proposed would, in fact, blend with the colors of the development's surroundings, which include the wooded riparian area along Albion River. To ensure that the exterior building materials and colors used in the construction of the proposed development with the proposed amendment are compatible with natural-appearing earth tone colors that blend in hue and brightness with their surroundings, the Commission attaches Special Condition No. 4, which requires that all exterior siding and visible exterior components be made of natural-appearing materials of dark earth tone colors that conform to the proposed color scheme with the exception that the trim be limited to the "Campground" color. Additionally, Special Condition No. 4 requires that exterior lights be shielded and positioned in a manner that will not allow glare beyond the limits of the parcel. Special Condition No. 3 requires that a deed restriction be recorded informing future buyers of the property of the special conditions of the permit, including the color limitations. Such notice to future buyers will better ensure that in the future, the development is painted with colors consistent in brightness and hue with its surroundings. These requirements will ensure the project is consistent with Section 30251 of the Coastal Act.

The development as amended would incorporate landscaping to further blend the appearance of the development as amended with its surroundings. Eleven 15-gallon-sized shore pine trees; seven 5-gallon-sized wax myrtle trees; and two 5-gallon-sized silk tassel bushes would be planted around the south-eastern sides of the multipurpose building and store/café-clustered buildings to soften the view of the structures, provide visual screening of the buildings from both

high and low vantage points, and help them better blend with the character of the surrounding area. The sizes of the plants are substantial enough to provide some immediate screening, yet not so large that they will be difficult to establish in the harsh, coastal winds. A note is included on the proposed landscape plan that “[a]ll plants included in [the] plan are indigenous to this area and are able to withstand coastal conditions. No plants on this plan are exotic or invasive.” To ensure that the landscaping is installed and maintained as proposed, the Commission attaches Special Condition No. 5. This special condition requires that the permittee undertake development in conformance with the landscaping plan as proposed and that any plantings that die or are removed for any reason shall be immediately replaced in-kind. The condition specifically prohibits the use of invasive exotic plants.

In summary, the development as amended and conditioned would be subordinate to the character of its setting as (1) the maximum height of the new structures would not have a significant effect on visual character as the predominant public views of the site are from vantage points high above the site, (2) the architectural style of the proposed new structures would be similar to the style of other buildings in the area, (3) the building materials and exterior colors required would blend with the surroundings of the development and (4) the landscaping as proposed and conditioned would soften the appearance of the development as amended.

Therefore, the Commission finds that as conditioned, the proposed development as amended would be fully consistent with the visual resource protection requirements of Section 30251 of the Coastal Act, as (1) the development as amended would not block any additional view of the ocean and would be sited and designed to protect views to and along the ocean, (2) the development as amended includes no significant grading or excavation and therefore would minimize the alteration of landforms, and (3) the amended development, would be visually compatible with and subordinate to the character of surrounding areas.

##### **5. Protection of Aquatic Resources and Water Quality.**

Section 30240 of the Coastal Act provides protection to environmentally sensitive habitat areas from adjacent developments. As applicable, Section 30240(b) states:

*Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30231 of the Coastal Act addresses the protection of coastal water quality in conjunction with development and other land use activities. Section 30231 states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and*

*substantially interference with the surface water flow, encouraging, wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams [emphasis added].*

As discussed above, the upland portions of the subject property do not contain any ESHA. However, the Albion River runs along the southeast boundary of the property. The river provides habitat for threatened salmonid species and sensitive eelgrass and is considered to be ESHA. Furthermore, the opposite bank of the river contains significant riparian ESHA. No new development is proposed within 100 feet of the Albion River. However, consistent with the requirements of Section 30240(b) of the Coastal Act, the development as amended must be sited and designed to prevent impacts that would degrade the Albion River ESHA and would be compatible with the continuance of the habitat.

Storm water runoff from new development can adversely affect the biological productivity of coastal waters by degrading water quality. The proposed development, however, would not significantly adversely affect the water quality of the Albion River, estuary, or nearby ocean. As discussed above, the development as amended would be located on a low gradient flat where there is minimal fall between the main campground elevation and the Albion River. The nearest portion of the proposed multipurpose building would be approximately 140 feet from the Albion River. The total drop between the adjacent store/café and parking area, and the high tide mark is approximately 6.5 feet. Pursuant to the runoff plan submitted as part of the amendment request, the water runoff from the metal roof of the new proposed multipurpose building would be piped approximately 40 feet south across a road from the structure to a dispersal point where it would then flow out onto drain rock for energy dissipation before dissipating into a grassy swale located in campground "C". Campground "C" is unoccupied during the rainy season. The new proposed tractor-shed would be located approximately 160 feet from the Albion River, and would be located at a slightly higher elevation on the property in an area with very permeable sandy soil. No gutter would be provided for water runoff from this north-facing, metal roof, since the water would percolate into the ground and/or grassy swale.

Once implemented, the proposed runoff plan would be adequate for mitigating runoff concerns from the development after completion. However, during construction of the project, there is an increased risk of erosion and sedimentation, particularly if construction occurs in the wet season. To address potential erosion and sedimentation problems that may occur during the construction period, the Commission finds it necessary to require measures be taken to place straw bales between any construction and the banks of the river, replant or reseed disturbed areas, and cover and contain debris stockpiles. Therefore, the Commission attaches Special Condition No. 7 requiring the applicant to revise the runoff plan to incorporate these additional measures. Therefore, consistent with Section 30231 of the Coastal Act, development as amended and conditioned would not have significant adverse effects on water quality, and consequently the biological productivity of nearby coastal waters, because storm water runoff from the proposed development would be controlled on-site by infiltration into vegetated areas with ample opportunity to deposit any entrained sediment before leaving the property.

The Commission also finds that the ESHA located adjacent to the site could be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could physically spread into the ESHA and displace native riparian and wetland vegetation thereby disrupting the values and functions of the ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife. The applicant is not proposing to plant any invasive exotic vegetation as part of the landscaping plan proposed as part of the project. However, to ensure that the ESHA near the site is not significantly degraded by any future landscaping that would contain invasive exotic species, the Commission attaches Special Condition No. 5 that requires only native and/or non-invasive plant species be planted at the site. In addition, Special Condition No. 3 requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property, which would ensure that all future owners of the property are aware of the landscaping restriction.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent environmentally sensitive habitat area and the water quality of the Albion River, the development as amended and conditioned will not significantly degrade adjacent ESHA, will be compatible with the continuance of the habitat area, and will maintain the biological productivity and the quality of coastal waters. Therefore, the Commission finds that the development as amended and conditioned is consistent with Section 30240(b) and Section 30231 of the Coastal Act.

## **6. Public Access**

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Sections 30210, 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The original coastal development permit for the development, CDP No. 1-97-077, did not require new public access. The applicant has a lease from the State Lands Commission for a portion of the subject property that is on tide and submerged lands. The lease stipulates that access shall be provided to and through the leased area for the general public, including non-paying visitors, from both the river and across the Lessee's upland to assure public access from the first public road to the river and from the river to the first public road. The existing improvements do not block or otherwise interfere with this access. The proposed improvements would be located no closer than approximately 140 feet from the Albion River, would not block or interfere with public access to or from the river or beach, or increase the capacity of the campground. Since the proposed additions would not be appreciably closer than the existing structures to either the

river or beach, or increase capacity of the campground, the development as amended would have no additional impact on public access. Therefore, the Commission finds that the development as amended does not have any significant adverse effect on public access, and that the development as amended without new public access is consistent with the coastal access requirements of Coastal Act Sections 30210, 30211, and 30212.

**7. State Lands Commission Jurisdiction**

The California State Lands Commission (State Lands) has jurisdiction over State-owned lands in the beds of tidal and navigable waterways within the State's boundaries and over lands subject to the public trust. The subject property owners currently have a lease from State Lands to use some tide and submerged lands on which there are floating docks. The lease expires on December 28, 2013.

The dry land area where the specific development proposed under Permit Application No. 1-97-077-A1 is located is not covered by the lease, and the extent of the State's ownership interest is uncertain. State Lands previously indicated in comments regarding the original permit that the subject property may include lands the State acquired and disposed of as Tideland Survey 21 (Mendocino County). The extent and location of the State's ownership in the bed of the Albion River at this location, however, is undetermined. State Lands further indicated that the Albion River is a navigable waterway subject to a public navigational easement that provides that members of the public have the right to navigate and to exercise the incidents of navigation in a lawful manner on State waters that are capable of being physically navigated either by oar or by motor propelled small craft. Such uses may include but are not limited to boating, rafting, rowing, fishing, fowling, skiing, and other water-related public uses. The uses of the land must not restrict or impede these rights of the public. State Lands has not commented on the current coastal development permit amendment request. Thus it is unknown whether State Lands will require additional authorization for the project or not. Therefore, to ensure that the applicant has the necessary property interest to undertake all aspects of the project on these trust lands, the Commission attaches Special Condition No. 2, which requires that the project be reviewed and, if necessary, approved by the State Lands Commission prior to the issuance of a permit.

**8. Alleged Violation**

The Commission has received a report alleging that one or two of the recreational vehicle spaces of the approved facility are being used as residences. Such use would be in violation of Special Condition No.1 of the original permit for the development, Coastal Development Permit No. 1-97-077, which prohibits use of recreational vehicle spaces for private, exclusive, use or occupancy by an individual, with extended stay exceeding six months within a twelve-month period. In addition, the report alleges that new, un-shielded, outdoor lighting has been installed on the subject property without benefit of a coastal development permit. The proposed new structure sites and other development requested in the coastal development permit amendment are not in the same location

on the property, and are unaffected by, the recreational vehicle spaces and un-permitted lighting referred to in the report of alleged violation.

Consideration by the Commission for this amendment has been based solely upon Chapter 3 policies of the Coastal Act. Review of this permit application does not constitute a waiver of any legal action with regard to the cited alleged violation, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

#### **9. California Environmental Quality Act (CEQA)**

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the development as amended has been conditioned to be found consistent with the policies of the Coastal Act. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts that the activity may have on the environment. Therefore, the Commission finds that the development as amended and conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

#### **Exhibits:**

1. Regional Location Map
2. Vicinity Map
3. Site Plans
4. Septic Approval
5. CDP No. 1-97-077 Staff Report

## ATTACHMENT

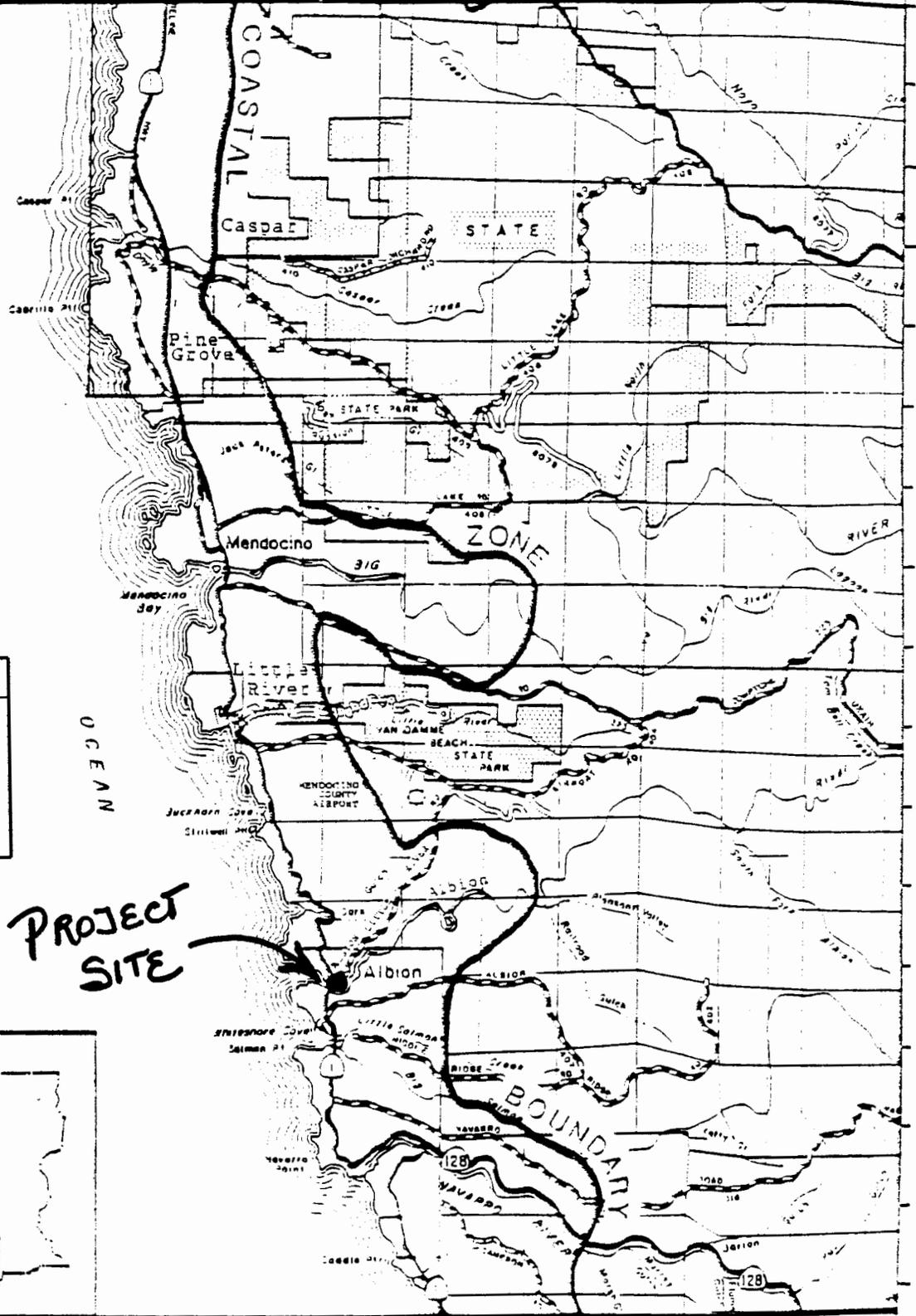
### Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

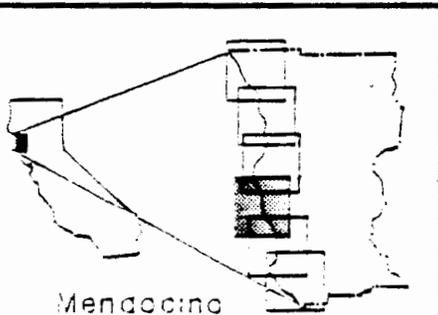
A B C D E F G H I J K L M N O

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

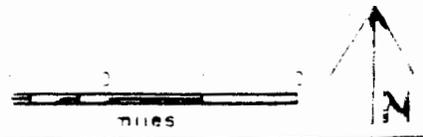
EXHIBIT NO. 1  
APPLICATION NO.  
1-97-077-A1  
NANYA  
REGIONAL LOCATION  
MAP

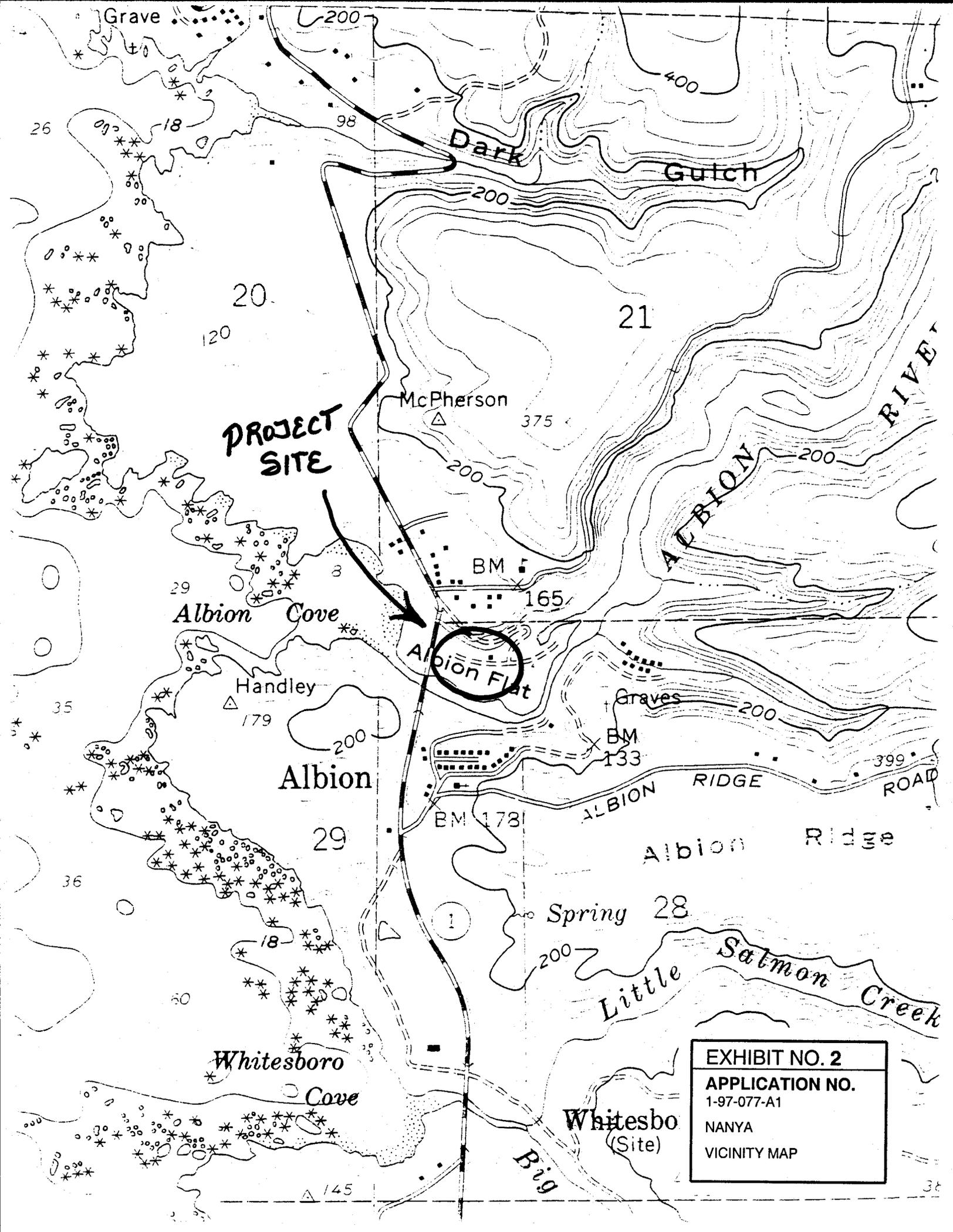


PROJECT  
SITE



LOCATION MAP





**PROJECT SITE**

McPherson

Albion Flat

Albion Cove

Handley

Albion

Whitesboro Cove

Whitesbo (Site)

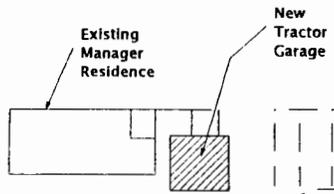
EXHIBIT NO. 2  
APPLICATION NO.  
1-97-077-A1  
NANYA  
VICINITY MAP

**ABLION RIVER CAMPGROUND  
PROPOSED NEW CONSTRUCTION AND  
CAMPGROUND RELOCATION LAYOUT**

ABLION  
BRIDGE

NORTH  
ABLION  
RIVER ROAD

RELOCATED DRY SITES  
B. #1 THRU #6  
D. #1 THRU #4



A. RV SITES

ELECTRICAL  
TRANSFORMER

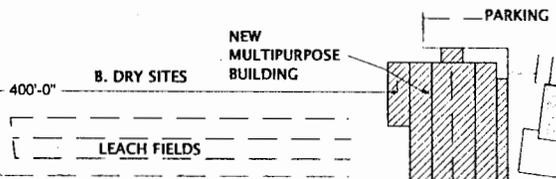
POND

E.  
Existing  
storage yard

LAUNCH  
RAMP

Existing Sites

D. DRY SITES



STORE/CAFE

Y. TEMP. SHOWERS TO BE  
DEMOLISHED

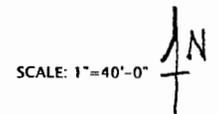
X. TEMP. TOILETS TO BE  
DEMOLISHED

C. DRY SITES

140'-0"

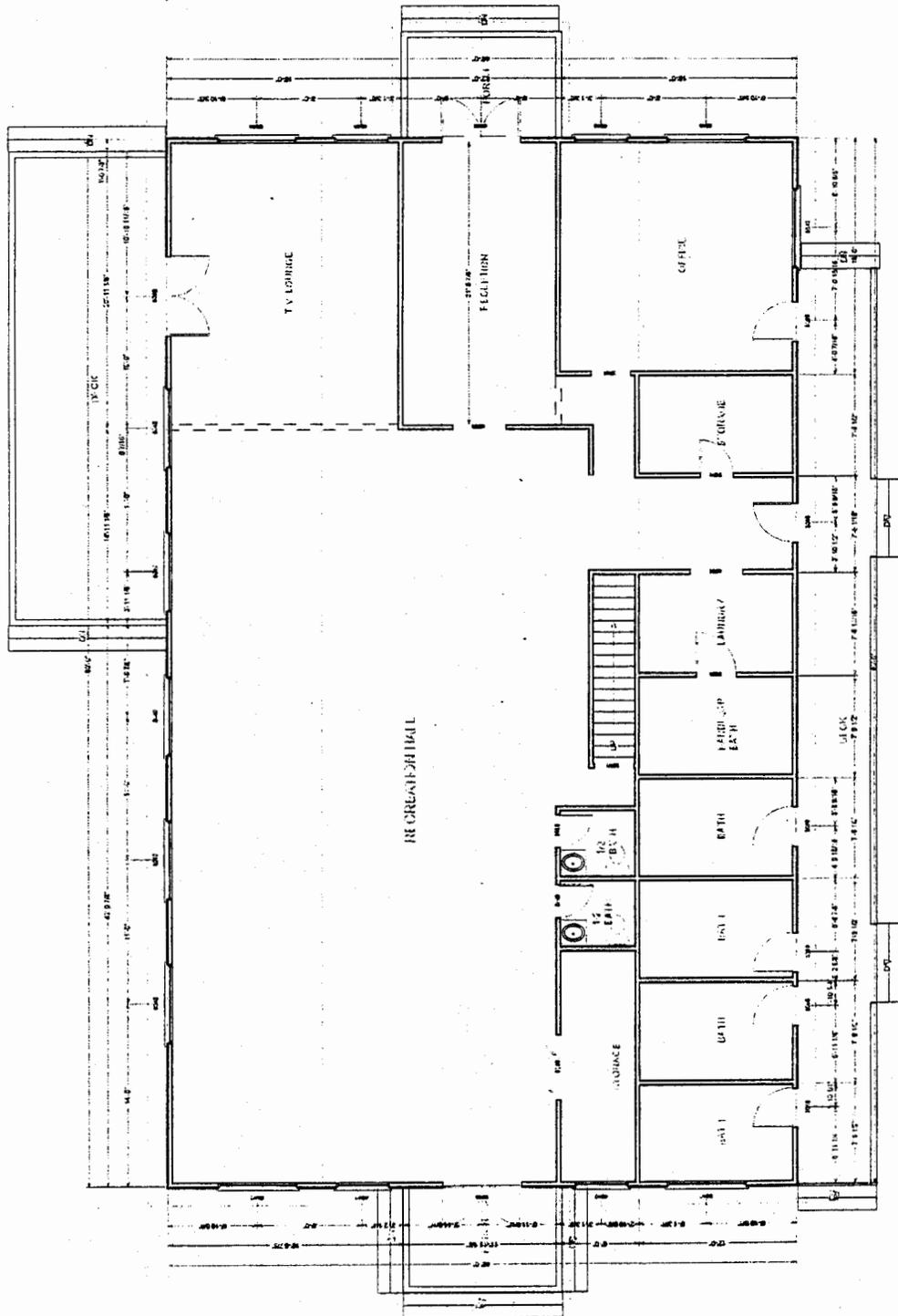
BATH-HOUSE

COMM.  
DOCKS



ABLION RIVER

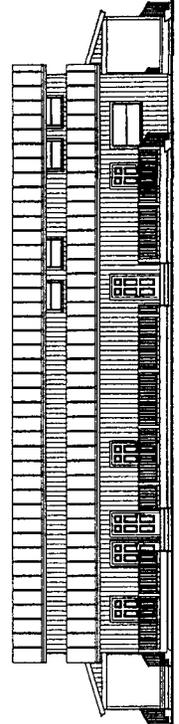
EXHIBIT NO. 3
APPLICATION NO.
1-97-077-A1
NANYA
SITE PLANS (1 of 8)



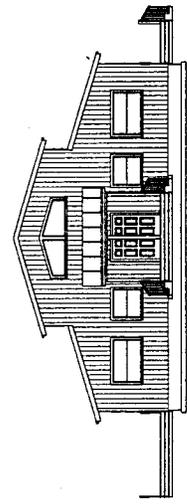
MULTIPURPOSE BUILDING FLOOR PLAN  
SCALE 1/8" = 1'-0"

2 of 8

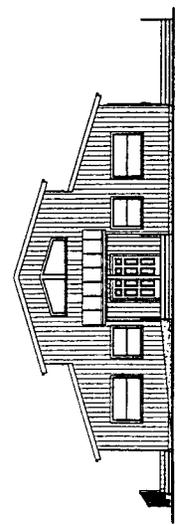
DORSEY DESIGN & DRAFTING  
 1000 W. 10TH ST. SUITE 100  
 ALBION, CA 94517  
 TEL: 925-438-1111  
 FAX: 925-438-1112



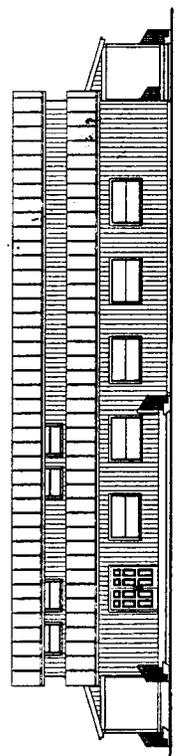
EAST ELEVATION  
SCALE 1/8" = 1'-0"



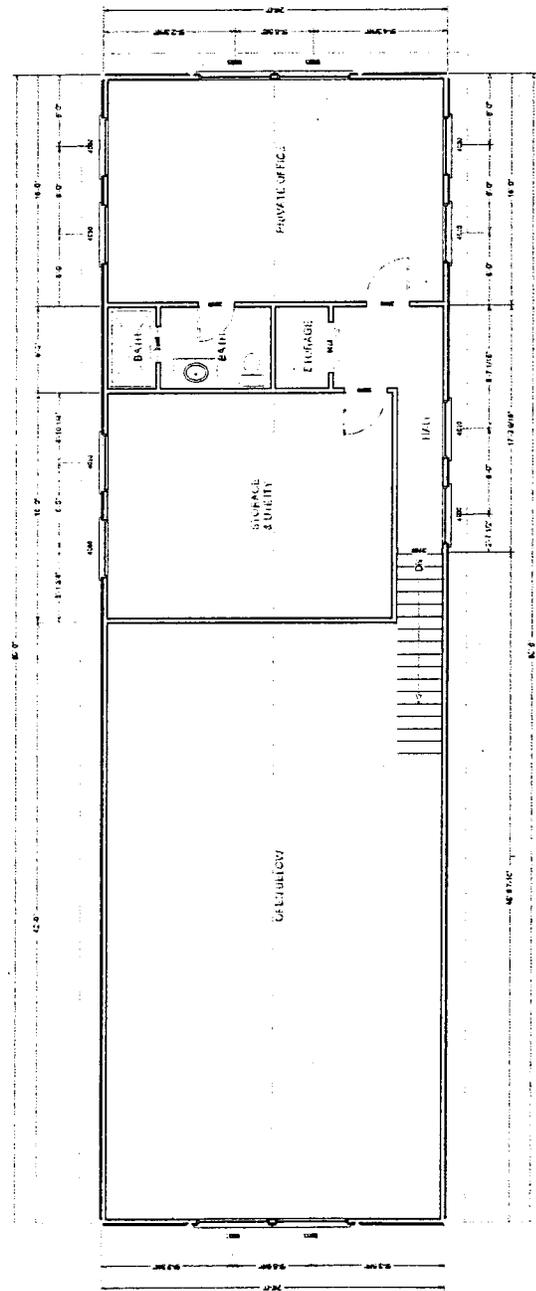
SOUTH ELEVATION  
SCALE 1/8" = 1'-0"



NORTH ELEVATION  
SCALE 1/8" = 1'-0"

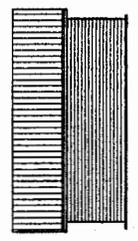


WEST ELEVATION  
SCALE 1/8" = 1'-0"

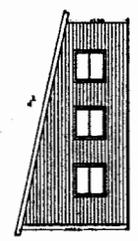


MULTIPURPOSE BUILDING UPPER FLOOR PLAN  
SCALE 1/8" = 1'-0"

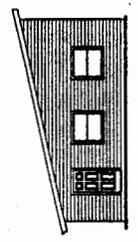
398



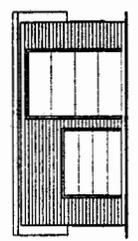
NORTH ELEVATION  
SCALE 1/4" = 1'-0"



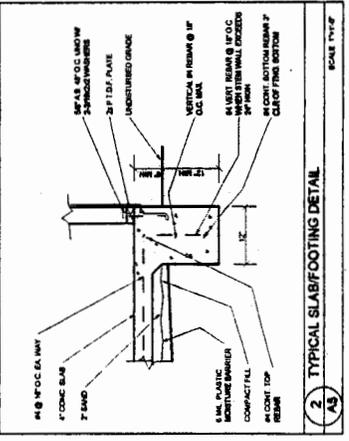
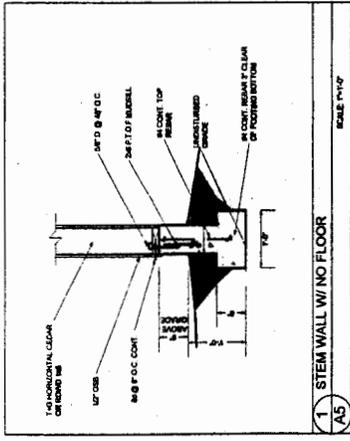
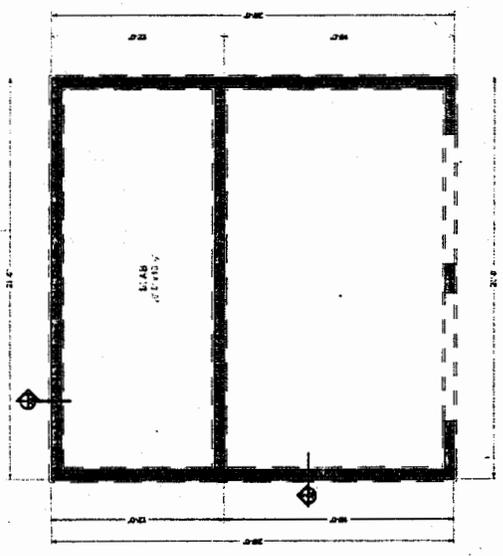
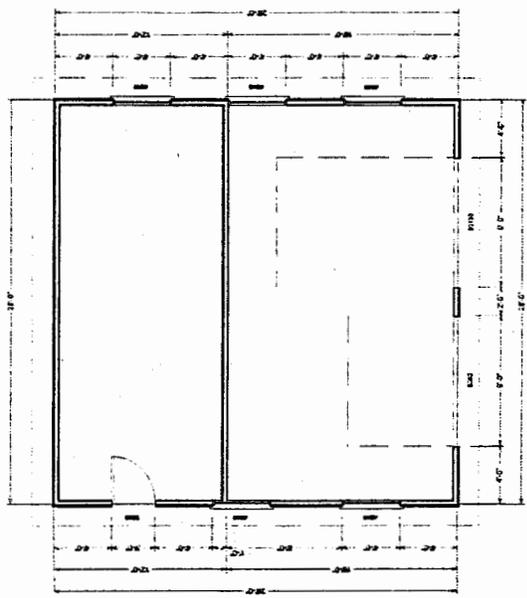
EAST ELEVATION  
SCALE 1/4" = 1'-0"



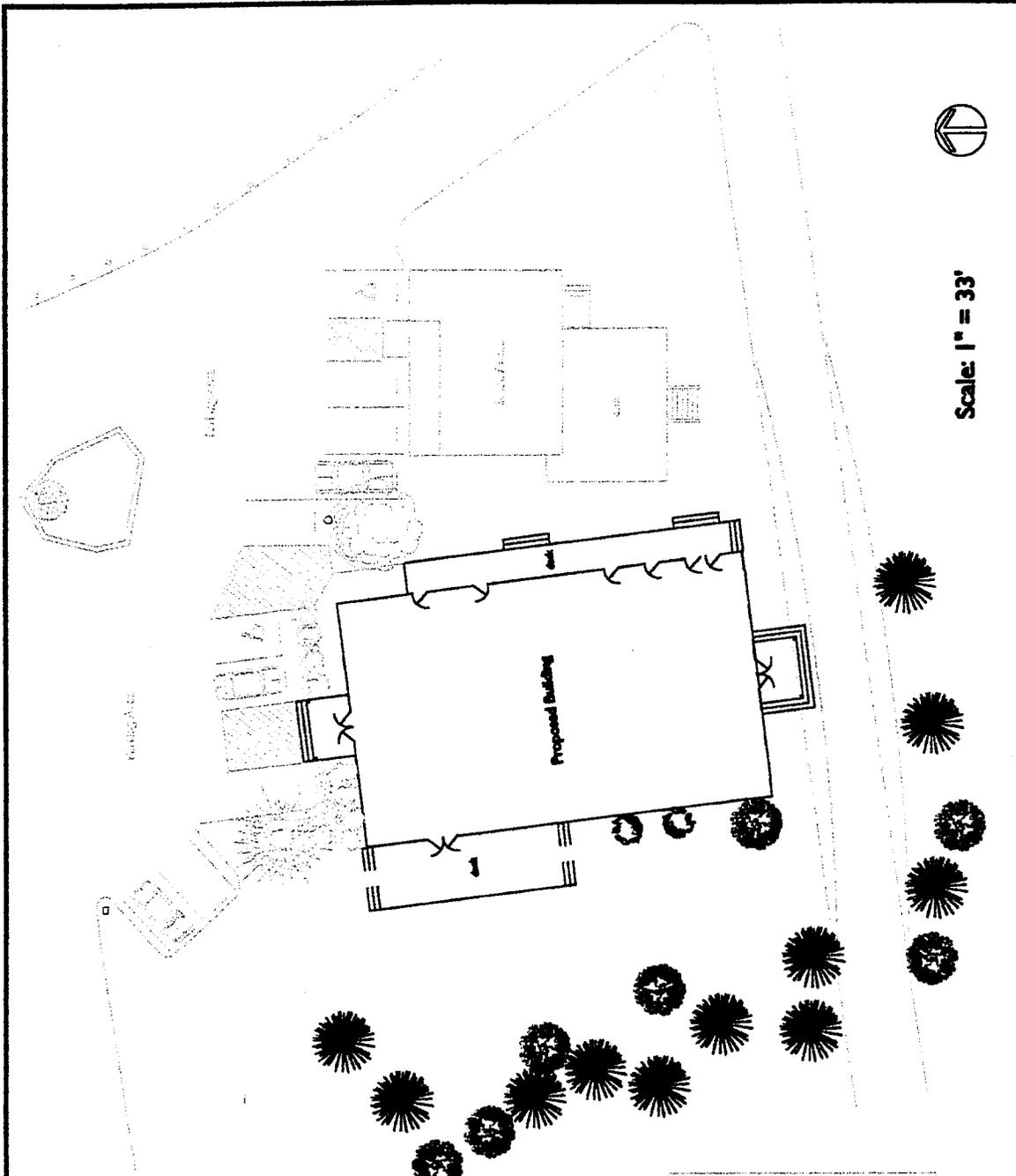
WEST ELEVATION  
SCALE 1/4" = 1'-0"



SOUTH ELEVATION  
SCALE 1/4" = 1'-0"



4 of 8



**NOTES**

1. All plants included in plan are indigenous to this area and are able to withstand coastal conditions. No plants on this plan are exotic or invasive.
2. The mixture of plants will provide screening of the building from both high and low vantage points.
3. The sizes of the plants are substantial enough to provide some immediate screening yet not so large that they will be difficult to establish in the harsh coastal winds.

**PLANT TABLE**

Qty	Symbol	Botanical Name	Common Name	Size
2		<i>Garrya elliptica</i>	Silkcathart	5-Gal
7		<i>Myrica californica</i>	Wax Myrtle	5-Gal
11		<i>Pinus contorta</i>	Shore Pine	15-Gal

**Land Services Co.**  
 Landscape Design  
 & Construction  
 (917) 857-0265  
 www.landscape.com



DATE: 11/11/11  
 L-1  
 Page

**PLANTING PLAN**

**ALBION RIVER CAMPGROUND  
 MULTIPURPOSE BUILDING PROJECT  
 ALBION, CA**

598

ALBION RIVER CAMPGROUND RAINWATER DRAINAGE PLAN FOR  
PROPOSED MULTIPURPOSE BUILDING

SCALE: 1/4"=2'

DOWNSPOUTS FROM GUTTERS -  
EAST AND WEST SIDES

ROOF DRAINAGE IN 6" TIGHT-LINE UNDER CAMPGROUND ROADWAY  
DAYLIGHTS IN CAMPGROUND "C" IN DRAIN ROCK

40'

1/4" PER 1' MIN. DROP

GRADE

DRAINAGE PLAN: WEST ELEVATION

SWALE AT "C." DRY SITES PROVIDES:  
12' FALL FROM BLDG. FOUNDATION  
8" RISE FROM SWALE TO SEAWALL  
INSURING RAINWATER DISPERSAL THROUGH  
UNDERLYING PERMEABLE AGGREGATES.

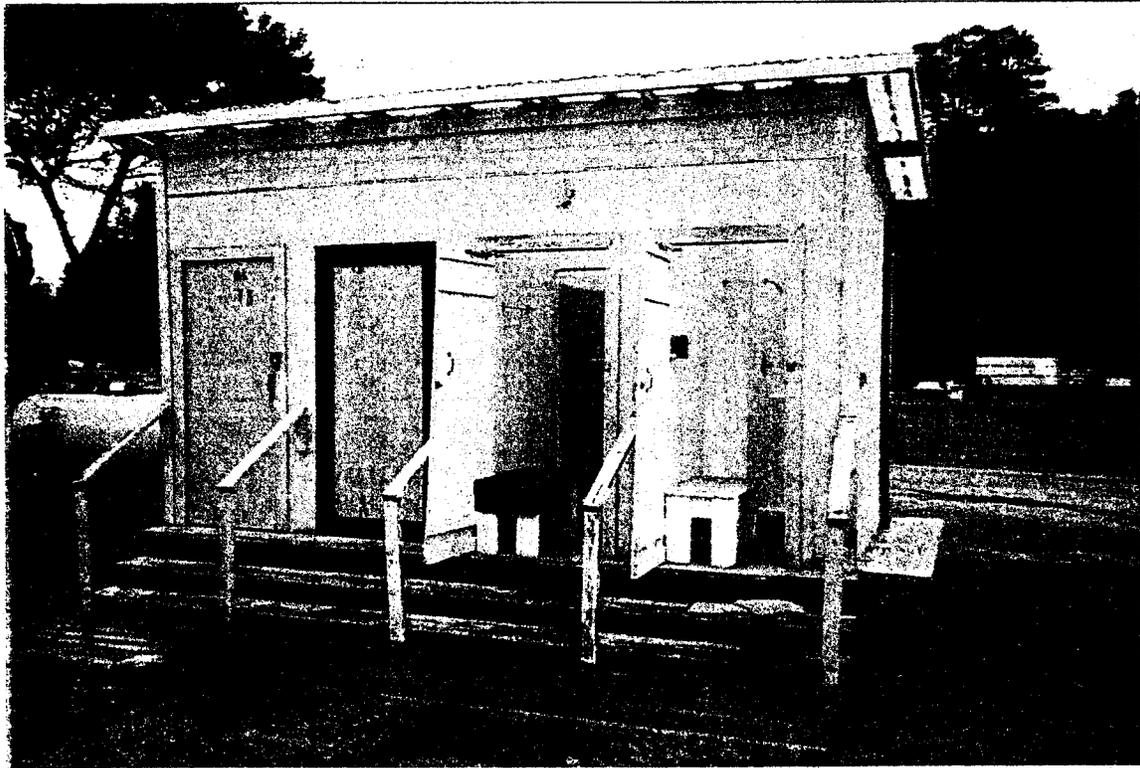
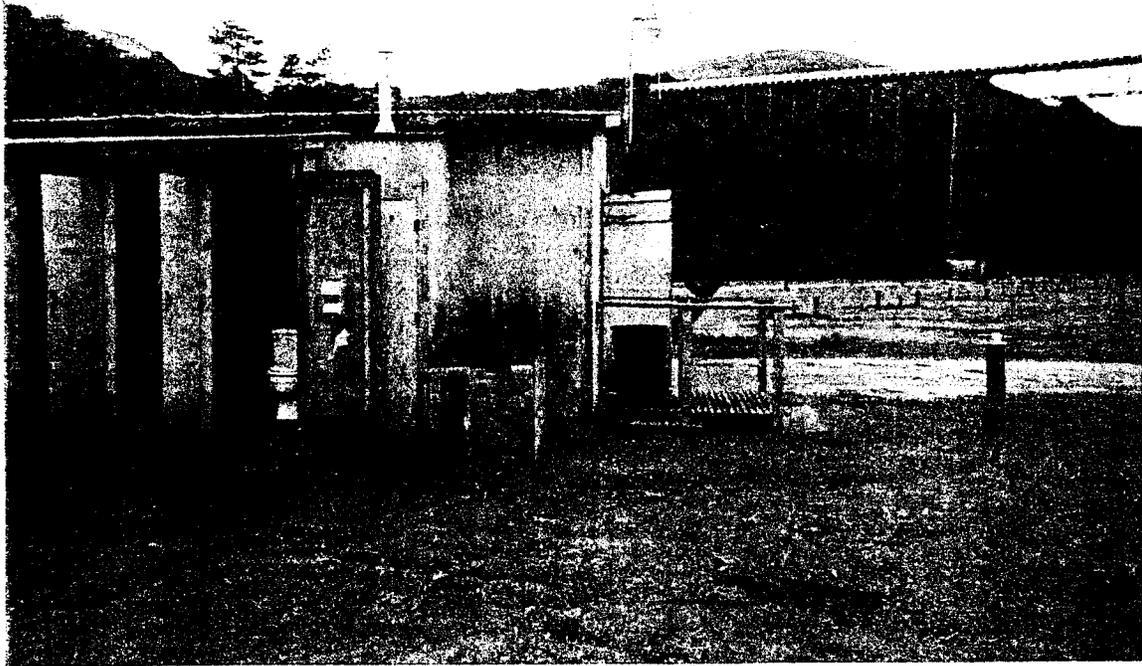
SCALE: 1/4"=4'

RIVER LEVEL AT HIGH TIDE



Artist's Rendering of Proposed Multipurpose Building

7098



Toilets and showers to be demolished after new construction

8 of 8

**UKIAH OFFICE**

501 LOW GAP ROAD, ROOM 1326  
UKIAH, CA 95482  
(707) 463-4466  
FAX (707) 463-4038

HAZARDOUS MATERIALS  
(707) 463-5425



**FORT BRAGG OFFICE**

790-A1 S FRANKLIN STREET  
FORT BRAGG, CA 95437  
(707) 961-2714  
FAX (707) 961-2720

**COUNTY OF MENDOCINO**  
DEPARTMENT OF PUBLIC HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH

**To: Randy Stemler/Coastal Commission**  
**CC: Carl Rittiman and Associates**  
**From: Carly Williams**  
**Date: 8 December 2003**  
**Re: ST 23720 Albion River Campground**  
**33800 Albion River Northside Road, Albion CA 95410**

**RECEIVED**

**DEC 12 2003**

**CALIFORNIA  
COASTAL COMMISSION**

Mr. Stemler,

Carl Rittiman's Site Evaluation Report for a collection and delivery system to serve an existing leachfield at Albion River Campground (ST 23720) has been approved.

Due to high flow volume, the system will be placed in DEH's Non-Standard Program and will require that an Operational Permit be issued with the Septic Construction Permit.

Mr. Rittiman's report is attached for your convenience.

If you have any questions, please call me at (707) 961-2714.

Thank you.

Carly Williams  
Environmental Health Specialist

<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b> 1-97-077-A1
NANYA
SEPTIC APPROVAL



## CALIFORNIA COASTAL COMMISSION

## NORTH COAST AREA

45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5260



# W 8e

Filed: January 22, 1998  
 49th Day: March 12, 1998  
 180th Day: July 21, 1998  
 Staff: Jo Ginsberg  
 Staff Report: February 20, 1998  
 Commission Hearing: March 11, 1998  
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-97-77**

APPLICANT: **SETO FAMILY TRUST**

AGENT: Roger Collin

PROJECT LOCATION: 33800 North Albion River Road, Albion Flat, Mendocino County, APN 123-170-01.

PROJECT DESCRIPTION: Authorize a change in use from a mobile home park to an R.V. park for short-term, transient use only, and make various improvements at the Albion River Campground, including installing new electrical and water supply lines to replace and repair existing utilities to the 18 new R.V. spaces; repairing the sewage disposal system; and demolishing ten dilapidated mobile homes.

Lot area: 9.75 acres  
 LCP designation: Fishing Village (FV)  
 Zoning: FV

LOCAL APPROVALS RECEIVED: Mendocino County LCP Consistency Review; Mendocino County Department of Environmental Health approval.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County Local Coastal Program; Mendocino County Use Permit #U 84-77; Coastal Permit No. 1-98-004-W (Seto).

**EXHIBIT NO. 5**

**APPLICATION NO.**

1-97-077-A1

NANYA

CDP 1-97-77 STAFF  
 REPORT (1 of 12)

1-97-77

**SETO FAMILY TRUST**

Page 2

SUMMARY OF STAFF RECOMMENDATION:

The proposed project seeks to authorize a change in use at the Albion River Campground from a mobile home park to a recreational vehicle (R.V.) park. This change of use is a change from a residential, non-priority use to a low-cost visitor serving and recreational facility, a high-priority use under Coastal Act Sections 30213, 30221, and 30222. The staff thus recommends that the Commission approve with conditions the coastal development permit application for the proposed project on the basis that it is consistent with the policies of the Coastal Act.

---

STAFF NOTE

Mendocino County has a certified Local Coastal Program, and therefore has coastal permit authority within its coastal zone jurisdiction. However, the proposed project is located within the Commission's area of original jurisdiction, so the project is subject to the Coastal Commission's permit authority, and the Coastal Act is the standard of review.

---

STAFF RECOMMENDATION:

I. Motion, Staff Recommendation, and Resolution

Motion:

I move that the Commission approve Coastal Development Permit No. 1-97-77 subject to conditions.

Staff Recommendation of Approval:

Staff recommends a **YES** vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve Permit with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will be in conformity with the provisions of the

2 of 12

1-97-77

**SETO FAMILY TRUST**

Page 3

Mendocino County Local Coastal Program, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

1. Conversion from Public Recreation Use:

This coastal development permit authorizes the conversion of a mobile home park to a recreational vehicle park for short-term transient use, with a six-month stay limitation within each 12-month period, and includes the removal of 10 mobile homes and the improvement of 18 R.V. sites with water, electricity, and septic capacity. Any development other than the development described in Coastal Development Permit No. 1-97-77, including but not limited to (a) conversion of any portion of the approved facilities to a private or member only use or the implementation of any program to allow extended or exclusive use or occupancy of the facilities by an individual or limited group or segment of the public; (b) extending the stay limitations for R.V. usage; and (c) creating additional mobile home sites, is specifically not authorized by this permit and would require an amendment to this permit or a new permit from the Commission or its successor agency.

IV. Findings and Declarations.

The Commission finds and declares the following:

1. Project and Site Description:

a. Site Description.

The subject site is the Albion River Campground and Marina, located at Albion Flat on the north side of the Albion River, just east of the Highway One bridge. The site is used as a private campground and marina facility that accommodates both commercial fishermen and recreational boaters. The site is currently developed with 82 dry campsites (water and power only); 18 mobile home sites of which 17 are currently vacant and one is occupied by a mobile home for the manager; a small store/office building that is being reconstructed; restrooms and showers; a small marina including a pier, docks, and boat launch; and a small fish house.

Albion Flat is on the lower Albion River estuary floodplain. The site originally supported a lumber mill before being converted to the existing campground and marina complex. The flat encompasses an approximately 9.75-acre area in a boot-shaped configuration at a bend in the river and

3 of 12

1-97-77

**SETO FAMILY TRUST**

Page 4

includes a narrow mooring basin that extends into and alongside the flat from the "toe" end of the boat.

The site is in an area designated as "highly scenic" by the Mendocino County Land Use Plan. The site is primarily visible from the Highway One bridge and from public roads within the Albion community atop and along the bluff on the south side of the river. There is no sensitive habitat on the site.

b. Project Description.

The proposed project consists of various improvements at the Albion River Campground and Marina, including the conversion of the mobile home park containing 18 mobile home sites to a recreational vehicle park with 18 R.V. sites with sewer hook-ups for short-term, transient use only, and a manager's mobile home site; repair and upgrade of water, septic, and electrical services, pursuant to requirements by the California Department of Housing and Community Development; and the demolition and removal of ten dilapidated mobile homes, which has already taken place without benefit of a coastal permit.

c. Project History.

In 1978, Mendocino County approved a use permit (#U 84-77) to convert an existing mobile home park and campground (previously allowed by the Planning Commission's approval of use permit #U 54-71 in 1972) to an 86-space recreational vehicle park with a convenience store, snack bar, laundry facility, restrooms, and office. The use permit was approved exclusively for recreational vehicles, and no permanent mobile homes were allowed; the previously existing mobile homes were to be phased out and replaced by recreational vehicle spaces. At that time there were 19 mobile home spaces and 82 R.V. spaces. The applicant did not convert the mobile home sites to R.V. sites, and also did not obtain a coastal development permit from the Coastal Commission for the conversion.

A number of coastal permits obtained through the years by the applicant for the site were not exercised and subsequently expired, including CDP 80-A-43 for construction of a temporary storage shed, and CDP 1-83-49 for construction of a recreation building. In 1990 the applicant obtained an exemption to replace a 975-square-foot bath house destroyed by fire with a new 960-square-foot bath house building.

In 1994 the Commission granted to the applicant CDP 1-93-35 for dredging at the site. In 1994 the Commission also approved CDP 1-93-36 for the construction of a concrete seawall to protect the site from bank erosion, and in 1997 approved an amendment to this permit to allow for installation of rock rip-rap revetment along the existing riverbank instead of constructing the concrete seawall two to three feet inshore of the existing riverbank.

44912

1-97-77

**SETO FAMILY TRUST**

Page 5

The current coastal permit application initially also included demolition and reconstruction of an existing store/office building in existence since approximately 1970, and replacement of the existing failed septic system with a new septic system; this development was recently approved pursuant to Coastal Permit Waiver No. 1-98-004-W and is not now part of Coastal Permit 1-97-77.

d. State Lands Commission Jurisdiction.

The California State Lands Commission (State Lands) has jurisdiction over State-owned lands in the beds of tidal and navigable waterways within the State's boundaries and over lands subject to the public trust. The subject property owners currently have a lease from State Lands for some tide and submerged lands on which there are floating docks.

The dry land area where the specific developments proposed under Permit Application No. 1-97-77 are located is not covered by the lease, and the extent of the State's ownership interest is uncertain. State Lands indicates that the subject property may include lands the State acquired and disposed of as Tideland Survey 21 (Mendocino County). The extent and location of the State's ownership in the bed of the Albion River at this location, however, is undetermined. State Lands further indicates that the Albion River is a navigable waterway subject to a public navigational easement that provides that members of the public have the right to navigate and to exercise the incidents of navigation in a lawful manner on State waters that are capable of being physically navigated either by oar or by motor propelled small craft. Such uses may include but are not limited to boating, rafting, rowing, fishing, fowling, skiing, and other water-related public uses. The uses of the land must not restrict or impede these rights of the public. However, in light of the uncertainty of the exact location of the State's sovereign interest in the area, State Lands is currently not requiring an amendment to the Setos' lease with State Lands for the proposed development.

2. New Development:

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed project consists of a change in use from a mobile home park to an R.V. park, and various improvements at the Albion River Campground including repair of the existing sewage collection system and on-site sewage disposal system for the proposed new R.V. sites. The project is located within an existing recreational development that is not connected to any public water system or sewage treatment facility. Water for the site is pumped from on-site wells across the river, and there will be two septic systems on-site,

5 of 12

1-97-77

**SETO FAMILY TRUST**

Page 6

one to serve the store and shower facility, and one to serve the proposed R.V. sites. The Mendocino County Department of Environmental Health has indicated that the design of the repair septic systems has been done in accordance with Mendocino County and State Water Quality Control Board guidelines and is acceptable.

The Commission thus finds that the proposed project is consistent with Coastal Act Section 30250(a) to the extent that services will be provided and the project will not have significant adverse effects on coastal resources such as groundwater.

3. Recreational Use:

Coastal Act Section 30213 states in part that lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided, and that developments providing public recreational opportunities are preferred.

Section 30221 states that oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The proposed project involves the conversion of 18 mobile home sites to R.V. sites for short-term, transient use only. Apart from the residential use associated with mobile homes, the site is currently a visitor-serving recreational facility that provides 82 "dry" campsites and river access. The proposed new R.V. sites will cost approximately \$350-\$375/month, and the fee for the dry campsites is approximately \$16-\$20 a night, which qualifies the campground/marina as a "lower-cost" recreational facility. The applicant has indicated that the proposed new R.V. sites are for short-term, transient use only, with a six-month stay limitation within each 12-month period, consistent with the provisions of the certified LCP.

Since use at the site will be limited to short-term, transient recreational use only, pursuant to Special Condition No. 1, the Commission finds that the proposed conversion of the existing mobile home sites to R.V. sites with sewer hookups for short-term use only will provide additional lower cost visitor serving recreational facilities for public use. As the proposed development

6 of 12

1-97-77

**SETO FAMILY TRUST**

Page 7

will feasibly provide a lower cost visitor and recreational facility, the Commission finds that the proposed project is consistent with Section 30213 of the Coastal Act. In addition, as the development will provide for a recreational use on waterfront lands suitable for such use, the Commission finds that the proposed project is consistent with Section 30221. Furthermore, as the proposed project will convert a residential use to a visitor-serving commercial recreational facility, the Commission finds that the development is consistent with the priority established by Section 30222 for visitor-serving commercial recreational facilities over private residential use.

To assure that the site will remain a lower-cost visitor-serving recreational facility, consistent with the Sections 30213, 30221, and 30222 of the Coastal Act, the Commission attaches Special Condition No. 1 to the permit. This condition states that this coastal development permit authorizes the conversion of a mobile home park to a recreational vehicle park for short-term transient use only, with a six-month stay limitation within each 12-month period. The condition further states that any development other than the development described in Coastal Development Permit No. 1-97-77, including (a) conversion of any portion of the approved facilities to a private or member only use or the implementation of any program to allow extended or exclusive use or occupancy of the facilities by an individual or limited group or segment of the public, (b) extending the stay limitations for R.V. usage, and (c) creation of additional mobile home sites, is specifically not authorized by this permit and would require an amendment to this permit or a new permit from the Commission or its successor agency.

The Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Sections 30213, 30221, and 30222.

4. Public Access:

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

7 of 12

1-97-77

**SETO FAMILY TRUST**

Page 8

In its application of these policies, the Commission is limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to offset a project's adverse impact on existing or potential public access.

The proposed project consists of conversion of 18 mobile home sites to R.V. sites and various improvements to the Albion River Campground, which is located between the first public road and the Albion River, considered to be an arm of the sea. The applicants have obtained a lease from the State Lands Commission for a portion of the site that is on tide and submerged lands, and it is stipulated in the lease that access shall be provided to and through the leased area for the general public, including non-paying visitors, from both the river and across the Lessee's upland to assure public access from the first public road to the river and from the river to the first public road. The proposed improvements will not be located where they would block or otherwise interfere with this access use.

Since there is existing public access, and since the proposed development will not increase the demand for public access to the shoreline and will have no other impacts on existing or potential public access, the Commission finds that the proposed project, which does not include provision of additional public access, is consistent with the public access policies of the Coastal Act.

7. Visual Resources.

Section 30251 protects the scenic and visual qualities of coastal areas, requiring that permitted development 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 surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas must be subordinate to the character of its setting.

As noted previously, the site is in an area designated as "highly scenic" by the Mendocino County Land Use Plan (LUP). The site is primarily visible from the Highway One Bridge and from public roads within the Albion community atop and along the bluff on the south side of the river.

As the project site is in a designated highly scenic area, new development must be visually subordinate to the character of its setting to be consistent with Section 30251.

As proposed, the project includes the conversion of 18 mobile home sites to R.V. sites, the demolition and removal of 10 dilapidated mobile homes, and various utility improvements. The permitted development is sited and designed to protect coastal views as (1) virtually all of the proposed utility

8912

1-97-77

**SETO FAMILY TRUST**

Page 9

improvements will be buried underground, and (2) by locating the R.V. sites in the same location as the mobile home sites, the proposed development will not affect views to and along the Albion River and the ocean coast any more than the mobile home park has in the past. In addition, the proposed development involves no alteration of natural land forms. Furthermore, the proposed development will be subordinate to the character of the area as the development will not increase the amount, intensity, mass, or height of development at the site because the development is limited to replacing an 18-site mobile home park with a similar size R.V. park in the same location. Moreover, the removal of the dilapidated mobile homes will improve visual resources on the site, and there will be no significant adverse impacts to visual resources resulting from the proposed project. Therefore, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act.

8. Mendocino County LCP:

As noted above, Mendocino County has a certified Local Coastal Program, and therefore issues its own coastal permits for those areas within its coastal zone jurisdiction. However, the proposed project is located within the Commission's area of original jurisdiction, so the project is subject to the Coastal Commission's permit authority, and the Coastal Act is the standard of review. The certified LCP is merely advisory. Nonetheless, the Commission finds the proposed project to be consistent with the policies of the LCP, as described below.

The subject site is designated Fishing Village (FV) in the Mendocino County LCP. The minimum lot area for Fishing Village districts is 40,000 square feet for lots not in a water or sewer service area. The subject site, which is 9.75 acres, is thus a legal conforming lot.

The proposed project is for a public recreational use, which is a principal permitted use in the Fishing Village designation, pursuant to Zoning Code Section 20.392.010(C).

Policy 3.9-1 of the LUP states that new development shall be located in or in close proximity to existing areas able to accommodate it, and shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources. Policy 3.8-1 of the LUP requires consideration of Highway One capacity and availability of water and sewage disposal when considering applications for Coastal Development Permits. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized. As noted above, water and septic capacity will be provided for the site. The Commission thus finds that the proposed project is consistent with LUP Policy 3.9-1, 3.8-1, and 3.8-9, as it will be located where services are available and it will have no adverse impacts on coastal resources such as surface or ground water supplies.

9/12

1-97-77

**SETO FAMILY TRUST**

Page 10

The Mendocino County LUP includes a number of policies regarding standards for providing and maintaining public access. Policy 3.6-9 states that offers to dedicate an easement shall be required in connection with new development for all areas designated on the land use plan maps. Policy 3.6-28 states that new development on parcels containing the accessways identified on the land use maps shall include an irrevocable offer to dedicate an easement. LUP Policy 3.6-22 and Zoning Code Section 20.528.030 state that no development shall be approved on a site which will conflict with easements acquired by the public at large by court decree. Where evidence of historic public use indicates the potential for the existence of prescriptive rights, but such rights have not been judicially determined, the County shall apply research methods described in the Attorney General's "Manual on Implied Dedication and Prescriptive Rights." Where such research indicates the potential existence of prescriptive rights, an access easement shall be required as a condition of permit approval.

As noted above, the project will not adversely affect public access, and the State Lands lease stipulates that access shall be provided to and through the leased area for the general public, including non-paying visitors, from both the river and across the Lessee's upland to assure public access from the first public road to the river and from the river to the first public road. Since the proposed development will not increase the demand for public access to the shoreline and will have no other impacts on existing or potential public access, the Commission finds that the proposed project, which does not include additional provision of public access, is consistent with the public access policies of the LCP.

Zoning Code Section 20.468.015 states that no persons or group of persons other than the owner or operator thereof shall permanently occupy any of the spaces in a recreational vehicle park, campground, or camping site for family or group residential use. Length of temporary occupancy in a recreational vehicle park is limited to a period of six months in any 12 month period for persons occupying vehicles with total hook-up capacity. As proposed, the 18 improved R.V. sites will be for short-term, transient use only, with a six-month stay limitation within each 12-month period. Special Condition No. 1 requires a permit amendment for any change to the project as proposed, including changes to the six-month stay limitation. Thus, as conditioned, the proposed project is consistent with Zoning Code Section 20.468.015 as the recreational vehicle park is proposed and authorized for temporary occupancy only.

The Commission thus finds that the proposed project, as conditioned, is consistent with the Mendocino County LCP.

9. Alleged Violation:

The ten dilapidated mobile homes have been demolished without benefit of a coastal development permit. Although unauthorized development has taken place

10 of 12

1-97-77

**SETO FAMILY TRUST**

Page 11

prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

10. California Environmental Quality Act (CEQA):

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The project does not have a significant adverse effect on the environment, within the meaning of CEQA, as it is located in an area able to accommodate it, and as there will be no significant adverse impacts on coastal resources. Therefore, the proposed development is consistent with the requirements of CEQA.

9839p

11 of 12

## ATTACHMENT A

### Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

12 of 12