

## CALIFORNIA COASTAL COMMISSION

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



# Th12b

DATE: Prepared September 23, 2010 for the October 14, 2010 hearing

TO: Coastal Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director  
Robert Merrill, North Coast District Manager  
Tamara L. Gedik, Coastal Program Analyst

SUBJECT: **Appeal No. A-1-MEN-10-031 (Phillips)**, local permit # CDU #4-2010, Appeal by Commissioners Sara Wan and Esther Sanchez of Mendocino County decision approving a Coastal Development Use Permit with conditions for construction of a new commercial horse stable facility consisting of (1) a 6,900-sq.-ft., 35-foot-tall, 14-stall barn with hay storage and work areas; and (2) an 11,200-sq.ft., 35-foot-tall covered arena. Associated development includes fencing, installation of an on-site septic disposal system, an on-site production well, connection to offsite utilities, and installation of a commercial driveway to serve the facility. The project site is located at 4520 Albion Little River Road, approximately one-half mile northeast of Albion, (Mendocino County), APN 123-020-24.

Appeal filed: September 16, 2010; 49<sup>th</sup> day: November 4, 2010.

---

## **Recommendation:**

Staff recommends that the Commission determine that **a substantial issue exists** with respect to the grounds on which Appeal No. A-1-MEN-10-031 has been filed and that the Commission hold a *de novo* hearing.

## **Staff recommends a NO vote on the following motion and resolution:**

**Motion & Resolution.** *I move that the Commission determine and resolve that: Appeal No. A-1-MEN-10-031 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

Following the staff recommendation by voting no will result in the Commission conducting a *de novo* review of the application, and adoption of the following findings. Passage of this motion via a yes vote, thereby rejecting the staff recommendation, will

result in a finding of No Substantial Issue, and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners.

**IMPORTANT NOTE:**  
THE COMMISSION WILL NOT TAKE PUBLIC TESTIMONY DURING THE  
SUBSTANTIAL ISSUE PHASE OF THE APPEAL HEARING UNLESS  
THREE COMMISSIONERS REQUEST IT.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue of conformity of the approved project with the certified LCP. Since the staff is recommending substantial issue, unless three Commissioners object, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its de novo review at the same or subsequent meeting. The Commission will not take public testimony during this phase of the appeal hearing unless three Commissioners request it.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicants, the appellant and persons who made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

Unless it is determined that there is no substantial issue, the Commission will proceed to the de novo portion of the appeal hearing and review the merits of the proposed project. Oral and written public testimony will be taken during this de novo review which may occur at the same or subsequent meeting.

---

**Findings:**

**A. Project and Site Description**

On August 19, 2010, the County of Mendocino approved Coastal Development Use Permit CDU #4-2010 for construction of a new commercial horse stable facility consisting of (1) a 6,900-sq.-ft., 35-foot-tall, 14-stall barn with hay storage and work areas; and (2) an 11,200-sq.ft., 35-foot-tall covered arena (Exhibit Nos. 4 and 5). The applicant wishes to house approximately 10 horses and 16 goats at the present time. The goats are an aged herd currently used to control pasture vegetation growth and may be replaced with additional horses (boarding up to 14 in the designated stalls) as the herd dies. According to the County staff report, activities will include horse and rider training, instructional clinics and

pleasure riding. According to a discussion with County staff, the facility may accommodate occasional temporary events in the future in the form of horse shows. Associated development includes fencing, installation of an on-site septic disposal system, an on-site production well, connection to offsite utilities, and installation of a commercial driveway to serve the facility.

The approved development is located approximately 350 feet above sea level at 4520 Albion Little River Road, approximately one-half mile northeast of Albion, Mendocino County, inland of Highway One and one-half mile east of the Pacific Ocean (APN 123-020-24). According to a 2007 timber harvest plan that encompassed the subject 20-acre undeveloped parcel and adjacent westerly parcel, slopes range from 5% to 40%, with most of the area consisting of slopes less than 10% that drain into Dark Gulch and surrounding coastal flats. The Albion River is located approximately 680 feet southeast of the subject parcel, and Dark Gulch occurs approximately 500 feet to the north. The application describes the area of the county-approved development as occurring on a relatively flat mesa. The approved development occurs within a designated Marginal Water Resources area.

The subject property is forested with mostly coast redwood (*Sequoia sempervirens*) in addition to Douglas-fir (*Pseudotsuga menziesii*), Grand Fir (*Abies grandis*) and Bishop pine (*Pinus muricata*), with tan oak (*Lithocarpus densiflorus* var. *densiflorus*) as the predominant hardwood. A Timber Harvest Plan (CalFire THP #1-07-073MEN) authorized selective harvesting on 33 acres that included the subject parcel, along with a portion of the adjacent westerly parcel that is also owned by the applicant. Harvest activities were completed in 2007. The subject parcel had previously undergone timber harvest operations in the 1930's; the subject parcel was harvested again in 1997 (THP 1-95-403MEN), and the adjoining westerly property (which abuts Highway One) was harvested again in 2001 (THP 1-99-140MEN).

The parcel is designated and zoned on the County general plan Coastal Plan Map as Remote Residential Twenty Acres Minimum (RMR-20) and is similarly zoned RMR L-20. Commercial horse stables are recognized by the County as a conditionally-permitted commercial use in the Remote Residential District under Coastal Zoning Code (CZC) 20.380.015(C) as "Animal Sales and Services: Horse Stables." The parcel is not within a designated highly scenic area.

### B. Appeal

Pursuant to Coastal Act Section 30603, this approval is appealable to the Commission because the approved development is not designated as the "principal permitted use" under the certified LCP. (see Appendix A).

One appeal was filed with the Commission's North Coast District Office on September 16, 2010 by Commissioners Wan and Sanchez (Exhibit No. 6). The appeal was filed in a timely manner, within 10 working days of receipt by the Commission of the County's Notice of Final Action.

The appellant claims that the approved project is inconsistent with the policies and standards of the Mendocino County certified Local Coastal Program (LCP) relating to protection of natural and visual resources.

### C. Substantial Issue Analysis

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determined that no substantial issue exists with respect to the grounds on which the appeal has been filed.<sup>1</sup> Commission staff has analyzed the county's Final Local Action Notice for the development (Exhibit No. 7), appellant's claims (Exhibit No. 6), and the relevant requirements of the LCP (Appendix B). Staff recommends that the Commission find that the appeal raises a substantial issue of conformance of the approved amended development with respect to the provisions of the certified LCP regarding protection of visual resources as explained below.

#### **1. Substantial Issue With Respect to Natural Resource Policies of the Certified LCP**

The appellants allege that the approved development is inconsistent with LCP provisions pertaining to the protection of natural resources in relation to water quality (see Appendix B). The appeal highlights concerns regarding whether the approved development meets water quality and runoff standards including, but not limited to LUP Policy 3.1-25, and CZC Sections 20.492.020, 20.492.025, and 20.532.095.

LUP 3.1-25 requires that the biologic productivity of coastal waters shall be sustained, and CZC Section 20.532.095(A)(2) requires, in applicable part, that the granting of any coastal development permit shall be supported by findings which establish that the proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities (emphasis added). Furthermore, CZC Section 20.492.020(D) specifies that design of sedimentation control devices shall be coordinated with runoff control structures to provide the most protection.

The approved development allows for construction of a commercial horse riding and boarding facility as a conditionally-permitted use within a remote residential-zoned area. In its project findings, the County staff report addresses erosion and stormwater runoff standards in its "Hydrology and Water Quality" section by requiring an erosion control and drainage plan be submitted for approval prior to issuance of a building permit. The County staff report references CZC Section 20.492.015 subsections (A), (B), and (C) which describe standards for minimizing and preventing surface erosion. CZC Section 20.492.025 subsections (A), (C), and (D), which describe measures to regulate the retention and flow of surface runoff, are also referenced.

---

<sup>1</sup> The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues, or those of regional or statewide significance.

The County findings for “Hydrology and Water Quality” in their entirety state the following:

*Due to the size of the development and the proposed agricultural use, staff recommends an erosion control and drainage plan in compliance with Mendocino County Coastal Zoning Code be submitted for approval prior to issuance of the building permit. Recommended Condition Number Three is included to this effect.*

Recommended Condition Number Three, in its entirety, requires the following:

*3. Prior to the issuance of the building permit, the applicant shall submit for the approval, an erosion control and drainage plan to address the revegetation and stabilization of disturbed earth associated with the project as well as storm water runoff resulting from the development. The plan shall include, at minimum, specific measures as follows:*

*(A) Erosion Control - The erosion control plan shall ensure the following:*

*(1) The erosion rate shall not exceed the natural or existing level before development.*

*(2) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.*

*(3) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; weedfree mulches consisting of certified weed-free rice straw may be used to cover ground areas temporarily.*

*(B) Stormwater Runoff – The drainage plan shall ensure the following:*

*(1) Water flows in excess of natural flows resulting from project development shall be mitigated.*

*(2) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipaters.*

*(3) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.*

While the County staff report provides findings that address erosion control and controlling the volume of stormwater runoff, the findings are silent with regards to the protection of water quality. Confined animal facilities are one of the most recognized sources of non-point source pollutants since these types of developments have concentrated sources of animal wastes. One horse produces about 45-50 pounds of manure

per day (Davis and Swinker;<sup>2</sup> Cirelli and Cloud;<sup>3</sup> King County, WA<sup>4</sup>), over eight tons per year, in addition to expelling 8 to 10 gallons of urine per day. Horse wastes, including manure, urine, waste feed, and straw, shavings and/or dirt bedding, can be significant contributors to pollution and are a breeding ground for parasites, flies and other vectors. In addition, horse wastes contain nutrients such as phosphorous and nitrogen as well as microorganisms such as coliform bacteria.

Cleared, compacted areas such as corrals and riding rings can contribute to a loss of soil porosity – and thus the soil’s ability to infiltrate runoff. The improper storage and management of manure and other animal wastes can have detrimental effects on water quality. The discharge of these pollutants to groundwater and ultimately to coastal waters can cause significant adverse cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; algae blooms and sedimentation, increasing turbidity and reducing the penetration of sunlight needed by aquatic vegetation that provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters and wetlands, reduce optimum populations of marine organisms, and have adverse impacts on human health and recreational opportunities.

Manure management is important for protecting water quality. Manure management measures to be considered include the location for waste storage, the container for waste storage and the frequency of collection.

Although the County findings discuss surface runoff and erosion control, the findings do not address water quality impacts resulting from groundwater contamination due to horse waste. In addition, the County did not require a manure management plan to address storage and disposal of horse waste. It is also unclear where the existing herd of 16 goats will be grazing vegetation in relation to where vegetation will be maintained for control of stormwater runoff.

Because the subject development was approved without any conditions and findings addressing necessary facilities to contain and manage horse wastes related to the subject development (so as to ensure that the biologic productivity of coastal waters shall be sustained), the degree of legal and factual support for the local government’s decision that the development is consistent with the water quality standards of the LCP is low. In addition, as LUP Policy 3.1-25 implements, in part, the mandates of Section 30231 of the Coastal Act which require that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of

---

<sup>2</sup> J.G. Davis, Colorado State University Cooperative Extension environmental soil specialist and professor, soil and crop sciences; and A.M. Swinker, former Cooperative Extension horse specialist and associate professor, animal sciences. 2002. Accessed from <http://equineextension.colostate.edu/> September 2010.

<sup>3</sup> Cirelli and Cloud. “Suburban Horse Keeping.” University of Reno Nevada Cooperative Extension. Fact Sheet 94–09. Accessed from <http://www.unce.unr.edu/publications/files/ag/other/fs9409.pdf> September 2010.

<sup>4</sup> King County Department of Natural Resources Solid Waste Division. 2000. “How to Compost and Use Horse Manure.” Accessed from <http://your.kingcounty.gov/dnrp/library/2000/kcr737.pdf> September 2010.

marine organisms and for the protection of human health be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges controlling runoff, the appeal raises issues of statewide significance rather than just a local issue. Therefore, the Commission finds that the project as approved raises a substantial issue of conformance with LCP policies regarding coastal development projects related to water quality and runoff standards including, but not limited to LUP Policy 3.1-25, and CZC Sections 20.492.020, 20.492.025, and 20.532.095.

## **2. Substantial Issue With Respect to Visual Resource Policies of the Certified LCP**

The appellants allege that the approved development is inconsistent with LCP provisions pertaining to the protection of visual resources (see Appendix B). The approved project allows for development of a commercial horse riding and boarding facility in a rural setting where surrounding land uses include remote residential, forested lands, and a church camp facility. The approved commercial development includes, among other associated development, construction of two 35-foot-tall buildings. Of these, one facility is a 6,900-square-foot barn with 14 horse stalls, hay storage, and office space, and the other is an 11,200-square-foot riding arena. The riding arena is described as a “Clearspan 83-foot wide HK Series” truss arch fabric building (Exhibit 5). Ten outdoor lights are proposed for the barn; five on the east side, three on the south side, and two on the north side. The County staff report indicates that lights will be downcast and shielded and includes Special Condition Number One that requires lighting to comply with Exterior Lighting Regulations of CZC Section 20.504.035 for the life of the project.

The project site is not located within a designated highly scenic area. However, the County staff report acknowledges the requirement for an analysis of aesthetic issues relating to appearance and views for all development in the coastal zone, and references LUP 3.5-1 which requires that development be visually compatible with the character of the surrounding area whether or not the site is within a highly scenic area. The staff report findings on visual impacts related to aesthetics state in their entirety the following:

*The facility would not be visible from the highway or any parks, beaches or recreation areas, and would not impact views to or along the ocean. Structures would be located in relatively flat areas, and landforms would not be significantly altered. Colors and materials proposed for the barn are natural redwood with a grey/blue slate roof. The arena would be covered with white fabric. Visual impacts would not be significant.*

The County staff report is silent with regards to how the determination was made that a white, 35-foot-tall, 11,200 square-foot dome-shaped commercial building in a rural residential setting would not be visible from public vantage points and would be visually compatible with the character of the surrounding area. There is no indication whether story poles were erected, or whether a balloon test was conducted to simulate visual effects. It is not clear whether trees screen the view, or whether topography screens the development.

While the County staff report describes the site as a relatively flat, wooded area, it acknowledges a recently-approved timber harvest plan. According to the 2007 timber

harvest plan, the subject parcel and the adjoining westerly parcels (which abut Highway One) have been previously harvested as recently as 1997 and 2001. It is unclear what cumulative visual impacts, if any, future timber harvest activity might have on the visibility of the approved commercial structures from public areas such as Highway One and Albion Little River Road, and the approved permit contains no requirements to preserve or otherwise protect any trees that may be serving to screen the development.

Although the County states the facility would not be visible, there are no findings that provide information demonstrating the validity of its determination. Therefore, because the County did not provide evidence that demonstrates that the proposed commercial development would be visually compatible with the character of its setting, the degree of legal and factual support for the local government's decision that the development is consistent with the visual resource protection policies of the LCP is low. Therefore, the Commission finds that the approved development raises a substantial issue of conformance with LUP Policy 3.5-1 and CZC Section 20.504.010 that require permitted development to be visually compatible with the character of surrounding areas, and with CZC Section 20.532.095(A)(1) that requires findings that *establish* conformity with the certified local coastal program.

### C. Conclusion

Therefore, the Commission finds that the appeal raises a substantial issue with respect to conformance of the development as approved by the County with LCP policies regarding the protection of natural and visual resources including, but not limited to LUP Policies 3.1-25 and 3.5-1, and Sections 20.492.020, 20.492.025(k); 20.532.095; and Section 20.504.010 of the Mendocino County Coastal Zoning Code.

### **Information Needed for *De Novo* Review of Application**

Section 30621 of the Coastal Act instructs the Commission to provide for a *de novo* hearing on all appeals where it has determined that a substantial issue exists with respect to the grounds on which an appeal has been filed. If the Commission finds substantial issue as recommended above, staff also recommends that the Commission continue the *de novo* hearing to a subsequent date. The *de novo* portion of the appeal must be continued because the Commission does not have sufficient information to determine what, if any, development can be approved, consistent with the certified LCP.

Given that the project the Commission will be considering *de novo* has come to the Commission after an appeal of a local government action, the Commission has not previously been in the position to request information from the applicant needed to determine if the project can be found to be consistent with the certified LCP. Following is a discussion of the information needed to evaluate the development.

#### **1) Manure Management Plan**

As discussed above, although the County findings discuss surface runoff and erosion control, the findings do not address water quality impacts resulting from contamination by discharge of horse waste to groundwater and waterways. In addition, the County did not require a manure management plan to address storage and disposal of horse waste.



Therefore, a discussion of proposed management measures for horsekeeping facilities designed to protect water quality and resources shall be provided. The discussion should include measures to deploy onsite for the management, storage, and disposal of horse waste. Any areas that exclude horse and goat use should be noted since areas grazed or otherwise used by animals may affect erosion and stormwater management.

## **2) Visual Analysis for Barn and Riding Arena**

As discussed above, the County's findings do not fully address whether the approved development is visually compatible with the surrounding area. Therefore, a visual analysis shall be provided that examines the visual effects on public views from Highway One and Albion Little River Road. The analysis shall include graphic visual simulations and maps and erection of story poles and/or a balloon test on potential building sites for the barn and horse riding arena.

Without additional information, including the above, the Commission cannot reach a final determination concerning the consistency of the project with the policies of the LCP. Therefore, before the Commission can act on the proposed project *de novo*, the applicant must submit all of the above-identified information.

## **APPENDICES**

APPENDIX A: Commission's Appeal Jurisdiction Over Project

APPENDIX B: Excerpts from the Humboldt County Local Coastal Program

## **EXHIBITS**

1. Regional Location Map
2. Vicinity Map
3. Assessor's Parcel Map
4. Site Plans
5. Sample image of riding arena
6. Appeal
7. Notice of Final Local Action and Findings for Approval

## **APPENDIX A**

### **COMMISSION'S APPEAL JURISDICTION OVER THE PROJECT**

On August 19, 2010, the County of Mendocino approved Conditional Use Permit CDU #4-2010 for construction of a new commercial horse stable facility consisting of (1) a 6,900-sq.-ft., 35-foot-tall, 14-stall barn with hay storage and work areas; and (2) an 11,200-sq.ft., 35-foot-tall covered arena (Exhibit Nos. 4 and 5). The applicant wishes to house approximately 10 horses and 16 goats at the present time. The goats are an aged herd currently used to control pasture vegetation growth and may be replaced with additional horses (boarding up to 14 in the designated stalls) as the herd dies. According to the County staff report, activities will include horse and rider training, instructional clinics and pleasure riding. According to a discussion with County staff, the facility may accommodate occasional temporary events in the future in the form of horse shows. Associated development includes fencing, installation of an on-site septic disposal system, an on-site production well, connection to offsite utilities, and installation of a commercial driveway to serve the facility.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603). Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act because the approved development is not designated as a "principal permitted use" under the certified LCP.

The decision of the Planning Commission was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received at the Commission's North Coast District Office on September 1, 2010 (Exhibit No. 7). Section 13573 of the Commission's regulations allows for appeals of local approvals to be made directly to the Commission without first having exhausted all local appeals when, as here, the local jurisdiction charges an appeal fee for the filing and processing of local appeals.

One appeal was filed with the Commission's North Coast District Office on September 16, 2010 from Commissioners Sara Wan and Esther Sanchez (Exhibit No. 6). The appeal was filed in a timely manner, within 10 working days of receipt by the Commission of the County's Notice of Final Action.

**APPENDIX B**

**EXCERPTS FROM THE MENDOCINO COUNTY  
CERTIFIED LOCAL COASTAL PROGRAM**

**Summary of Applicable LCP Policies Relating to the Protection of Natural Resources  
for Water Quality:**

**Land Use Plan (LUP) Policy 3.1-25** states the following (Emphasis added):

*The Mendocino Coast is an area containing many types of marine resources of statewide significance. Marine resources shall be maintained, enhanced and, where feasible, restored; areas and species of special biologic or economic significance shall be given special protection; and the biologic productivity of coastal waters shall be sustained.*

**CZC Section 20.492.020 “Sedimentation Standards”** states, in applicable part, the following (emphasis added):

...

*(D) Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection.*

...

**CZC 20.492.025 “Runoff Standards”** requires in part (Emphasis added):

...

*(K) All development that is within, or drains into, environmentally sensitive habitat, is a commercial or residential subdivision, is a service station or automotive repair facility or that includes commercial development or a parking lot, shall capture and infiltrate or treat, using relevant best management practices, including structural best management practices, all runoff from storms of a magnitude such that the runoff from eight-five (85) percent of storms is encaptured or treated. (Ord. No. 3785 (part), adopted 1991, Ord. No. 4083, adopted 2002)*

...

**CZC Section 20.532.095 “Required Findings for all Coastal Development Permits”** states, in applicable part, the following (emphasis added):

*(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:*

*(1) The proposed development is in conformity with the certified local coastal program; and*

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

**Summary of Applicable LCP Policies Relating to the Protection of Visual Resources:**

**LUP Policy 3.5-1** states, in applicable part, the following (emphasis added):

...

*The scenic and visual qualities of Mendocino County 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.*

...

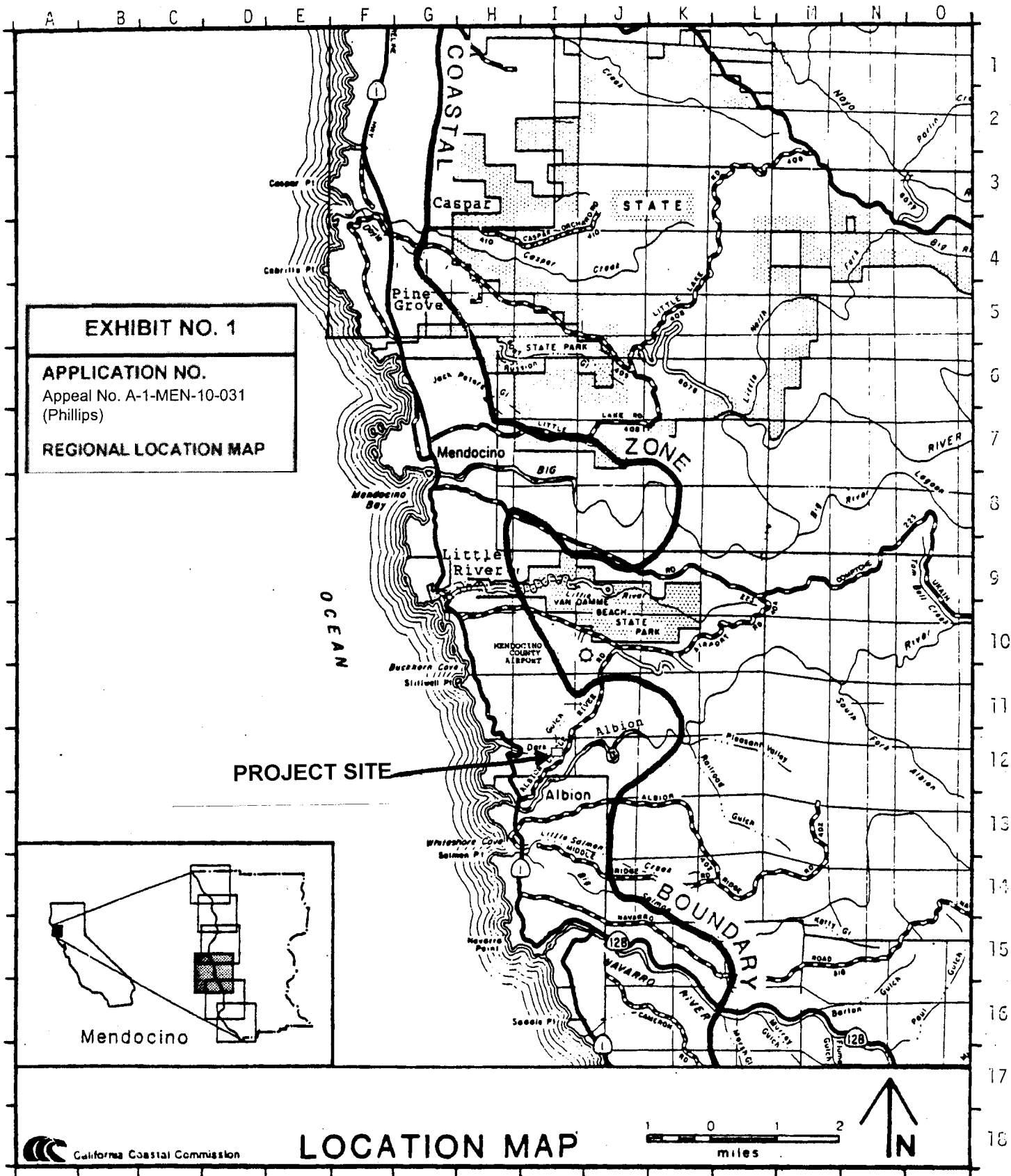
**CZC Section 20.504.010** “*Visual Resource and Special Treatment Areas—Purpose*” states the following (emphasis added):

*The purpose of this section is to insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. (Ord. No. 3785 (part), adopted 1991).*

**CZC Section 20.532.095** “*Required Findings for all Coastal Development Permits*” states, in applicable part, the following (emphasis added):

- (A) *The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:*
  - (1) *The proposed development is in conformity with the certified local coastal program;*

...




**EXHIBIT NO. 1**

**APPLICATION NO.**  
Appeal No. A-1-MEN-10-031  
(Phillips)

**REGIONAL LOCATION MAP**

**PROJECT SITE**

 California Coastal Commission

**LOCATION MAP**



**County of Mendocino**

**EXHIBIT NO. 2**

**APPEAL NO.**

A-1-MEN-10-031  
Phillips

VICINITY MAP / AERIAL  
PHOTO

Subject Property



Highway One

Albion River



N. 1/2 of Sec. 21, T.16 N. R.17 W., M.D.B.&M.

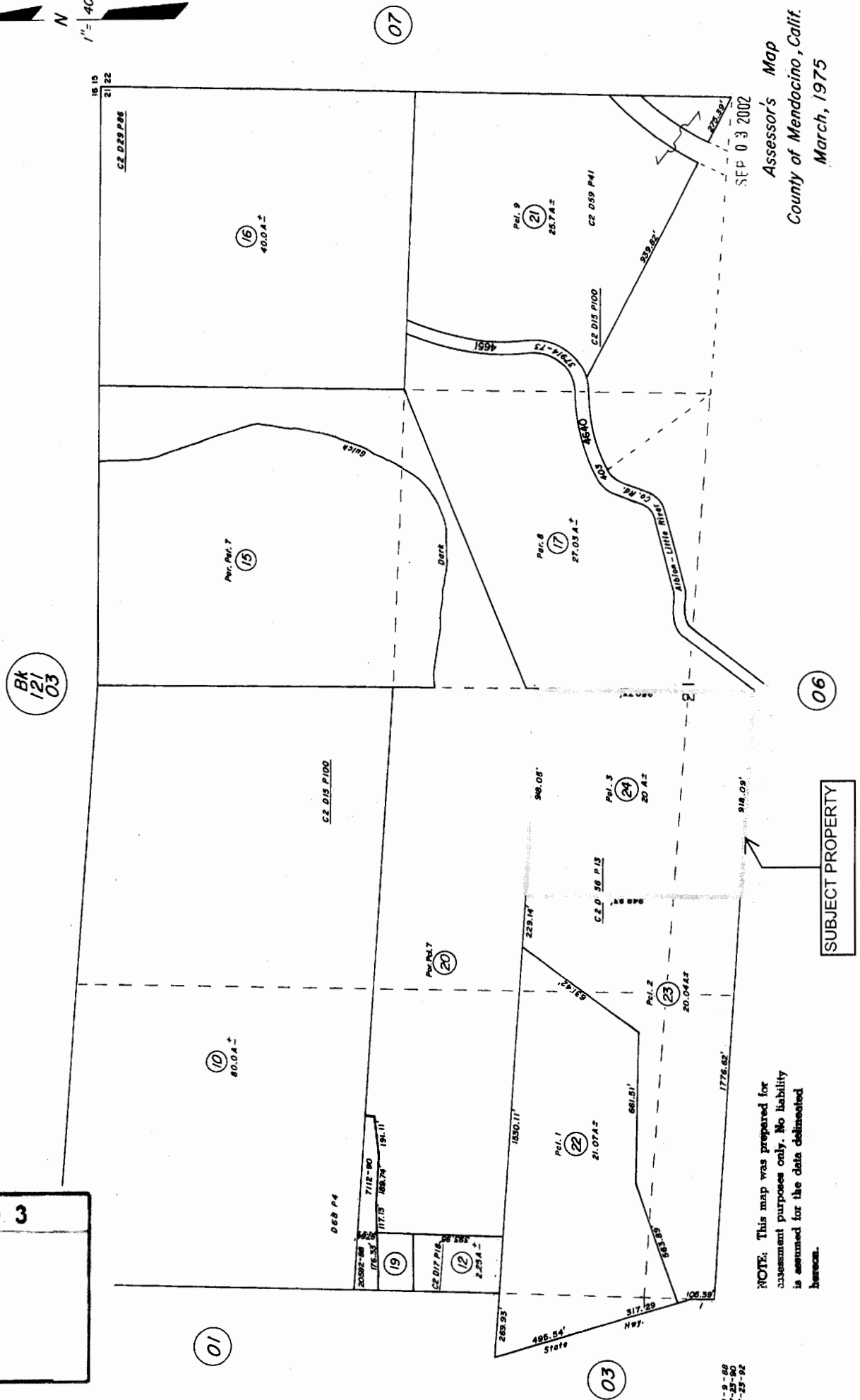
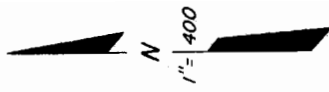
104-011

123-02

**EXHIBIT NO 3**

**APPEAL NO.**  
A-1-MEN-10-031  
Phillips

**PARCEL MAP**



**NOTE:** This map was prepared for assessment purposes only. No liability is assumed for the data delineated hereon.

Assessor's Map  
County of Mendocino, Calif.  
March, 1975



# VAN PHILLIPS PLOT PLAN

PARCEL MAP No. 15358  
 PORTIONS OF SECTIONS 20 & 21  
 TOWNSHIP 16 NORTH, RANGE 17 WEST, M.D.B. & M.  
 ALBION, MENDOCINO COUNTY, CALIFORNIA

707-937-9824 www.AumConstruction.com  
 Aum Construction Inc.  
 General Contractor Lic. 81115

Contractors:

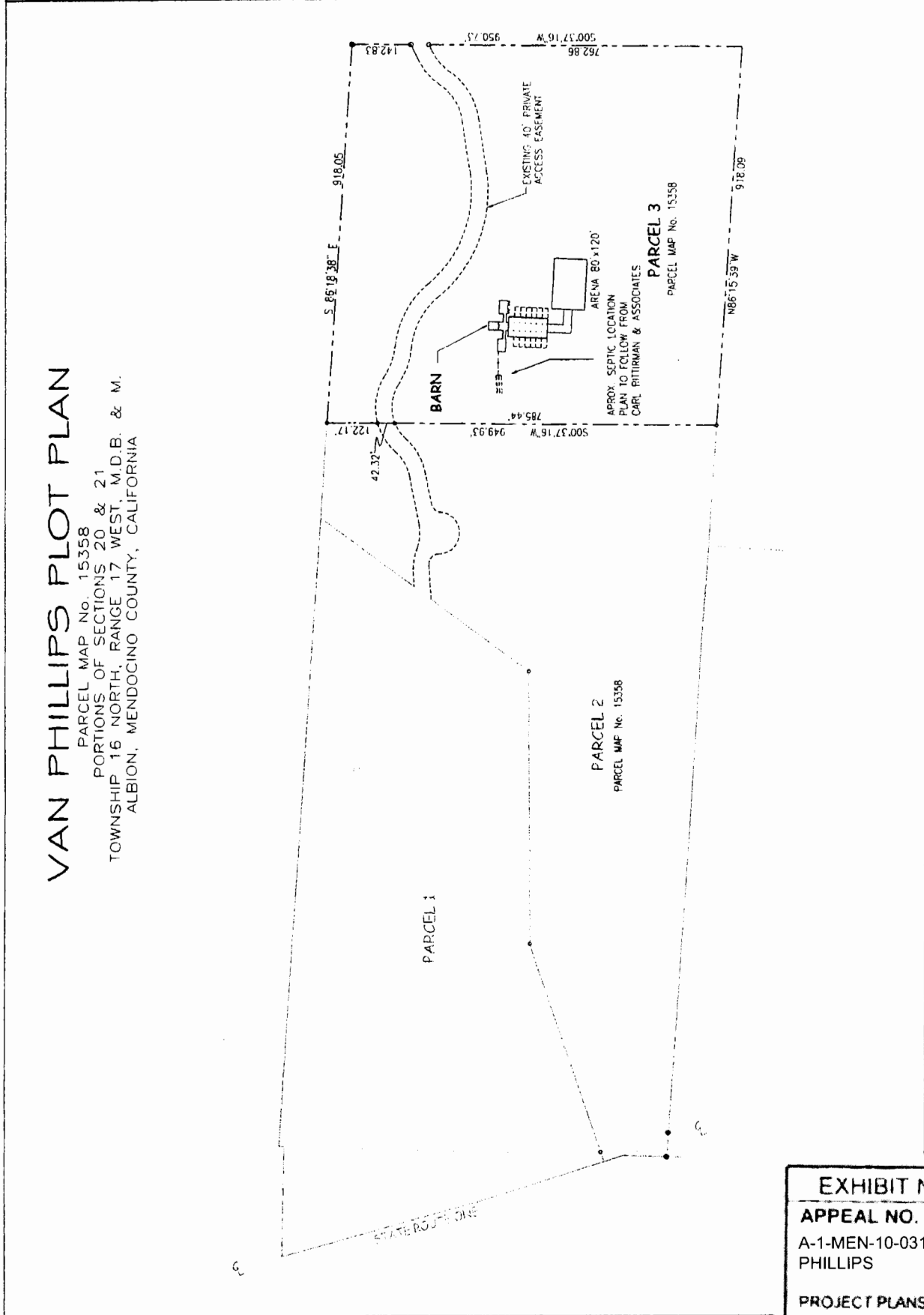

Revisions:

PHILLIPS HORSE BARN  
 PLOT PLAN  
 White Deer Mountain, Albion, CA

SCALE: 1" = 200'  
 DATE: 08/22/10  
 JOB No.:

PLOT PLAN

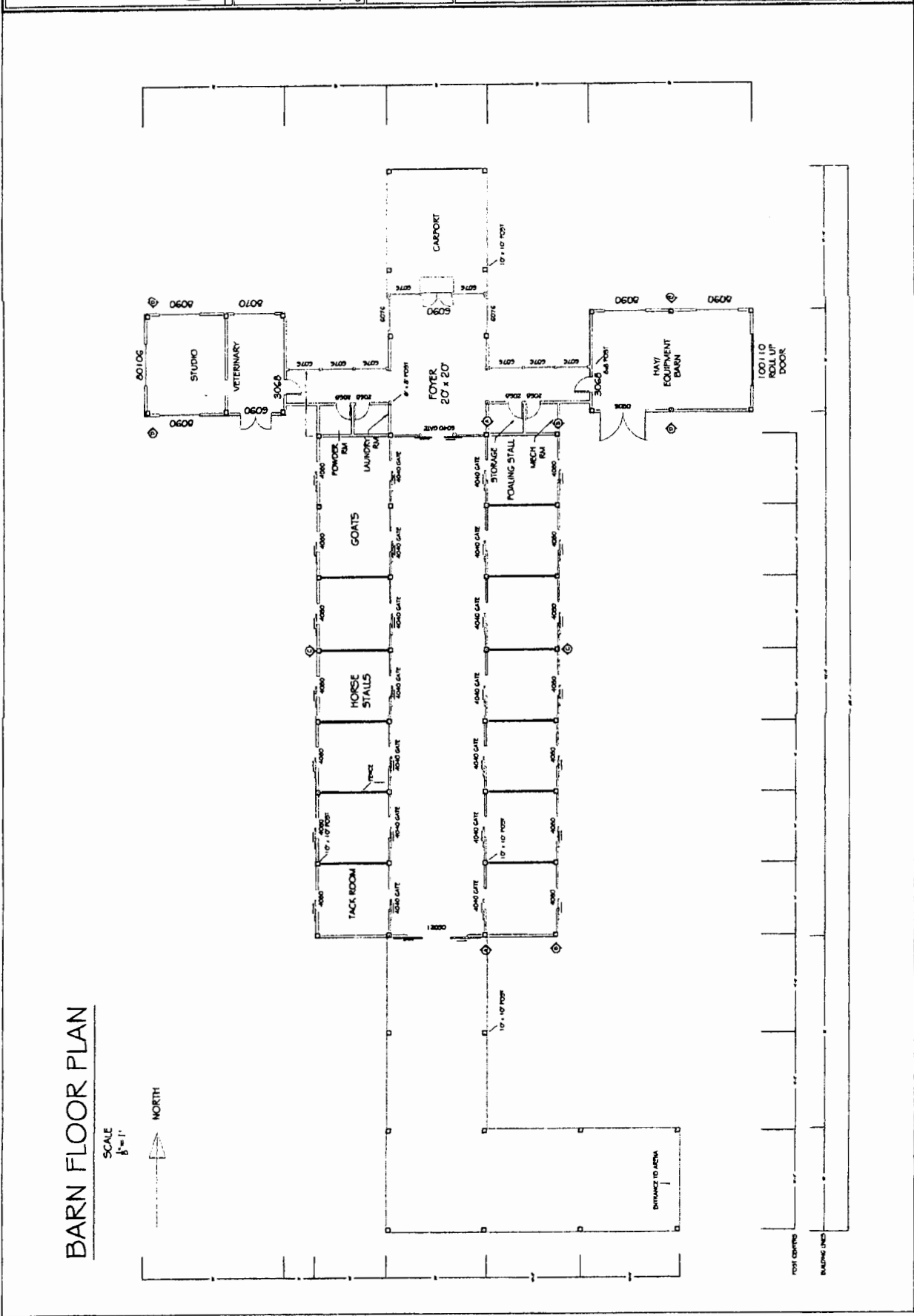
SHEET 4 of 4



**EXHIBIT NO. 4**  
**APPEAL NO.**  
 A-1-MEN-10-031  
 PHILLIPS  
 PROJECT PLANS (1 of 5)

Revisions:

SCALE: 1/8" = 1' DATE: 03/22/10 JOB No.:	CONCEPTUAL MAIN FRAME & HORSE STALL POST LOCATION	SHEET 4 of 4
--	---	--------------



**BARN FLOOR PLAN**

SCALE: 1/8" = 1'



295



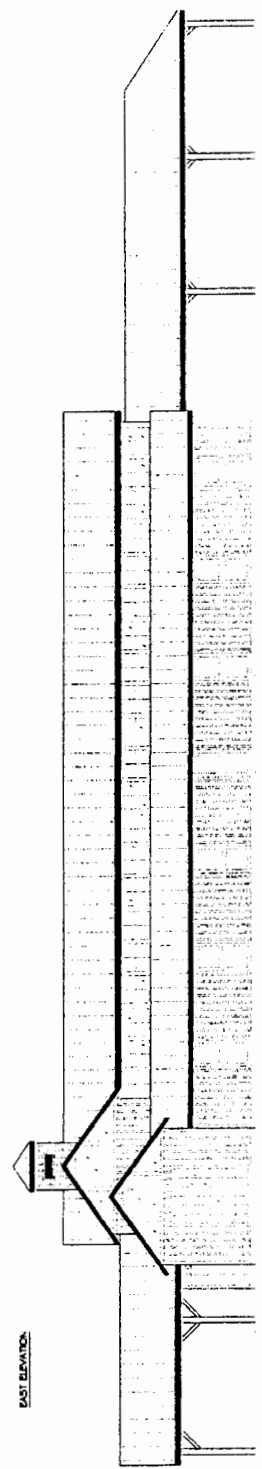
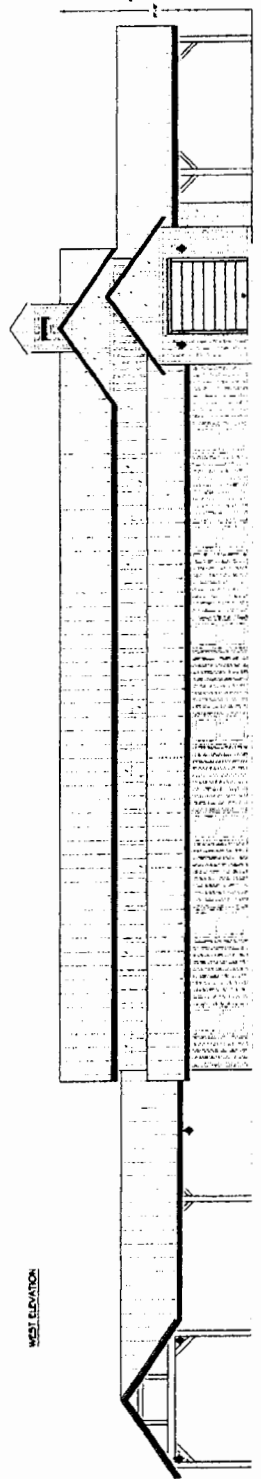
Contractors:

Revisions:

PHILLIPS HORSE BARN  
 White Deer Mountain, Albiion, CA

FLOOR PLAN

SCALE: 1/8" = 1'  
 DATE: 03/22/10  
 JOB No.:  
 CONCEPTUAL  
 MAIN FRAME &  
 HOUSTALL  
 FOOTING  
 LOCATION  
 SHEET 4 of 4



5 of 5



Contractors:

Revisions:

White Deer Mountain, Albion, CA

N & S ELEVATIONS

PHILLIPS HORSE BARN

SCALE: 1/8" = 1'

DATE: 03/27/10

JOB NO.:

CONCEPTUAL

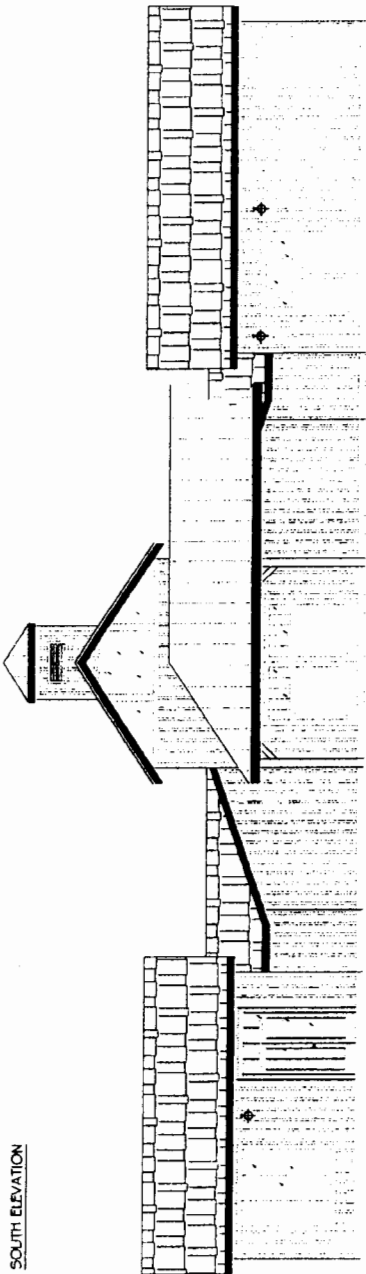
MAIN FRAME

HORSE STALL

POSSIBLE

LOCATION

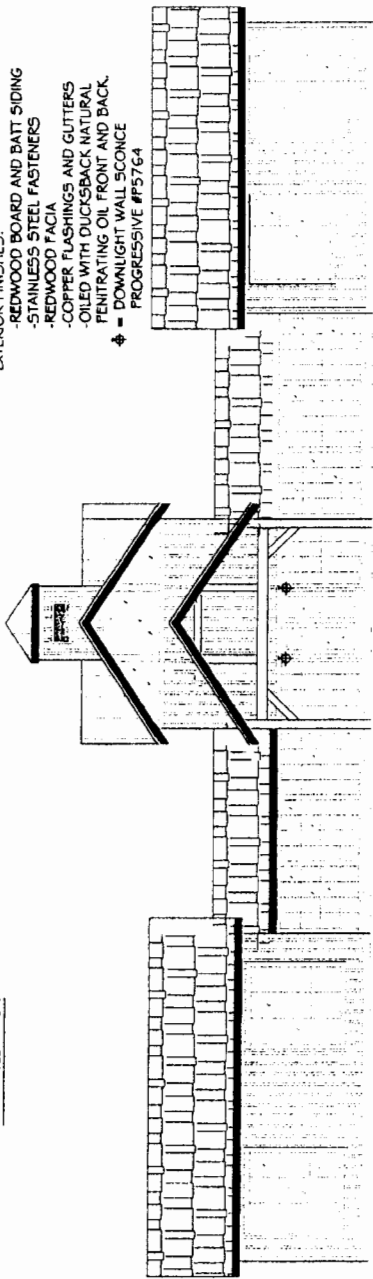
SHEET 4 of 4



SOUTH ELEVATION

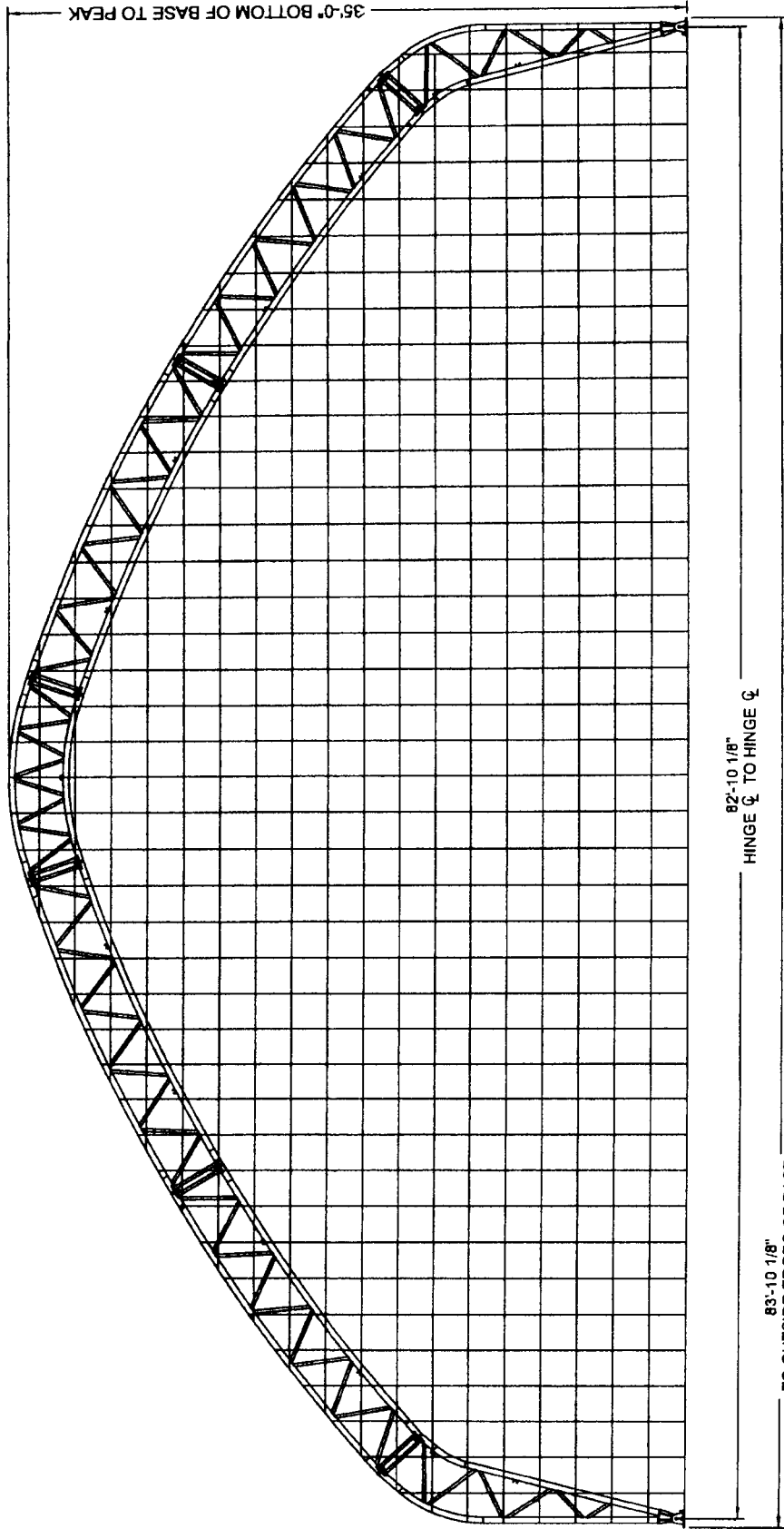
- EXTERIOR FINISHES:
- REDWOOD BOARD AND BATT SIDING
  - STAINLESS STEEL FASTENERS
  - REDWOOD FACIA
  - COPPER FLASHINGS AND GUTTERS
  - OILED WITH DUCKSBACK NATURAL PENETRATING OIL FRONT AND BACK.
  - ◆ DOWNLIGHT WALL SCONCE PROGRESSIVE #P5764

NORTH ELEVATION



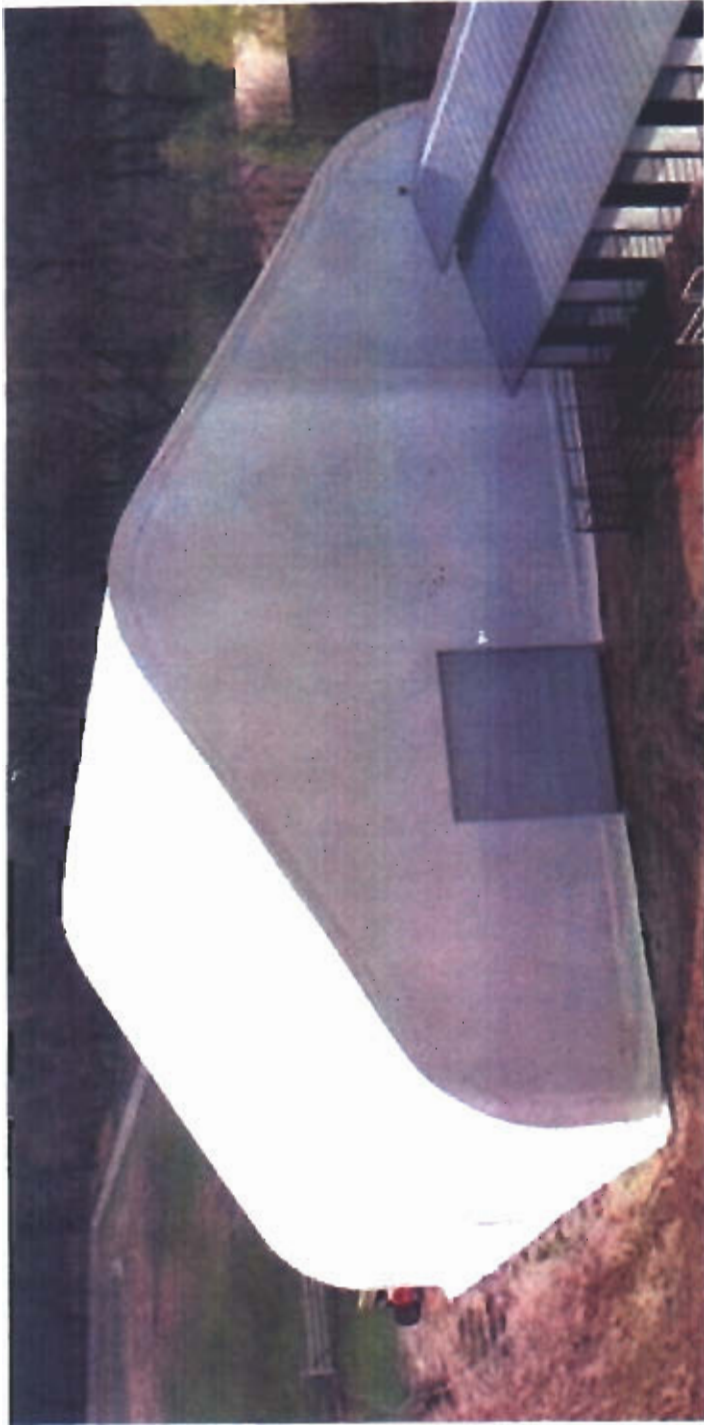
4 of 5

**CLEARSPAN™ 83' WIDE HK SERIES STRUCTURE PROFILE**



5 of 5

		ClearSpan Steel Buildings 1000 ClearSpan Drive ClearSpan, MO 64829	
Project Name: _____	Drawing: _____	Customer Information: Customer Name: _____	Revision: _____
Order Number: _____	Customer Contact Name: _____	Revision Date: _____	Sheet: _____



<b>EXHIBIT NO. 5</b>
<b>APPEAL NO.</b> A-1-MEN-10-031 PHILLIPS
Sample riding arena

**CALIFORNIA COASTAL COMMISSION**

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

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

**SECTION I. Appellant(s)**

Name: SEE ATTACHMENT A

Mailing Address:

City:

Zip Code:

Phone:

EXHIBIT NO. 6

APPEAL NO.

A-1-MEN-10-031

PHILLIPS

APPEAL (1 of 13)

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

County of Mendocino

2. Brief description of development being appealed:

Coastal Development Conditional Use Permit to construct a new commercial horse stable facility consisting of (1) a 6,900-sq.-ft., 35-foot-tall, 14-stall barn with hay storage and work areas; and (2) an 11,200-sq.-ft., 35-foot-tall covered arena. Associated development includes fencing, installation of an on-site septic disposal system, an on-site production well, connection to offsite utilities, and installation of a commercial driveway to serve the facility.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

4520 Albion Little River Road, approximately one-half mile northeast of Albion, Mendocino County, and one-half mile east of the Pacific Ocean (APN 123-020-24)

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

RECEIVED

SEP 16 2010

CALIFORNIA  
COASTAL COMMISSION

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-1-MEN-10-031

DATE FILED: 9/16/10

DISTRICT: North Coast

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: August 19, 2010

7. Local government's file number (if any): CDU #4-2010

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Van L. Phillips  
33000 Navarro Ridge Road  
Albion, CA 95410

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

2913



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attachment B.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 4

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information <sup>and</sup> facts stated above, are correct to the best of my/our knowledge.

Signed: [Signature] Signature on File  
Appellant or Agent [Signature]

Date: 9/16/10

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 4

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: \_\_\_\_\_ Signature on File \_\_\_\_\_  
Appellant or Agent \_\_\_\_\_ U

Date: \_\_\_\_\_ 9/16/10 \_\_\_\_\_

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

ATTACHMENT A

SECTION I. Appellant(s)

1. Sara J. Wan  
22350 Carbon Mesa Road  
Malibu, CA 90265

(415) 904-5200

2. Esther Sanchez  
City of Oceanside  
300 North Coast Highway  
Oceanside, CA 92054

(760) 435-0971

## ATTACHMENT B

### APPEALABLE PROJECT:

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603). Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act because the approved development is not designated as a "principal permitted use" under the certified LCP.

### BACKGROUND:

On August 19, 2010, the County of Mendocino approved Conditional Use Permit CDU #4-2010 for construction of a new commercial horse stable facility consisting of (1) a 6,900-sq.-ft., 35-foot-tall, 14-stall barn with hay storage and work areas; and (2) an 11,200-sq.ft., 35-foot-tall covered arena. The applicant wishes to house approximately 10 horses and 16 goats at the present time. The goats are an aged herd currently used to control pasture vegetation growth and may be replaced with additional horses (boarding up to 14 in the designated stalls) as the herd dies. According to the County staff report, activities will include horse and rider training, instructional clinics and pleasure riding. According to a discussion with County staff, the facility may accommodate occasional temporary events in the future in the form of horse shows. Associated development includes fencing, installation of an on-site septic disposal system, an on-site production well, connection to offsite utilities, and installation of a commercial driveway to serve the facility.

The subject property is a 20-acre undeveloped parcel that is forested with mostly coast redwood (*Sequoia sempervirens*) in addition to Douglas-fir (*Pseudotsuga menziesii*), Grand Fir (*Abies grandis*) and Bishop pine (*Pinus muricata*), with tan oak (*Lithocarpus densiflorus* var. *densiflorus*) as the predominant hardwood. A Timber Harvest Plan (CalFire THP #1-07-073MEN) authorized selective harvesting on 33 acres that included the subject parcel, along with a portion of the adjacent westerly parcel that is also owned by the applicant. Harvest activities were completed in 2007. The subject parcel had previously undergone timber harvest operations

7 of 13

in the 1930's; the subject parcel was harvested again in 1997 (THP 1-95-403MEN), and the adjoining westerly property (which abuts Highway One) was harvested again in 2001 (THP 1-99-140MEN).

The approved development is located approximately 350 feet above sea level at 4520 Albion Little River Road, approximately one-half mile northeast of Albion, Mendocino County, inland of Highway One and one-half mile east of the Pacific Ocean (APN 123-020-24). According to the 2007 timber harvest plan, slopes (including the adjacent westerly parcel) range from 5% to 40%, with most of the area consisting of slopes less than 10%. The 2007 THP describes mostly westerly slopes that drain into Dark Gulch and surrounding coastal flats. The Albion River is located approximately 680 feet southeast of the subject parcel, and Dark Gulch occurs approximately 500 feet to the north. The application describes the area of the county-approved development as occurring on a relatively flat mesa. The approved development occurs within a designated Marginal Water Resources area.

The parcel is designated and zoned on the County general plan Coastal Plan Map as Remote Residential Twenty Acres Minimum (RMR-20) and is similarly zoned RMR L-20. Commercial horse stables are recognized by the County as a conditionally-permitted commercial use in the Remote Residential District under Coastal Zoning Code (CZC) 20.380.015(C) as "Animal Sales and Services: Horse Stables."

#### **REASONS FOR APPEAL:**

The approved conditional use development is inconsistent with the policies of the certified LCP, including but not limited to the policies contained in the "Habitats and Natural Resources" and "Visual Resources, Special Communities and Archaeological Resources" sub-sections of Section 3: Resources and Development Issues and Policies of the Land Use Plan, and the development regulations and standards of Sections 20.492.020, 20.492.025(k); 20.532.095(A)(2); and Section 20.504.010 of the Mendocino County Coastal Zoning Code (herein "Coastal Zoning Code" or "CZC"), for the following reasons:

#### **A. Inconsistencies with LUP Habitat and Natural Resource Policies and Coastal Zoning Code Regulations Regarding Runoff Standards**

#### **LCP Policies on Required Conditions for Water Quality:**

**Land Use Plan (LUP) Policy 3.1-25** states the following (Emphasis added):

*The Mendocino Coast is an area containing many types of marine resources of statewide significance. Marine resources shall be maintained, enhanced and, where feasible, restored; areas and species of special biologic or economic significance shall be given special protection; and the biologic productivity of coastal waters shall be sustained.*

CZC Section 20.492.020 "*Sedimentation Standards*" states, in applicable part, the following (emphasis added):

...

(D) Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection.

...

CZC 20.492.025 "*Runoff Standards*" requires in part (Emphasis added):

...

(K) All development that is within, or drains into, environmentally sensitive habitat, is a commercial or residential subdivision, is a service station or automotive repair facility or that includes commercial development or a parking lot, shall capture and infiltrate or treat, using relevant best management practices, including structural best management practices, all runoff from storms of a magnitude such that the runoff from eight-five (85) percent of storms is encaptured or treated. (Ord. No. 3785 (part), adopted 1991, Ord. No. 4083, adopted 2002)

...

CZC Section 20.532.095 "*Required Findings for all Coastal Development Permits*" states, in applicable part, the following (emphasis added):

(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:

- (1) The proposed development is in conformity with the certified local coastal program; and
- (2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities...

**Discussion:**

The approved development allows for construction of a commercial horse riding and boarding facility as a conditionally-permitted use within a remote residential-zoned area. In its project findings, the County staff report addresses erosion and stormwater runoff standards in its "Hydrology and Water Quality" section by requiring an erosion control and drainage plan be submitted for approval prior to issuance of a building permit. The County staff report references CZC Section 20.492.015 subsections (A), (B), and (C) which describe standards for minimizing and preventing surface erosion. CZC Section 20.492.025 subsections (A), (C), and (D), which describe measures to regulate the retention and flow of surface runoff, are also referenced.

The County findings for "Hydrology and Water Quality" in their entirety state the following:

*Due to the size of the development and the proposed agricultural use, staff recommends an erosion control and drainage plan in compliance with Mendocino County Coastal Zoning Code be submitted for approval prior to issuance of the building permit. Recommended Condition Number Three is included to this effect.*

Recommended Condition Number Three, in its entirety, requires the following:

3. *Prior to the issuance of the building permit, the applicant shall submit for the approval, an erosion control and drainage plan to address the revegetation and stabilization of disturbed earth associated with the project as well as storm water runoff resulting from the development. The plan shall include, at minimum, specific measures as follows:*

*(A) Erosion Control - The erosion control plan shall ensure the following:*

*(1) The erosion rate shall not exceed the natural or existing level before development.*

*(2) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.*

*(3) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; weedfree mulches consisting of certified weed-free rice straw may be used to cover ground areas temporarily.*

*(B) Stormwater Runoff – The drainage plan shall ensure the following:*

*(1) Water flows in excess of natural flows resulting from project development shall be mitigated.*

*(2) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipaters.*

*(3) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.*

While the County staff report provides findings that address erosion control and stormwater runoff, the findings are silent with regards to water quality. Confined animal facilities are one of the most recognized sources of non-point source pollutants since these types of developments have concentrated sources of animal wastes. One horse produces about 45-50 pounds of manure per day (Davis and Swinker;<sup>1</sup> Cirelli and Cloud;<sup>2</sup> King County<sup>3</sup>), over eight tons per year, in

---

<sup>1</sup> J.G. Davis, Colorado State University Cooperative Extension environmental soil specialist and professor, soil and crop sciences; and A.M. Swinker, former Cooperative Extension horse specialist and associate professor, animal sciences. 2002. Accessed from <http://equineextension.colostate.edu/> September 2010.

<sup>2</sup> Cirelli and Cloud. "Suburban Horse Keeping." University of Reno Nevada Cooperative Extension. Fact Sheet 94-09. Accessed from <http://www.unce.unr.edu/publications/files/ag/other/fs9409.pdf> September 2010

<sup>3</sup> King County Department of Natural Resources Solid Waste Division. 2000. "How to Compost and Use Horse Manure." Accessed from <http://your.kingcounty.gov/dnrp/library/2000/kcr737.pdf> September 2010



addition to expelling 8 to 10 gallons of urine per day. Horse wastes, including manure, urine, waste feed, and straw, shavings and/or dirt bedding, can be significant contributors to pollution and are a breeding ground for parasites, flies and other vectors. In addition, horse wastes contain nutrients such as phosphorous and nitrogen as well as microorganisms such as coliform bacteria.

Cleared, compacted areas such as corrals and riding rings can contribute to a loss of soil porosity – and thus the soil’s ability to infiltrate runoff. The improper storage and management of manure and other animal wastes can have detrimental effects on water quality. The discharge of these pollutants to groundwater and ultimately to coastal waters can cause significant adverse cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters and wetlands, reduce optimum populations of marine organisms, and have adverse impacts on human health and recreational opportunities.

Manure management is essential to protecting water quality as well as the ecological health of an individual property. Important measures to consider in managing manure include the location for waste storage, the container for waste storage and the frequency of collection.

LUP 3.1-25 requires that the biologic productivity of coastal waters shall be sustained, and CZC Section 20.532.095(A)(2) requires, in applicable part, that the granting of any coastal development permit shall be supported by findings which establish that the proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities (emphasis added). Furthermore, CZC Section 20.492.020(D) specifies that design of sedimentation control devices shall be coordinated with runoff control structures to provide the most protection. Although the County discussed surface runoff and erosion control in its findings, the findings do not address water quality impacts resulting from groundwater contamination due to horse waste, nor did the County require a manure management plan to address storage and disposal of horse waste.

Because the subject development was approved without any conditions and findings addressing necessary facilities to contain and manage horse wastes related to the subject development (so as to ensure that the biologic productivity of coastal waters shall be sustained), the project as approved is inconsistent with LCP policies regarding coastal development projects related to water quality and runoff standards including, but not limited to LUP Policy 3.1-25, and CZC Sections 20.492.020, 20.492.025, and 20.532.095.

**B. Inconsistencies with LUP Visual Resources Policies and Coastal Zoning Code Regulations for Visual Resource Areas.**

**LCP Policies on Visual Resource Areas:**

LUP Policy 3.5-1 states, in applicable part, the following (emphasis added):

...

*The scenic and visual qualities of Mendocino County 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.*

...

CZC Section 20.504.010 “*Visual Resource and Special Treatment Areas—Purpose*” states the following (emphasis added):

*The purpose of this section is to insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. (Ord. No. 3785 (part), adopted 1991).*

CZC Section 20.532.095 “*Required Findings for all Coastal Development Permits*” states, in applicable part, the following (emphasis added):

(A) *The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:*

(1) *The proposed development is in conformity with the certified local coastal program;*

...

**Discussion:**

The approved project allows for development of a commercial horse riding and boarding facility in a rural setting where surrounding land uses include remote residential, forested lands, and a church camp facility. The approved commercial development includes, among other associated development, construction of two 35-foot-tall buildings. Of these, one facility is a 6,900-square-foot barn with 14 horse stalls, hay storage, and office space, and the other is an 11,200-square-foot riding arena. The riding arena is described as a “Clearspan 83-foot wide HK Series” truss arch fabric building (samples can be viewed on the manufacture’s website at <http://www.clearspan.com/fabric/structures/home>). Ten outdoor lights are proposed for the barn; five on the east side, three on the south side, and two on the north side. The County staff report indicates that lights will be downcast and shielded and includes Special Condition Number One that requires lighting to comply with Exterior Lighting Regulations of CZC Section 20.504.035 for the life of the project.

12 of 13

The project site is not located within a designated highly scenic area. However, the County staff report acknowledges the requirement for an analysis of aesthetic issues relating to appearance and views for all development in the coastal zone, and references LUP 3.5-1 which requires that development be visually compatible with the character of the surrounding area whether or not the site is within a highly scenic area. The staff report findings on visual impacts related to aesthetics state in their entirety the following:

*The facility would not be visible from the highway or any parks, beaches or recreation areas, and would not impact views to or along the ocean. Structures would be located in relatively flat areas, and landforms would not be significantly altered. Colors and materials proposed for the barn are natural redwood with a grey/blue slate roof. The arena would be covered with white fabric. Visual impacts would not be significant.*

The County staff report is silent with regards to how the determination was made that a white, 35-foot-tall, 11,200 square-foot dome-shaped commercial building in a rural residential setting would not be visible from public vantage points and would be visually compatible with the character of the surrounding area. There is no indication whether story poles were erected, or whether a balloon test was conducted to simulate visual effects. It is not clear whether trees screen the view, or whether topography screens the development.

While the County staff report describes the site as a relatively flat, wooded area, it acknowledges a recently-approved timber harvest plan. According to the 2007 timber harvest plan, the subject parcel and the adjoining westerly parcels (which abut Highway One) have been previously harvested as recently as 1997 and 2001. It is unclear what visual effects, if any, future timber harvest activity might have on the visibility of the approved commercial structures from public areas such as Highway One and Albion Little River Road, and there are no requirements to preserve or otherwise protect any trees that may be serving to screen the development.

Although the County states the facility would not be visible, there are no findings that provide information demonstrating the validity of its determination. Therefore, because the County did not *establish* findings that demonstrate the proposed commercial development would be visually compatible with the character of its setting, the approved development is inconsistent with LUP Policy 3.5-1 and CZC Section 20.504.010 that require permitted development to be visually compatible with the character of surrounding areas, and is further inconsistent with CZC Section 20.532.095(A)(1) that requires findings that *establish* conformity with the certified local coastal program.

As a result, the project as approved is inconsistent with the policies of the certified LCP, including but not limited to LUP Policies 3.1-25 and 3.5-1, and Sections 20.492.020, 20.492.025(k); 20.532.095; and Section 20.504.010 of the Mendocino County Coastal Zoning Code.

13413



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

IGNACIO GONZALEZ, DIRECTOR  
Telephone 707-463-4281  
FAX 707-463-5709  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

**RECEIVED**

SEP 01 2010

CALIFORNIA  
COASTAL COMMISSION

August 30, 2010

**NOTICE OF FINAL ACTION**

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

**CASE#:** CDU #4-2010

**OWNER:** VAN L. PHILLIPS

**REQUEST:** Construct a new "Commercial Horse Stables" facility consisting of a 14 stall barn with hay storage and work areas, and a covered riding arena.

**APPEALABLE AREA:** Yes

**LOCATION:** In the Coastal Zone, ½ mile northeast of Albion, on the west side of Albion Little River Road (CR 403), approx. 0.8 mile north of its intersection with Highway One, at 4520 Albion Little River Road (APN 123-020-24).

**PROJECT COORDINATOR:** TERESA SPADE

**ACTION TAKEN:**

The Planning Commission, on August 19, 2010, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

**Attachments**

cc:  
COASTAL COMMISSION  
ASSESSOR

**EXHIBIT NO. 7**

**APPEAL NO.**

A-1-MEN-10-031

PHILLIPS

NOTICE OF FINAL ACTION

(1 of 48)

FILING REQUESTED BY  
County of Mendocino  
Planning & Building Services Dept  
501 Low Gap Road, Room 1440  
Ukiah, CA 95482

AND WHEN FILED MAIL TO  
County of Mendocino  
Planning & Building Services Dept  
501 Low Gap Road, Room 1440  
Ukiah, CA 95482

**NOTICE OF DETERMINATION**

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Mendocino County Clerk  
501 Low Gap Road, Room 1020  
Ukiah, CA 95482

Subject: Filing of Notice of Determination in compliance with Section 21108 and 21152 of the Public Resources code.

---

**Project Title:**  
CASE#: CDU #4-2010  
OWNER: VAN L. PHILLIPS

---

<b>State clearing House Number</b> <small>(If Submitted to Clearing House)</small>	<b>Contact Person</b> TERESA SPADE	<b>Area Code/Number/Extension</b> 707-964-5379
---	---------------------------------------	---

---

**Project Location:**  
In the Coastal Zone, 1/2 mile northeast of Albion, on the west side of Albion Little River Road (CR 403), approx. 0.8 mile north of its intersection with Highway One, at 4520 Albion Little River Road (APN 123-020-24).

---

**Project Description:**  
Construct a new "Commercial Horse Stables" facility consisting of a 14 stall barn with hay storage and work areas, and a covered riding arena.

---

This is to advise that the County of Mendocino has approved the above-described project on August 19, 2010 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Considerations was not adopted.

This is to certify that the Negative Declaration and record of project approval is available to the general public at 501 Low Gap Road, Room 1440, Ukiah.

Date of Filing \_\_\_\_\_ Signature \_\_\_\_\_



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

IGNACIO GONZALEZ, DIRECTOR  
Telephone 707-463-4281  
FAX 707-463-5709  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

FINAL FINDINGS AND CONDITIONS OF APPROVAL  
CASE # CDU 4-2010- VAN PHILLIPS  
AUGUST 19, 2010

The Planning Commission approves Coastal Development Use Permit # CDU 4-2010 per the findings and conditions of approval contained in the staff report and modified during the public hearing as follows;

**General Plan Consistency Finding:** As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

**Environmental Findings:** The Planning Commission finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**Coastal Development Permit Findings:** The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

**Project Findings:** The Planning Commission, making the above findings, approves #CDU 4-2010, subject to the conditions of approval recommended by staff.

**CONDITIONS OF APPROVAL:**

- \*\* 1. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Section 20.504.035 of the Mendocino County Coastal Zoning Code, for the life of the project.
- \*\* 2. Prior to issuance of the building permit, the applicant shall submit for approval a dust management and greenhouse gas reduction plan, which will outline Best Management Practices

to be followed during construction to reduce greenhouse gas contributions and minimize dust resulting from construction activities. The plan shall specify surfacing to be used in the arena, and dust minimization measures to be followed to minimize dust along unpaved roadways and parking areas for special events.

- \*\* 3. Prior to the issuance of the building permit, the applicant shall submit for the approval, an erosion control and drainage plan to address the revegetation and stabilization of disturbed earth associated with the project as well as storm water runoff resulting from the development. The plan shall include, at minimum, specific measures as follows:

(A) Erosion Control - The erosion control plan shall ensure the following:

- (1) The erosion rate shall not exceed the natural or existing level before development.
- (2) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.
- (3) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; weedfree mulches consisting of certified weed-free rice straw may be used to cover ground areas temporarily.

(B) Stormwater Runoff – The drainage plan shall ensure the following:

- (1) Water flows in excess of natural flows resulting from project development shall be mitigated.
- (2) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipaters.
- (3) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.

- \*\* 4. In conformance with encroachment permit procedures administered by the Mendocino County Department of Transportation, the applicant shall construct and maintain a commercial driveway approach onto Albion Little River Road (CR# 403), with a minimum width of eighteen (18) feet, and length of twenty (20) feet from the edge of the County road, to be paved with surfacing comparable to that on the County road.

- \*\* 5. Prior to the issuance of the building permit, the applicant shall submit for approval by the County Planning Division, a parking plan that shows the required nine (9) permanent parking spaces, including at least one permanent handicapped space, and at least two (2) permanent spaces accommodating vehicles with horse trailers attached. The parking plan shall also designate an area for special events parking, with the required handicapped parking spaces and adequate space for all vehicles in attendance, including vehicles with horse trailers attached. The parking plan shall specify surfacing for all parking areas, which must be graveled at a minimum.

6. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

7. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,060.25 shall be made payable to

the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to September 3, 2010. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.

8. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
9. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code. 10. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
11. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
12. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

13. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
14. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
15. Prior to issuance of a building permit, the applicant shall submit a signed "Agricultural Land Disclosure Statement" pursuant to Section 10A.13.040(C) of the Mendocino County Code, indicating that the applicant recognizes the property is adjacent to or within 300 feet of Agricultural Preserve or Timber Production Zoning and may be subject to inconvenience or discomfort arising from agricultural practices which occasionally generate dust, noise, smoke, and odors. The disclosure statements are available at the Mendocino County Department of Planning and Building Services offices.



**COUNTY OF MENDOCINO  
ENVIRONMENTAL REVIEW GUIDELINES  
NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT.**

**DATE:** August 27, 2010

**CASE#:** CDU #4-2010

**OWNER:** VAN L. PHILLIPS

**REQUEST:** Construct a new "Commercial Horse Stables" facility consisting of a 14 stall barn with hay storage and work areas, and a covered riding arena.

**APPEALABLE AREA:** Yes

**LOCATION:** In the Coastal Zone, ½ mile northeast of Albion, on the west side of Albion Little River Road (CR 403), approx. 0.8 mile north of its intersection with Highway One, at 4520 Albion Little River Road (APN 123-020-24).

**PROJECT COORDINATOR:** TERESA SPADE

**II. DETERMINATION.**

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, a **NEGATIVE DECLARATION** is adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

**STAFF REPORT FOR COASTAL DEVELOPMENT  
USE PERMIT**

**CDU# 4-2010 (PHILLIPS)  
August 19, 2010  
PC-1**

**OWNER/APPLICANT:** Van L. Phillips  
33000 Navarro Ridge Road  
Albion, CA 95410

**REQUEST:** Construct a new "Commercial Horse Stables" facility consisting of a 14 stall barn with hay storage and work areas, and a covered riding arena.

**LOCATION:** In the Coastal Zone, ½ mile northeast of Albion, on the west side of Albion Little River Road (CR 403), approx. 0.8 mile north of its intersection with Highway One, at 4520 Albion Little River Road (APN 123-020-24).

**TOTAL ACREAGE:** 20 Acres

**GENERAL PLAN:** RMR- 20

**ZONING:** RMR: L-20

**EXISTING USES:** Undeveloped

**ADJACENT ZONING:** North, South & East: Forest Lands  
West: Remote Residential

**ADJACENT USES:** North & South: Forest Lands  
East: Christian Camp  
West: Undeveloped (owned by subject property owner)

**SUPERVISORY DISTRICT:** 5

**PROJECT DESCRIPTION:** The applicant proposes construction of a new "Commercial Horse Stables" facility consisting of a 14-stall barn with hay storage and work areas, and a covered riding arena. The barn would be approximately 6,900 sq. feet in size and would have a maximum height of 35 feet above natural grade. The covered arena would be approximately 11,200 sq. feet in size and would have a maximum height of 35 feet above natural grade.

The applicant wishes to house approximately 10 horses and 16 goats at the present time. Activities will include horse and rider training, instructional clinics and pleasure riding. The applicant notes that the goats are not for breeding or sale, but that they will help control pasture growth (benefiting the horses), that they are an aged herd, and

many of the goats will not be replaced when they die. As 14 stalls are proposed, the use permit will allow for up to 14 adult horses to be boarded or bred or otherwise housed at the facility at some future time without modification to this permit, should the applicant wish to increase the number of horses when the number of goats decreases.

Associated development includes fencing, installation of an on-site septic disposal system, an on-site production well, connection to offsite utilities, and installation of a commercial driveway to serve the facility.

**ENVIRONMENTAL REVIEW:** In completing the Environmental Review Checklist the following areas of potential environmental concern are noted:

**AESTHETICS:** Would the project:

**Substantially degrade the existing visual character or quality of the site and its surroundings?**

The proposed facility would not be located in a designated highly scenic area according to the Coastal Plan Map. However, analysis of aesthetic issues relating to appearance and views to and along the ocean are required for all development in the coastal zone. The importance of aesthetics is evidenced by policies in the County's Coastal Element which apply to all areas in the coastal zone regardless of location in a designated highly scenic area.

Coastal Plan Policy 3.5-1 of the Mendocino County Coastal Element states in pertinent part:

*The scenic and visual qualities of Mendocino County 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.*

The facility would not be visible from the highway or any parks, beaches or recreation areas, and would not impact views to or along the ocean. Structures would be located in relatively flat areas, and landforms would not be significantly altered. Colors and materials proposed for the barn are natural redwood with a grey/blue slate roof. The arena would be covered with white fabric. Visual impacts would not be significant.

**Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

The facility would require outdoor lighting. Ten outdoor lights are proposed for the barn; five on the east side, three on the south side, and two on the north side. Outdoor lighting is proposed as Progress Lighting #P5674 downlight wall sconces.

Sec. 20.504.035 of the Coastal Zoning Code, Exterior Lighting Regulations, requires as follows (pertinent part):

*(A) Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.*

*(1) No light or light standard shall be erected in a manner that exceeds either the height limit designated in this Division for the zoning district in which the light is located or the height of the closest building on the subject property whichever is the lesser.*

*(2) Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.*

*(3) Security lighting and flood lighting for occasional and/or emergency use shall be permitted in all areas.*

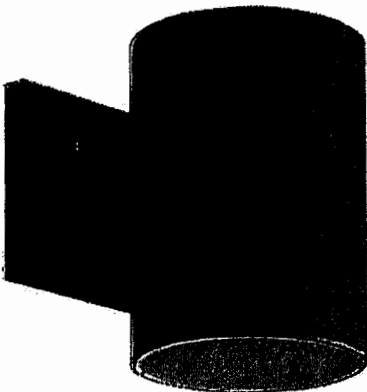


Figure 1. Proposed exterior light: Progress Lighting P5674.

The proposed exterior lighting choice would be downcast and shielded, and would assure that light does not shine beyond the boundaries of the parcel or substantially impact day or nighttime views. Staff includes Recommended Condition Number One, to require that all exterior lighting conforms to Section 20.504.035 of the Coastal Zoning Code, for the life of the project.

**AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

**Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

The Mendocino County Air Quality Management District defers to the Bay Area Air Quality Management District (BAAQMD) CEQA thresholds as an interim measure until the Mendocino County Air Quality Management District (AQMD) develops their own thresholds. The BAAQMD CEQA Thresholds require Best Management Practices for fugitive dust during construction activities. The project was referred to the Air Quality Management District (AQMD). The AQMD responded that water should be available onsite to control dust from outdoor riding, and also recommends mixing wood chips with soil to help absorb water and control dust. The applicants indicate that the indoor arena will be surfaced with a specialty arena surface, and will not be a dirt surface.

Measures are recommended to control dust during construction and on the unpaved road during special events. Staff includes Recommended Condition Number Two to address dust impacts.

The AQMD also stated concerns regarding objectionable odors. Potential exists for objectionable odors associated with horse stables and equine activities. The closest structure to the property boundary is the barn, which is approximately 176 feet from the west property line. The parcel to the west is also zoned Remote Residential. Per section 20.444.015(G) of the Coastal Zoning Code, barns shall not be located closer than 50 feet from any property line. The proposed barn and arena are set back from property lines sufficiently to mitigate for objectionable odors. No further mitigation is required.

**BIOLOGICAL RESOURCES:** Would the project:

**Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

The property is located in a relatively flat, wooded area that was recently logged with the benefit of a Timber Harvest Plan (THP 1-07-073 MEN). The structures would be located in a clearing created by the permitted logging. Wildlife and botanical surveys were conducted in association with the Timber Harvest Plan (THP), and a copy of these studies was provided to staff. Staff additionally requested an update to the botanical study and also a biological assessment for special status wildlife species. The botanical update was to determine whether streams, wetlands, or riparian areas were present in the project vicinity. The biological assessment was requested to update information

regarding an osprey nest identified in the THP, and because protections of wildlife species differ for Timber Harvest Plans and Coastal Act requirements.

The surveys associated with the THP identified an osprey (*Pandion haliaetus*) nest outside of the northern boundary of the property, approximately 270 feet from the closest proposed development, which would be the septic field. The surveys also identified a small population of coast lotus (*Lotus formosissimus*) (assumed larval food plant for the Federally Endangered Lotis blue butterfly (*Lycaides idas lotis*)) in the southwest corner of the property, approximately 384 feet from the closest proposed development, and a population of maple-leaved checkerbloom (*Sidalcea malachroides*), a California Native Plant Society 4.2 (watch list) species, in the eastern portion of the property, approximately 200 feet from the closest proposed development (new driveway). The maple-leaved checkerbloom is a watch list species (protection is advised but not required) and is well enough away from proposed development and its associated impacts that it would not be affected. Because of the distance from the project (it is sufficiently away from the development area so that it would not be impacted), small size of the coast lotus population, and lack of water features on the property, the likelihood of Lotis blue butterfly presence is too low to warrant a survey (also, the Lotis blue butterfly has not been seen alive since 1983).

The botanical update provided by Fred Schuler, dated June 2, 2010, indicates that there are no wet features (watercourses, associated riparian areas, or wetlands) on the parcel.

The biological assessment provided by Douglas Meekins, dated June 2010, indicates that no habitat for or additional wildlife species of concern were found, and the osprey nest identified in the THP was no longer there. A new nest tree was identified to be located more than 800 feet from the project area.

The project would not result in detrimental impacts to natural resources of concern.

**CULTURAL RESOURCES:** Would the project:

**Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

The site was surveyed for cultural resources in association with the THP. According to the stamped notification provided by Registered Professional Forester Alleah S. Middling of Calfire, no sites were identified. The survey report was sent to the County Archaeological Commission, and was accepted at the County Archaeological Commission hearing held August 11, 2010. Nonetheless, the applicant is advised by Condition Number 14 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction.

There are no known historic or prehistoric structures in the vicinity. The project would not impact any prehistoric or historic structures.

**GEOLOGY AND SOILS:** Would the project:

**Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?**
- ii. **Strong seismic ground shaking?**
- iii. **Seismic-related ground failure, including liquefaction?**

According to State of California Special Studies Zone maps (effective date: July 1, 1974), the closest known on-land fault is located several miles south. Potential for strong seismic ground shaking is a reality throughout California, and safety measures are addressed as a part of the building permit process. Recommended Condition Number Five is included to require that the applicant secure the necessary building permits as a condition of approval of the project.

**GREENHOUSE GAS EMISSIONS:** Would the project:

**Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

The Global Warming Solutions Act (AB-32), which passed on August 31, 2006, requires that the state's greenhouse gas (GHG) emissions be reduced by 10% below the 1990 GHG level by 2020. The California Environmental Quality Act (CEQA) guidelines were amended in December of 2009 to require GHG impacts to be considered. The Mendocino County Air Quality Management District defers to the Bay Area Air Quality Management District (BAAQMD) CEQA thresholds as an interim measure until the Mendocino County Air Quality Management District (AQMD) develops their own thresholds. The BAAQMD sets thresholds for GHG as follows:

For land use development projects, the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/yr) of CO<sub>2</sub>e; or 4.6 MT CO<sub>2</sub>e/SP/yr (residents + employees). Land use development projects include residential, commercial, industrial, and public land uses and facilities (BAAQMD 2010).

Regarding construction related GHG thresholds BAAQMD states:

The District does not have an adopted Threshold of Significance for construction-related GHG emissions. However, the Lead Agency should quantify and disclose GHG

**STAFF REPORT FOR COASTAL DEVELOPMENT  
USE PERMIT**

**CDU# 4-2010 (PHILLIPS)  
August 19, 2010  
PC-7**

emissions that would occur during construction, and make a determination on the significance of these construction generated GHG emission impacts in relation to meeting AB 32 GHG reduction goals, as required by the Public Resources Code, Section 21082.2. The Lead Agency is encouraged to incorporate best management practices to reduce GHG emissions during construction, as feasible and applicable (BAAQMD).

AB-32 and the BAAQMD encourage local jurisdictions to adopt a qualified GHG reduction strategy consistent with AB-32 goals. The Mendocino County General Plan includes Action Item RM-50.2, to create a greenhouse gas reduction plan for the unincorporated areas of the county that sets specific reduction strategies and targets to meet. The Mendocino County General Plan identifies air quality and energy reducing policies that will also result in lowering overall carbon dioxide emissions – carbon dioxide is a major contributor to greenhouse gases. Some pertinent policies are as follows:

*Policy RM-45: Encourage the use of alternative fuels, energy sources and advanced technologies that result in fewer airborne pollutants.*

*Policy RM-51: The County shall seek to improve the quality of indoor air by promoting techniques such as:*

- *The use of low-VOC-emitting building materials.*
- *The use of passive solar design for natural light and heating (to reduce the use of heating systems).*
- *Making information available on methods to reduce mold growth.*

Carbon dioxide emissions associated with the project would be well below the threshold, and similar to residential electricity use, which is approximately 7.4 metric tons per year (EPA, 2010). Horses produce between 10 to 16 metric tons of manure per year (Green-trust.org, 2000), however manure decomposing on the surface of the soil does not produce a significant amount of methane (Wikianswers, 2010), and horses produce far less methane as a part of the digestive process in comparison with cows or other ruminants (Extension.org, 2010).

In compliance with recommendations set forth by the BAAQMD and General Plan, staff includes Recommended Condition Number Two to require Best Management Practices during construction to minimize GHGs. Staff notes that the applicant is already proposing the use of low-VOC emitting building materials including natural wood and rubber arena footing (Rubber Granulators Inc, 2010), and staff has made recommendations for the barn relative to better passive solar exposure.

**HAZARDS AND HAZARDOUS MATERIALS: Would the project:**

**Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**



The property is in an area with a very high fire hazard severity rating as determined by the California Department of Forestry and Fire Protection, and is in a State Responsibility Area for fire safety review. Recommended conditions of approval from CDF (CDF 121-10) recommending compliance with CDF address, driveway and emergency water supply standards were received with the application. Recommended Condition Number Six is included to achieve compliance with the fire safe standards recommended by the Department of Forestry.

**HYDROLOGY AND WATER QUALITY:** Would the project:

**Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

The Mendocino County Coastal Zoning Code contains standards erosion and runoff standards including the following pertinent requirements:

*Sec. 20.492.015 Erosion Standards.*

- A) The erosion rate shall not exceed the natural or existing level before development.*
- (B) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.*
- (C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily. In environmentally sensitive habitat areas, the revegetation shall be achieved with native vegetation. In buffer areas adjacent to environmentally sensitive habitats, non-native vegetation may be used provided that it is non-invasive and would not adversely affect the environmentally sensitive habitat area.*

*Sec. 20.492.025 Runoff Standards.*

- (A) Water flows in excess of natural flows resulting from project development shall be mitigated.*
- (C) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipaters.*
- (D) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.*

Due to the size of the development and the proposed agricultural use, staff recommends an erosion control and drainage plan in compliance with Mendocino County Coastal Zoning Code be submitted for approval prior to issuance of the building permit. Recommended Condition Number Three is included to this effect.

**LAND USE AND PLANNING:** Would the project:

**Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

The parcel is classified on the Coastal Plan Map as Remote Residential Twenty Acres Minimum (RMR-20). The parcel is similarly zoned; RMR: L-20. The proposed development is best described as a "Animal Sales and Services: Horse Stables," which is a conditional commercial use in the Remote Residential District, as listed in Section 20.380.015(C) of the Coastal Zoning Code.

The required yard setbacks for a parcel in an RMR zone are 50 feet from all property lines. As shown on the Site Plan, the structures comply with setbacks required by the Coastal Zoning Code.

The property is not within a designated highly scenic area, and the height limit is 35 feet above natural grade for uninhabited structures. The proposed 35-foot height of the structures is in compliance with the height limit.

Maximum lot coverage for a parcel over five acres in size in an RMR zone is 10%. Lot coverage is the percentage of the gross lot area covered by structures, including roads. The parcel is 20 acres in size, or 871,200 square feet. The Site Plan shows roughly 30,000 square feet of coverage, or 3%. The project complies with lot coverage limits.

**PUBLIC ACCESS & RECREATION:**

The project site is located east of Highway 1 and is not designated as a potential public access trail location on the LUP maps. There is no evidence of prescriptive access on the site. The project would not have a detrimental affect on public access or recreation.

**TRANSPORTATION/TRAFFIC:** Would the project:

**Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

**STAFF REPORT FOR COASTAL DEVELOPMENT  
USE PERMIT**

**CDU# 4-2010 (PHILLIPS)  
August 19, 2010  
PC-10**

The project proposes a new encroachment onto Albion Little River Road (CR# 403). The application was referred to the Mendocino County Department of Transportation (DoT) for comment. DoT found the plans acceptable and submitted a recommended condition of approval for commercial encroachment improvements to be constructed within the County road right-of-way, with a minimum width of 18 feet, to be paved for a minimum length of 20 feet from the edge of the County road, with a comparable surfacing. The Department's condition is included as Recommended Condition Number Four.

Provisions for off-street parking are required per Section 20.472.010 of the Coastal Zoning Code. The chapter does not provide for this specific use, however the description allows for horse and rider training and instructional clinics, so staff finds the requirements listed under Section 20.472.030(L), Schools, high, institutions of higher learning, trade schools, business schools, professional schools, most appropriate, since students will be attending horse and rider training, etc. The code section requires one parking space for every employee working on the largest shift, plus one parking space for each two students. With a maximum number of stalls limited to 14, seven student parking spaces are recommended and two staff spaces, for a total of nine required parking spaces. Staff includes Recommended Condition Number Five, requiring details in a "Parking Plan" for the designation of appropriate parking. If the applicant additionally wishes to provide for larger temporary events, additional details will need to be provided for the temporary event parking area, to assure parking will be sufficient. Handicapped spaces must be provided for in the plan, one per every 40 parking spaces. Parking areas, at a minimum, must be surfaced with gravel, and each standard space must be at least 9x20 feet, with handicapped spaces at least 14x20 feet in size and appropriately identified with signs.

**UTILITIES AND SERVICE SYSTEMS: Would the project:**

**Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

The site is located within an area designated as a Marginal Water Resources area (MWR) as shown in the 1982 Coastal Groundwater Study prepared by the Department of Water Resources. Water is to be provided by an on-site well.

**Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

The applicant proposes a standard gravity fed onsite septic disposal system consisting of a 1200 gallon septic tank and 130 feet of trench lines. A replacement leachfield area

has been designated. The project was referred to the Division of Environmental Health, who commented that the project can be cleared.

**Comply with federal, state, and local statutes and regulations related to solid waste?**

The applicant proposes structures sized in excess of 5,000 sq. feet. The County Solid Waste Department requires a recycling and re-use plan for all structures exceeding 5,000 sq. feet in size. The recycling and re-use plan will be needed before the building permit is issued for any structure over 5,000 sq. feet. Recommended Conditions Numbered Six and Eleven are included to ensure the recycling and re-use plan is submitted and the building permit is obtained.

**ENVIRONMENTAL RECOMMENDATION:**

No significant environmental impacts are anticipated which cannot be adequately mitigated, therefore, a Negative Declaration is recommended.

**GENERAL PLAN CONSISTENCY RECOMMENDATION:** The proposed project is consistent with applicable goals and policies of the General Plan.

**RECOMMENDED MOTION:**

**General Plan Consistency Finding:** As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

**Environmental Findings:** The Planning Commission finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**Coastal Development Permit Findings:** The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of

the Coastal Zoning Code, and preserves the integrity of the zoning district;  
and

4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

**Project Findings:** The Planning Commission, making the above findings, approves #CDU 4-2010, subject to the conditions of approval recommended by staff.

**RECOMMENDED CONDITIONS:**

- \*\* 1. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Section 20.504.035 of the Mendocino County Coastal Zoning Code, for the life of the project.
- \*\* 2. Prior to issuance of the building permit, the applicant shall submit for approval a dust management and greenhouse gas reduction plan, which will outline Best Management Practices to be followed during construction to reduce greenhouse gas contributions and minimize dust resulting from construction activities. The plan shall specify surfacing to be used in the arena, and dust minimization measures to be followed to minimize dust along unpaved roadways and parking areas for special events.
- \*\* 3. Prior to the issuance of the building permit, the applicant shall submit for the approval, an erosion control and drainage plan to address the revegetation and stabilization of disturbed earth associated with the project as well as storm water runoff resulting from the development. The plan shall include, at minimum, specific measures as follows:

(A) Erosion Control - The erosion control plan shall ensure the following:

**STAFF REPORT FOR COASTAL DEVELOPMENT  
USE PERMIT**

**CDU# 4-2010 (PHILLIPS)  
August 19, 2010  
PC-13**

(1) The erosion rate shall not exceed the natural or existing level before development.

(2) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.

(3) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; weed-free mulches consisting of certified weed-free rice straw may be used to cover ground areas temporarily.

(B) Stormwater Runoff – The drainage plan shall ensure the following:

(1) Water flows in excess of natural flows resulting from project development shall be mitigated.

(2) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipaters.

(3) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.

\*\* 4. In conformance with encroachment permit procedures administered by the Mendocino County Department of Transportation, the applicant shall construct and maintain a commercial driveway approach onto Albion Little River Road (CR# 403), with a minimum width of eighteen (18) feet, and length of twenty (20) feet from the edge of the County road, to be paved with surfacing comparable to that on the County road.

\*\* 5. Prior to issuance of the building permit, the applicant shall submit for approval by the County Planning Division, a parking plan that shows the required nine (9) permanent parking spaces, including at least one handicapped parking space. The parking plan shall also designate an area for special events parking. The parking plan shall specify surfacing for all parking areas, which must be graveled at minimum.

6. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal

**STAFF REPORT FOR COASTAL DEVELOPMENT  
USE PERMIT**

**CDU# 4-2010 (PHILLIPS)  
August 19, 2010  
PC-14**

agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

7. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,060.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to September 3, 2010. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
8. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.  
  
To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
9. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
10. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
11. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
12. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:

**STAFF REPORT FOR COASTAL DEVELOPMENT  
USE PERMIT**

**CDU# 4-2010 (PHILLIPS)  
August 19, 2010  
PC-15**

- a. The permit was obtained or extended by fraud.
- b. One or more of the conditions upon which the permit was granted have been violated.
- c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
- d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

- 13. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 14. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

July 27, 2010  
DATE

(Original Signed)  
TERESA SPADE  
PLANNER II

Negative Declaration

Appeal Fee - \$945.00  
Appeal Period - 10 days



**STAFF REPORT FOR COASTAL DEVELOPMENT  
USE PERMIT**

**CDU# 4-2010 (PHILLIPS)  
August 19, 2010  
PC-16**

**\*\*** Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the issuance of a Negative Declaration.

**ATTACHMENTS:**

- Exhibit A: Location Map
- Exhibit B: Zoning Display Map
- Exhibit C: Orthophoto – June 2009
- Exhibit D: Lands within Timber Production Zone
- Exhibit E: California Natural Diversity Database RareFind – Jan. 2010
- Exhibit F: Coastal Groundwater Resources
- Exhibit G: Fire Hazard Severity Zones
- Exhibit H: Site Plan
- Exhibit I: Barn Floor Plan
- Exhibit J: Barn East and West Elevations
- Exhibit K: Barn North and South Elevations
- Exhibit L: Arena Photos
- Exhibit M: Arena Structural Profile

**SUMMARY OF COMMENTS:**

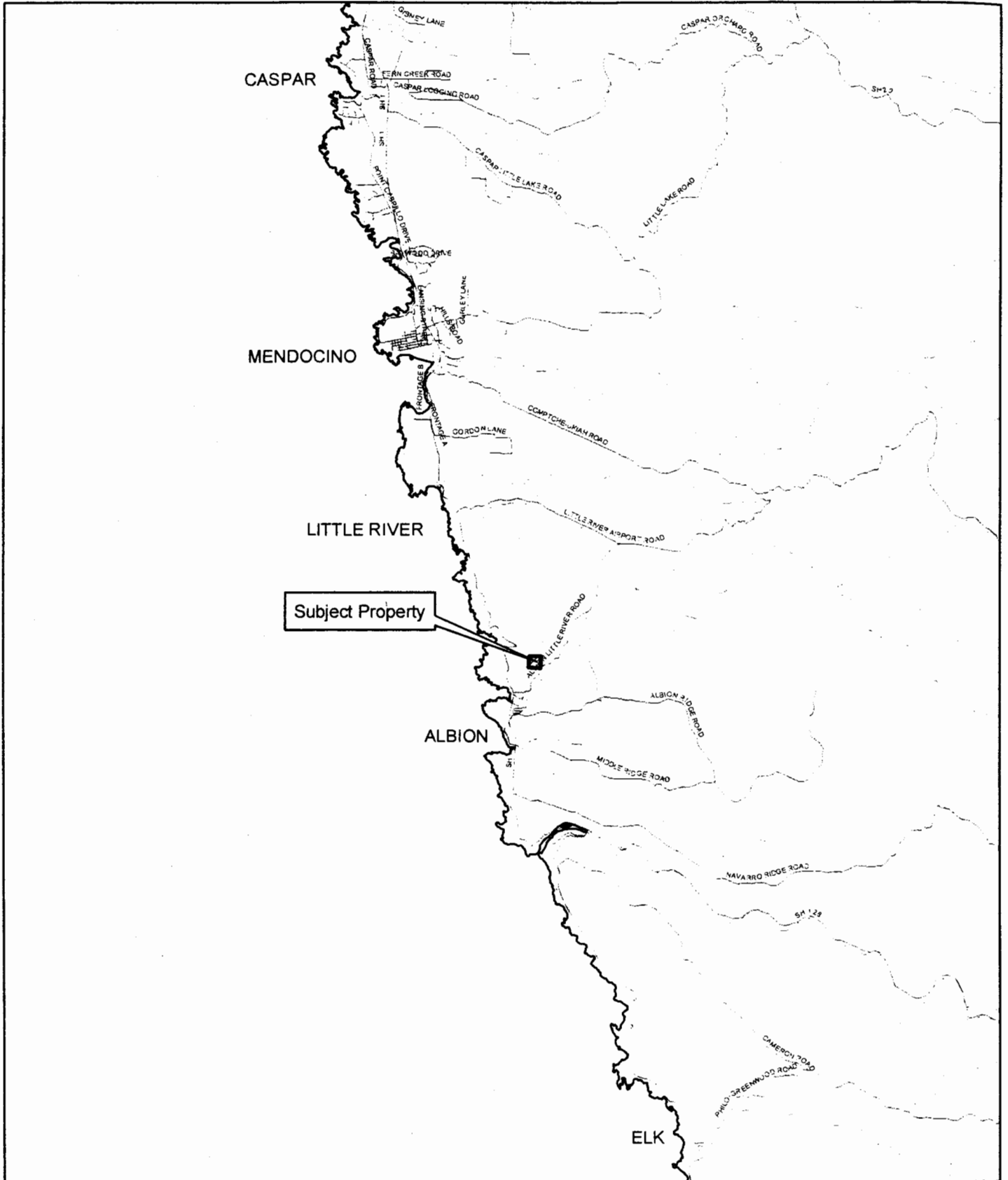
Planning – Ukiah Department of Transportation	Related cases: MS 63-89, GP 11-88 Condition of approval recommended for commercial driveway approach.
Environmental Health – Fort Bragg	Needs to meet septic design on file. Development must meet setbacks of 5 feet to septic tank and 8 feet to leach fields. A permit will be required to drill a well.
Building Inspection – Fort Bragg Assessor	No comment.
Coastal Commission	No response.
SSU	No response. Study recommended.

**STAFF REPORT FOR COASTAL DEVELOPMENT  
USE PERMIT**

**CDU# 4-2010 (PHILLIPS)  
August 19, 2010  
PC-17**

**REFERENCES:**

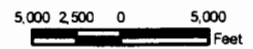
- Bay Area Air Quality Management District, 2010. *Bay Area Air Quality Management District CEQA Guidelines, June 2010.*  
[http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines\\_June%202010.ashx](http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_June%202010.ashx) July 27, 2010.
- da Rosa, Eric. 2007. *Timber Harvesting Plan No 1-07-073.* 33000 Navarro Ridge Road. Approved July 31, 2007.
- Environmental Protection Agency, 2010. *Climate Change – Greenhouse Gas Emissions.*  
[http://www.epa.gov/climatechange/emissions/ind\\_home.html](http://www.epa.gov/climatechange/emissions/ind_home.html) July 27, 2010.
- eXtension, 2010. *What is the Carbon Footprint of a Horse Compared to an Automobile?*  
<http://www.extension.org/faq/42124> Updated January 11, 2010, Cited July 27, 2010.
- Gilbert, Keith D. 2000. *Generate Power from Garbage.*  
<http://www.green-trust.org/2000/biofuel/methanedigestion3.htm> July 27, 2010.
- Meekins, Douglas, June 2010. *A Biological Assessment for the Van Phillips – White Deer Mountain Barn and Horse Arena Project.* Fort Bragg, CA.
- Rittiman, Carl. May, 2010. *Site Evaluation Report for Individual Sewage Disposal System Proposal.* Carl Rittiman and Associates, Inc., Mendocino, CA.
- Rubber Granulators Inc. 2010. *Horse Arena Footing.*  
<http://www.rubbergranulators.com/HorseArenaFooting.htm> July 27, 2010.

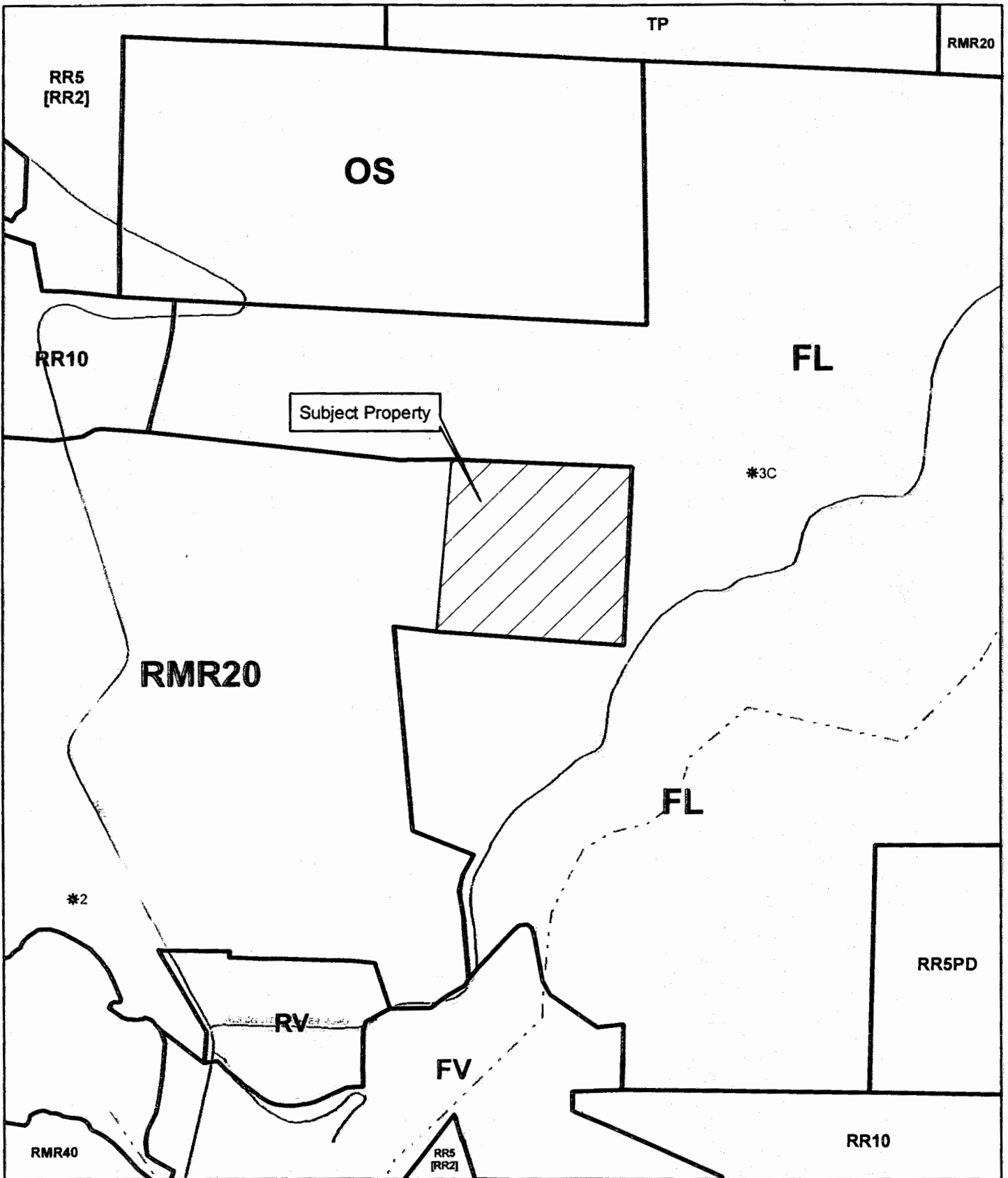


OWNER: PHILLIPS, Van L. TTEE  
 CASE: CDU 4-2010  
 APNs: 123-020-24

LOCATION MAP

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off (Parcel lines are as of December 2008)

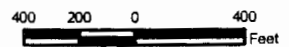


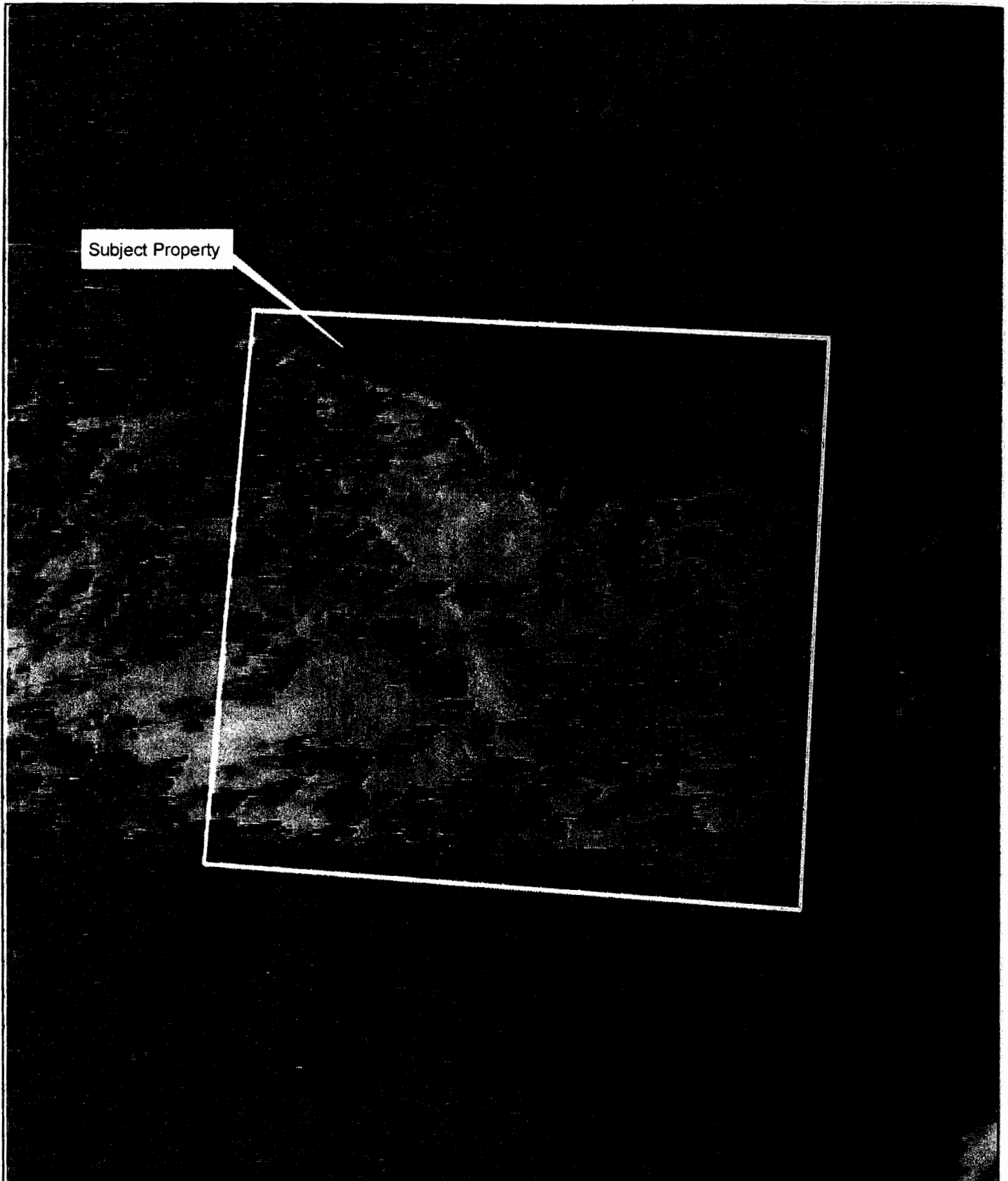


OWNER: PHILLIPS, Van L. TTEE  
 CASE: CDU 4-2010  
 APNs: 123-020-24

**ZONING DISPLAY MAP**

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)





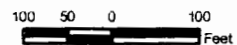
Subject Property

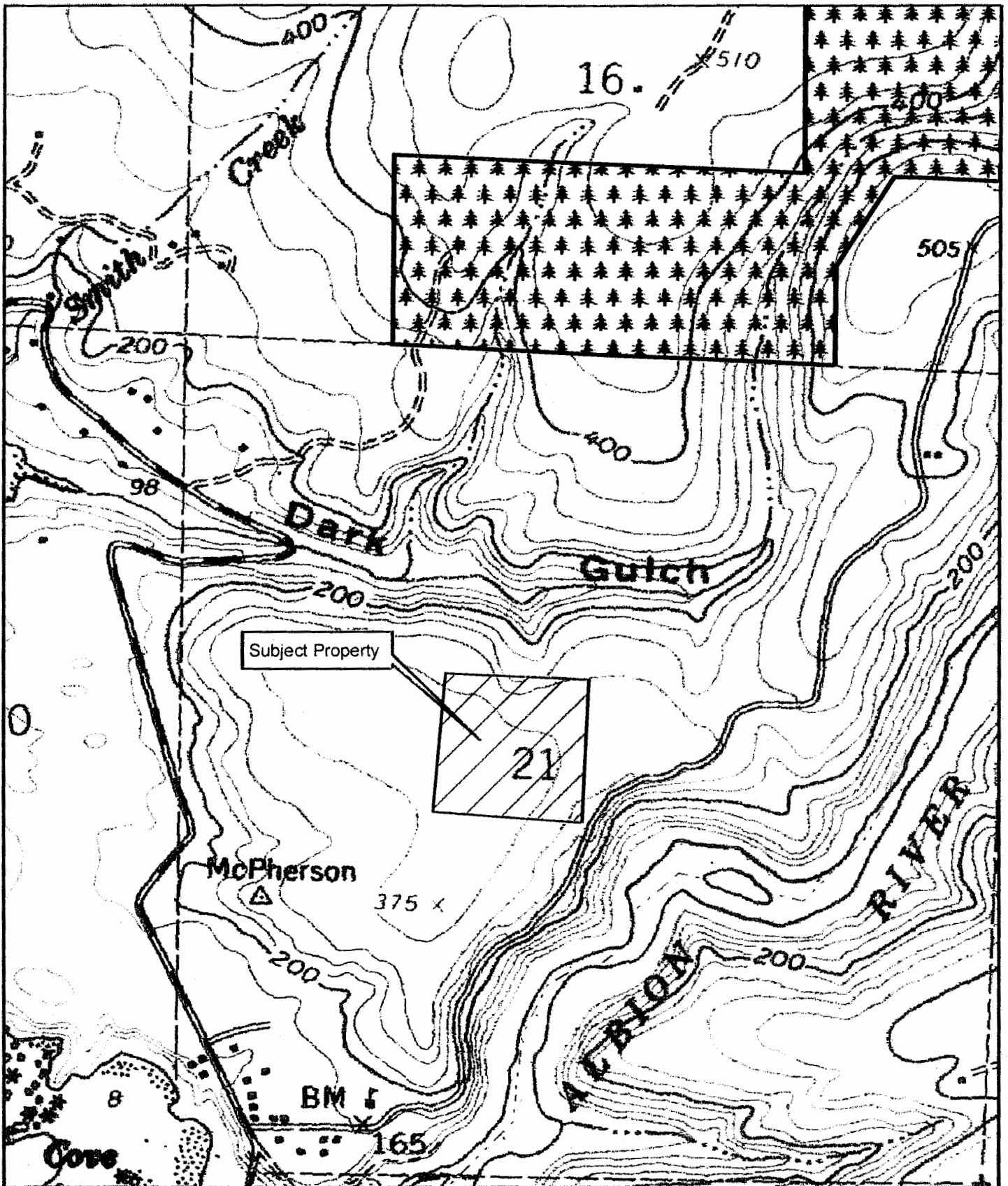
OWNER: PHILLIPS, Van L. TTEE  
CASE: CDU 4-2010  
APNs: 123-020-24

ORTHOPHOTO - June 2009


26 of 48

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)



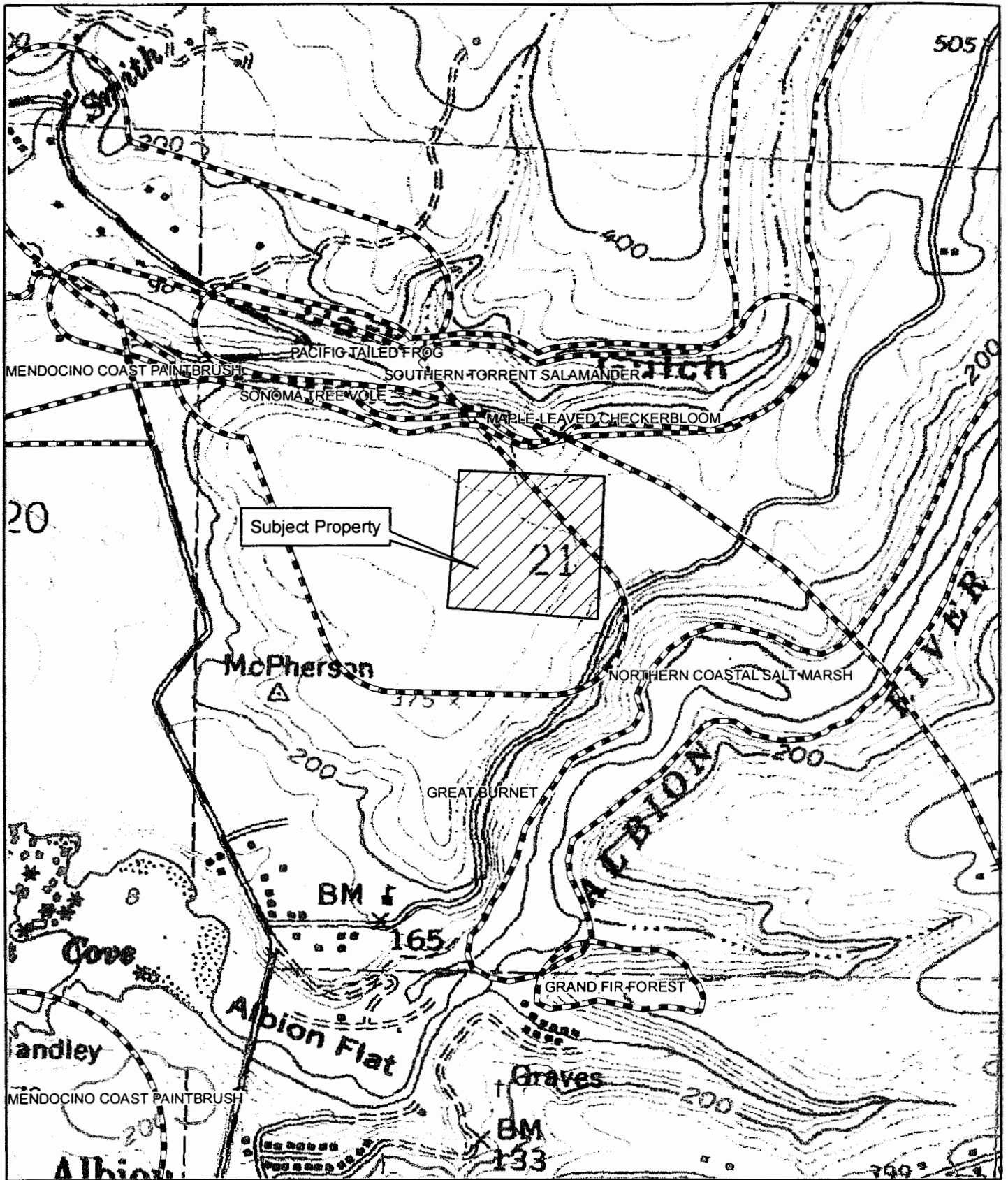


OWNER: PHILLIPS, Van L. TTEE  
 CASE: CDU 4-2010  
 APNs: 123-020-24

 LANDS WITHIN TIMBER PRODUCTION ZONE

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008.)

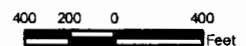


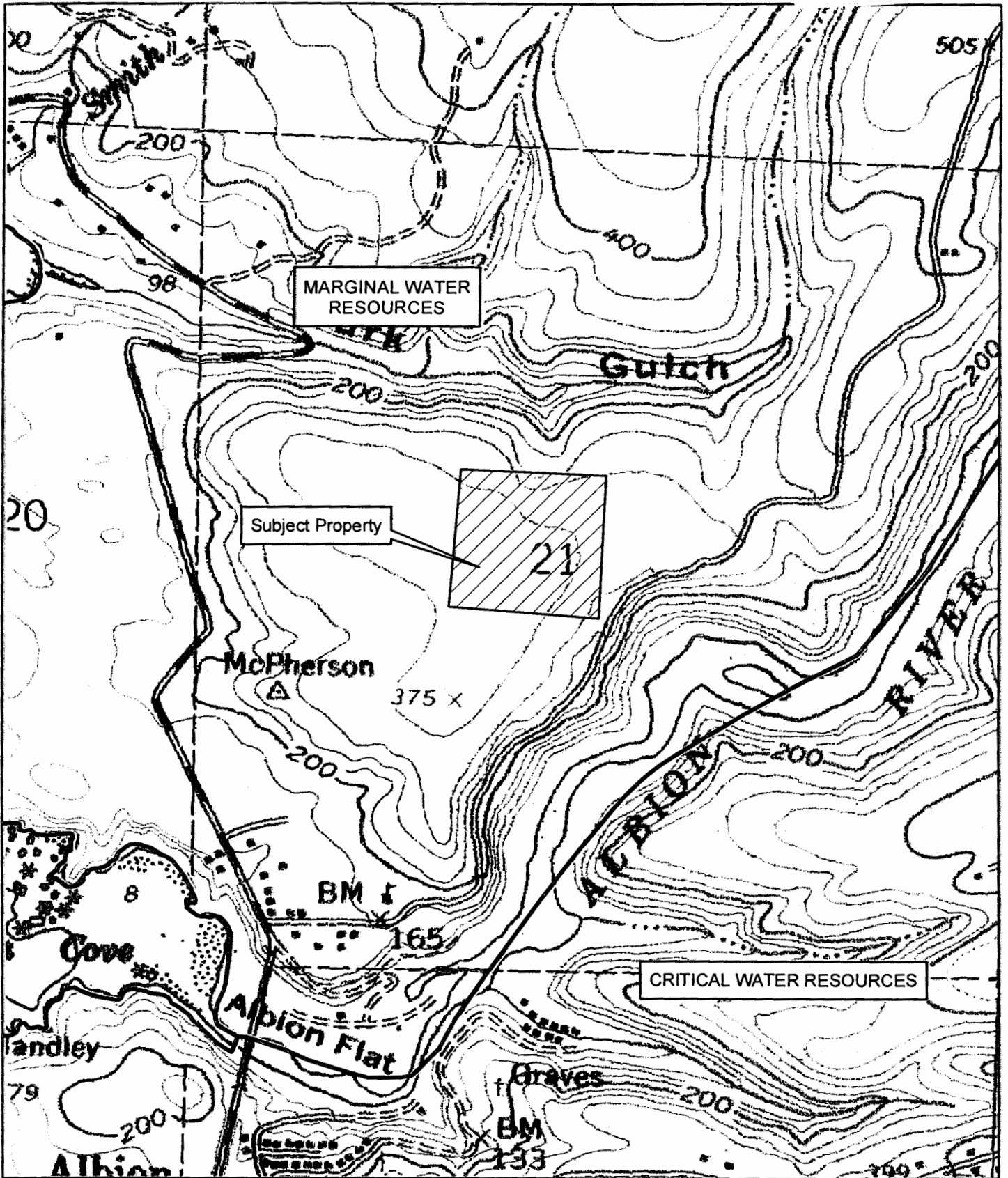


OWNER: PHILLIPS, Van L. TTEE  
 CASE: CDU 4-2010  
 APNs: 123-020-24

**CALIFORNIA NATURAL DIVERSITY  
 DATABASE RAREFIND** (Jan 2010)

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)

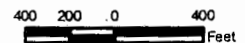




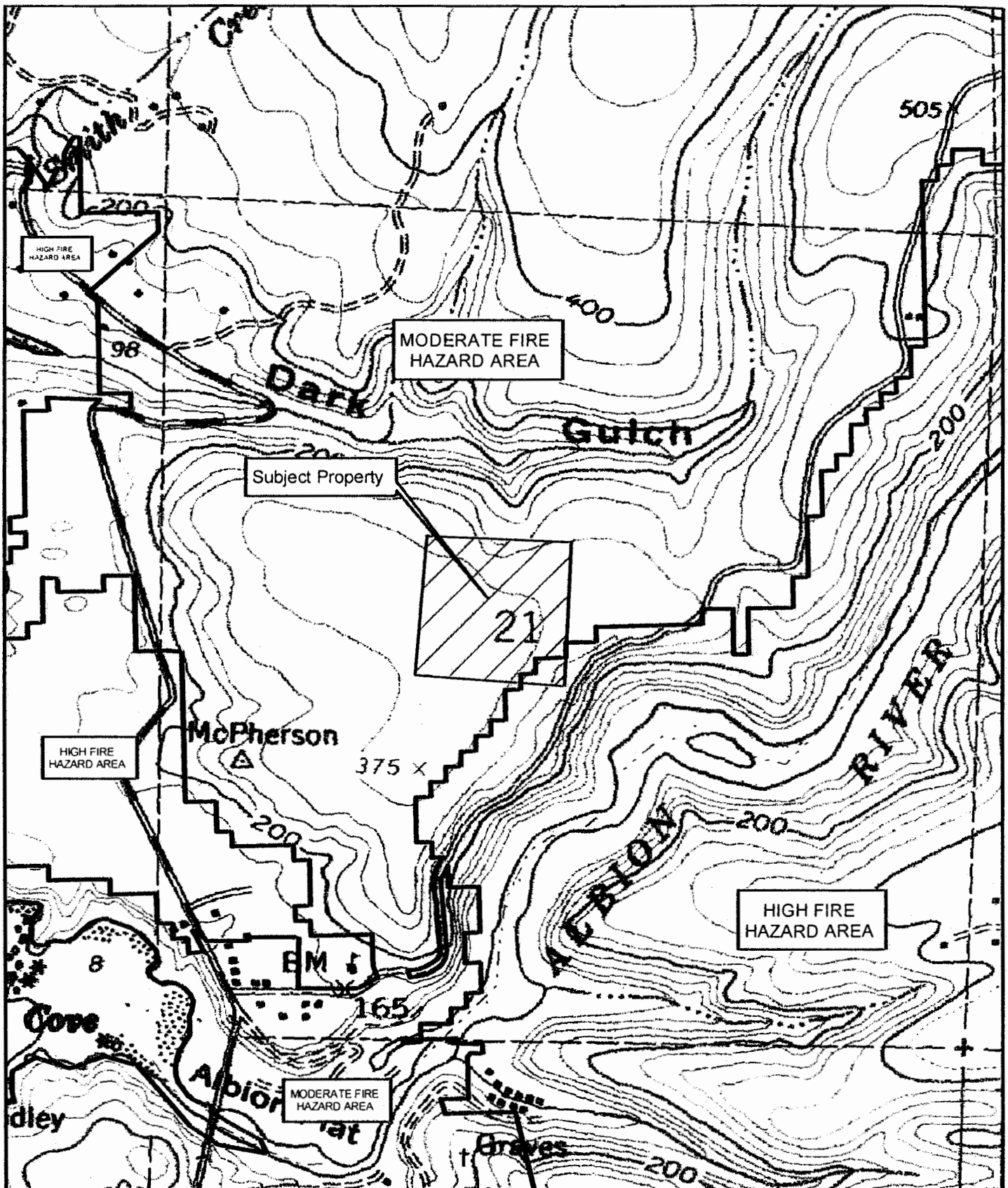
OWNER: PHILLIPS, Van L. TTEE  
 CASE: CDU 4-2010  
 APNs: 123-020-24

**COASTAL GROUND WATER RESOURCES**

Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES, they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel line can be over 200 feet off. (Parcel lines are as of December 2008)








OWNER: PHILLIPS, Van L. TTEE  
 CASE: CDU 4-2010  
 APNs: 123-020-24

**FIRE HAZARD SEVERITY ZONES**  
 ALBION LITTLE RIVER RURAL FIRE PROTECTION DISTRICT

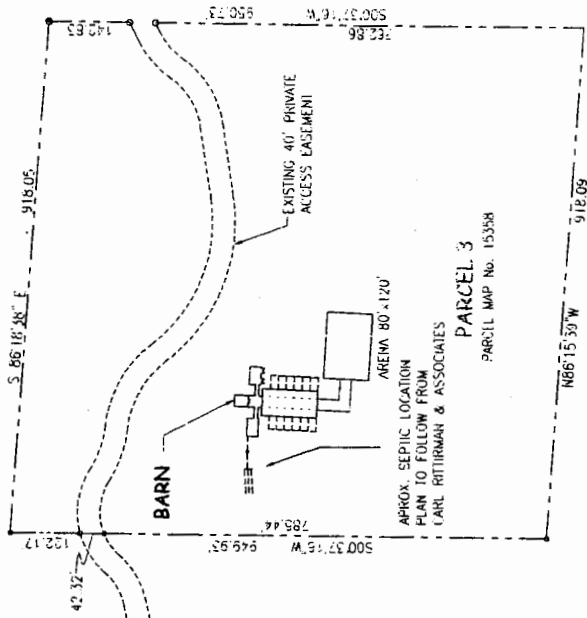
Parcel lines are approximate. Parcel lines on this map are NOT SURVEY LINES; they are for viewing purposes only and should not be used to determine legal boundary lines. Parcel lines can be over 200 feet off. (Parcel lines are as of December 2008)




 <b>Aum Construction Inc.</b> <small>General Contractor Lic. 817115</small> <small>707-937-3624 www.AumConstruction.com</small>	Contractors:	Revisions:	PHILLIPS HORSE BARN <b>PLOT PLAN</b> White Deer Mountain, Albion, CA	SCALE: 1" = 200' DATE: 03/22/10 ACP No.:	PLOT PLAN	SHEET 4 of 4
	PHILLIPS HORSE BARN <b>PLOT PLAN</b> White Deer Mountain, Albion, CA			SCALE: 1" = 200' DATE: 03/22/10 ACP No.:	PLOT PLAN	SHEET 4 of 4

# VAN PHILLIPS PLOT PLAN

PARCEL MAP No. 15358  
 PORTIONS OF SECTIONS 20 & 21  
 TOWNSHIP 16 NORTH, RANGE 17 WEST, M.D.B. & M.  
 ALBION, MENDOCINO COUNTY, CALIFORNIA



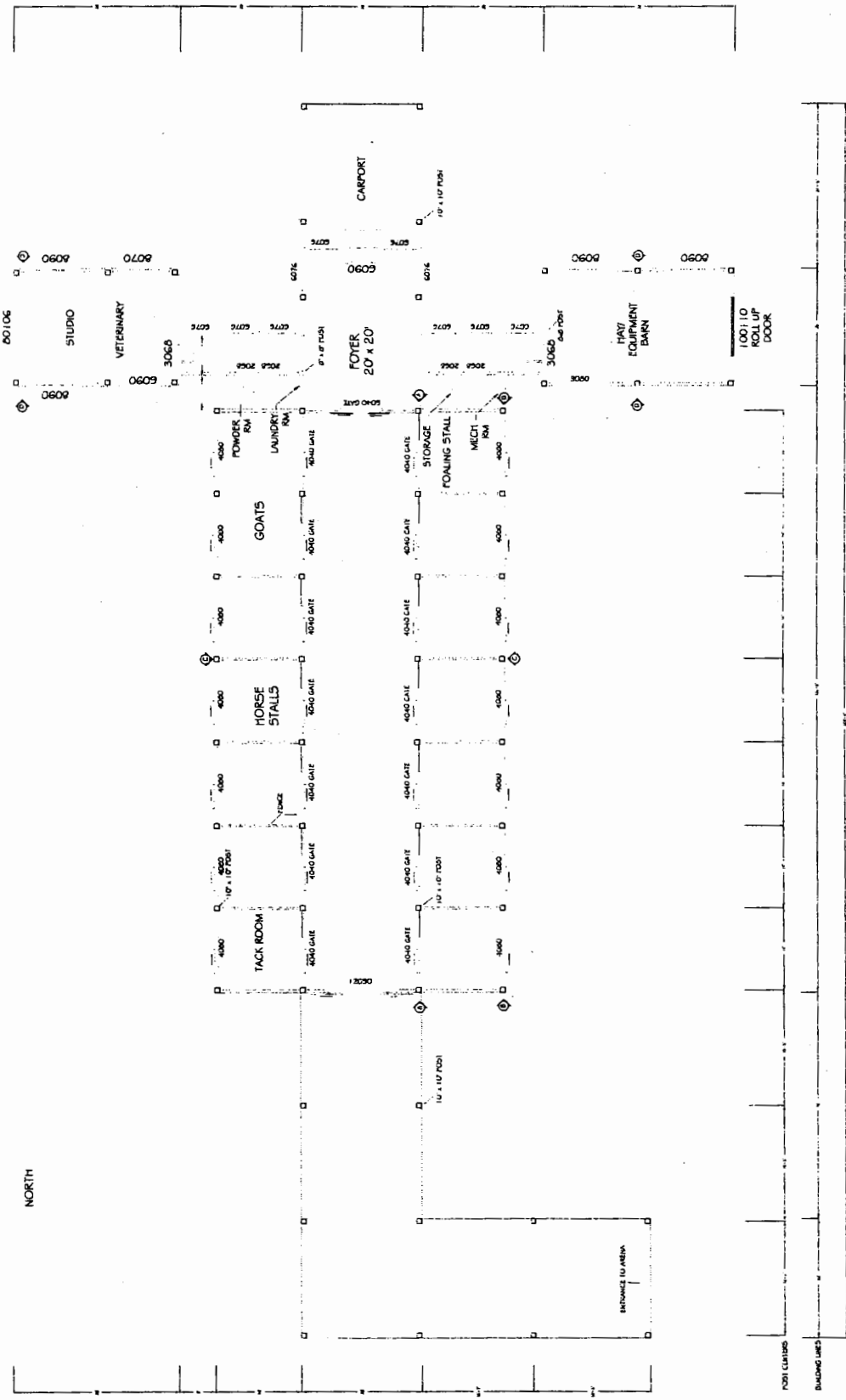
PARCEL MAP No. 15358


 <p>Aum Construction Inc. General Contractor Lic. B17115 707-937-3624 www.AumConstruction.com</p>	<p>PHILLIPS HORSE BARN</p>	<p>White Deer Mountain, Albion, CA</p>
	<p>FLOOR PLAN</p>	<p>Contractors:</p>
<p>Revisions:</p>	<p>DATE: 03/22/10</p>	<p>SCALE: 1/8" = 1'</p>
<p>CONCEPTUAL MAIN FRAME #</p>	<p>JOB No.:</p>	<p>DATE: 03/22/10</p>
<p>HORSE STALL LOCATION</p>	<p>CONCEPTUAL MAIN FRAME #</p>	<p>DATE: 03/22/10</p>
<p>SHEET 4 of 4</p>	<p>CONCEPTUAL MAIN FRAME #</p>	<p>DATE: 03/22/10</p>

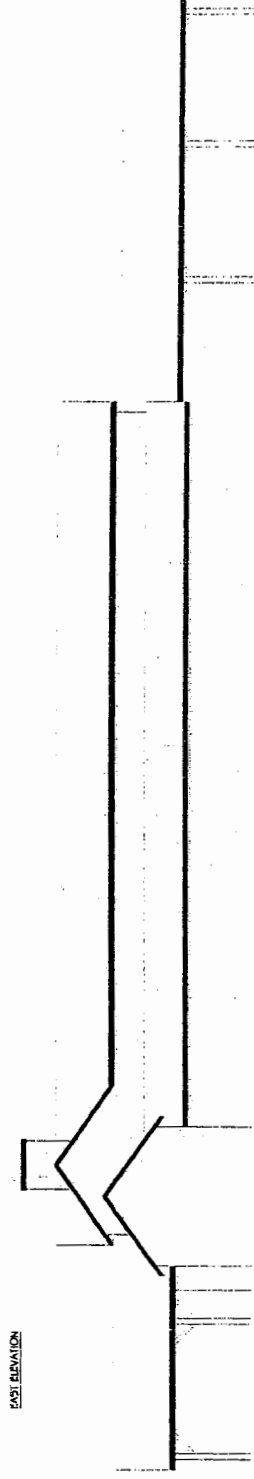
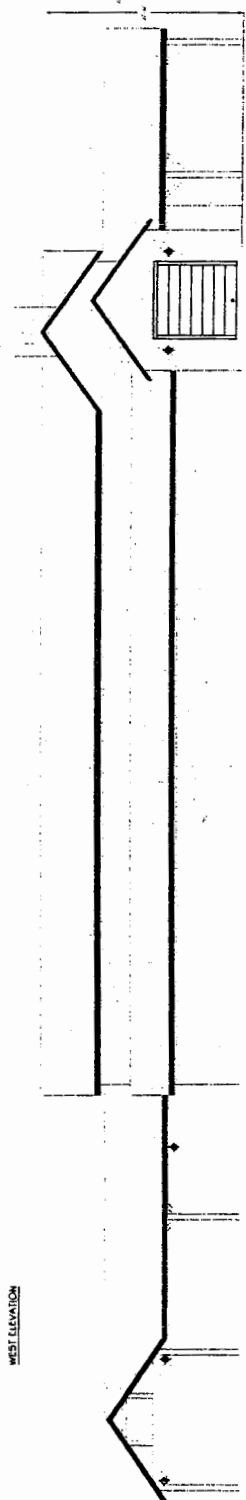
# BARN FLOOR PLAN


SCALE  
1/8" = 1'

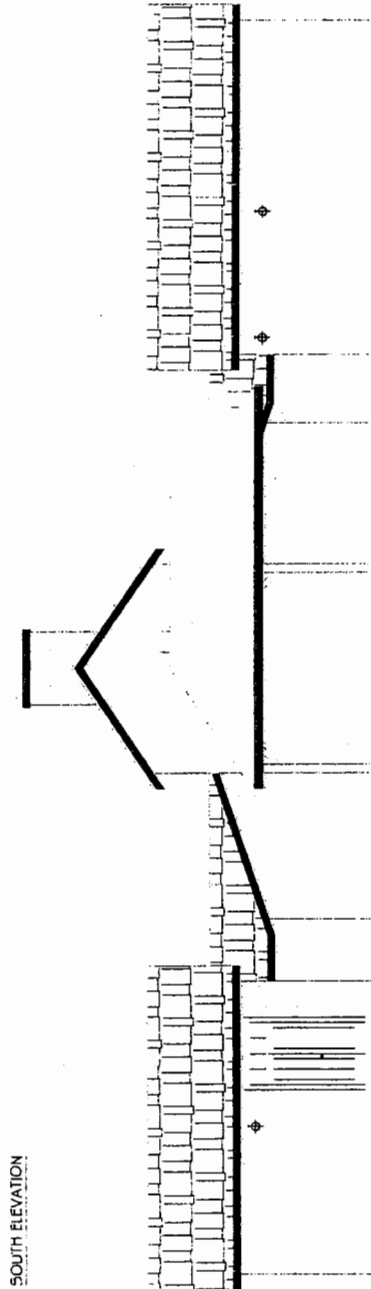
NORTH



 Aum Construction Inc. General Contractor Lic. 017115 707-937-3624 www.AumConstruction.com	Contractors:	Revisions:	PHILLIPS HORSE BARN	FLOOR PLAN	White Deer Mountain, Albion, CA	SCALE: 1/8" = 1'
						DATE: 02/27/10
CONCEPTUAL MAIN FRAME * HORSE STALL POST LOCATION						
JOB No. 1						
SHEET # of 4						

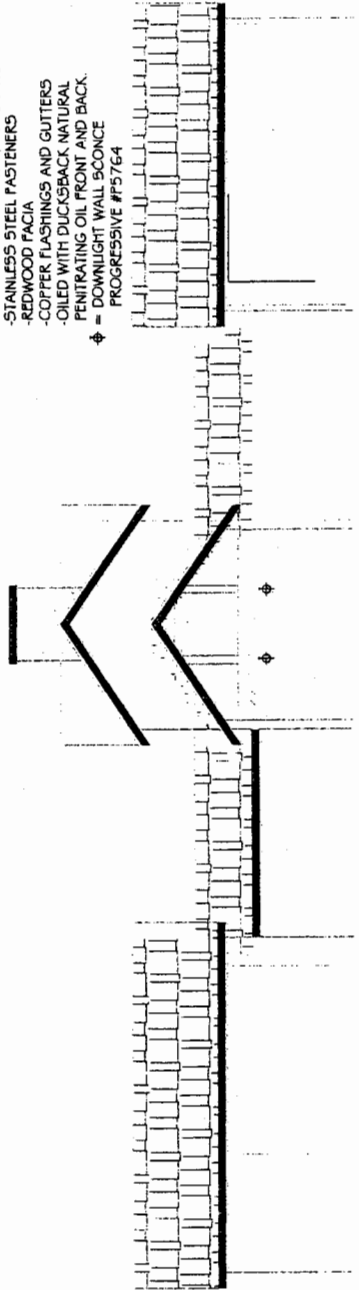


 <p>Aum Construction Inc. GENERAL CONTRACTOR LIC. 81715 www.AumConstruction.com 707-937-3624</p>	Contractors:	Revisions:	PHILLIPS HORSE BARN	N # 5 ELEVATIONS	White Deer Mountain, Alibon, CA
				SCALE: 1/8" = 1'	DATE: 03/22/10
			CONCEPTUAL MAIN FRAME & POINSE STALL POST LOCATION		
			SHEET 4 of 4		

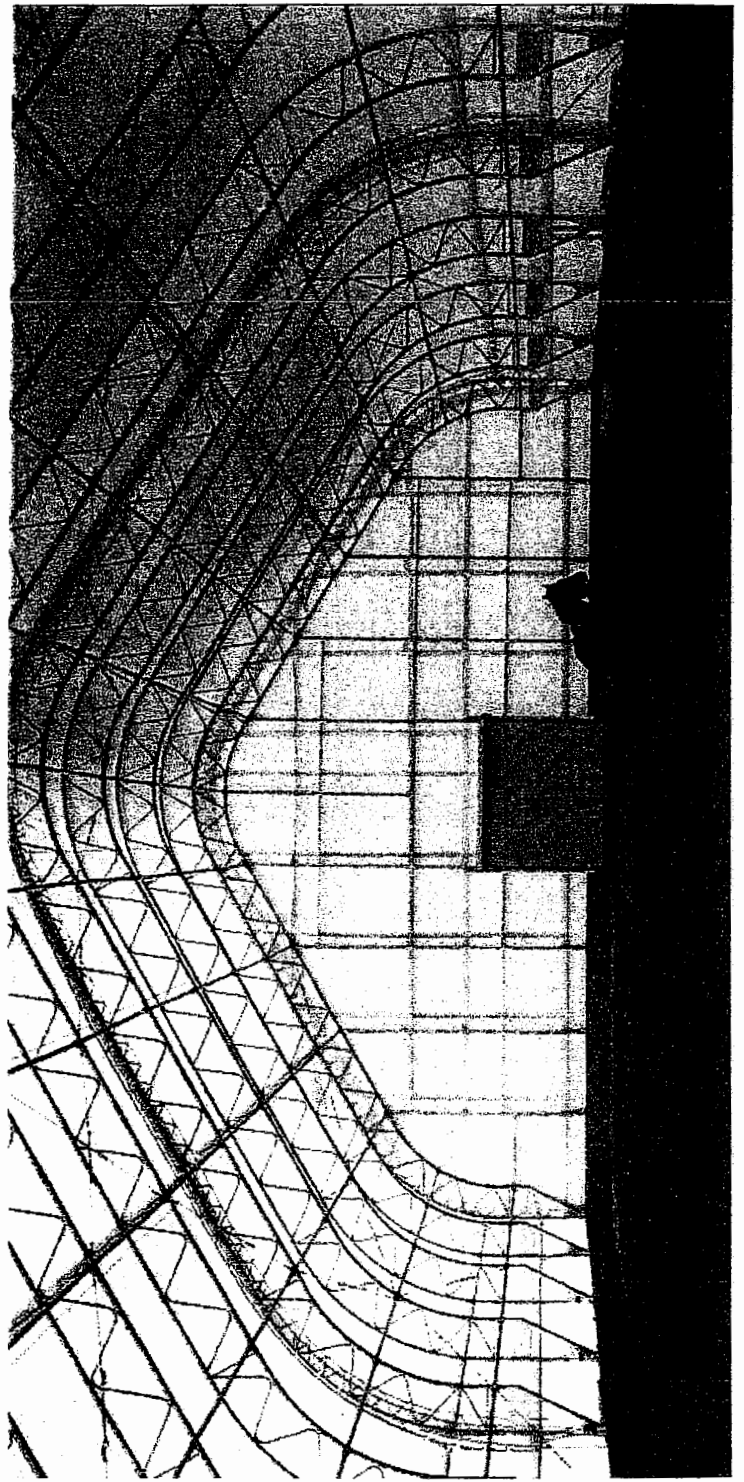
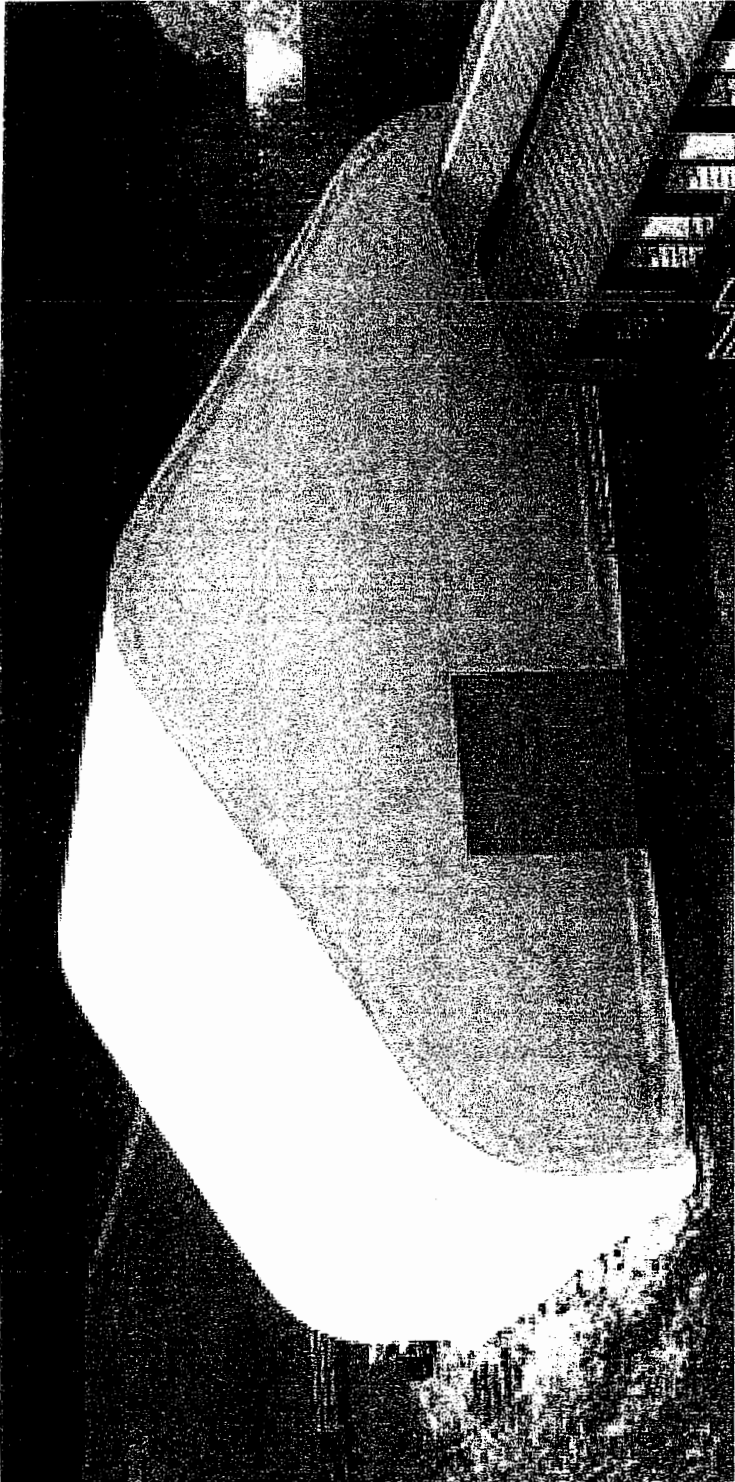



SOUTH ELEVATION

- EXTERIOR FINISHES:
- REDWOOD BOARD AND BATT SIDING
  - STAINLESS STEEL FASTENERS
  - REDWOOD FACIA
  - COPPER FLASHINGS AND GUTTERS
  - OILED WITH DUCKSBACK NATURAL
  - PENETRATING OIL FRONT AND BACK.
  - ◆ = DOWNLIGHT WALL SPOUNCE
  - PROGRESSIVE #F5764



NORTH ELEVATION



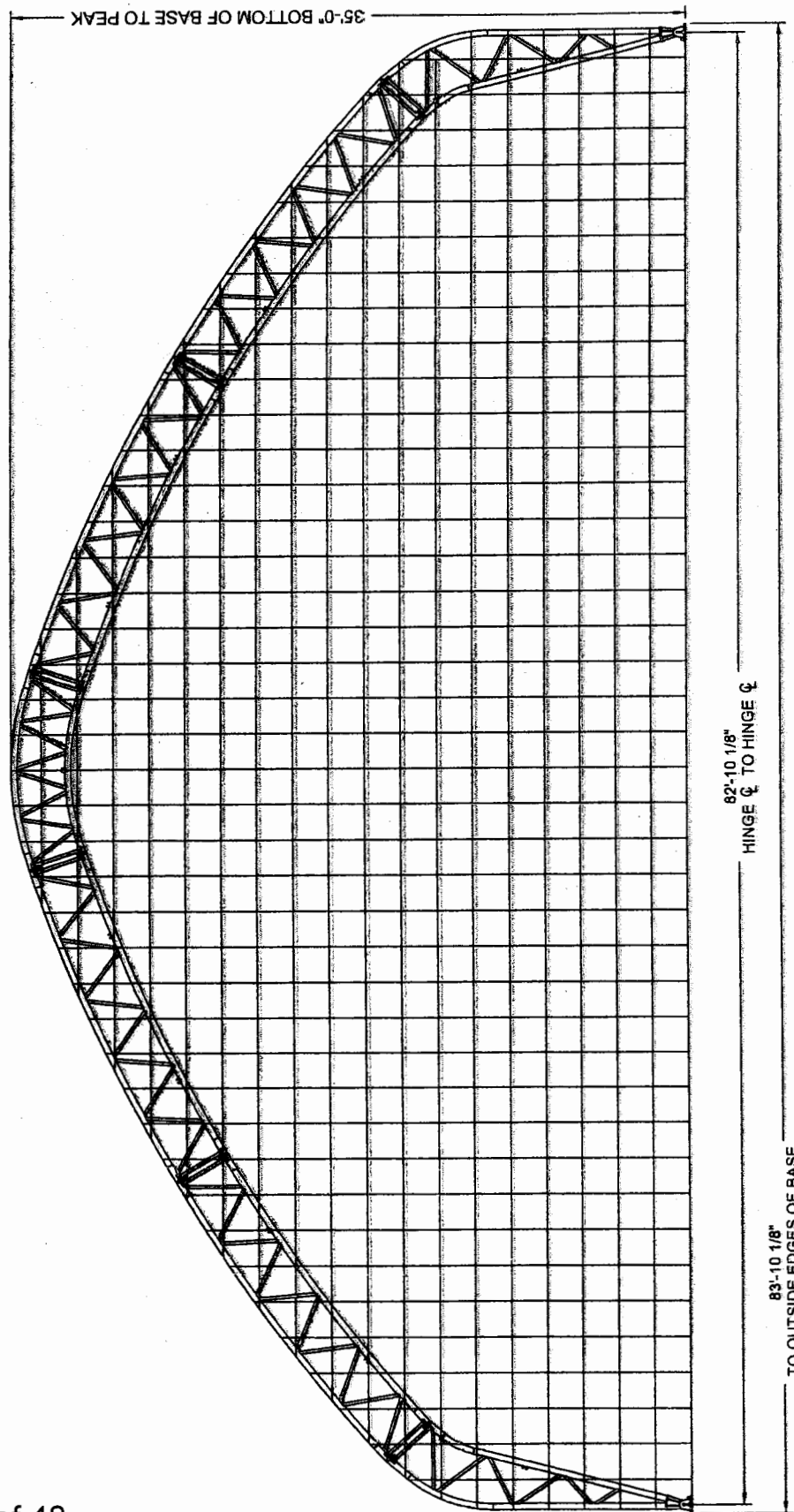

  
 Clearspan  
 Clearspan Building Systems

User Number: \_\_\_\_\_  
 Drawing Number: \_\_\_\_\_

Customer Information	Customer Name	Project Name
Customer Contact	Customer Contact Title	Customer Contact Phone
Customer Address	Customer Address	Customer Address

FORMING PLAN:	
Drawn By:	Checked By:
Created Date:	Revision Date:
Revised By:	Revised Date:
Sheet:	Sheet:

**CLEARSPAN™ 83' WIDE HK SERIES STRUCTURE PROFILE**



Project title: **Coastal Development Use Permit 4-2010 Phillips**

Lead agency name and address:

**Mendocino County  
 Planning and Building Services, Coast Office  
 790 South Franklin Street,  
 Fort Bragg, CA 95437**

Contact person and phone number:

**Teresa Spade, Project Coordinator**

Project location: **4520 Albion Little River Road (APN 123-020-24)**

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

---



---



---



---

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

<input checked="" type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input checked="" type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards and Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Transportation/Traffic	<input checked="" type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance



**DETERMINATION:**

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project <b>COULD NOT</b> have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/>	I find that the proposed project <b>MAY</b> have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.
<input type="checkbox"/>	I find that the proposed project <b>MAY</b> have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <b>ENVIRONMENTAL IMPACT REPORT</b> is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

<b>Signature:</b>	<b>Date:</b>
<b>Printed Name:</b> Teresa Spade, Planner II	

## CEQA Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS:</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>II. AGRICULTURE AND FOREST RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**III. AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**IV. BIOLOGICAL RESOURCES:** Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**V. CULTURAL RESOURCES:** Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VI. GEOLOGY AND SOILS:** Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VII. GREENHOUSE GAS EMISSIONS:** Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VIII. HAZARDS AND HAZARDOUS MATERIALS:** Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**IX. HYDROLOGY AND WATER QUALITY:** Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**X. LAND USE AND PLANNING:** Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XI. MINERAL RESOURCES:** Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XII. NOISE:** Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIII. POPULATION AND HOUSING:** Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIV. PUBLIC SERVICES:**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

**XV. RECREATION:**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**XVI. TRANSPORTATION/TRAFFIC:** Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e) Result in inadequate emergency access?
- f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

**XVII. UTILITIES AND SERVICE SYSTEMS:** Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**COUNTY OF MENDOCINO  
ENVIRONMENTAL REVIEW GUIDELINES  
DRAFT NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT.**

**DATE:** JULY 15, 2010

**CASE#:** CDU #4-2010

**OWNER:** VAN L. PHILLIPS

**REQUEST:** Construct a new "Commercial Horse Stables" facility consisting of a 14 stall barn with hay storage and work areas, and a covered riding arena.

**APPEALABLE AREA:** Yes

**LOCATION:** In the Coastal Zone, ½ mile northeast of Albion, on the west side of Albion Little River Road (CR 403), approx. 0.8 mile north of its intersection with Highway One, at 4520 Albion Little River Road (APN 123-020-24).

**PROJECT COORDINATOR:** TERESA SPADE

**II. DETERMINATION.**

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a **NEGATIVE DECLARATION** be adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.