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Staff: Susan Sniado
Staff Report: September 29 2000
Hearing Date: October 11, 2000
Commission Action:

STAFF REPORT:
DE NOVO HEARING ON APPEAL

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: **A-1-MEN-00-028**

APPLICANT: **Bob & Lori Jones**

AGENT: Luz Harvey

PROJECT LOCATION: South side of Navarro Ridge Road, approximately 1.25 miles southeast of its intersection with Highway One, at 31991 Navarro Ridge Road, Mendocino County, APN126-060-02.

PROJECT DESCRIPTION: Construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage; installation of leach field and septic system; connection to existing well and on-site utilities; and temporary occupancy of a travel trailer during construction of the residence.

APPELLANTS: **Navarro Watershed Protection Association; Hillary Adams**

SUBSTANTIVE FILE:
DOCUMENTS

1) Mendocino County CDP No. 62-99; and
2) Mendocino County Local Coastal Program

STAFF NOTES:

1. Procedure

On August 11, 2000, the Coastal Commission found that the appeal of Mendocino County's approval raised a substantial issue with respect to the grounds on which the appeal had been filed, pursuant to Section 13115 of the Title 14 of the California Code of Regulations. As a result, the County's approval is no longer effective, and the Commission must consider the project de novo. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Since the proposed project is within an area for which the Commission has certified a Local Coastal Program, and is not located between the first public road and the sea, the applicable standard of review for the Commission to consider is whether the development is consistent with Mendocino County's certified Local Coastal Program. Testimony may be taken from all interested persons at the de novo hearing.

2. SUMMARY OF STAFF RECOMMENDATION DE NOVO: APPROVAL WITH CONDITIONS

The staff recommends that the Commission approve with conditions the coastal development permit for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the County's certified LCP.

The subject parcel is a 3.9-acre parcel that straddles the top of Navarro Ridge, an east-west trending ridge that forms the north side of the deep valley carved by the Navarro River as it makes its way west to the Mendocino coast.

The proposed project consists of the construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage, installation of a leach field and septic system, as well as connection to an existing well and on-site utilities. The project also includes use of a travel trailer located on the property as a temporary residence during construction of the house.

The project site is located in an area designated by the Mendocino County LCP as "highly scenic." The proposed house location is on the crest of the Navarro ridge. The house as proposed would be one story with a total height of 18 feet, and would incorporate natural color siding and screening landscaping to mitigate visual impacts. The structure would project above the ridgeline and be visible from public vantage points along Highway One on

both sides of the river. The structure would also be visible from portions of Navarro Beach State Park.

Mendocino County LUP Policy 3.5-1 and Zoning Code Sections 20.504.010 and 20.504.015 require that new development in "highly scenic" areas be visually compatible with the character of surrounding areas and subordinate to the character of its setting. LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8) require the visual impacts of development on ridges be minimized by prohibiting development projecting above the ridgeline unless no feasible site is available below the ridgeline, in which case the visual impacts shall be reduced by utilizing existing vegetation, optimizing the structural orientation, landscaping, and protecting existing tree masses that define the ridgeline silhouette.

There are approximately 38 lots located in the Navarro Ridge area designated as "highly scenic." Approximately 21 of these lots have been developed with single family residences. The Coastal Commission permit records show that only 6 out of the 21 single-family residences were permitted subsequent to the Coastal Act. Of these six permits; five were issued by the Coastal Commission prior to the County's certification of its LCP, and one was issued by the County in 1993 (post certification). The five permits issued by the Coastal Commission were issued prior to certification of the County's LCP, using the Coastal Act as the standard of review.

Whether or not the project would be compatible and subordinate to the character of its setting as required by the aforementioned LCP policies, the project is not consistent with the provisions of LUP Policy 3.5-4 and Zoning Code Section 20.504.015 (C) (8) that prohibit development from projecting above a ridgeline unless no feasible site is available below the ridgeline.

An alternate site does exist below the ridgeline that has ample room to construct a residence and accessory structure(s) and would not be visible from Highway One or Navarro Beach State Park. The proposed buildings (house and garage) could be built to the northeast of the proposed location, close to Navarro Ridge Road and would be entirely outside of the Highway One and Navarro River/Beach viewshed.

The applicant's soil and design consultants have indicated that if the location of the house were moved to the alternate northern location, a drainage system would be necessary, a more costly foundation would have to be built, and a sewage pumping system would have to be installed. However, there is no evidence that suggests the alternate building site would be infeasible because of economic factors.

The proposed building site is located approximately 165 feet from the property designated as Rangeland to the north. As conditioned to move the house site to the northern portion of the parcel, the house would be constructed approximately 50 feet from a parcel designated as Rangeland. LUP policy 3.2-9 states that a residential structure should not be sited closer than 200 feet from a parcel designated for agricultural use unless there is no other feasible

building site on the parcel. Neither the proposed or relocated house would maintain a 200-foot buffer from the agricultural parcel to the north. Although the project as conditioned requiring relocation of the house would not provide for a 200-foot separation from the agricultural parcel, moving the proposed residence away from the ridge to the alternate building site would eliminate the visual impact to public view areas and would not adversely affect the agricultural property across Navarro Ridge Road to the north. It is noted that even in the northern location, the house would still be separated and buffered from the agricultural parcel by a row of large trees along the applicant's northern property line and Navarro Ridge Road itself. Therefore, adherence to the visual resources policy would on balance be most protective of coastal resources.

As conditioned, staff has determined that the proposed project is consistent with the provisions of the certified Mendocino County LCP.

I. MOTION, STAFF RECOMMENDATION DE NOVO, AND RESOLUTION:

1. MOTION:

I move that the Commission approve Coastal Development Permit No. A-1-MEN-00-028 pursuant to the staff recommendation.

RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified County of Mendocino LCP. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: (See attached Appendix A)

III. SPECIAL CONDITIONS:

1. Revised Site Plan and Drainage Plan

- a. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised site plans and a drainage plan to the Executive Director for review and approval. The revised plans shall show the following changes to the project:

1. Site Plan Revisions

The proposed residence and garage shall be located in the northern portion of the parcel (north of the leachfield).

2. Drainage Plan

Drainage shall be provided around all buildings and accessory structures to avoid adverse impacts to the building foundation.

- b. The revised plans shall, prior to submittal to the Executive Director, be reviewed and certified by a qualified professional to ensure that they are consistent with the Commission's approval and with the drainage recommendations of the letter from the applicant's soil scientist, Carl Rittiman, dated October 13, 1999 (Exhibit 9, page 10 of 14).

- c. The permittee shall undertake development in accordance with the approved final site plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final site plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Design Restrictions

All exterior siding and visible exterior components of the structures authorized pursuant to Coastal Development Permit A-1-MEN-00-028 shall be of natural or natural-appearing materials of dark earthtone colors, only, and the roof of any structure shall also be of dark earthtone color and shall be of natural-appearing material. In addition, all exterior materials, including the roofing materials and windows, shall be non-reflective to minimize glare. Finally, all exterior lights, including lights attached to the outside of any structures, shall be low-wattage, non-reflective and have a directional cast downward.

3. Temporary Occupancy of Travel Trailer

The travel trailer may be occupied while constructing the single family residence, subject to the following limitations:

- (a) The travel trailer may be occupied for the period required to complete construction of the primary dwelling, but shall not be occupied for more than two years unless an amendment is obtained from the Commission to allow a longer period of occupancy.

- (b) A valid building permit for a permanent dwelling on the premises must be in effect.
- (c) Building and Health permits must be obtained prior to the set up and occupancy of the travel trailer.
- (d) All utility connections to the travel trailer shall be disconnected and the trailer shall be removed from the property or placed in storage per Section 20.456.015(J) of the Code prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.

4. Tree Removal

This permit does not authorize the removal of any trees from the subject parcel other than those required to be removed to meet the fire safety regulations of the California Department of Forestry and Fire Protection or those required to be removed to accommodate the relocation of the house and garage as required in Special Condition No. 1. No trees may be removed for the placement of the temporary trailer.

IV. FINDINGS AND DECLARATIONS

1. BACKGROUND

On May 5, 2000, Planning & Building Services Director Ray Hall, acting as Coastal Permit Administrator (CPA), approved with conditions Coastal Development Permit No. CDP-62-99 (Jones). The approved development includes construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage; installation of a leach field and septic system; connection to existing well and on-site utilities; and temporary occupancy of a travel trailer during construction of the residence. The CPA's decision was not appealed at the local level to the Board of Supervisors.

The proposed development was approved by the CPA with six special conditions. Special Condition No. 1 limited occupancy of the travel trailer to the construction period for the approved house and required its removal prior to occupancy of the house. Condition No. 2 required the applicants to submit a landscape plan for the review and approval of the CPA that provides for planting trees, to provide some level of shielding of the structure from views from public vantage points. The condition also required the applicants to irrigate, maintain, and replace the trees as necessary to ensure that a vegetation screen is established and maintained in perpetuity. Finally, the condition required any future tree removal on the property to be approved by the County.

Special Condition No. 3 required the applicant to temporarily fence and protect existing trees from construction activities. Special Condition Nos. 4 and 5 required that only dark and non-reflective building materials and windows be used, with certain choices of building materials to be reviewed by the CPA. Finally, Special Condition No. 6 required that a permit amendment be obtained prior to erection of any additional structures or placement of exterior lighting on any portion of the site within view of Highway One or Navarro Beach State Park.

The hearing on the coastal development permit application had been opened and continued in the months prior to action by the Coastal Permit Administrator. After the hearing was first opened, the applicant made a number of changes to the project to reduce its visual impact from public vantage points along Highway One and the State Park. These changes included (1) moving the structure from its original location on the south crest of the ridge (Navarro River side) to a location approximately 35 feet north that is on the north crest of the ridge (Navarro Ridge Road side); (2) relocating the ridgeline of the roof 20 feet back off the coastal ridge; (3) reducing the height of the structure from 26 feet to 18 feet; (4) changing the proposed structure from two stories to one, (5) reducing the amount of windows facing the public views of the structure from the southwest, and (6) eliminating proposed excavation of the ridge top that was intended to lower the relative height of the structure but would have altered the landform.

After the close of the local appeal period, the County issued a Notice of Final Action on the coastal development permit, which was received by Commission staff on May 22, 2000 (Exhibit No. 7). The project was appealed to the Coastal Commission in a timely manner on June 6, 2000, within 10-working days after receipt by the Commission of the Notice of Final Local Action. On August 11, 2000 the Coastal Commission found that a substantial issue was raised by the appeal.

2. PROJECT AND SITE DESCRIPTION:

Project Setting

The subject parcel is a 3.9-acre parcel that straddles the top of Navarro Ridge, an east-west trending ridge that forms the north side of the deep valley carved by the Navarro River as it makes its way west to the Mendocino coast. Highway One crosses the Navarro River valley on its route north along the coast by first traversing eastward down the flank of the opposite ridge on the south side of the valley, crossing the river on a low bridge at a point approximately 1.25 miles inland from the coast, and finally traversing westward up the southern flank of Navarro Ridge to the coastal terrace north of the mouth of the river. Highway 128 intersects Highway One at the north end of the bridge crossing. The subject parcel is one of about a dozen mostly similar-sized parcels zoned for Rural Residential use along this part of Navarro Ridge. These parcels are relatively long and narrow and extend all the way from Navarro Ridge Road, which runs parallel to and north of the crest of the ridge, to Highway One south of the crest along the valley floor next to the river. The parcel is located at 31991 Navarro Ridge Road, approximately 1.25 miles east of the ocean, at a

location directly opposite of the north end of the Highway One Bridge over the Navarro River.

There are approximately 38 lots located in this area of Navarro Ridge designated as "highly scenic." Approximately 21 of these lots have been developed with single family residences. The Coastal Commission database shows that only 6 out of the 21 single-family residences were permitted subsequent to the Coastal Act. Of these six permits; five were issued by the Coastal Commission prior to the County's certification of its LCP, and one was issued by the County in 1993 (post LCP certification). The five permits issued by the Coastal Commission were issued prior to the County's LCP, which designated the Navarro ridge area as "highly scenic." The County's 1993 permit (Tadlock; described below under Visual Issues) stated that the parcel was of a size and shape that would not accommodate an alternate building site outside of the scenic viewshed.

Most similar parcels in the immediate vicinity of the subject property have already been developed with single family homes, most located right on the crest or slightly off the crest of Navarro Ridge. The applicant's parcel is towards the eastern end of the Navarro Ridge "highly scenic" area, in-between two parcels already developed with homes. Other mostly undeveloped larger parcels extend along the western section of the Navarro Ridge "highly scenic" toward the ocean. Much larger mostly undeveloped Rangeland extends east of the string of parcels and north across Navarro Ridge Road.

The houses built in the immediate vicinity of the subject property vary in size, height, design, and color, with the result that some are more prominent than others. The string of houses are visible from different vantage points along Highway One on both sides of the river, as well as from portions of Navarro Beach State Park. The State Park property extends from a beach at the mouth of the river along the flats along the south side of the river to the Highway One Bridge. The subject parcel is visible from different vantage points along Highway One on both sides of the river, although from fewer vantage points than the homes located farther west. The subject parcel is only visible from the State Park from vantage points within the river or along the flats near the Highway One Bridge. The site is not visible from the sandy beach along the ocean.

Rows of trees rise above the ridge behind many of the homes in the vicinity of the project site. These trees form a backdrop to many of the homes as viewed from Highway One and the park. One such row of trees would form a backdrop to the applicant's proposed house.

The ridgeline of the subject parcel is at an elevation of approximately 440 feet above sea level. The south side of the parcel drops steeply down the southern flank of Navarro Ridge to near sea level. North of the crest, the parcel slopes more gently to an elevation of about 410 to 420 feet above sea level near Navarro Ridge Road.

The parcel is mostly covered with grasses and shrubs. Approximately two dozen trees are growing on the parcel, mostly along the property lines north of the crest of the ridge. A few

trees grow to the southeast of the proposed building site near the center of the parcel. The parcel contains no known environmentally sensitive habitat area. The northeastern end of the parcel has a relatively high groundwater table that precludes its use for a septic system leach field, although the groundwater does not rise to the surface to form a wetland. The Mendocino County Planning Staff conducted site views on two occasions and saw no evidence of wetland habitat; therefore, no wetland survey was required. There are no known occurrences of rare and endangered species on the subject property. The project would have no adverse effects on natural resources.

A well has been drilled on the property pursuant to a previous Mendocino County coastal development permit. The applicants also keep a travel trailer on the site.

Project Description

The proposed project consists of the construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage (See Exhibits 4-6). The project includes installation of a leach field and septic system as well as connection to an existing well and on-site utilities. The house would be located on the Navarro Ridge Road side of the crest of the coastal ridge. The septic system would be located north of the house. The project also includes use of the travel trailer located on the property as a temporary residence during construction of the house.

The house would be of a single story design and would utilize earth tone colors. The proposed finishes of the residence and garage are as follows:

| | |
|------------------|--|
| Siding: | redwood shingles |
| Trim: | dark wood |
| Windows: | wood framed |
| Roof: | composition shingles |
| Chimney: | stone |
| Ext. Lights: | to be shaded, downcast, and located beside all exterior doors. |
| Security Lights: | where needed. |

3. PLANNING AND LOCATING NEW DEVELOPMENT

Policy 3.9-1 of the Mendocino County Land Use Plan states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

Policy 3.8-1 states that Highway 1 capacity, availability of water and sewage disposal systems and other know planning factors shall be considered when considering applications for development permits.

The subject property is zoned as Rural Residential- 5 Acre Minimum, meaning there may be one parcel for every 5 acres. The subject parcel, which is approximately 3.9 acres in size, is a legal, nonconforming lot.

The applicants seek approval for the temporary use of the travel trailer as a residence while the main residence is being completed. The County has not permitted more than one residential unit on most residential parcels in Mendocino County because of a concern that the increase in density could potentially result in cumulative adverse impacts on highway capacity, groundwater resources, and scenic values, inconsistent with LUP Policies 3.9-1 and 3.8-1. To prevent such cumulative adverse impacts, Special Condition No. 3 is applied to the project requiring the applicant to remove the temporary trailer prior to occupancy of the main residence.

The development would be served by an existing well. Sewage would be processed by a septic system as proposed by certified soil scientist Carl Rittiman (Exhibit 10).

The Commission finds that the proposed project is consistent with LUP Policies 3.9-1 and 3.8-1 in the parcel is able to accommodate the proposed development and that adequate services are available.

4. VISUAL RESOURCES

The project site is located within an area designated as "highly scenic" under the Mendocino County LCP. The project site is inland from Highway One and the other public vantage point in the area, the Navarro Beach State Park. The proposed structure would not block views to and along the coast from any public vantage point. Rather, the visual issues center around whether the development would be compatible and subordinate with the character of the surrounding area and whether the project is consistent with LCP policies that discourage development on ridge tops.

Mendocino County LCP Policies

LUP Policy 3.5-1 states in applicable part:

State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road.

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. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

LUP Policy 3.5-3 states in applicable part:

The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

...

- *Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.*

...

In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces

LUP Policy 3.5-4 states in applicable part:

Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.

...

Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline; (2) if no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation; (3) prohibiting removal of tree masses which destroy the ridgeline silhouette. Nothing in this policy shall preclude the development of a legally existing parcel.

Coastal Zoning Code Section 20.504.010 states in applicable part:

Purpose.

The purpose of this section is to insure that permitted development shall be sited and designated 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.

Coastal Zoning Code Section 20.504.015 states in applicable part:

Highly Scenic Areas.

(A) *The visual resource areas listed below are those which have been designated highly scenic and in which development shall be subordinate to the character of its setting:*

...

(2) *Portions of the Coastal Zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.*

...

(C) *Development Criteria.*

(1) *Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.*

...

(3) *New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings...*

(5) *Buildings and building groups that must be sited in highly scenic areas shall be sited:*

- (a) *Near the toe of a slope;*
- (b) *Below rather than on a ridge; and*
- (c) *In or near a wooded area....*

(8) *Minimize visual impact of development on ridges by the following criteria:*

- (a) *Prohibiting development that projects above the ridgeline;*
- (b) *If no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation;*
- (c) *Prohibiting removal of tree masses which destroy the ridgeline silhouette.*

...

(10) *Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas.*

...

(13) *Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access Highway 1 where an alternate configuration is feasible.*

As noted in the "Project Setting" finding above, the project site is located in a designated "highly scenic" area. The proposed house location is on the crest of the Navarro ridge (Exhibit 4). The house as proposed would be one story with a total height of 18 feet, and would incorporate natural color siding and screening landscaping to mitigate visual impacts. The structure would project above the ridgeline and be visible from public vantage points along Highway One on both sides of the river. The structure would also be visible from portions of Navarro Beach State Park, but only from vantage points within the river or along the flats near the Highway One Bridge. The site is not visible from the sandy beach along the ocean.

As also discussed previously, the house site is towards the eastern end of a string of approximately 38 rural residential parcels located within the "highly scenic" area. Twenty-one of these parcels have already been developed, including the parcels on either side of the applicants' property. The homes that have been developed within this "highly scenic" area vary in size, height, design, and color, with the result that some are more prominent than others. The prominence of some of the existing structures results from siting on top of the ridge, bright colors, and lack of landscape screening in front of the structures and trees behind the structures to break up the building silhouettes. All but six of the existing structures in this area were built prior to the Coastal Act. Only one was approved after certification of the Mendocino LCP and implementation of its policies concerning development in highly scenic areas, including policies affecting ridgeline development.

The one post-LCP certification permit was approved by Mendocino County in 1993. Coastal Development Permit (CDP) 4-93 (Tadlock), approved a single-family residence three parcels

to the west of the proposed project. The difference between CDP4-93 and this project is that 100 percent of the CDP4-93 project site is visible from the public view areas to the south and west; therefore, there were no alternatives to place the structure out of view.

The LCP visual resource protection policies cited above set forth various standards that are applicable to the project. LUP Policy 3.5-1 and Zoning Code Sections 20.504.010 and 20.504.015 require that new development be visually compatible with the character of surrounding areas and subordinate to the character of its setting. LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8) require the visual impacts of development on ridges be minimized by prohibiting development projecting above the ridgeline unless no alternative site is available below the ridgeline, in which case the visual impacts shall be reduced by utilizing existing vegetation, optimizing the structural orientation, landscaping, and protecting existing tree masses that define the ridgeline silhouette.

In this case, the proposed house in its proposed location on the ridgeline may be compatible with the character of surrounding areas and subordinate to the character of its setting as required by LUP Policy 3.5-1 and Zoning Code Sections 20.504.010 and 20.504.015 for several reasons. First, as noted above, the project's setting includes many homes that have already been located along the ridge top, including homes on either side of the applicant's parcel. Second, the proposed landscaping and choice of earthtone building material colors would contribute to the proposed house blending in with its surroundings much more so than some of the existing homes that have bright colors and little landscaping. Third, although the proposed 18-foot-high house would project above the top of the ridge, the house would not project higher than the tree line of trees that exist at the top of the ridge. Finally, the proposed house is near the eastern end of the string of residential parcels along Navarro Ridge Road, farther from view from the public vantage points along Highway One and the Navarro River than all but a few of the houses along the ridge.

Whether or not the project would be compatible and subordinate to the character of its setting as required by the aforementioned LCP policies, the project is not consistent with the provisions of LUP Policy 3.5-4 and Zoning Code Section 20.504.015 (C) (8) that prohibit development from projecting above a ridgeline unless no alternative site is available below the ridgeline. The project is also not consistent with Zoning Code Section 20.504.015 (C) (5) which requires that buildings that must be sited in highly scenic areas be sited below rather than on a ridge.

An alternate site does exist below the ridgeline that has ample room to construct a residence and accessory structure(s) and would not be visible from Highway One or Navarro Beach State Park. The proposed buildings (house and garage) could be built to the northeast of the proposed location, close to Navarro Ridge Road and would be entirely outside of the Highway One and Navarro River/Beach viewshed. The elevation of the alternate site is approximately 16 feet lower than the proposed ridgeline site. Since the proposed house would be 18 feet in height, two feet of the roofline may protrude above the ridgeline. However, the house would not be visible or appear to protrude above the ridgeline from all of

the public vantage points along Highway One and the river because of the angle of view. At the alternate site, the house would be set back approximately 150 feet from the ridge. The public vantage points along Highway One and the river are all considerably lower in elevation than the ridgeline. The plain of view from these vantage points towards the project site would thus extend up at an angle towards the ridgeline and extend well over the top of the 18-foot-high house.

The Jones believe the alternate site is neither safe nor practicable. The Jones stated in their letter, dated September 22, 2000 (Exhibit 9, page 9) that:

“Quite simply stated it is neither safe nor practicable to build further north due to winter flooding conditions. The topography and underlying soil conditions of our parcel are such that during the prolonged winter rainy season on the north coast the rear portion of our lot floods. This is due to run-off from higher ground to the south on our own parcel and higher grounds to the east on neighboring parcels, and a layer of non-porous clay just under the surface. Whether or not it is a wetlands or marsh is not an issue. It is certainly an area where in winter months it would be unsafe to have the foundation of a home; where one would wade around, at times in ankle deep water.

The results of the soils investigation performed by the applicant's soil scientist indicated that there is only one suitable location for the septic system leach field, in the location proposed. The leach field cannot be located at the northern end of the property because the high winter ground water would not meet septic system leach field standards. The leach field cannot be located where the applicant's propose the house because the location would not provide for a required minimum 100-foot setback between the leachfield and the wells on this and the adjacent parcel. Based on a letter (Exhibit 10, page 10) from the applicant's soil scientist, Carl Rittiman, dated 10/13/99 it would be feasible to construct a home in the alternate site within the northern portion of the property provided certain additional construction measures are incorporated into the project:

“It may be possible to move the home from the area indicated on our maps to another location, but the areas identified as the primary and replacement leachfield must remain as indicated. If the house were to be moved to the northern portion of the parcel I would caution that a detailed drainage plan be developed so that the resulting house is not impacted by the poorly drained soils and possible ponding conditions. All accessory structures such as roadways and parking areas also need to be designed to overcome the poorly drained soils and possible ponding conditions.

Also any change in house location which results in the building sewer being at a lower elevation than the proposed leachfield areas will necessitate a pumping system to deliver the sewage effluent to the higher elevation leachfield.”

Therefore, the leachfield must remain as proposed, but it is possible to locate the house at the alternate northern location. Although the northern portion of the parcel would require drainage improvements, may require a more costly foundation, and would necessitate a sewage pumping system, Mr. Rittiman's letter indicates it would be possible to build the home at the alternate location.

The Jones's design consultant, Ed Powers, in a letter dated March 23, 2000 (Exhibit 9, page 11) stated:

"Moving the construction site to the more northerly point on the parcel where water tends to pool during rainy times would require an extensive foundation which would significantly increase the overall building costs, as well as pose the possibility of long term foundation problems."

The definition of feasible is provided in Coastal Zoning Code 20.308.045 (F). It states "*feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.*"

The applicant's consultants, Mr. Rittiman and Mr. Powers, have indicated that a drainage system would be necessary, a more costly foundation would have to be built, and a sewage pumping system would have to be installed. The applicant's consultants indicate that utilizing the northern end of the parcel as a building site would be problematic because of the higher costs associated with these special building measures. However, there is no evidence that suggests the alternate building site would be infeasible because of economic factors. No cost information comparing the proposed and alternate building site has been provided. The Commission notes that drainage ditches, French drains, and sewage pumping systems are not uncommon features in coastal zone developments and there is no evidence indicating that installation of these features or a special foundation would be so costly as to make the project infeasible.

5. AGRICULTURE

The property to the north of the subject parcel is zoned for Rangeland (RL) and is under a Williamson Act contract. The Rangeland parcel is currently utilized for cattle grazing.

LUP policy 3.2-9 states:

In order to minimize agricultural-residential conflicts, land divisions or site plans in residential areas shall not result in a residential structure being closer than 200 feet from a parcel designated for agricultural use unless there is no other feasible building site on the parcel.

According to the County staff report, the proposed building site is located approximately 165 feet from the property designated for Rangeland to the north and because of the steep topography on the southern portion of the site, a 200-foot setback from the rangeland property cannot be attained. Therefore the proposed building site is inconsistent with LUP policy 3.2-9. As discussed above, the proposed structure could be relocated to the alternate northern location. This alternate location would also be inconsistent with LUP policy 3.2-9. Accordingly, since both proposed location on the ridgeline and the alternate location below the ridgeline are inconsistent with the 200-foot buffer agricultural buffer requirements, the Commission must apply the LCP policies in a manner that on balance is the most protective of the resources.

6. RESOLVING OVERLAPPING POLICIES

Section 20.304.030 (B) of the Coastal Zoning Code states:

(B) Where regulations within this Division and between Divisions of Title 20 overlap, the policy which, on balance, is most protective of coastal resources shall take precedence.

As discussed in the Visual Resources finding above, locating the house on the crest of the ridge, would be inconsistent with LUP Policy 3.5-4 and Zoning Code Section 20.504.015 (C) (5) and (C) (8) that prohibit development on the ridgeline. As discussed in the agricultural findings, the proposed house site is inconsistent with LUP Policy 3.2-9, which requires new development to maintain a 200-foot buffer from agricultural parcels. In addition, if the house were moved to the northern portion of the site, where it would be consistent with the visual policies, the house would be constructed approximately 50 feet from the Rangeland parcel inconsistent with LUP Policy 3.2-9.

The provisions of LUP Policy 3.2-9 that state that residential structures shall not be located closer than 200 feet from a parcel designated for agricultural use could be viewed as competing with the provisions of LUP Policy 3.5-4 and Zoning Code Section 20.504.015 (C) (5) and (C) (8) that prohibit development from projecting above the ridgeline unless no alternative site is available below the ridgeline. Where LCP policies overlap or compete as applied to a specific project, Zoning Code Section 20.304.030 (B) provides that the policy which, on balance, is most protective of coastal resources shall take precedence.

The Commission finds that the Rangeland parcel to the north is buffered by the existence of the paved, two-lane Navarro Ridge Road and a line of large mature trees along the northern boundary of the Jones property. The Commission concludes that moving the proposed residence away from the ridge to the alternate building site would eliminate the visual impact to the public view areas and would not adversely affect the agricultural property across Navarro Ridge Road to the north. Therefore, adherence to the visual resource policies would be most protective of coastal resources and the 200-foot minimum setback from the Rangeland-designated parcel would not be required pursuant to section 20.304.030 (B) of the Coastal Zoning Code.

The Commission attaches Special Condition 1, which requires a revised site plan be prepared that relocates the proposed development to the northern portion of the parcel, which is outside of the viewshed area of Highway One and Navarro Beach. As conditioned, the project would be consistent with LUP Policy 3.5-4 and Coastal Zoning Section 20.504.015 (C) (8) and 20.504.015(C)(5) as the house would be located in an alternate site below the ridgeline.

The Commission also attaches Special Condition 3, which prohibits removal of any trees from the subject parcel other than those required to be removed to meet the fire safety regulations of the California Department of Forestry and Fire Protection or those required to be removed to accommodate the relocation of the of the house and garage. As conditioned, the project would be consistent with LUP Policy 3.5-4 and 20.504.015(C)(8)(c) as this condition would prohibit the removal of trees within the ridgeline silhouette.

Furthermore, the Commission attaches Special Condition 2, which requires that all exterior siding and visible exterior components of the structures be of natural or natural-appearing materials. This condition is imposed because even though the house in the alternate site would not be visible from vantage points along the Navarro River and Highway One, the house would still be visible from Navarro Ridge Road directly north of the property, which is another public vantage point. Therefore, as conditioned, the project would be consistent with LUP Policy 3.5-4 and 20.504.015(C)(3) because building materials are required which will blend in hue and brightness with their surroundings.

The Commission concludes that as conditioned to relocate the house, limit the color of building material, and prohibit tree removal, the proposed development would be compatible and subordinate to the character of its setting as it would be out of view from public vantage points along Highway One and the Navarro River and would blend into other natural features on the site as seen from Navarro Ridge Road.

6. DRAINAGE

In a letter dated 10/13/99 (Exhibit 9, page 10 of 14), the applicant's soil scientist Carl Rittiman indicated that the northern boundary of the subject parcel has a very high water table with poor drainage. He stated that if the house were moved the northern portion of the parcel, a detailed drainage plan should be required so that the resulting house would not be impacted by the poorly drained soils and possible ponding conditions. He also recommended that all accessory structures such as roadways and parking areas be designed to overcome the poorly drained soils and possible ponding conditions.

Coastal Zoning Code Section 20.492.025 (G) states:

Subsurface drainage devices shall be provided in areas having high water table and to intercept seepage that would adversely affect slope stability, building foundations, or create undesirable wetness.

Because the Commission has attached Special Condition No. 1 (a) (1), requiring the proposed residence and garage be located in the northern portion of the parcel (north of the leachfield), the Commission also attaches Special Condition No. 1(a) (2). This latter condition ensures that the building foundation would not be compromised by the high water table or poor drainage by requiring the applicants to submit a drainage plan to the Executive Director for review and approval prior to issuance of the Coastal Development Permit. Therefore, the Commission finds that the project as conditioned is consistent with Coastal Zoning Code Section 20.492.025 (G) in that the project would not adversely affect the building foundation.

7. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The Commission incorporates its findings on conformity with LCP policies at this point as if set forth in full. As discussed herein, in the findings addressing the consistency of the proposed project with the certified LCP, the proposed project has been conditioned to be found consistent with the Mendocino County LCP. Mitigation measures which will minimize all adverse environmental impacts have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

A-1-MEN-00-28

JONES

Page 20

Exhibits

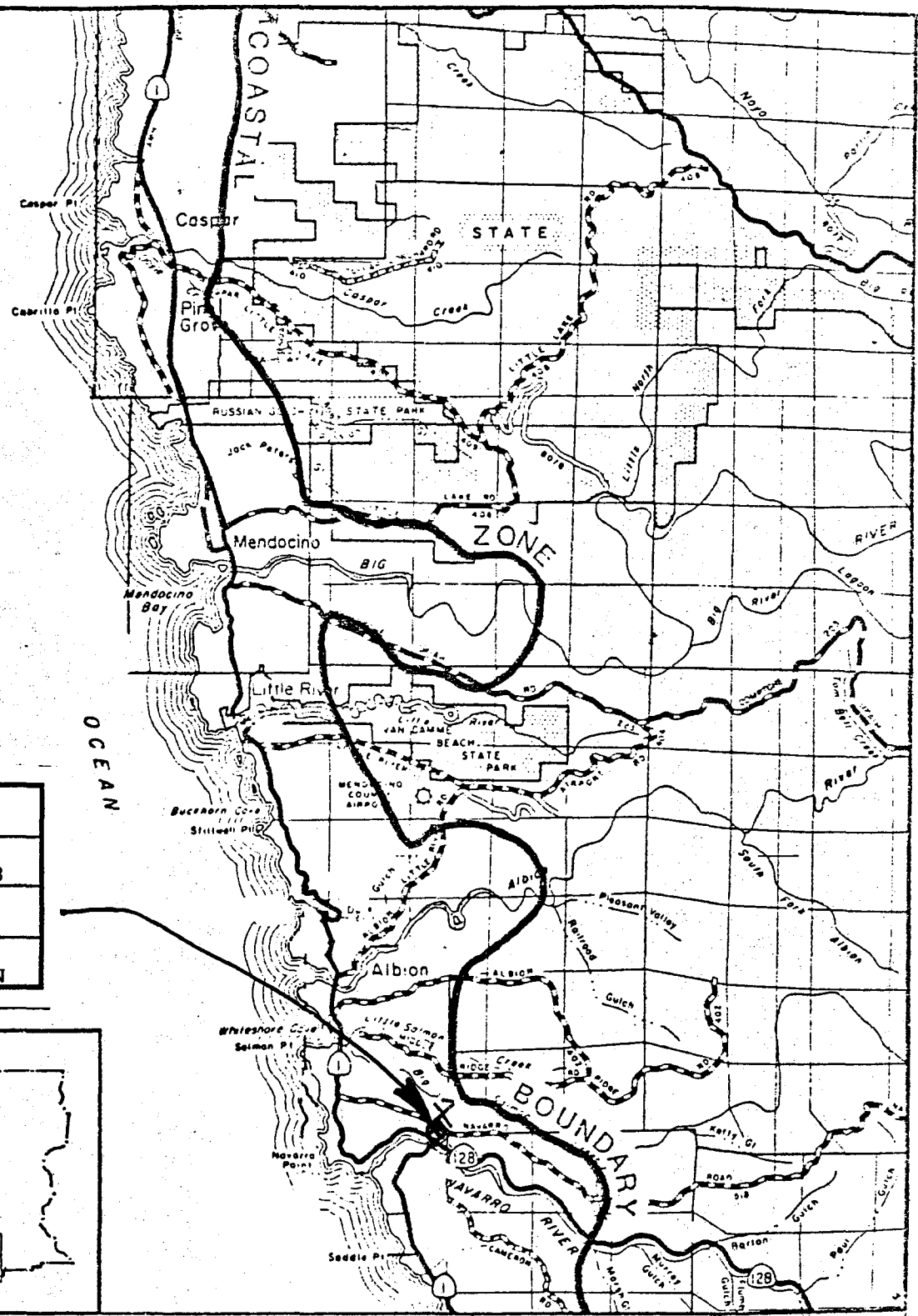
1. Regional Location Map
2. Vicinity Map
3. Land Use Plan/Zoning Map
4. Site and Landscaping Plan
5. Elevations
6. Floor Plan
7. Notice of Final Action
8. Appeal
9. Applicant's Correspondence
10. Sewage Disposal Proposal

ATTACHMENT A

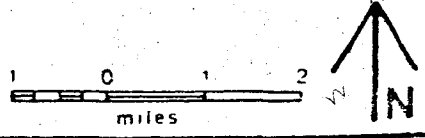
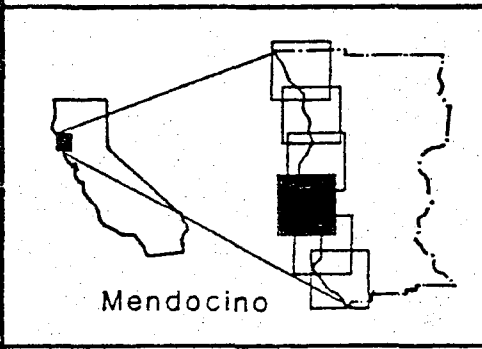
Standard Conditions:

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





| | |
|-------------------|----------------|
| EXHIBIT NO. | 1 |
| APPLICATION NO. | A-1-MEN-00-028 |
| REGIONAL LOCATION | |



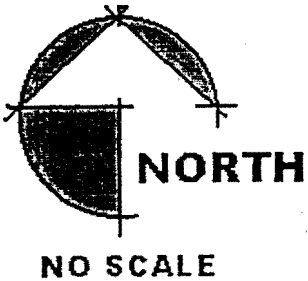
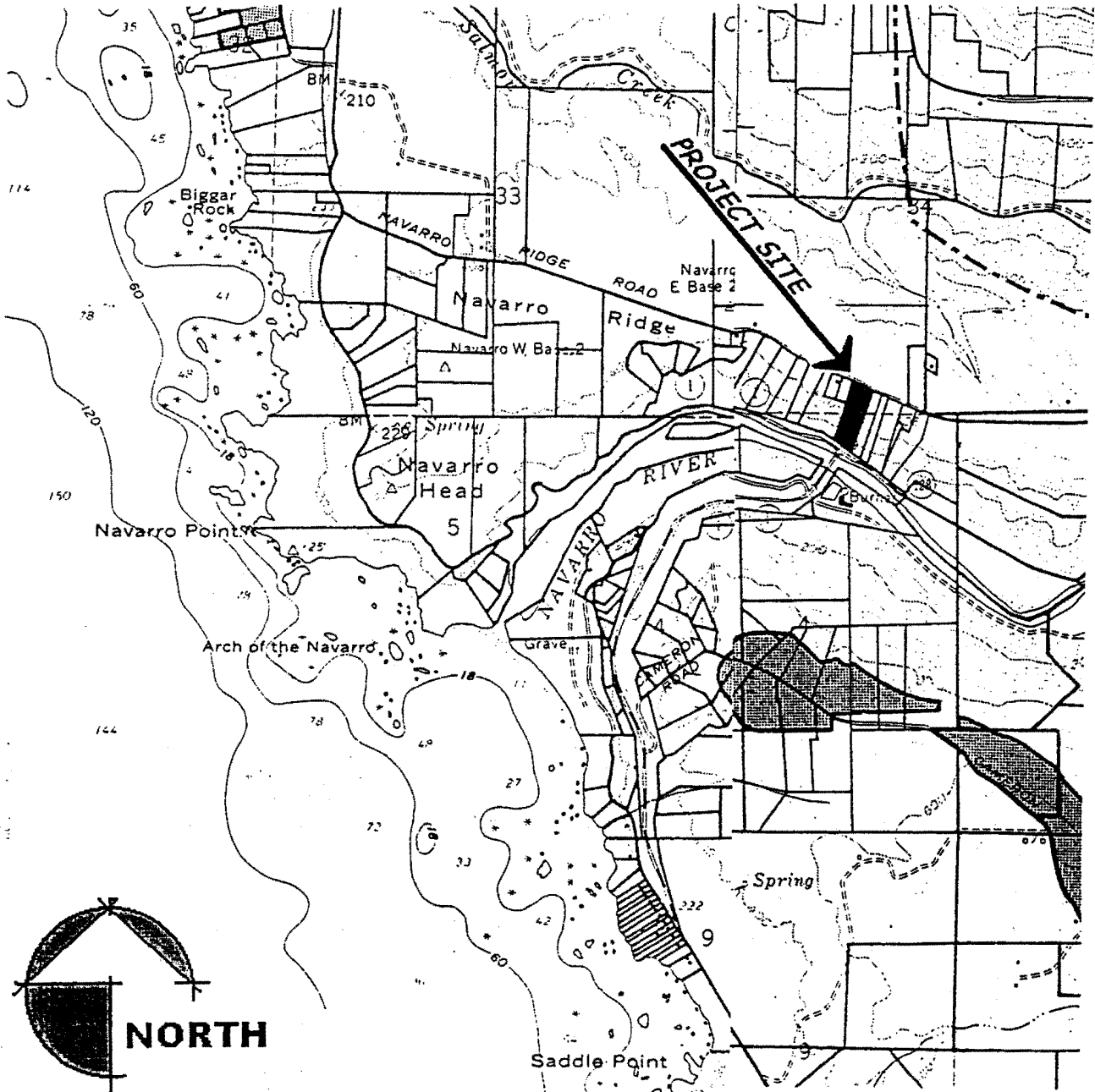


EXHIBIT A

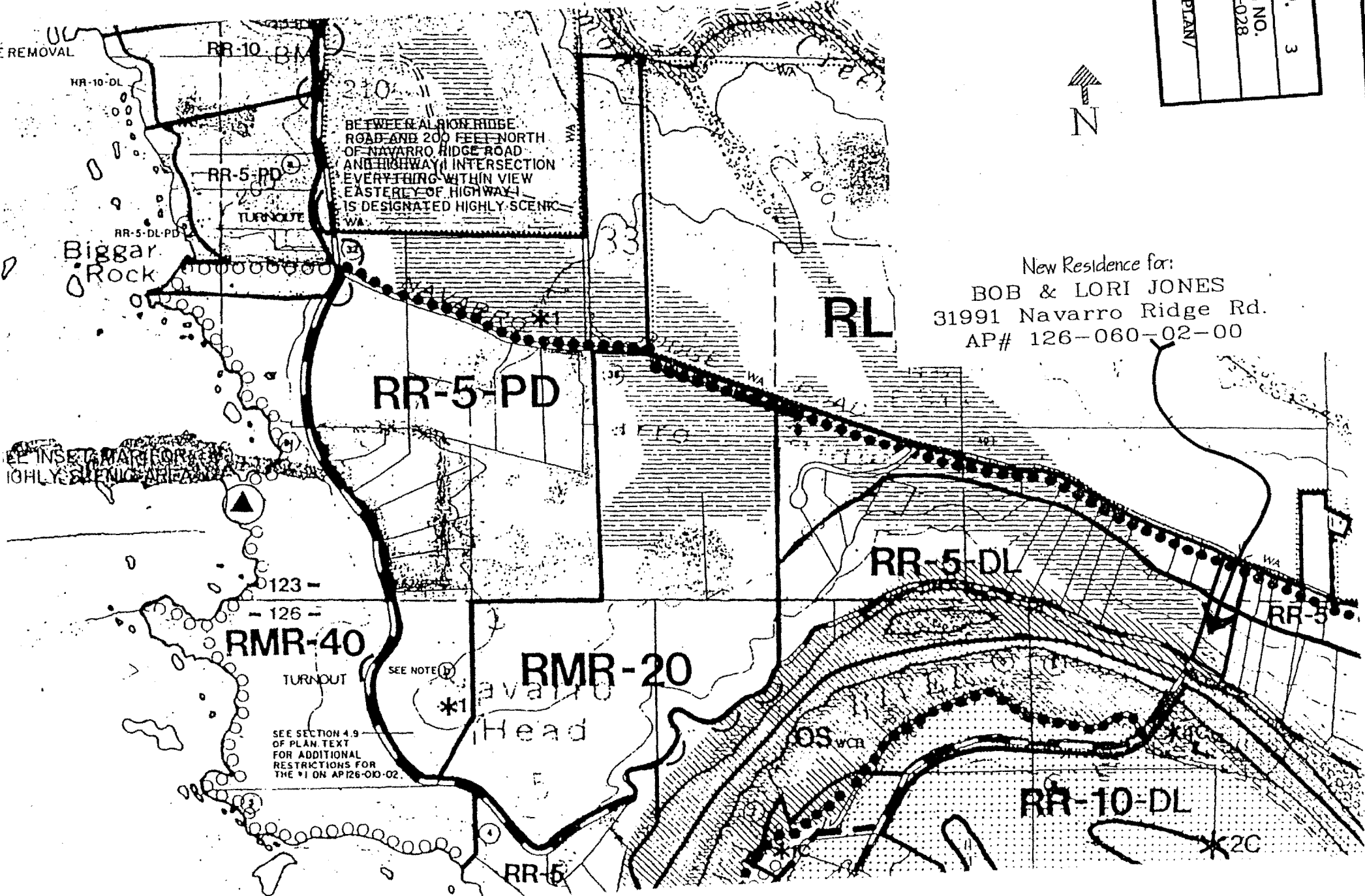
| | |
|-----------------|----------------|
| EXHIBIT NO. | 2 |
| APPLICATION NO. | A-1-MEN-00-028 |
| VICINITY MAP | |

| | |
|--------------------------|----------------|
| EXHIBIT NO. | 3 |
| APPLICATION NO. | A-1-MEN-00-028 |
| LAND USE PLAN/ ZONING | |



BETWEEN ALVARADO
ROAD AND 200 FEET NORTH
OF NAVARRO RIDGE ROAD
AND HIGHWAY INTERSECTION
EVERYTHING WITHIN VIEW
EASTERLY OF HIGHWAY
IS DESIGNATED HIGHLY SCENIC
AREA

New Residence for:
BOB & LORI JONES
31991 Navarro Ridge Rd.
AP# 126-060-02-00



SEE SECTION 4.9
OF PLAN TEXT
FOR ADDITIONAL
RESTRICTIONS FOR
THE *1 ON AP126-010-02.

REMOVAL

RR-10-DL

RR-10

RR-5-PD

TURNOUT

RR-5-DL-PD

Biggar
Rock

RR-5-PD

RL

RR-5-DL

RMR-40

TURNOUT

SEE NOTE *1

RMR-20

Navarro
Head

RR-5

RR-10-DL

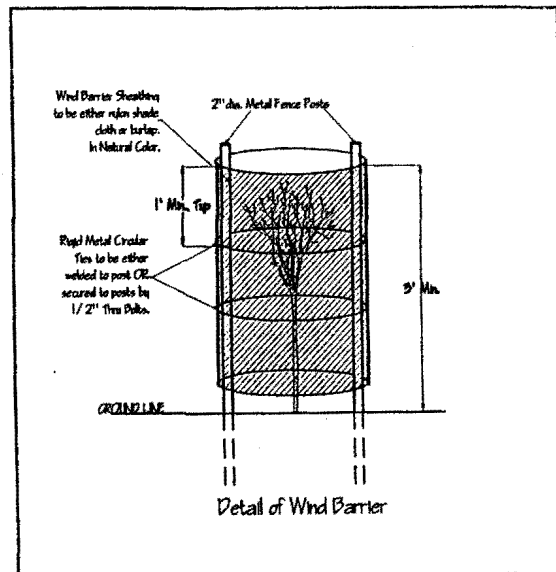
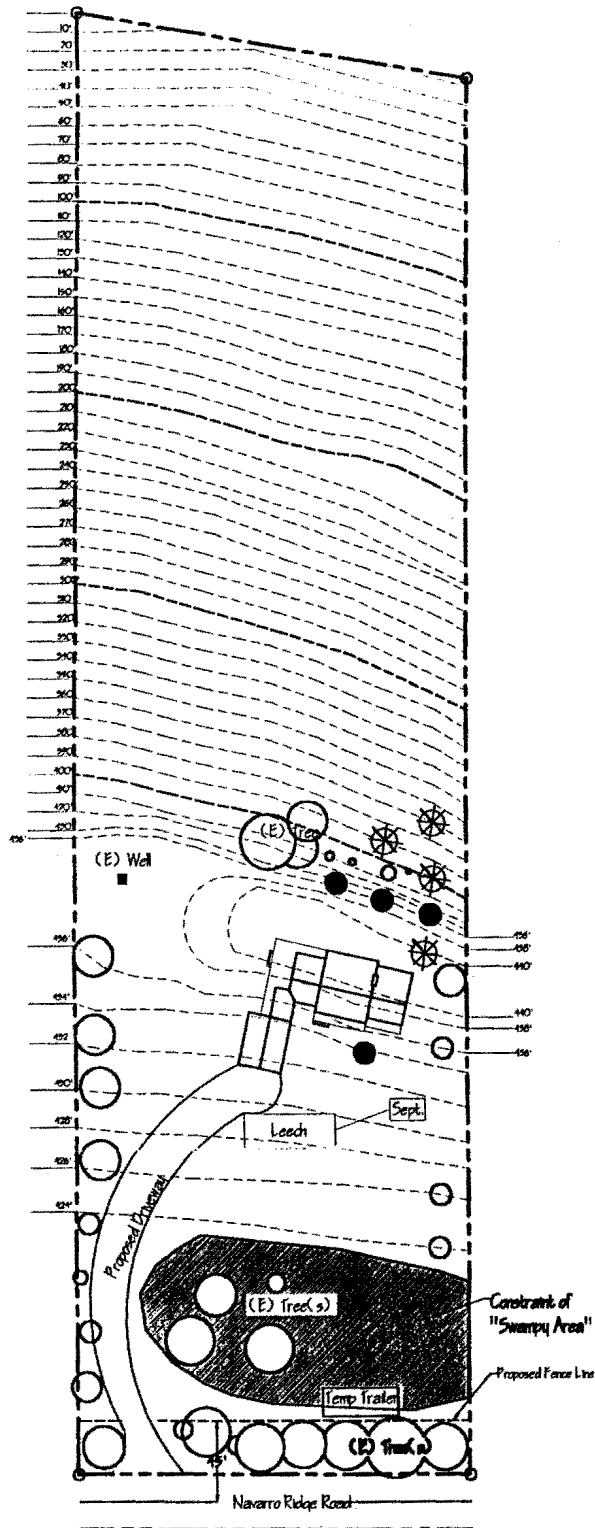
RR-5

X2C

Landscape Plan for Bob & Lori Jones
 31991 Navarro Ridge Road, Albion CA
 CDP# 62-99

LANDSCAPE NOTES:

1. These notes apply only to new vegetation planted to screen development from Highway One.
2. Owners will supplement existing vegetation already visible from Highway One with the addition of no less than four Grand Fir trees and no less than four Shore Pines, to be placed as shown on adjoining site map.
3. Container sizes for the above trees will be no less than 5 gallon. After being planted using normal methods, the trees will be protected by a 3' high wind barrier (see detail below) for two years. The wind barrier will be made of nylon or burlap and the color will match surrounding vegetation as closely as possible.
4. Owners will maintain new trees by watering and fertilizing as needed.
5. In the event that a new planting does not survive owners will replace the tree in a timely manner, using the same species and container size planted originally.



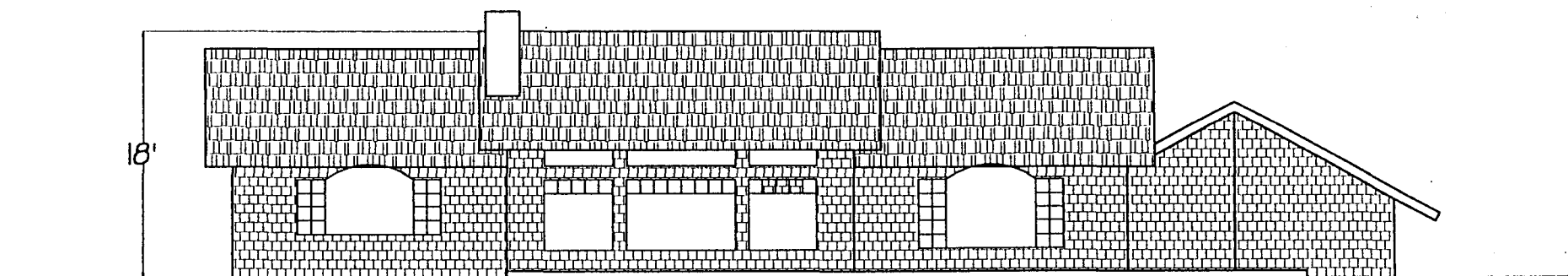
Tree Legend

- Property's Existing Trees
- New Trees (Grand Fir)
- ⊗ New Trees (Shore Pine)

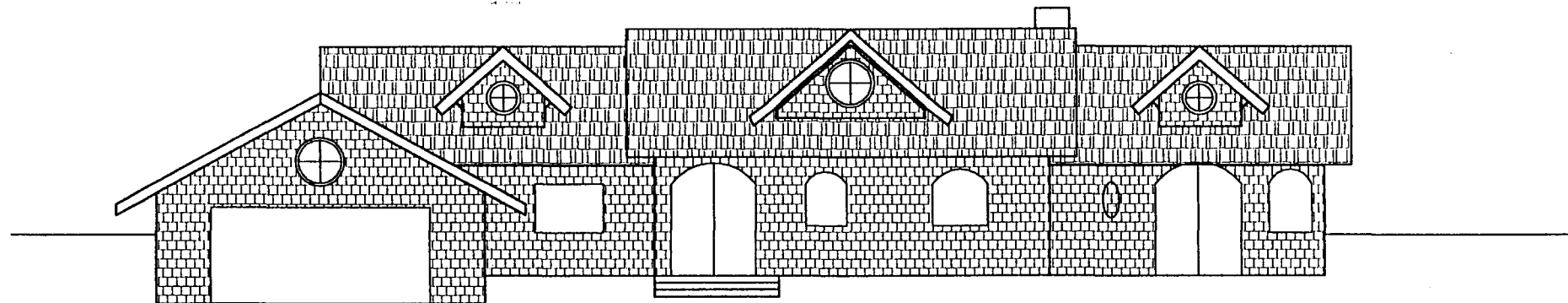


| | |
|----------------------------|----------------|
| EXHIBIT NO. | 4 |
| APPLICATION NO. | A-1-MEN-00-028 |
| SITE AND LAND-SCAPING PLAN | |

| | |
|-----------------|----------------|
| EXHIBIT NO. | 5 |
| APPLICATION NO. | A-1-MEN-00-028 |
| ELEVATIONS | |

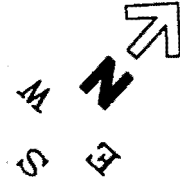
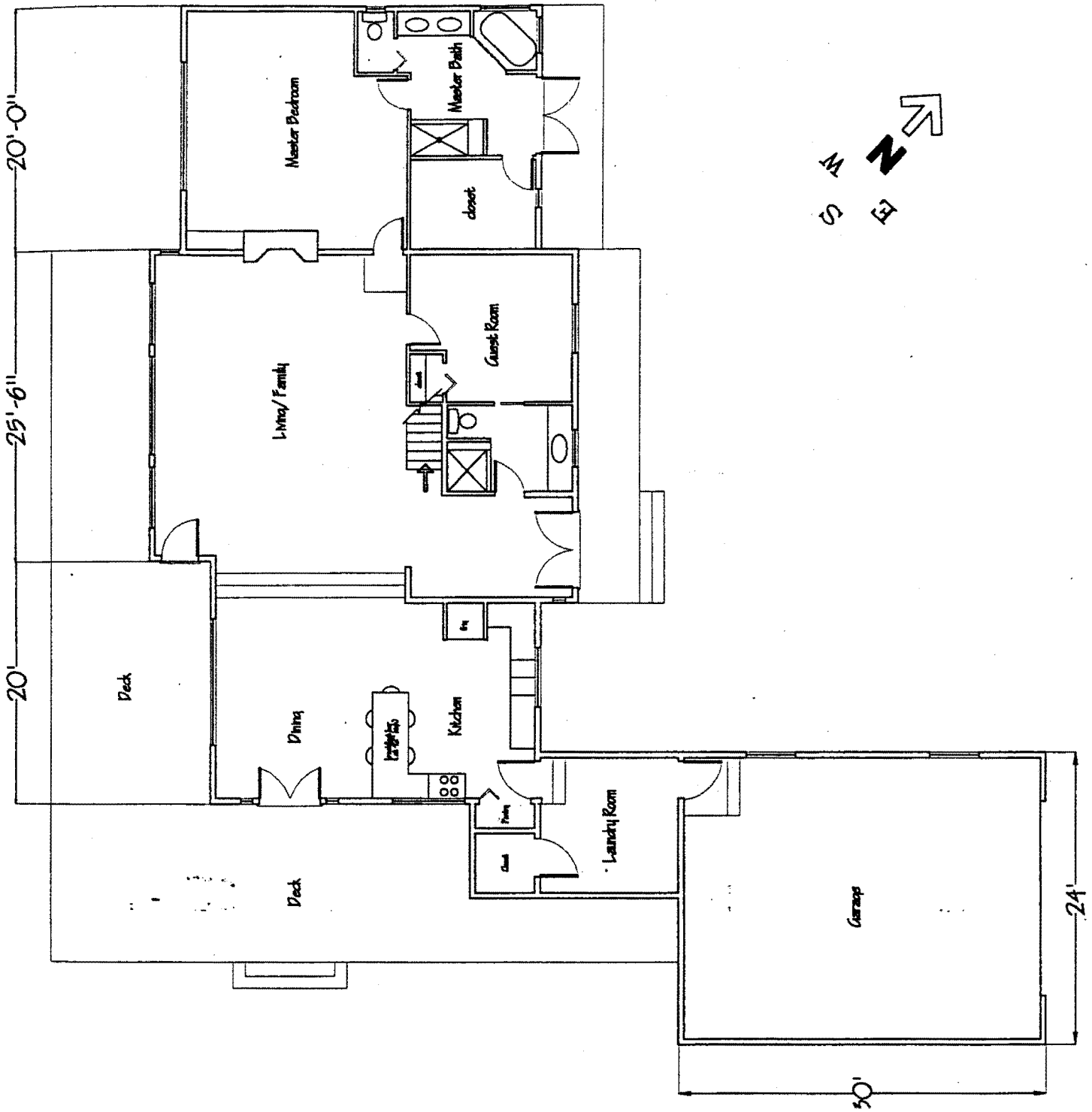


SW Elevation (visible from Highway 1)



NE Elevation (visible from Navarro Ridge Road)

SCALE 1" = 12'



| | |
|-----------------|----------------|
| EXHIBIT NO. | 6 |
| APPLICATION NO. | A-1-MEN-00-028 |
| | |
| FLOOR PLAN | |



RAYMOND HALL
DIRECTOR

TELEPHONE
(707) 964-5379

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

MAILING ADDRESS:
790 SO. FRANKLIN
FORT BRAGG, CA 95437

May 18, 2000

RECEIVED
MAY 23 2000

NOTICE OF FINAL ACTION

CALIFORNIA
COASTAL COMMISSION

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

CASE#: CDP #62-99
OWNER: Bob & Lori Jones
AGENT: Luz Harvey
REQUEST: Construction of a 2,524 square foot single family residence with an attached 612 square foot garage, building height to be 18 feet; installation of leach field and septic system; connection to existing well and on-site utilities; temporary occupancy of a travel trailer while constructing the residence.
LOCATION: S side of Navarro Ridge Road (CR #518), approximately 1.25 miles SE of its intersection with Highway One at 31991 Navarro Ridge Road (APN 126-060-02).
PROJECT COORDINATOR: Doug Zanini

HEARING DATE: May 5, 2000

APPROVING AUTHORITY: Coastal Permit Administrator

ACTION: Approved with Conditions.

See staff report for the findings and conditions in support of this decision.

The project was not appealed at the local level.

The 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.

| | |
|------------------------|----------------|
| EXHIBIT NO. | 7 |
| APPLICATION NO. | A-1-MEN-00-028 |
| NOTICE OF FINAL ACTION | (1 of 16) |

1 9 1 6

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP #62-99

HEARING DATE: May 5, 2000

OWNER: Jones

ENVIRONMENTAL CONSIDERATIONS:

Categorically Exempt

Negative Declaration

EIR

FINDINGS:

Per staff report

Modifications and/or additions:

See findings on attached memorandum dated May 5, 2000.

ACTION:

Approved

Denied

Continued

file copy

CONDITIONS:

Per staff report and

Modifications and/or additions:

Special Condition #2 in the staff report is replaced with Special Condition #2 as shown on the attached memorandum dated May 5, 2000.

RJ for Ray Hill

Signed: Coastal Permit Administrator

MENDOCINO COUNTY MEMORANDUM

TO: DOUG ZANINI - SUPERVISING PLANNER
FROM: RAYMOND HALL - DIRECTOR *R. Hall*
SUBJECT: COASTAL DEVELOPMENT PERMIT #CDP 42-99 - JONES
DATE: MAY 5, 2000

On this date (May 5, 2000) I heard and approved Coastal Development Permit #CDP 42-99 as revised (April 13, 2000). Specifically, I:

- (a) found proper notice has been given,
 - (b) found the project Categorically Exempt from CEQA, and
 - (c) approved the project with the findings attached and with conditions contained in the March 23, 2000 Staff Report except that Special Condition Number 2 was replaced with the following:
2. Prior to issuance of the coastal permit, the applicant shall submit a landscape plan to the Coastal Permit Administrator for review and approval. The landscape plan shall include at least four grand fir trees in the approximate location shown on the revised site plan dated April 13, 2000. The landscape plan shall also include a faster growing species, such as shore pine, to provide some level of "shielding" to break up the outline of the structure while the slower growing grand fir trees are maturing. All required landscaping shall be installed prior to final building inspection. All required landscaping shall be irrigated, staked, maintained and replaced, as necessary, to ensure that a vegetation screen is established and maintained in perpetuity. Any future tree removal on the site shall require prior authorization from the Planning Division or, if it constitutes major vegetation removal, shall require a coastal development permit.

FINDINGS OF APPROVAL FOR CDP# 62-99:

Per memo from Supervising Planner Doug Zanini summarizing Policies 3.5-1 and 3.5-3. *Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas shall be subordinate to the character of its setting. ...New development should be subordinate to natural setting and minimize reflective surfaces.* [LCP Policies 3.5-1,3 and Zoning Code Section 20.504.010 and 20.504.015(C)(3)]

The previously considered project was a two story structure which required grading to remove the top of the ridge and included many windows facing Highway One and public lands to the southeast. The revised design lowers the height to 18 feet, limits the structure to one story, relocates the ridge of roof 20 feet back off the ridge, reduces the amount of windows facing the southwest and retains the top of the ridge. Therefore, the revised project would be consistent with this policy.

Policy 3.5-4 states in part, *Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.*

As shown in Exhibits A, B and C and verified during a site view on March 23, 2000 there are existing trees immediately to the west, to the northeast and also on the subject site. The top of the one story dwelling will be below the top of the tree line to the northeast (Exhibit A). When considering the height of the structure with existing vegetation and required landscaping (Special Condition Number 2) the proposed development meets the standard contained in the LCP by being sited "...in or near the edge of a wooded area."

Policy 3.5-4 further states: *Minimize visual impact of development on hillsides by (1) requiring grading or construction to follow the natural contours; (2) resiting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms; (3) designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites; (4) Concentrate development near existing major vegetation, natural landforms or artificial berms...*

The previous design included a 10 foot cut to the ridge top. The revised design follows the natural contours with only minor grading and would not destroy the appearance of natural landforms. The structure is located near existing trees which would help to visually subordinate the structure. Therefore the revised design would be consistent with this policy.

Policy 3.5-4 further states: *Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline; (2) if no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation. (3) prohibiting removal of tree masses which destroy the ridgeline silhouette. Nothing in this policy shall preclude the development of a legally existing parcel.* [LCP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8)]

The emphasis of Policy 3.5-4 when read in its entirety is to MINIMIZE the visual impact of development. In this particular instance the structure is one story in height, is located near existing trees, will be required to have additional trees planted (Special Condition Number 2) and as stated in the March 23, 2000 Staff Report "The materials selected by the applicant are dark in color and will help the building blend into the surroundings." (See also Special Conditions Number 4 and 5). It should be noted that the most prominent structures along Navarro Ridge are those that are two story in height, "hang out" over the ridgetop, have no or very limited trees or vegetation close by and/or are painted a bright color. These factors/traits are not represented in the Jones project.

Further, it should be emphasized that Planning and Building Services staff (memo dated April 10 and April 17) and the Coastal Permit Administrator (May 5 hearing) have concluded that the project as revised and conditioned is, "...visually compatible with the character of surrounding areas...", "...subordinate to the character of its setting..." and "...concentrates development near existing major vegetation."

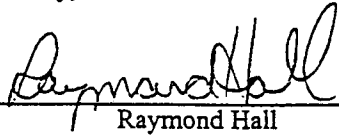
To require relocation to the north would bring the structure closer to agricultural lands under Williamson Act contract. Policy 3.2-9 of the LCP states: "*In order to minimize agricultural-residential conflicts...site plans in a residential area shall not result in a residential structure being closer than 200 feet from a parcel designated for agricultural use unless there is no other feasible building site on the parcel.*"

The proposed structure is located approximately 165 feet from the rangeland and Williamson Act land to the north. Requiring that the structure be re-located to the north would be inconsistent with Policy 3.2-9.

Finally the County Division of Environmental Health has noted this site is highly constrained and that moving the house further to the north would move the septic replacement field into an area of a high water table. By letter dated March 17 the adjacent property owners to the west state that, "some winters, during heavy constant rain, water has been found flowing from 31991 property westward, through our parcel. Buildings in this low area could be damaged by water."

1. On balance given the house location, design and vegetation the project, as conditioned, is in conformity with the certified LCP 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 applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resources; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
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.

Approved and adopted this 5th day of May, 2000



Raymond Hall
Coastal Permit Administrator

RH:sb

Attachments

cc: Bob and Lori Jones
Hillary Adams

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP #62-99

HEARING DATE: 3/23/00

OWNER: Jones

ENVIRONMENTAL CONSIDERATIONS:

Categorically Exempt

Negative Declaration

EIR

FINDINGS:

Per staff report

Modifications and/or additions

ACTION:

Approved

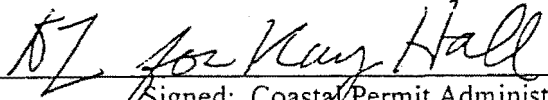
Denied

Continued to Friday, March 31, 2000 in the Planning and Building Services Conference Room, Ukiah

CONDITIONS:

Per staff report

Modifications and/or additions


Signed: Coastal Permit Administrator

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 62-99
March 23, 2000
CPA-1

OWNER: Bob and Lori Jones
P.O. Box 547
Albion, CA 95410

AGENT: Luz Harvey
P.O. Box 1384
Mendocino, CA 95460

REQUEST: Construction of a 2,177 square foot single family residence with a maximum building height of 26 feet. Construction of a 612 square foot detached garage with a maximum building height of 22 feet. Installation of a leachfield and septic system, connection to existing well and on-site utilities. Temporary occupancy of a trailer during construction.

LOCATION: On the south side of Navarro Ridge Road (CR#518), approximately 1.25 miles southeast of its intersection with Highway One at 31991 Navarro Ridge Road (APN 126-060-02).

APPEALABLE AREA: Yes, Highly Scenic Area

PERMIT TYPE: Standard

TOTAL ACREAGE: 3.9 Acres

ZONING: RR:L-5/RR:L-5 DL/FP

GENERAL PLAN: Rural Residential - 5 Acre Minimum

EXISTING USES: Residential (non-permitted)

SUPERVISORIAL DISTRICT: 5

GOV'T CODE 65950 DATE: August 9, 2000

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 3

OTHER RELATED APPLICATIONS: CDP 26-96 Well/Electric

PROJECT DESCRIPTION: The applicant proposes to construct a 2,177 square foot single family residence with a maximum building height of 26 feet and a 612 square foot detached garage with a maximum building height of 22 feet. The project includes installation of a leach field and septic system, connection to existing well and on-site utilities. The applicant has requested temporary occupancy of a

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 62-99
March 23, 2000
CPA-2

trailer that currently exists on the property during construction of the main dwelling. Special Condition #1 of CDP 26-96, which was granted for a production well for fire protection and irrigation purposes, states that: "the travel trailer shall be maintained in dead storage and shall not be connected to any utility, including water, gas or electricity without obtaining appropriate permits for such use." Upon viewing the site, it was apparent that the trailer is utilized for residential purposes, constituting a violation. This application is the remedy to allow temporary use of the trailer while constructing the main residence. If the CPA denies this application, the trailer will have to be removed from the site or be put into dead storage.

The project, as originally proposed, sited the residence on top of the ridge. On September 15, 1999 staff sent a letter to the applicant informing the applicant of several policies which conflict with the project as proposed. As a result, the proposed residence was relocated approximately 35 feet to the northeast of the original building site.

The project site is 3.9 acres. The top of Navarro Ridge lies approximately 125 feet south of the centerline of Navarro Ridge Road. South of the ridge, the site slopes sharply down to Highway One and the Navarro River. North of the ridge, the site contains moderate slopes down to Navarro Ridge Road. There are approximately eight evergreen trees in various stages of development located south and west of the proposed residence to be retained for screening the development. The applicant is proposing to plant two new grand fir trees to the northeast of the proposed residence to help break up the silhouette of the building against the horizon, and one grand fir tree to the southwest to help conceal the structure from the Navarro Beach area and Highway One.

The project proposes to remove approximately 10 feet off the top of Navarro Ridge to bring the perceived height of the building above the natural ridge to 18 feet. The proposed finishes of the residence and garage are:

- Siding: Redwood Shingles
- Trim: Dark Wood
- Windows : Wood (as above)
- Roof: Composite Shingles
- Chimney: Stone
- Exterior Lights: to be shaded, downcast and located beside all exterior doors.
- Security lights: where needed.

LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION: The proposed project is inconsistent with the applicable goals and policies of the Local Coastal Program as described below. If it is determined by the Coastal Permit Administrator that the project can be found to be consistent with the Local Coastal Program, staff has included an analysis and prepared conditions which would minimize the impact of the project in the proposed location.

Land Use. Section 20.460.025 of the Coastal Zoning Code allows for the temporary occupancy of buildings during the course of construction with the issuance of a CDP. This section also states that all temporary uses shall be terminated not later than twenty-four (24) months after issuance of building permits unless a written request for extension of time has been submitted to and approved by the Planning Director prior to the expiration of said 24 months. Special Condition # 1 requires that the

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

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temporary use of the trailer as a residence beyond 24 months be renewed by written request and renewal fee submitted to the Planning Director prior to the second anniversary of the issuance date of the building permit for the primary residence.

Public Access. There is an existing shoreline access indicated on the County Land Use Map located adjacent to Navarro Ridge Road. The implementation of this project would not impede the use of the access trail.

Hazards. The fire hazard classification for the project site is "Moderate". The project is subject to the requirements of the California Department of Forestry and Fire Protection (CDF). CDF's standards for driveways, setbacks and defensible space will apply to the project.

There are no faults, landslides or other geologic hazards mapped on the project site. The structure is set back from the steeper slopes to the southwest. Structural and slope stability issues will be addressed during the Building Division's plan check for the building permit.

Visual Resources. The project as proposed appears to be in conflict with several LCP visual resource policies. The residence will be visible from southbound traffic on Highway One north of the Navarro River Bridge, from northbound traffic south of the bridge and from the beach at the Navarro River Redwoods State Park. Story poles erected by the applicant indicate the full height of the southwestern elevation of the residence would be visible from these areas. A portion of the southwestern elevation of the residence would be screened by clusters of existing evergreen trees in the foreground.

Policy: *Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas shall be subordinate to the character of its setting. ...New development should be subordinate to natural setting and minimize reflective surfaces. [LCP Policies 3.5-1,3 and Zoning Code Section 20.504.010 and 20.504.015(C)(3)]*

Policy: *"Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.*

Minimize visual impact of development on hillsides by (1) requiring grading or construction to follow the natural contours; (2) resiting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms; (3) designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites; (4) Concentrate development near existing major vegetation, natural landforms or artificial berms...

Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline; (2) if no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural

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orientation, landscaping, and shall be limited to a single story above the natural elevation. (3) prohibiting removal of tree masses which destroy the ridgeline silhouette. Nothing in this policy shall preclude the development of a legally existing parcel." [LCP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8)]

The Navarro Ridge area contains structures which are very prominent along the ridge. Many of the existing structures on the ridge predate the LCP policies. The prominence of the existing structures results from siting on top of the ridge, bright colors and lack of landscape screening in front of the structures and trees behind the structures to breakup the building silhouette. The most recent structure is also the most prominent structure.

CDP4-93 (Tadlock), located three parcels to the west, was approved in 1993 to establish a single family residence. The difference between CDP4-93 and this project is that 100% of the CDP4-93 project site is visible from the public view areas to the south and west; therefore, there were no alternatives to place the structure out of view. The CDP4-93 project does not have background trees to break up the silhouette of the structure nor was the required landscaping established. For this project, there appears to be ample room to construct a residence and accessory structure(s) which would not be visible from Highway One or Navarro Beach. The project therefore appears to be inconsistent with the above policy.

The proposed buildings could be moved to a northeasterly location which is entirely outside of the Highway One and Navarro River/Beach viewshed without raising new environmental concerns. Staff recommends Special Condition #2 which requires that a revised site plan be prepared which relocates the development outside of the viewshed area of Highway One and Navarro Beach.

The subject project has incorporated several design features to reduce the visual impact from the public view areas. The materials selected by the applicant are dark in color and will help the building blend into the surroundings. The site has a natural backdrop of trees which are proposed to be supplemented with an additional tree. The existing trees located immediately to the south and west of the proposed residence would provide screening of the structures from viewpoints to the south and west and shall be retained. Two additional trees are proposed to supplement the existing screen trees. Special Condition # 3 has been incorporated to ensure protection of the existing screen trees. As viewed from the beach area, the proposed structure be located among a cluster of existing homes. Therefore it is not anticipated that this project in the proposed location would be the most prominent along the ridge.

There are a substantial amount of windows on the southwest side of the proposed residence. Windows are typically highly reflective and create glare. Reflectivity and color brightness are two items that could cause the building to contrast with its surroundings. As such, Special Condition #4 has been applied to require non-reflective glass be used in the windows.

The proposed residence is two stories. Before the project was submitted to the Planning Division, the applicant was advised that a two story building would be acceptable if it was designed in such a way as to appear to be one story. If the ridge top remains, the visible height of the building would be 18 feet (or one story) as viewed from the southwest. The grading of the ridge counteracts the reasoning of locating the residence 35 feet to the north of the ridge. With the grading, the entire two stories would be visible and the structure would appear to be two stories from public view areas with the project as proposed.

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The color of the buildings is specified to ^{be} ~~the~~ dark. Samples of the trim color and the roof color have not been submitted as of the writing of this report. Special condition #5 requires that color samples of the roofing shingles and the trim be submitted and approved by the Coastal Permit Administrator prior to issuance of the Coastal Development Permit. Special Condition #6 requires an amendment to this coastal permit prior to erection of any additional structures or placement of exterior lighting on any portion of the site within view of Highway One or the Navarro River Redwoods State Park.

Natural Resources. The proposed project is not located near any designated environmentally sensitive habitat areas. The applicant has indicated that there is a swampy area on the northern portion of the property. Staff conducted site views on two occasions and saw no evidence of wetland habitat; therefore, no wetland survey was required. There are no known occurrences of rare and endangered species on the subject property. The project would have no adverse effects on natural resources. The property to the north is zoned for Rangeland (RL) and is under a Williamson Act contract.

Section 20.508.020 (A-1) of the Coastal Zoning Code states development adjacent to agriculturally designated parcels is subject to the following:

"No new dwellings in a residential area shall be located closer than two hundred (200) feet from an agriculturally designated parcel unless there is no other feasible building site on the parcel."

The proposed building site is located approximately 165 feet from the rangeland property to the north. Because of the steep topography on the southern portion of the site, a 200 foot setback from the rangeland property can not be attained. There are two conflicting policies associated with this site. The visual policies require that the residence be located out of the viewshed and off of the ridge. The agricultural policies require that the dwelling be located 200 feet or as far as possible from the agriculturally zoned property.

Section 20.304.030 (B) of the Coastal Zoning Code states:

(B) Where regulations within this Division and between Divisions of Title 20 overlap, the policy which, on balance, is most protective of coastal resources shall take precedence.

Moving the residence away from the ridge would substantially improve the visual impact to the public view areas and would not adversely affect the agricultural property across Navarro Ridge Road to the north. Therefore, adherence to the visual resource policies would be the most protective of coastal resources and the 200 foot minimum setback would not be required.

Archaeological/Cultural Resources. This project was distributed to the Northwest Information Center at Sonoma State University (SSU). SSU commented that there is a low possibility of historical resources and further study of historical (or archaeological) resources was not recommended. Standard Condition #8 advises the applicant of the County's "discovery clause" which establishes the procedures to follow in the event that archaeological or cultural resources are uncovered during site preparation and construction activities.

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Groundwater Resources. The site is located within an area mapped as critical water resources (CWR) by the Coastal Groundwater Study. Domestic water supply would be provided by an existing well on the site.

Transportation/Circulation. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site.

Zoning Requirements. The project does not comply with the zoning requirements for the rural residential District set forth in Section 20.376, et. seq., and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code. (See Land Use analysis above).

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

FINDING FOR DENIAL:

1. The proposed development is not in conformity with the certified Local Coastal Program.

If through the public hearing process, the Coastal Permit Administrator determines that the project as conditioned or modified is consistent with the LCP visual resource policies, staff would recommend the following findings and conditions.

FINDINGS FOR APPROVAL:

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 applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

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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.

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.

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CDP# 62-99
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- d. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. An administrative permit is hereby granted for temporary occupancy of the travel trailer while constructing the single family residence, subject to the following conditions of approval:
 - (a) The term of this administrative permit is valid for the period required to complete construction of the primary dwelling, but shall not exceed two years unless renewed.
 - (b) The administrative permit shall be effective on the effective date of CDP #62-99 and shall expire two years henceforth.
 - (c) A valid building permit for a permanent dwelling on the premises must be in effect.
 - (d) Building and Health permits must be obtained prior to the set up and occupancy of the travel trailer.
 - (e) All utility connections to the travel trailer shall be disconnected and the trailer shall be removed from the property or placed in storage per Section 20.456.015(J) of the Code prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.
2. Prior to issuance of the Coastal Development Permit, a revised site plan shall be provided for the review and approval of the Coastal Permit Administrator which relocates all development to below the ridgeline out of view from Highway One and Navarro Beach. No structure or portion thereof shall be visible from Highway One and Navarro Beach.

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 62-99
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3. Prior to any site development activities, temporary fencing shall be constructed around all trees that are identified for retention. Construction activities (vegetation removal, excavation, materials or equipment storage) shall not be permitted within the dripline of these trees.
4. All exterior building materials and finishes shall match those specified in the coastal development permit application. Windows shall be made of non-reflective glass.
5. Prior to issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Coastal Permit Administrator color samples for the trim and the roof. Colors shall be dark and non-reflective.
6. An amendment to this coastal permit shall be obtained prior to erection of any additional structures or placement of exterior lighting on any portion of the site within view of Highway One or the Navarro River Redwoods State Park.

Staff Report Prepared By:

3/10/00
Date

Doug Zanini
Doug Zanini
Supervising Planner

Attachments: Exhibit A- Location Map
Exhibit B- Site Plan
Exhibit C- Floor Plans
Exhibit D- Elevations
Exhibit E -Visual Resource Impact Simulation.

Appeal Period: 10 days
Appeal Fee: \$555

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:
710 E STREET - SUITE 200 P. O. BOX 4908
EUREKA, CA 95501-1005 EUREKA, CA 95502-4908
VOICE (707) 445-7833
FACSIMILE (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, mailing address and telephone number of appellant(s):

- 1. Navarro Watershed Protection Assoc., P.O. Box 1936, Mendocino, CA 95460
- 2. Dr. Hillary Adams, 1391 Cameron Rd. Elk, CA 95432 (H. Adams Chair)
- 3. Roanne Withers, Sierra Club, Mendocino/Lake Group
P.O. Box 2330, Ft. Bragg CA (707) 877-3527 (Adams)
Zip 95437 Area Code 707 Phone No. 961-1953 (Sierra Club)

SECTION II. Decision Being Appealed

- 1. Name of local/port government: Mendocino County Coastal Permit Administrator
Ray Hall
- 2. Brief description of development being appealed: 2, 524 sq ft single family home with attached 612 sq ft garage, 18' height, installation of leach field and septic, connection to existing well; temporary occupancy of travel trailer
- 3. Development's location (street address, assessor's parcel no., cross street, etc.): S. Side of Navarro Ridge (LA # 518); 1.35 miles SE of Ukiah on Highway One, 3891 Navarro Ridge Rd APN 126-065-12
- 4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: X
 - c. Denial: _____

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-00-028

DATE FILED: 6/6/00

DISTRICT: North Coast

H5: 4/88

RECEIVED
JUN 06 2000

CALIFORNIA
COASTAL COMMISSION

| | |
|-----------------|----------------|
| EXHIBIT NO. | 8 |
| APPLICATION NO. | A-1-MEN-00-028 |
| | |
| APPEAL | (1 of 8) |

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

- a. Planning Director/Zoning Administrator
- c. Planning Commission
- b. City Council/Board of Supervisors
- d. Other _____

6. Date of local government's decision: April 27, 2000

7. Local government's file number (if any): CDP #62-99

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:

| | | |
|---------------------------|---|----------------------------|
| <u>Bob and Lori Jones</u> | / | <u>Luz Harvey, Agent</u> |
| <u>P.O. Box 547</u> | / | <u>P.O. Box 1384</u> |
| <u>Albion, CA 95410</u> | / | <u>Mendocino, CA 95460</u> |

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) Hillary Adams { 1st hearing; also went 4/13 / letters
1391 Cameron Road { to EKiah to testify 2nd hearing
Elk, CA 95432 { but was continued to 4/27 w/o notice.
 could not attend 4/27 - sent letter - NWPA
- (2) Peter Reimuller / April 27 meeting
P.O. Box 4
Pt. Arena, CA, 95468
- (3) Navarro Watershed Protection Assn / letters
P.O. Box 1936
Mendocino, CA, 95460
- (4) Supt. Greg Picard / letters
Calif. Dept. Parks & Recreation
P.O. Box 440
Mendocino, CA 95460

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

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.)

House ^{is} sited on the ridgetop, visible from Scenic Highway #1;
and from River Road and estuary beach of Navarro
River Redwoods State Park. Inconsistent with LCP
visual resource policies; 3.5-1-3 and zoning code
section 20.504.010 and 20.504.015(C)(3);
LCP 3.5-4 and zoning Code Section 20.504.015(C)(8);
Landscaping is inadequate to protect views; alternative
site appears to be available. The 200' setback from rangeland
should not take precedence over visual; sec. 20.304.030(B) CZ code.

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.

Roanne Wilkes *Sierra Club*
Wendo Lake group
Hillary Adams, Chair, NWPA
Signature of Appellant(s) or
Authorized Agent

Date May 30, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

NAVARRO WATERSHED PROTECTION ASSOCIATION

P. O. Box 1936 * Mendocino, CA. 95460

Mr. Robert Merrill
Coastal Commission
P. O. Box 9908
Eureka, CA. 95502- 9908

June 29, 2000
RECEIVED
JUN 05 2000

CALIFORNIA
RE: A-1-MEN-00-028 (Jones) COASTAL COMMISSION

Dear Mr. Merrill:

We wish to add to the comments already made by our organization for Mendocino CDP #62-99, approved by Coastal Administrator Ray Hall and appealed by us and the Sierra Club to the Coastal Commission. The Jones house can, and should, be moved further back on the lot, out of the public view. This project will set a precedent for numerous other lots which are in the process of development on Navarro Ridge. In our opinion, the Jones project is inconsistent with LCP Visual Resource Policies 3.5-1, 3, 4 and 5; and Zoning Code Sections 20. 304. 035 (B); 20.504.010; 20.504.015(C)(3); and 20.504.015 (C)(8).

Visual

The long view of Navarro Ridge, on which the Jones property is located, is the first stunning view of the coastal ridges for thousands of tourists who arrive here via Highway 128; and the last one they see as they travel home with their memories of this magnificent coast. Navarro Ridge is highly visible from scenic Highway #1 for several miles on both sides of the Navarro River. This ridge is also visible from the River Road in Navarro River Redwoods State Park, and from the estuary and beach of that park. This portion of the park is visited by thousands of people every year because of its beauty, and its numerous species of bird and marine life. Historic Captain Fletcher's Inn at the Navarro estuary is presently being restored by the California Department of Parks and Recreation. The Parks department also has an annual canoeing program on Navarro River starting from the estuary beach. Private canoes and kayaks also use the river.

State Highway #128 meets scenic Highway #1 at the Navarro River bridge. The Jones property is directly above that juncture in an area designated highly scenic. The house would be visible from the southern approach to Navarro bridge, from the River Road along Navarro estuary, from the Navarro Grade of scenic Highway #1 on the north side of the Navarro River, and from the river itself.

The Jones, after several hearings and a great deal of argument, finally agreed to change their house from a two-story to a one-story structure, and to move the house somewhat further back from the ridgeline. However, the staff report of April 17th found that the revised project would still be inconsistent with LCP Policy 3.5-4

and Zoning Code Section 20.504.015(C) (8). This zoning code section, titled "Highly Scenic Areas," states: "Minimize visual impact of development on ridges by the following criteria: (a) Prohibiting development that projects above the ridgeline." Similarly, LCP Policy 3.5-4 states: "Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline." The Jones house as it is presently permitted would project above the ridgeline. The house would be highly visible to the public. The mitigating landscaping plan is, in our opinion, inadequate. There is enough space on the lot for the house to be moved further back out of the public view. It should be moved back.

The applicant apparently refuses to move the house back from the ridgeline because he wants an expansive view of the Navarro River estuary, the beach and the Pacific Ocean. An historic photograph taken from near the subject site shows a view similar to that which the property could have (see photograph #1). Most of the buildings of the historic town of Navarro-by-the-Sea have disappeared. Only the Mill Manager's house and Captain Fletcher's Inn remain. The Inn has been designated an Official Project of the "Save America's Treasures" program of the National Trust for Historic Preservation. It is being restored by the California Department of Parks and Recreation. The Jones development would be visible from the Inn, from the estuary beach and from the river estuary itself.

Agriculture vs. Visual

Coastal Administrator Ray Hall apparently stated in the hearing of April 27th that he was permitting this application because he had to balance the requirements of agricultural setback with visual concerns. In relation to this question, the staff report dated March 23, p. 5, states that: "Moving the residence away from the ridge would substantially improve the visual impact to the public views and would not adversely affect the agricultural property across Navarro Ridge Road to the north. Therefore adherence to the visual resource policies would be the most protective of coastal resources and the 200' minimum setback would not be required."

It is our understanding that when there is an issue of conflict between agricultural (in this case Rangeland (RL)) and visual, the visual should prevail. Section 20.304.035(B) of the Coastal Zoning Code states: "Where regulations within this Division and between Divisions of Title 20 overlap, the policy which, on balance, is most protective of coastal resources shall take precedence."

High Water Table vs. Visual

The applicant argued during the hearing of April 17th that the high water table on the northern portion of the lot prevented him from moving the house

further back. The high water table should have been taken into consideration when the applicant purchased the lot. The septic situation does not preclude moving the house back from the ridgeline and should not be used as an argument to disregard the visual protections provided by the certified LCP and zoning codes.

Visual Degradation

It is the applicant's contention that his new development would sit among other, older houses, and that therefore the new development would be "compatible" with what is already there. However, these houses were built prior to the adoption of the certified Local Coastal Program. The older development on Navarro Ridge is frequently pointed to as a "terrible example." It was the primary reason that the local citizens' committee of the LCP required specifically that Navarro ridge be protected from further visual degradation by inclusion in the "Highly Scenic" category. In our opinion, the line for highly scenic along Navarro Ridge does not extend back far enough. One very large house recently built outside the highly scenic demarcation and painted white can be clearly seen from the southern part of Navarro Beach in Navarro River Redwoods State Park.

Policy 3.5-1, Visual Resources, of the certified LCP for Mendocino County states: "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas. . .and, where feasible, to restore and enhance visual quality in visually degraded areas. . ." Code Section 20.504.010 states: "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." Navarro Ridge, near the Jones project, is a visually degraded area in terms of ridgeline development and non-subordinate colors (photograph #2).

The "visual compatibility" paragraphs of the LCP and Code sections were meant to assure, in part, that new building designs would be compatible in areas with historic, Victorian buildings. If the Commission were to interpret "visual compatibility" as meaning "the right to continue visual degradation" it would set a dreadful precedent. Such a decision would counter the very intention of the LCP in this area. There are a number of other undeveloped lots along Navarro Ridge. About ten empty lots were identified by Mendocino County planning staff. This number apparently did not include all of the available lots, which extend both eastward and to the western edge of Navarro Ridge (photograph #3/panorama).

The western lots are bare of trees due to early logging practices, and extremely visible (see photographs #1 and 3 panorama). This area was limited to twenty-acre lots to keep the western portion of Navarro Ridge from excessive development and protect the visual corridor. Unfortunately, the western area was allowed to be subdivided into ten-acre lots by the Mendocino County Supervisors several years ago, thus doubling the potential development there. Some of these lots are now in the permit process. To decide that the Jones house is "visually compatible" would set a precedent for all new development along Navarro Ridge. It would guarantee a string of such houses sited on the ridgeline. In other words, the very thing that the LCP was designed to avoid would be certain to happen here.

Landscaping

As the Jones project now stands, the public must depend on landscaping alone to protect the viewshed. This approach has not been successful in Mendocino County. There are numerous examples along the coast of insufficient landscaping plans that have been permitted by the County, of landscaping that has not been planted, of trees that have been removed or trimmed so that only a few thin trunks act as screening, of plantings that have been allowed to die, of slow-growing species placed so far down on the slope that it will take thirty to forty years for them to mature sufficiently to screen the houses. Several examples of these landscaping "tricks" already exist along Navarro Ridge Road. To counteract this problem takes a constantly alert citizens' group devoted to protecting the highly scenic areas. This would not be the case if permitting terms adopted by the Mendocino Coastal Administrators adequately protected the public resource, as intended by the LCP and the zoning codes; and if there were vigorous enforcement of permitting terms.

The landscaping plan approved by Coastal Administrator Ray Hall is, in our opinion, insufficient to ever adequately screen the Jones house from public view. The Jones development is sited near the edge of the precipitous northern ridge and would be clearly visible on the ridgeline (photograph #4, taken from River Road; the lot to the left of the A-frame). Only three Grand Fir trees are intended for the south side of the house, facing scenic Highway #1 and Navarro River Redwoods State Park. Grand Fir are very slow growing. The applicant stated in writing that he was willing to increase the number of these trees, but was not required to do so in the permitting terms. A much larger number of trees is required on this side of the house. Moreover, these slowly growing trees should be augmented by a fast-growing screen of native species.

LCP policy 3.5-3 states: "new development should be subordinate to natural setting" Policy 3.5-5 states: "Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen building

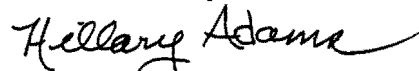
shall be encouraged . . . In the enforcement of this requirement it shall be recognized that trees often enhance views of the ocean area, commonly serve a valuable purpose in screening structures and in the control of erosion and the undesirable growth of underbrush." Similarly, zoning code section 20.504.015 (C) (3) states: "New development shall be subordinate to the natural setting . . ."

On the ridge south of the Navarro river, new development largely occurred after the LCP was certified. On that ridge, none of the houses that exist opposite Navarro Ridge are visible. These houses cannot be seen by travelers on scenic Highway #1 or Highway #128. The houses are sited behind a true screen of forest trees, yet their occupants have excellent views of the river and the ocean. This is an example of how the LCP was meant to work (photograph #5).

The applicant argued that the mature trees behind his house on the north side would mitigate the visual impact on the south side. This is clearly not the case. Mendocino Supervisor Patti Campbell cited the houses on Navarro Ridge as what she never wanted to see happen again when she voted, illogically, to permit the Smiley project. Because the houses on Navarro Ridge stand out so significantly along the ridge and are in the viewshed for such a long time, she thought that none of the houses had trees behind them. She used the argument that the Smiley project would have mature trees behind it, and that these would mitigate the visual impact. Actually, most of the older houses on Navarro Ridge are backed by mature trees (photograph #2). The trees obviously do not mitigate the visual impact. A heavy screen of trees is needed on the scenic corridor sides of all new development along Navarro Ridge.

Please support our certified Local Coastal Program by siting the Jones house further back from the ridgeline and providing an adequate landscaping plan.

Most sincerely,



Hillary Adams, Chairperson

encl: 5 photocopies + panorama
zoning map

(FOR THE COASTAL COMMISSION HEARING ON JULY 14, 2000)

The appellants do not have a valid appeal.

We are amazed that the unsubstantiated claims of uninformed parties can be given credence and potentially overturn the year-long reasoned process through which the local agency arrived at the decision to grant our permit.

We have been diligently compromising, co-operating and working with our local coastal development agency for over a year only, it seems, to have a casual letter set us back.

As to the appellants, we do not think they have a valid right to appeal directly to the coastal commission without first exhausting all lower administrative levels of appeal.

One of the appellants, RoAnne Withers, was not represented at any of the public hearings held by the local coastal commission, and therefore should be excluded as an appellant.

The other appellant, Hillary Adams, attended only the first hearing. She did not attend the second or third hearings where our significantly modified residential plan was ultimately approved by the local agency. Perhaps this is why she continues her invalid statements in opposition to the permit. We hope that the year-long effort of the local planning agency to arrive at an accurate understanding of the planned residence and its effects on the public interest are not to be cast aside.

| | |
|-------------------------------|----------------|
| EXHIBIT NO. | 9 |
| APPLICATION NO. | A-1-MEN-00-028 |
| APPLICANT'S CORRESPONDENCE | (1 of 14) |

The object of all of this concern is a moderate single family residence, **sited in a cluster of similar residences**. It will be the least visible of all of the houses in our subdivision. By working closely with our local coastal agency we have modified our home plan to be subordinate to the local environment. Through landscaping, architectural design, and proposed building materials, we have done our best to minimize the home's impact on the public viewshed.

More than enough of everyone's time has been spent on this project. We have full confidence that your staff will conclude that there is no substantial issue involved here.

September 22, 2000

Mr. Robert Merrill
California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, CA 95501-1865

RECEIVED
SEP 25 2000

CALIFORNIA
COASTAL COMMISSION

RE: CDP Appeal A-1-MEN-00-028 (Jones)

Dear Mr. Merrill:

The purpose of this letter is to clarify our thoughts about why we feel we should be granted a coastal development permit. Please forgive any exasperation we may have shown at your site visits. You can understand that this has been an extremely trying and stressful process for us. Primarily due to the opposition of the appellant, Hillary Adams, we are having an unnecessarily difficult time obtaining our permit. She does not have a just reason to oppose us. Both the local planning department in issuing the permit, and your staff by denying her appeal agree, yet she continues.

We thought we had successfully worked through this. We severely modified our house design: reduced it from 26 feet to 18 feet in height; from two stories down to one; darkened all siding materials and trim; reduced the amount of south facing windows; and perhaps most importantly of all, moved the front of the house some 35 feet back until it was north of the southern crest of the ridge, and the high point of the roof over 50 feet back. (See attached site plan). We came up with a plan that was truly adapted to its natural setting and subordinate to the character of its surroundings. We came up with a plan that the county found to be in compliance with the local certified coastal development plan.

The appellant made a last minute appeal of this decision. We attended the July hearing in Marin County only to be continued because Mendocino County had not forwarded the paperwork to you promptly. Then, your staff report was issued supporting our permit; finding that the appellant did not have a valid appeal and that our project was in conformance with the certified LCP. In August I went to the hearing in Huntington Beach only to find that once again missing pictures and documents were to prevent us from getting our permit. Even though all who examined this issue agree that we rightfully deserve to build as proposed; that our house will have no impact on the public's view; and that we are in character with and subordinate to our surroundings, it now seems that we are starting all over.

Of the twenty or so immediately adjacent parcels of land to the east and west of us in our subdivision, seventeen of them already have homes built on them. Most are closer to the southern edge of the ridge than ours; many two stories, constructed of more visible materials, and with much fewer if any trees around them. We are not breaking up a pristine ridgeline. We are camouflaging a house amidst trees; subordinate to most of the seventeen other houses clustered along the ridge.

3 of 14

I quote from the coastal permit administrator's May 5th hearing...." The project as revised and conditioned is visually compatible with the character of the surrounding areas... subordinate to the character of its setting... and concentrates development near existing vegetation".

I quote from the California Coastal Commission's North Coast District's staff report dated July 31st, 2000. ... "The Commission finds that the project as approved does not raise a substantial issue with regard to the protection of the scenic and visual qualities of ridge tops. The significance of the particular visual resource affected by the decision is not great. The project would not affect public views to and along the ocean as the site is located inland of the coastal highway. Thus the visual impacts are limited to issues of conformance to the character of the area and the appearance of a structure on a ridge top... the proposed project would be built within a row of existing houses along the ridge, including houses on parcels immediately east and west of the subject parcel. Thus, the project would not introduce a structure into a view of a previously undeveloped area nor be the first house in the area to project above the ridgeline. The house would be limited to 18 feet and one story, lower than some of the houses visible in the string along the ridge. The house would be framed by a backdrop of existing trees and would not extend above the tree line. The house would also be limited to dark colors and non-reflective materials in contrast to some of the more prominent homes on the ridge. Furthermore, the required landscaping would screen much of the development from view. Thus, the development as approved would not be out of character of the visual setting and would not appreciably affect the quality of the view. The commission finds that the impact of the proposed development do not rise to regional or statewide significance. Similarly, the project does not set a negative precedent for future interpretations of the LCP because there are already a number of residential projects in the surrounding area that affect visual resources to a greater degree... Therefore, the Commission finds that no substantial issue is raised with regard to conformance of the project as approved with the policies that affect development of the houses on ridges".

Superintendent of State Parks Greg Picard, who sees part of his mandate as to protect the public's interest, wrote on July 7th 2000, "...After visiting the site again it is clear the impacts are far less than I visualized. ...The structure is clearly high enough to be somewhat visible from one remote area of Navarro Beach State Park... However main use areas such as the lower reach of the river at mean tide, the beach camp and day use area, and the area adjacent to the Navarro Inn are not visible at all... It is also very difficult to make any recommendations given the fact that the bluff is covered with very visible houses that have all been given permits in the past. Why should the house you are proposing be treated any different than they were?". (See attachment).

We are not going to further deteriorate the view. The existing houses are part of the character of the ridge. LUP policy 3.5-1 and the coastal zoning code section 20.504-010 does not exclude existing houses from consideration of what comprises the visual character of the area surrounding a project. Some of the houses have been there for over 30 years and one for over 70 years. Many are two stories, brightly painted, with few if any trees to screen them. In the row of twenty or so adjacent parcels in our subdivision along the ridge there are only two, besides ours, that are not developed. These two parcels are such that no matter where you build the house will be much more visible than ours. Since we are certainly in compliance with the Coastal Development Act, we should

not be the only property owners not given the right to build where we can enjoy the same view as all of our neighbors.

Whether or not there is a feasible alternate building site is moot at best. As defined by the Mendocino County General Plan's coastal element, *feasible* means: "capable of being accomplished within a reasonable period of time, taking into account economic, environmental, social, and technological factors". Quite simply stated it is neither safe nor practicable to build further north due to winter flooding conditions. The topography and underlying soil conditions of our parcel are such that during the prolonged winter rainy season on the north coast the rear portion of our lot floods. This is due to run-off from the higher grounds to the south on our own parcel and higher grounds to the east on neighboring parcels, and a layer of non-porous clay just under the surface. Whether or not it is a wetlands or a marsh is not the issue. It is certainly an area where in winter months it would be unsafe to have the foundation of a home; where one would wade around, at times, in ankle deep water.

As our neighbor to the west (a resident since the mid-sixties) states "Some winters during heavy constant rains, water has been found floating from the 31991 property westward through our parcel. Building in this low area could be damaged by water". (See attachment)

Note further the opinion of Carl Rittiman, Professional Soils Scientist "The apparent trend is the soils become less well drained as you move north on the parcel. The area along the northern boundary of the parcel appears to have a very high winter water table with some areas looking as though water might pond on them during heavy rains." (See attachment).

Also, Rittiman concludes the location of the leach field is highly constrained. It cannot be placed near the crest of the ridge, where the building site is, due to the underlying hard non-porous sandstone. Further north on the parcel the high winter water table precludes its use as a leach field. Note that since we moved the house back from its original position while compromising with the county planning department we are near to encroaching on the required 8 foot set back from the leach field. Additionally, Rittiman requires that any structure must be at least 50 feet down slope from the leach field. This requirement would push any structure to the far northern end of the parcel where winter ponding occurs and gravity flow to the septic system would be impossible. (Both Peter Douglas and Robert Merrill have been given copies of Rittiman's soil analysis).

Additionally, Ed Powers, designer and building consultant, who has built several houses on the Mendocino coast, observes that moving the building site to the north entails "...siting the house in an area that is unsuitable construction wise due to the nature of the soils and the high winter water table...moving the construction site to a more northerly point on the parcel where water tends to pond during rainy times would require an extensive foundation which would significantly increase overall building costs, as well as pose the possibility of long term foundation problems." (See attached)

These are the opinions of experts and people who have observed the area over several decades.

In addition, our long term plan that we have been working towards in the 10 years since we purchased this property is to farm the flat north acre of our property to help us economically as we grow older. Four years ago we were granted a coastal development permit for a production well for irrigation purposes (CDP 26-96). I have fenced the

entire property to keep out deer, planted test apple trees, and plan to engage in organic fruit and vegetable gardening and vermiculture to supplement our income. This will require barns, sheds, etc. which we plan to build near the middle and east of our property. This is the only suitable area for farming on our property since it is the only flat area and naturally watered and sheltered from the winds.

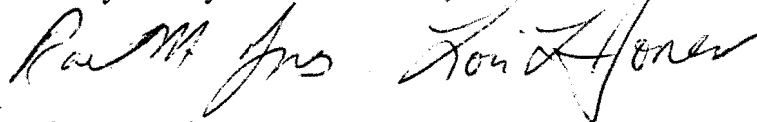
Finally, there is the issue of the protected range land immediately to the north of our property. Why impinge on lands protected by L.U.P. 3.2-9? If we have to build on the northern portion of our property we would be immediately adjacent to this protected land. Due to serious health concerns (I have chronic liver disease and my wife has autoimmune disorder) we would have to vigorously oppose any future agricultural use of this land in case **pesticides or any other chemicals were used that would harm our health.**

To summarize: the hazards and extra costs of building in the periodic wet area; our potential loss of income; the risk losing future use of protected agricultural lands or putting our health in harms way make this area not a feasible alternate building site.

The most important issue for us is that we feel we have the right to build our home as proposed and approved. We have given up a lot of what we dreamed of for over ten years. Gone is our desired two-story house built out where we could have enjoyed an awesome view. We have compromised and accommodated because we are in agreement with the intent of the Certified Coastal Development Plan. Our project is now a moderate single family residence sited in a cluster of similar residences. It will be among the least visible of the 17 or so immediately adjacent homes. By working closely with our local planning department we have substantially modified our home plan to be subordinate to the character of the local environment. We have adapted it to the natural setting: it will be built north of the crest of the ridge; the three roof lines adapt to the natural contours of the ridge; our building materials will be dark and natural. There are trees all around. To the north, to the west, and to the east the trees are already higher than our roofline. To the view sensitive southwest a stand of trees over 100 feet high dwarfs and conceals the eastern portion of our house. Directly in front of the house there are already five fir trees (3 feet to 18 feet in height) that already screen the house especially from sea level and close-in view points. When these trees mature, and with the additional plantings prescribed by the approved landscaping plan the house will be screened from all view points. We have done our best to minimize the home's impact on the public viewshed. The emphasis of Policy 3.5-4 when read in its entirety is to "minimize" the visual impact of development. The LCP and related zoning ordinances repeatedly use the word "minimize" rather than requiring "total elimination" of visual impacts. **This is what the law requires - to minimize, not to eliminate.**

In a society where the law is based on fundamental principles of fairness and justice, it is not right that we should be denied. Policy is often better served in the spirit of the law rather than in the letter.

Thank you for your consideration,



Robert & Lori Jones

EXHIBITS:

1. Picard Letter
2. Brush Letter
3. Rittiman Letter
4. Powers Letter
5. Landscape Plan
6. Old vs. New Site Plan

7414



Russian River/Mendocino District
Mendocino Sector
P.O. Box 440
Mendocino, CA 95460
(707) 937-5804

July 7, 2000

Luz Harvey
P.O. Box 1384
Mendocino, CA 95460

Dear Ms. Harvey,

Thank you for correcting my misinterpretation of which story poles were the Jones' project proposal. After visiting the site again it is clear the impacts are far less than I had visualized.

After reviewing the plans for the Jones' residence to be constructed on Navarro Ridge above Navarro Beach State Park my concerns have largely been mitigated. The structure is clearly high enough to be somewhat visible from one remote area of Navarro Beach State Park along the river as it approaches the Highway One bridge. However, main use areas such as the lower reach of the river at mean tide, the beach camp and day use area, and the area adjacent to the Navarro Inn are not visible at all.

As we discussed and your revised plans indicate, there are plans for trees to eventually screen the structure from view in some manner and to some degree. This certainly will help considerably to conceal what visual elements are still remaining, and I appreciate that attempt on the part of the plan. I would recommend that the largest possible plantings be used to accelerate the process of providing cover. It is also apparent that the orientation of the house will largely present the roof and that it will be shingles that are dark in color. This should also make it much less visible even from those areas of the park where it can be seen.

It is also very difficult to make any recommendations given the fact that the bluff is covered with very visible houses that have all been given permits in the past. Why should the house you are proposing be treated any different than they were? It certainly would be frustrating to be in the Jones' shoes. Nonetheless, maintaining the visual integrity of the natural character of the area makes me concerned that visual impacts that do occur are minimal. I appreciate the efforts that have been made in that regard.

Sincerely,

Greg Picard
Parks Superintendent

8 of 14

March 17, 2000

RECEIVED

MAR 17 2000

PLANNING & BUILDING SERV.
SONOMA, CA

County of Mendocino
Department of Planning & Building Services
Raymond Hall, Coastal Permit Administrator
501 Low Gap Road, Room 1440
Ukiah, California 95482

re: CDP #62-99
Bob & Lori Jones

Dear Sir:

Before reaching a decision on the above mentioned case, please consider the following:

As adjacent property owners, my husband and I have no problem with the building site.

Trees have been planted to mitigate the impact on view from any highway.

The buildings will have exterior wood shingles which also blends into the scenery.

It required to move very far northward, toward Navarro Ridge Road, there is the potential for flood damage. Some winters, during heavy, constant rain, water has been found, flowing from the 31991 property westward, through our parcel. Buildings in this low area could be damaged by the water.

As for view obstruction from Navarro Beach or Highway One, on the south side of the river, nothing is visible from the beach area, only the estuary which is a bog and is not used for any recreation. There are two segments of Highway One which affords a glimpse at markers 39.86 and 40.50 but nothing that compares to other residences on the ridge. Being so far east from the intersection of Highway One and Navarro Ridge Road - 1.4 miles - affords less impact on the view that people are trying to protect.

Though the building site may be directly above the bridge spanning the Navarro River, the crest of the mountain and trees prevent any sighting.

Therefore, we respectfully request that permit to build on the designated site be granted.

Thank you.

Sincerely,

Mr. & Mrs. Joel R. Brush

Mr. & Mrs. Joel R. Brush

9 of 14

CARL RITTIMAN AND ASSOCIATES
CERTIFIED PROFESSIONAL SOIL SCIENTISTS
P.O. BOX 1700
MENDOCINO, CA 95460

Luz Harvey
P.O. Box 1384
Mendocino, CA 95460

Date: 10/13/99

re: 31991 Navarro Ridge Rd., Albion

Luz,

This letter is in response to your inquiry about our soils investigation on the above referenced site. We evaluated the soils at the site to determine the most favorable location for an on-site sewage disposal system. Three soil profiles were examined and described on this parcel. The locations of the observations are noted on the attached site sketch. The apparent trend is that the soils become less well drained as you move north on the parcel. The area along the northern boundary of the parcel appears to have a very high winter water table with some areas looking as though water might pond on them during heavy rain events. This area was excluded from our investigation for a leachfield because of the poor drainage conditions.

The area available for a leachfield is further reduced by the presence of water wells on this and on the neighboring parcels. The leachfield must be separated from the wells by a minimum of 100 feet. On the attached site sketch I have indicated the required well setback distances. As you can see, the area remaining is somewhat limited. We were able to identify two areas of moderately well drained soils which resulted in our proposal for two highline type sewage disposal fields.

It may be possible to move the home location from the area indicated on our maps to another location, but the areas identified as the primary and replacement leachfields must remain as indicated. If the house were to be moved to the northern portion of the parcel I would caution that a detailed drainage plan be developed so that the resulting house is not impacted by the poorly drained soils and possible ponding conditions. All accessory structures such as roadways and parking areas also need to be designed to overcome the poorly drained soils and possible ponding conditions.

Also, any change in house location which results in the building sewer being at a lower elevation than the proposed leachfield areas will necessitate a pumping system to deliver the sewage effluent to the higher elevation leachfield.

I hope that this quick explanation is sufficient for you to see why the leachfield areas and house location were identified as they were on our site evaluation report. If you have further questions or if I can assist you in any way, please do not hesitate to call.

Sincerely,
Carl Rittiman



cc: B. Jones

Edward C. Powers
6801 Albion-Airport Road
Little River, CA 95456

(707) 937-1851 Phone/Fax

March 23, 2000

Department of Building/Planning
Mendocino County
790 South Franklin St.
Fort Bragg, CA 95437

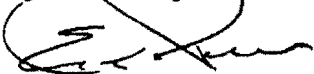
Re: Application #62-99 (Bob & Lori Jones)

To Whom It May Concern:

I've been retained by the Jones as a design and construction consultant for the construction of their residence on Navarro Ridge Road, and have been made aware of the fact that the staff report recommends siting the house in an area that is unsuitable construction-wise due to the nature of the soils and high water table. The relocation of the residence would also be aesthetically poor since it would fail to take advantage of the spectacular view all of the neighboring parcels enjoy.

Moving the construction site to a more northerly point on the parcel where water tends to pool during rainy times would require an extensive foundation which would significantly increase the overall building costs, as well as pose the possibility of long term foundation problems. From a structural point of view, I suggest that they be allowed to build in the area now marked by the existing story poles. Although this house site is visible from Highway One, so are virtually all of the other homes in that vicinity. In fact, their house would be much less visible than most homes on the Navarro Ridge due to the existing trees and the addition of strategically placed new landscaping which would camouflage it from the road.

Sincerely,

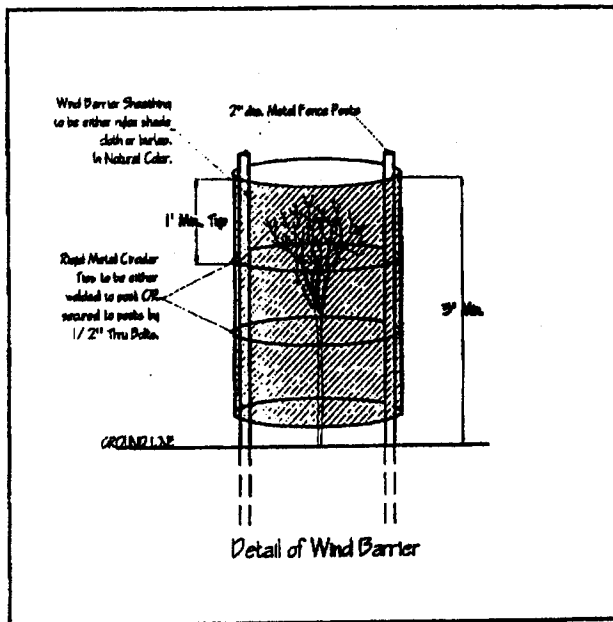
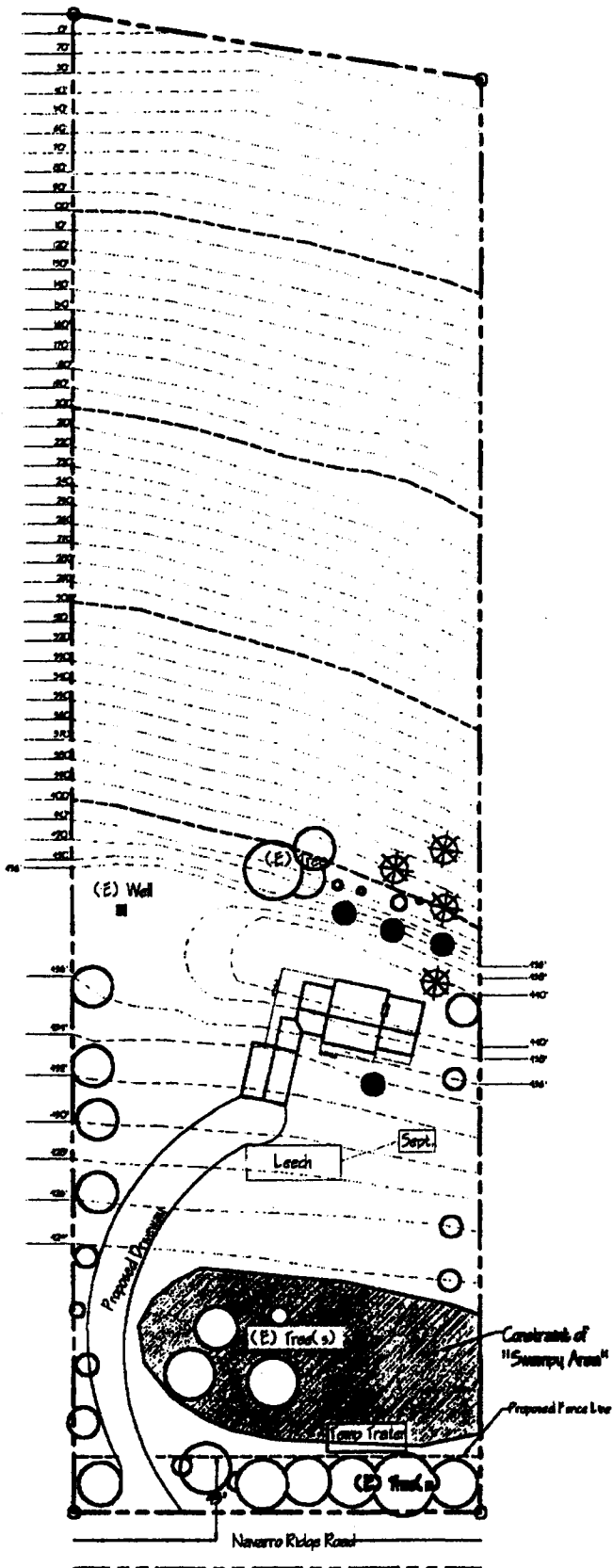


Ed Powers

Landscape Plan for Bob & Lori Jones
 31991 Navarro Ridge Road, Alblon CA
 CDP# 62-99

LANDSCAPE NOTES:

1. These notes apply only to new vegetation planted to screen development from Highway One.
2. Owners will supplement existing vegetation already visible from Highway One with the addition of no less than four Grand Fir trees and no less than four Shore Pines, to be placed as shown on adjoining site map.
3. Container sizes for the above trees will be no less than 5 gallon. After being planted using normal methods, the trees will be protected by a 3' high wind barrier (see detail below) for two years. The wind barrier will be made of nylon or burlap and the color will match surrounding vegetation as closely as possible.
4. Owners will maintain new trees by watering and fertilizing as needed.
5. In the event that a new planting does not survive owners will replace the tree in a timely manner, using the same species and container size planted originally.



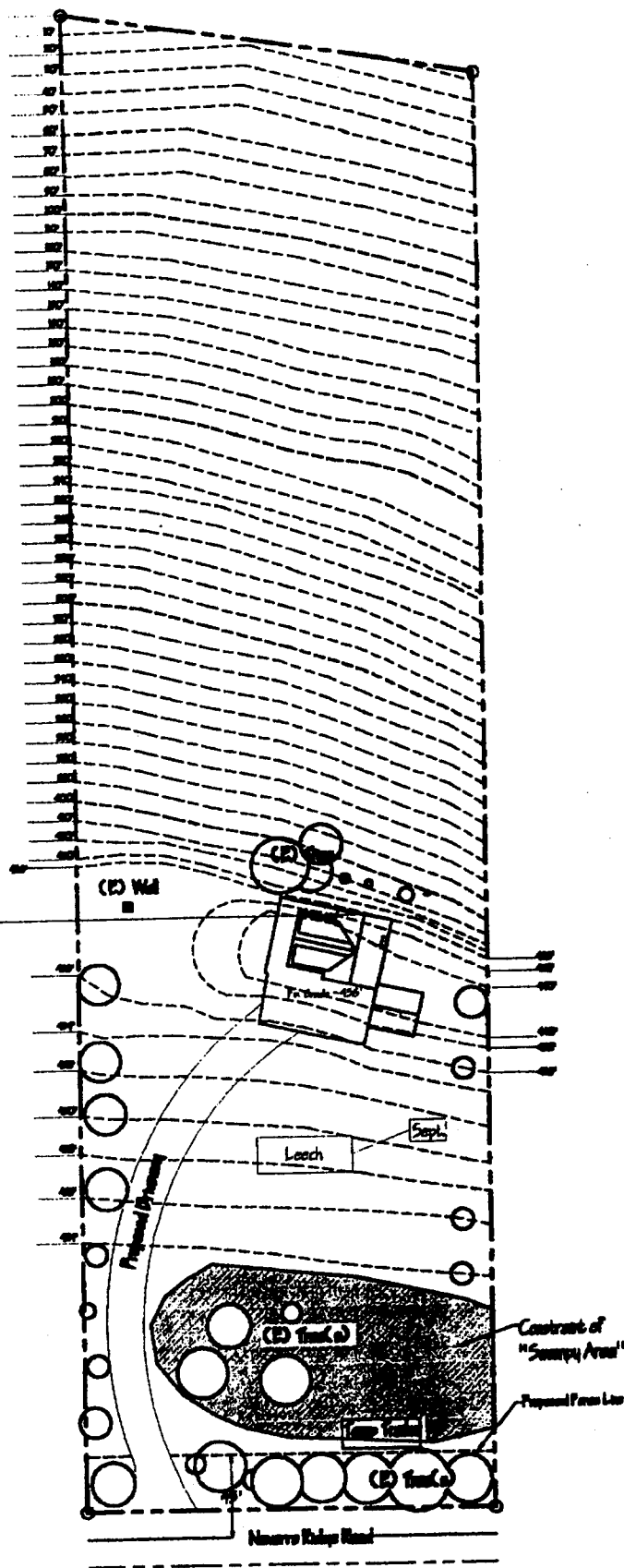
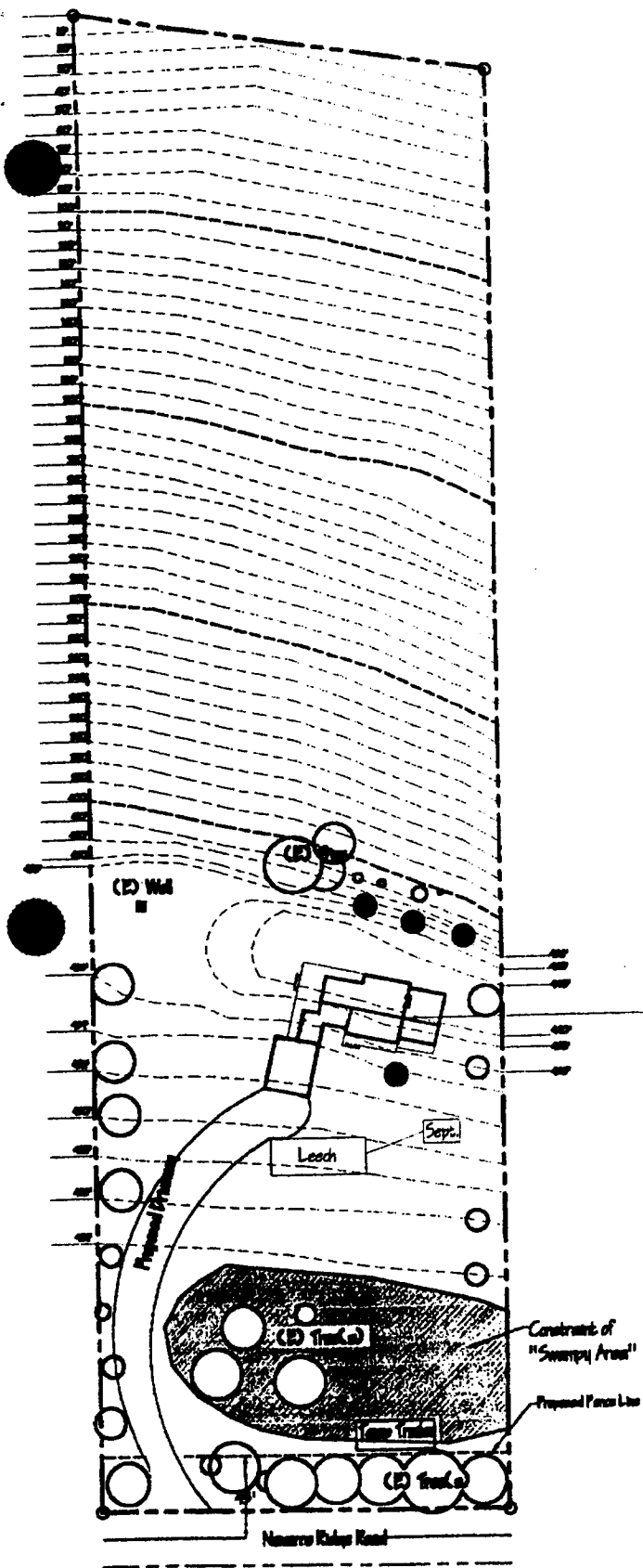
Tree Legend

- Property's Existing Trees
- New Trees (Grand Fir)
- ⊗ New Trees (Shore Pine)



SUBMITTED TO COUNTY 5/2000

12 of 14



New Site Plan

- Property's Existing Trees
- New Trees (Grand Pr)

Original Site Plan

- Property's Existing Trees



JONES CDP 162-99
 MODIFIED SITE PLAN FOR APRIL 27, 2000
 PUBLIC HEARING

13914

Several
more
houses

2 story
house

2 houses
in trees

2 story
house

28 ft 2 story
house in
trees

house

house

28 ft
2 story
house

28 ft
2 story
house

28 ft
2 story
house

28 ft
2 story
house

28 ft
2 story
house

house
28 ft
2 story
house

OUR
PROPERTY
LINE

SITE EVALUATION REPORT
INDIVIDUAL SEWAGE DISPOSAL SYSTEM PROPOSAL

OWNER: Bob Jones

MAILING ADDRESS: P.O. Box 547, Little River, CA 95456

PROPERTY ADDRESS: 31991 Navarro Ridge Road, Albion

AP#: 126-060-02

LOCATION: Navarro Ridge Road, approximately 1.25 miles from Hwy One to the driveway marked 31991 on the south side of the road

PARCEL SIZE: 4 acres +/-

PROJECT DESCRIPTION: This project was undertaken to design an on-site sewage disposal system to support a two bedroom single family residence.

Attached is a compilation of soils and site information, including a plot plan, soil profile report, system specifications and soil textural analyses for review.

I HEREBY CERTIFY THAT I HAVE EXAMINED THE ABOVE DESIGNATED SITE USING APPROVED PROCEDURES AND THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF, IT COMPLIES WITH ALL STATE AND COUNTY REQUIREMENTS FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM AT THE TIME OF THIS EVALUATION.



CARL A. RITTIMAN

DATE: 6.10.99

CERTIFIED PROFESSIONAL SOIL SCIENTIST

P.O. BOX 1700 MENDOCINO, CA 95460

707-937-0804 PHONE

707-937-0575 FAX

crit@mcn.org e-mail

| | |
|--------------------------|----------------|
| EXHIBIT NO. | 10 |
| APPLICATION NO. | A-1-MEN-00-028 |
| SEWAGE DISPOSAL PROPOSAL | (1 of 11) |

Site Evaluation Report

Site Address: 31991 Navarro Ridge Rd. Site Evaluator: R. Himan + Assoc
 City: Albion APN: 126-060-02
 Owner Name: Bob Jones Land Div. #: N/A
 Mailing Address: Box 547 Home phone: _____
 City: Little River Work phone: 937-5133
 State, Zip: CA 95456

Location Description: Navarro Ridge Rd, approximately 1.25 mi. from Hwy 1 to driveway on South marked 31991

Project Description(# of bedrooms): Two bedroom single family residence

Water Source: private well

Distance to Wastewater System: 100+ Feet

| | Initial Area | Expansion Area |
|---------------------------|--------------------------|----------------------|
| Profile # | <u>P2</u> | <u>P3</u> |
| Slope (%) | <u>10-14</u> | <u>7-10</u> |
| Effective Soil Depth (IN) | <u>84</u> | <u>72</u> |
| Absorption System Type | <u>modified highline</u> | <u>highline</u> |
| Distribution Method | <u>gravity/equal</u> | <u>gravity/equal</u> |
| Soil Suitability Class | <u>ZC</u> | <u>ZC</u> |
| Soil Perc Rate (MPI) | <u>N/A</u> | <u>N/A</u> |
| Design App. Rate (G/SF/D) | <u>0.5</u> | <u>0.5</u> |
| Design Flow (G/D) | <u>300</u> | <u>300</u> |
| Absorption Area (SF) | <u>600</u> | <u>600</u> |
| Linear Area (SF/LF) | <u>5</u> | <u>5</u> |
| Total Trench (LF) | <u>120</u> | <u>120</u> |
| Trench Depth (IN) | <u>18.0</u> | <u>18</u> |
| Trench Width (IN) | <u>36.0</u> | <u>36</u> |

Trench Calculation: ATTACHED

Requested Waiver: groundwater to 33" (replacement area)
(attach justification)

Special Design Features: septic tank access risers / 3 FOOT WIDE TRENCHES

Site Evaluator's Statement: I hereby certify that I have examined the above designated site using approved procedures, and that to the best of my information, knowledge and belief it complies with all State and County requirements for an On-site Sewage System at the time of this evaluation.

Date: 6-10-99 (seal)

Signed: Cel [Signature]

DISPOSAL AREA

REPLACEMENT AREA

Profile... P2

...P3

Slope... 10-14%

...7-10%

Soil Depth... 7 feet observed

...6 feet observed

System Design... Modified Highline

...Highline

Distribution Method... gravity/equal

...gravity/equal

Soil Suitability Class... 2C

...2C

Soil Percolation Rate... -

... -

Design Appl. Rate... 0.5 gal/sq. ft./day

... 0.5 gal/sq. ft./day

Design Flow... 300 gpd

...300 gpd

Total Trench Length... 120 feet

...120 feet

No. of Trenches... 2

...2

Ind. Trench Length... 60 feet

...60 feet

Trench Depth... 1.5 feet

...1.25 feet

Gravel Depth... 1.0 foot

...1.0 foot

Trench Width... 3.0 feet

...3.0 feet

Leaching Trench Calculations

Soils which fall into Soil Percolation Suitability Zone 2C will be assigned a soil application rate of 0.5 gallons per square foot per day. Thus, the assigned daily waste water flow of 300 gallons per day, (gpd), can be applied to the soil at this rate :

300 gpd divided by 0.5 gallons / sq. ft. / day = 600 square feet of infiltrative surface required.

The proposed trench configuration provides an allowable 5.0 square feet of leaching area per lineal foot of trench :

600 sq. ft. divided by 5.0 sq. ft. / lineal foot = 120 lineal feet.

Two leachlines are proposed for a total of 120 feet.

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SOIL PROFILE P1

- 0-17" Very dark brown (10YR 2/2m) sandy loam, strong granular to subangular blocky structure, friable to firm, very many very fine roots
- 17-45" Strong brown (7.5YR 5/6m) gravelly sandy clay loam, strong angular blocky structure, firm, few fine roots, 30% hard rounded gravel
- 45-60" Strong brown (7.5 YR 5/6m) very gravelly sandy clay loam, strong angular blocky structure, firm to very firm, few fine roots, 50% of horizon is soft weathering sandstone and shale that will slake in water and 50% is hard and will not slake
- 60" Hard weathering sandstone and shale
End of observation

No groundwater observed 5/18/99, nor anticipated.

SOIL PROFILE P2

- 0-45" Black (10YR 2/1) sandy loam / sandy clay loam, strong subangular blocky structure, friable, many very fine and fine roots, few medium roots
- 45-73" Dark yellowish brown (10YR 3/4) gravelly sandy clay loam, strong to moderate subangular blocky structure, firm, few very fine and fine roots
- 73-84" Yellowish brown (10YR 5/4) gravelly sandy clay loam, moderate subangular blocky structure, firm, few fine roots, 10-15% hard rounded gravels
- 84" End of observation

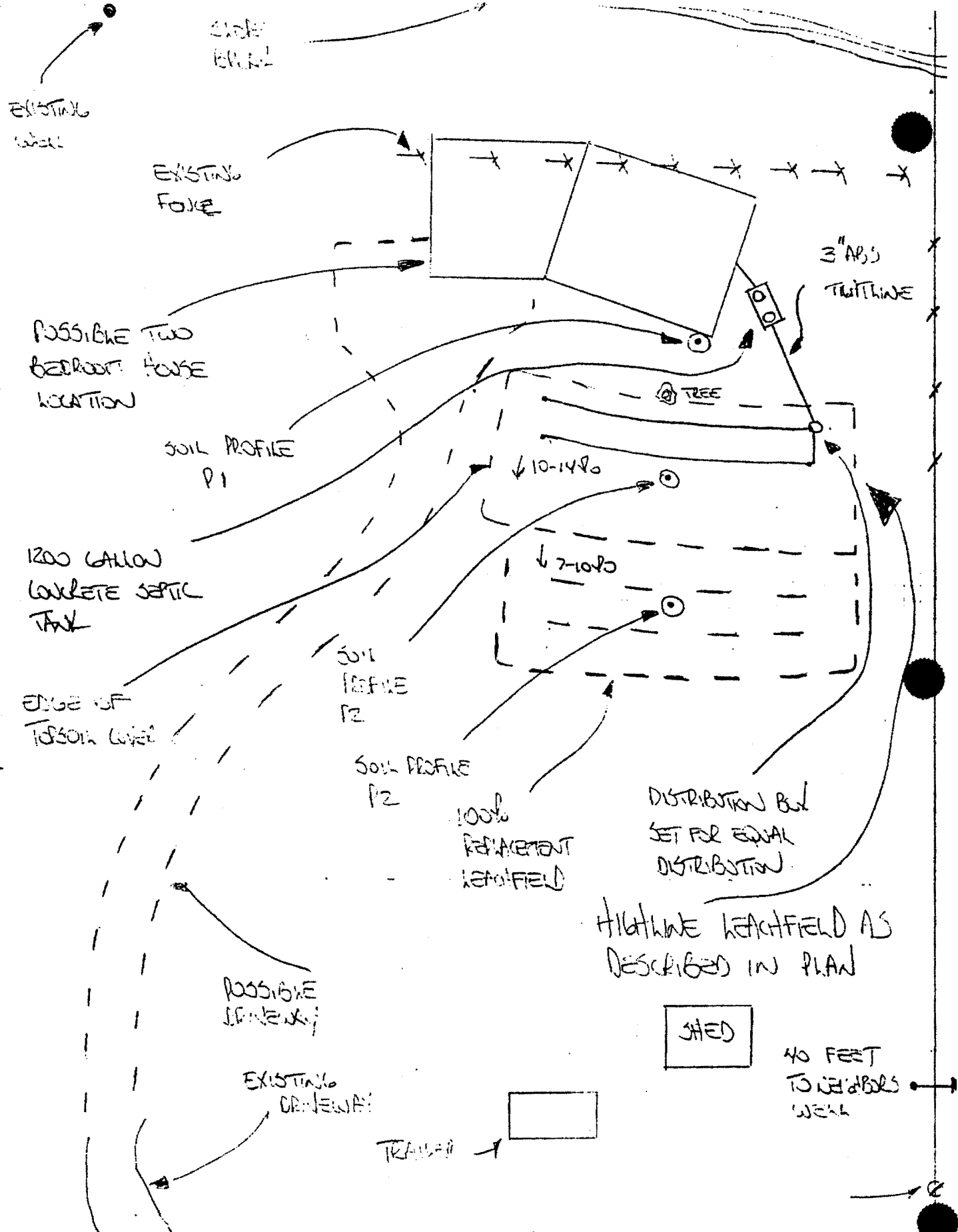
No ground water observed 5/18/99. No soil mottles present and as such, no ground water is anticipated

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SOIL PROFILE P3

- 0-18" Black (10YR 2/1) sandy loam, strong granular to subangular blocky structure, friable to firm, many very fine and fine roots, 10% hard rounded gravels
- 18-24" Black (10YR 2/1) light sandy clay loam, strong subangular blocky structure, firm, few fine and medium roots, 10% hard rounded gravels
- 24-33" Very dark brown (10YR 2/2) gravelly sandy clay loam, strong subangular blocky structure, firm, few fine roots, 20% hard rounded gravels
- 33-48" Dark yellowish brown (10YR 4/4) gravelly sandy clay loam, strong angular blocky structure, firm, few fine roots, 20% hard rounded gravels
- 48-60" Yellowish brown (10YR 5/4) sandy clay loam, moderate subangular blocky structure, friable, few fine roots, 10% hard rounded gravels, no mottles, but saturated
- 60" End of observation

No ground water was observed 5/18/99. As the soil layer at 48" was noted to be saturated, this will be used to represent the highest level of Winter ground water.



MANARCA RIDGE ROAD

1"=30'

11

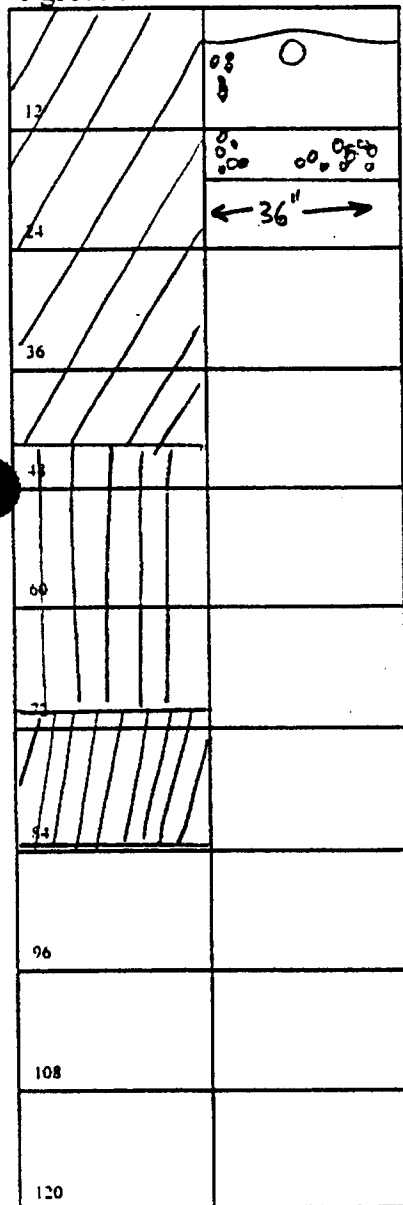
Soil Profile Description

Owner Name Jones
 Site Address 31991 NAVARRO RIDGE RD
 APN 126-060-02
 Subdivision # N/A

Test Date 5.18.99
 Recorded by CAR
 Slope 10%
 Profile # P2

horizon depth range / color / mottles / gravel / texture / structure /
 consistence / roots / pores / boundary /
 [sample depth / texture zone / density / Avg.perc rate at this depth]

Soil depiction Trench depiction
 0 ground surface COVER



SEE ATTACHED NARRATIVE SOIL
 PROFILE DESCRIPTION

0-45" 2B B.D. = 1.23 g/cc
 22% GRAVEL

45-73" 2C B.D. = 1.28 g/cc
 28% GRAVEL

I certify the test was carried out by the procedures specified by the Mendocino County Division of Environmental Health. I declare under penalty of perjury that the foregoing is true and correct.

Signed: CAR

MENDOCINO COUNTY

Division of Environmental Health

Soil Profile Description

Owner Name JONES
 Site Address 31991 NAVARRO RIDGE RD
 APN 126-060-02
 Subdivision # N/A

Test Date 5.18.99
 Recorded by CAR
 Slope 0%
 Profile # P3

horizon depth range / color / mottles / gravel / texture / structure /
 consistence / roots / pores / boundary /
 [sample depth / texture zone / density / Avg.perc rate at this depth]

Soil depiction Trench depiction
 0 ground surface LINER


| | |
|-----|---|
| 12 | ○ |
| 24 | ○ |
| 33 | ○ |
| 48 | ○ |
| 60 | ○ |
| 72 | ○ |
| 84 | ○ |
| 96 | ○ |
| 108 | ○ |
| 120 | ○ |

SEE ATTACHED NARRATIVE SOIL
 PROFILE DESCRIPTION

24-33" ZC B.D. = 1.54 g/cc
 36% GRAVEL

33-48" ZC B.D. = 1.61 g/cc
 35% GRAVEL

I certify the test was carried out by the procedures specified by the Mendocino County Division of Environmental Health. I declare under penalty of perjury that the foregoing is true and correct.

Signed: 

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MENDOCINO COUNTY Hydrometer Test Worksheet

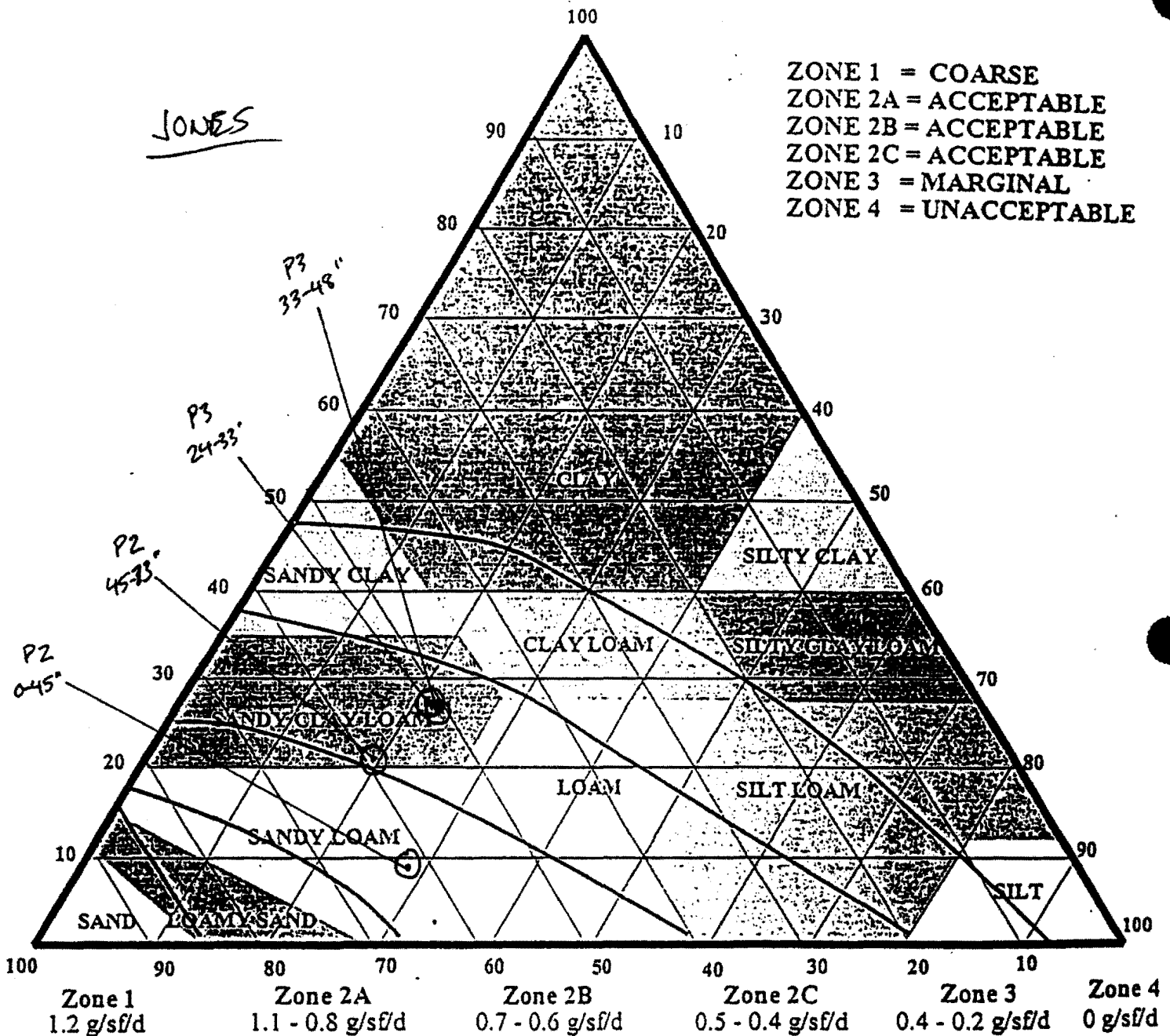
Environmental Health

| | | | | |
|---|------------------------|--------|--------|--------|
| Site Address: 31991 NAVARRO RIDGE RD | Lab Test Date: 5.28.99 | | | |
| APN: | Project # | | | |
| Owner Name: JONES | Site Evaluator: CAR | | | |
| Sample ID Number | P2 | P2 | P3 | P3 |
| Sample Depth | 0-45" | 45-73" | 24-33" | 33-40" |
| Slake Test (pass or fail) | P | P | P | P |
| HYDROMETER TEST | | | | |
| A. Oven drv wt. (gm) | 50 | 50 | 50 | 50 |
| B. Start Time | 11:45 | | | |
| C. Temp @ 40 sec (°F) | 73 | 73 | 73 | 73 |
| D. Hydrometer reading @ 40 sec (gm/l) | 24.5 | 26.0 | 30.0 | 30.0 |
| E. Composite correction (gm/l) | 5.5 | 5.5 | 5.5 | 5.5 |
| F. True Density @ 40 sec (gm/l) | 19.0 | 20.5 | 24.5 | 24.5 |
| G. Temp @ 2 hrs. (°F.) | 72 | 72 | 72 | 72 |
| H. Hydrometer reading @ 2 hrs. (gm/l) | 10.5 | 16.0 | 19.0 | 18.5 |
| I. Composite correction (gm/l) | 5.7 | 5.7 | 5.7 | 5.7 |
| J. True density @ 2 hrs. (gm/l) | 4.8 | 10.3 | 13.3 | 12.8 |
| K. %Sand = 100 - [(F + A) x 100] | 62.0 | 59.0 | 51.0 | 51.0 |
| L. %Clay = (J + A) x 100 | 9.6 | 20.6 | 26.6 | 25.6 |
| M. %Silt = 100 - (K + L) | 28.4 | 20.4 | 22.4 | 23.4 |
| Coarse Particles | | | | |
| N. Wt. Coarse particles retained (gm) | 93.2 | 127.6 | 192.0 | 194.0 |
| O. Wt of total sample (gm) | 432.8 | 456.6 | 535.7 | 553.7 |
| P. % Coarse particles = (N + O) x 100 | 21.5 | 27.9 | 35.8 | 35.0 |
| Bulk Density | | | | |
| Q. Total sample wt (gm) | 432.8 | 456.6 | 537.5 | 533.7 |
| R. Coarse particles wt. (gm) | 93.2 | 127.6 | 192.0 | 194.0 |
| S. Total sample vol. (cc) | 325 | 325 | 325 | 325 |
| T. Coarse particles vol. (cc) | 49.1 | 67.2 | 101.1 | 102.1 |
| U. Bulk Density = [(O - R) + (S - T)] (gm/cc) | 1.23 | 1.28 | 1.54 | 1.61 |
| W. Adjusted Sand (%) | | | | |
| X. Adjusted Clay (%) | | | | |
| Y. Adjusted Silt (%) | | | | |
| Z. Soil Suitability Zone | ZB | ZC | ZC | ZC |

I certify the test was carried out by the procedures specified by the Mendocino County Division of Environmental Health. I declare under penalty of perjury that the foregoing is true and correct.

Signed

Soil Texture Suitability Chart



INSTRUCTIONS:

1. Plot texture on triangle based on percent sand, silt, and clay as determined by hydrometer analysis.
2. Adjust for coarse particles (gravel not fractured rock) by moving the plotted point in the sand direction an additional 2% for each 10% by volume of gravels greater than 2 mm in diameter.
3. Adjust for compactness of the soil by moving the plotted point in the clay direction an additional 15% for soils having a bulk-density greater than 1.7 gm/cc.

NOTE: For soils falling in sand, loamy sand or sandy loam texture classification, the bulk density analysis will generally not affect suitability and analysis not be necessary.

10 4 11

REQUESTED WAIVER FOR:

OWNER: B. Jones
ADDRESS: 31991 Navarro Ridge Road
AP#: 126-060-02

WAIVER JUSTIFICATION:

I request that the requirement of maintaining a 5 foot (60 inch) separation distance between the bottom of a leaching trench and the highest level of Winter ground water be waived to 33 inches for the replacement area of this project. All other site criteria are met on this 4+ acre parcel. No mottles were noted in the replacement leachfield areas soil profile (P3) but, the soil layer beginning at 48" was noted to be saturated on the date of the profile description (5/18/99). Thus, it will be anticipated that ground water may rise to this level during periods of the Winter months. The granting of this waiver will not impair ground water quality nor give rise to a nuisance condition.

I hereby certify that the foregoing facts are true and correct to the best of my knowledge, information, understanding and belief.

Site Evaluator: Carl Rittiman, C.P.S.S.

Signature: 

Date: 6.10.99

DEPUTY HEALTH OFFICER DETERMINATION:

I have determined, based on the above statement of information and my own knowledge after reviewing the conditions on the property in question, that public health will not be endangered nor water quality impaired as a result of the issuance of this waiver.

Deputy Health Officer Signature:

Date:

