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Staff: Robert Merrill
Staff Report: December 28, 2000
Hearing Date: January 12, 2001
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: Alan Block

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

STAFF NOTES:

1. Postponement From October Agenda

The *De Novo* Hearing on the appeal had originally been scheduled for the Commission meeting of October 11, 2000. The day of the scheduled hearing, Commission staff received a request from the applicant that the hearing on the appeal be postponed. The reason for the requested postponement was to allow the applicant's representative ample time to review and prepare a response to the staff report and its recommendations. Pursuant to Section 13073 of the Commission's administrative regulations, the applicant had one right to postpone the vote to a subsequent meeting. Therefore, the *De Novo* Hearing was postponed to the January Commission meeting. The applicant has submitted additional information since the previous staff report, dated September 29, 2000, was published (see Exhibit 9). Therefore, this report contains some changes from the report of September 29, 2000.

2. 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 vantagepoints 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 proposed project would be compatible and subordinate to the character of its setting as required by the aforementioned LCP policies, the proposed 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 these factors. Instead, available evidence confirms it is feasible to build the house at the alternate northern location.

The proposed building site is located approximately 265 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. 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 (See Exhibits 1- 6). 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 (See Exhibit 7). 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 vantagepoints 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 (See Exhibits 1-3). 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 (See Exhibit 3). 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 vantagepoints along Highway One on both sides of the river, although from fewer vantagepoints than the homes located farther west. The subject parcel is only visible from the State Park from vantagepoints 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 vantagepoint. 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. [emphasis added]

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. [Emphasis added.]*

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 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. On page 6 of his letter of December 21, 2000, the applicants' representative, Alan Block states that the proposed house "will not be visible from any public viewing location." See Exhibit 9, Page 6 of 64. This statement is not correct. Commission staff made several site visits to the site and surrounding areas to view the property and the story poles that the applicants had erected on the site to depict the location of the proposed house. Based on these site visits, Commission staff confirms that the structure as proposed 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 considered 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 the portion of LUP Policy 3.5-4 and 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.

Resiting the Proposed Development

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.

There are two main concerns with siting the proposed development in this alternate location. First, the Jones believe the alternate site is neither safe nor practicable. Second, the alternate site is closer than 200 feet from a parcel designated for agricultural use. Each concern is discussed separately below.

Feasibility of Alternate Site.

The Jones state in their letter, dated September 22, 2000 (Exhibit 10, pages 3-7 of 13) 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 to locate the house because this 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 of 13) 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, although the leachfield must remain as proposed, 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 confirms it is feasible to build the home at the alternate location.

The Jones's design consultant, Ed Powers, in letters dated October 3, 2000 and December 4, 2000, submitted as part of the Applicants correspondence (See Exhibit 9, pages 61 and 62 of 64) estimates that

"To relocate the house from where it was approved by the County to where the Coastal Commission proposes, will increase your overall budget a minimum of \$40,000 to \$55,000 or somewhere between 26% to 36% of your entire building budget."

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. Mr. Powers estimates these costs to be \$40,000 to \$55,000, or 26% to 36% of the applicants' building budget. The applicants suggest that this added expense makes it infeasible to build a house on the parcel. The Commission notes that while this added expense is significant to the applicants, the additional expense does not by itself make building a house in the alternate location infeasible. Building a house in this location is still "capable of being accomplished." Many of the homes being built in the Mendocino coastal zone have a building budget that exceeds the approximately \$160,000 building budget Mr. Powers indicates the applicants have established for their development. Furthermore, the Commission notes that at least a portion of the estimated \$40,000-\$50,000 additional cost that the applicants' agent estimates would be required to build in the alternate location is discretionary. In his letter of October 3, 2000, Mr. Powers breaks down the additional costs as follows:

"The necessary changes would include, but are not limited to:

1. Design and installation of site drainage system for rear portion of lot.
2. Redesign of foundation/found drainage system.
3. Redesign of residence/garage to take full advantage of any aesthetic options offered by the suggested site."

Item 3 on the above list is the most expensive. Mr. Powers states:

"Creating and elaborating a design that makes the most aesthetically of the suggested site from design development phase to construction documents would add no less than \$20,000."

As presented by the applicants' representative, this last item is not required for designing or redesigning foundations and a drainage system to make it feasible to build in the alternate location, but instead is for "creating and elaborating a design that makes the most aesthetically of the suggested site." Use of the design proposed by the applicants in their application would not require this additional expense.

The building cost information submitted does not provide sufficient evidence that the alternate building site would be infeasible because of economic factors. 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.

In his letter of December 21, 2000, (see Exhibit 9, pg. 7 of 64) the applicants' representative, Alan Block, notes that:

"In addition, as stated in Mr. Powers letter, dated December 4, 2000, both the County of Mendocino and Cal Trans, have both indicated that they are not inclined to approve of an alternative drainage plan which provides for additional drainage onto the highway."

One way to redirect drainage away from the alternate building site would be to direct it either to Navarro Ridge Road, maintained by the County, or to Highway One, maintained by Caltrans. Mr. Powers indicates in his letter of December 4, 2000 that he has been advised by Caltrans representatives that they would need to review an engineered drainage plan if drainage is to be routed to Highway One and that they are not inclined to have additional drainage onto the highway. He also indicates that Mendocino County would also not be inclined to draining water onto Navarro Ridge Road.

The Commission notes that no letter from either Caltrans or the County has been submitted with regard to the drainage issue. Furthermore, the applicants' representative states that Caltrans and the County would reportedly only "not be inclined" to allow water to drain onto the road rights-of-way, not that they would necessarily forbid it. Moreover, draining water collected from the alternate building site directly to the roads is not the only alternative. Drainage water could be directed to and dispersed to other parts of the applicants' 3.9-acre property. Therefore, drainage considerations would not make it infeasible to build the home in the alternate location.

Conformance with Agricultural Buffer Policy.

The property to the north of the subject parcel is zoned for Rangeland (RL) and is under a Williamson Act contract (See Exhibit 3). 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.

The proposed building site is located approximately 265 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. However, as discussed above, the proposed location is inconsistent with the requirements 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. No site satisfying both the visual policies and the 200-foot agricultural buffer exists on the site. Any location to the south of the applicants' proposed site either still project above the ridgeline contrary to the requirements of LUP Policy 3.5-4 and Zoning Code Section 20.504.015 (C) (8) and/or would be infeasible because of geologic concerns of building on the very steep and high bluff face that extends down to Highway One and the Navarro River. Any location north of the applicants' proposed site, including the alternate site discussed above, would not provide the 200-foot buffer contemplated by LUP Policy 3.2-9 if feasible. Therefore, an overlap exists between the provisions of LUP Policy 3.5-4 and Zoning Code Section 20.504.015 (C) (8) directing that the development be located where the development would not project above the ridgeline and the provisions of LUP Policy 3.2-9 that direct that the development be located more than 200 feet away from the agricultural parcel across Navarro Ridge Road from the subject site.

The LCP provides a means of resolving such an overlap of 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.

Where LCP policies overlap 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 applicants in their letter of December 8, 2000 and the applicants' representative, Alan Block, on page 6 of his letter of December 21, 2000 indicate that building the proposed house at the alternate site at the north end of the property would compromise the applicants' ability to engage in small scale farming on their own parcel. The Commission notes that LUP Policy 3.2-9 only addresses protecting agricultural activities on parcels designated for agricultural use from conflicts with new residential uses proposed on adjacent parcels. The agricultural parcels designated for agricultural use the policy seeks to protect are generally large parcels that often have value as open space as well as for agricultural use. In this case, the agricultural-designated parcel adjacent to the applicants parcel is designated Rangeland (RL) with a 160-acre minimum parcel size and is used for cattle grazing. LUP Policy 3.2-9 does not address agricultural uses on residential properties such as the applicants' property, which is designated Rural Residential (RR) with a 5-acre minimum parcel size. Although light agricultural activities are permitted on properties designated RR, the designation is primarily a residential designation. Large-scale commercial agricultural operations would be very difficult to conduct on property designated Rural Residential because of the small parcel sizes and the limitations on what agricultural uses can be conducted on those lands. Thus, the coastal resource protected by LUP Policy 3.2-9 and involved in the balancing of overlapping policies in this case is the agricultural use on the adjoining agricultural-designated parcel and not small-scale farming that might be conducted on the applicants' parcel in the future.

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 vantagepoints 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 vantagepoint. 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 10, page 10 of 13), 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. The findings also discuss the public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. 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.

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. Applicants' Correspondence
10. Additional Applicants' Correspondence
11. Sewage Disposal Proposal
12. Other Correspondence

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.



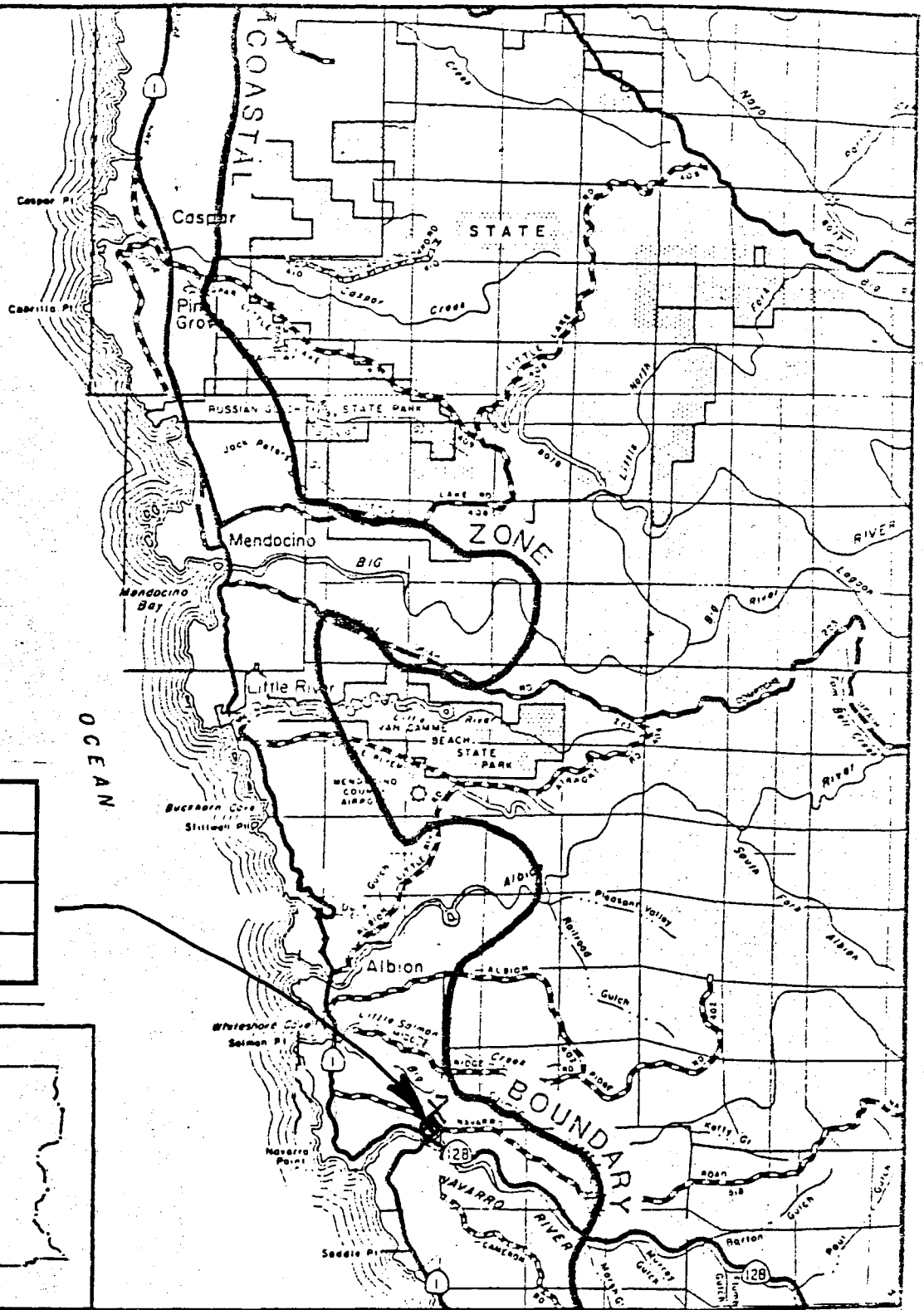
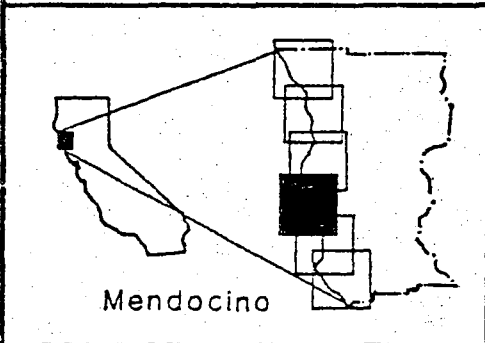
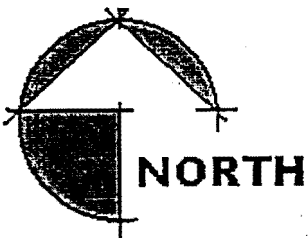
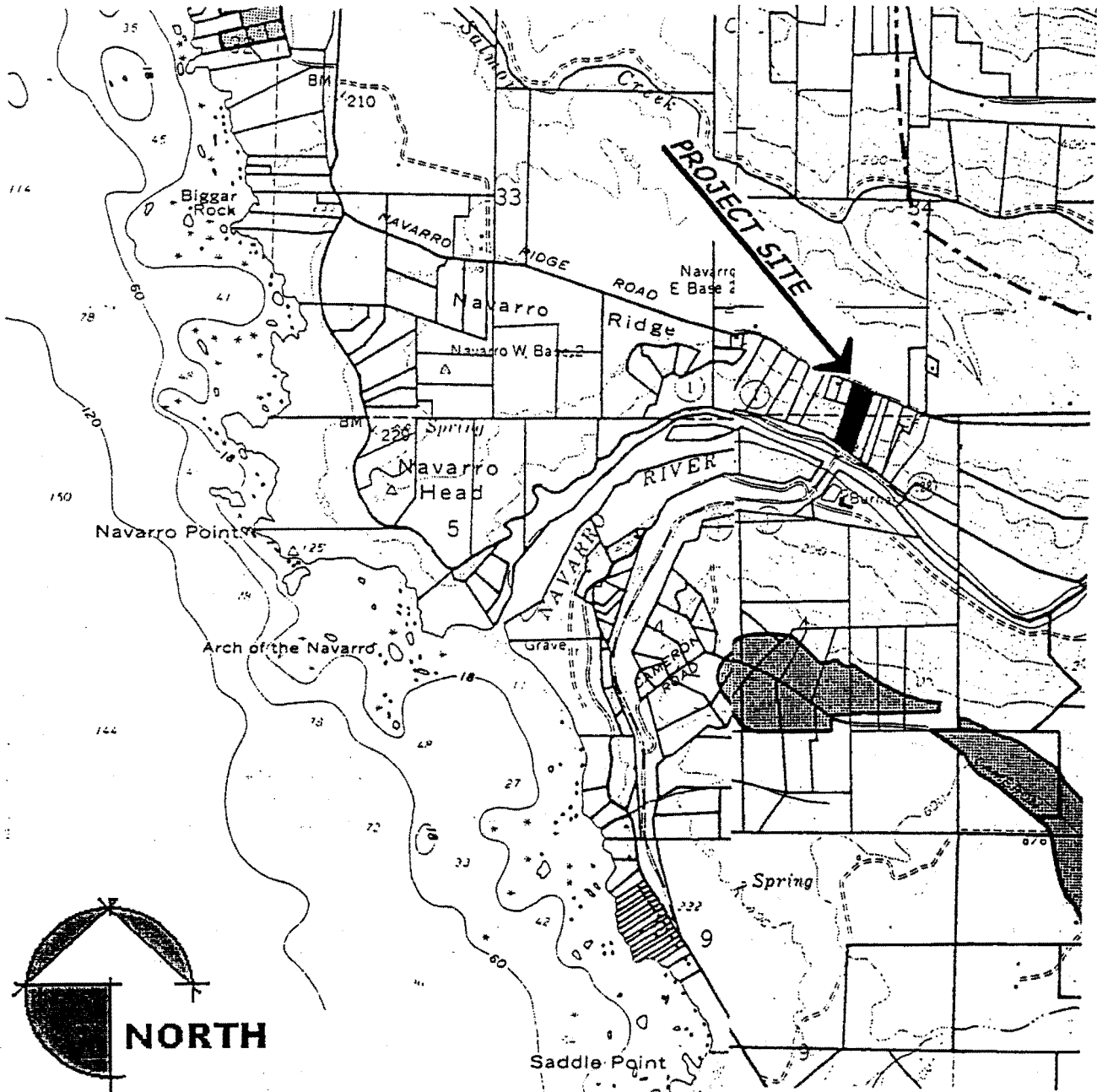


EXHIBIT NO.	1
APPLICATION NO.	A-1-MEN-00-028
REGIONAL LOCATION	



LOCATION MAP





NO SCALE

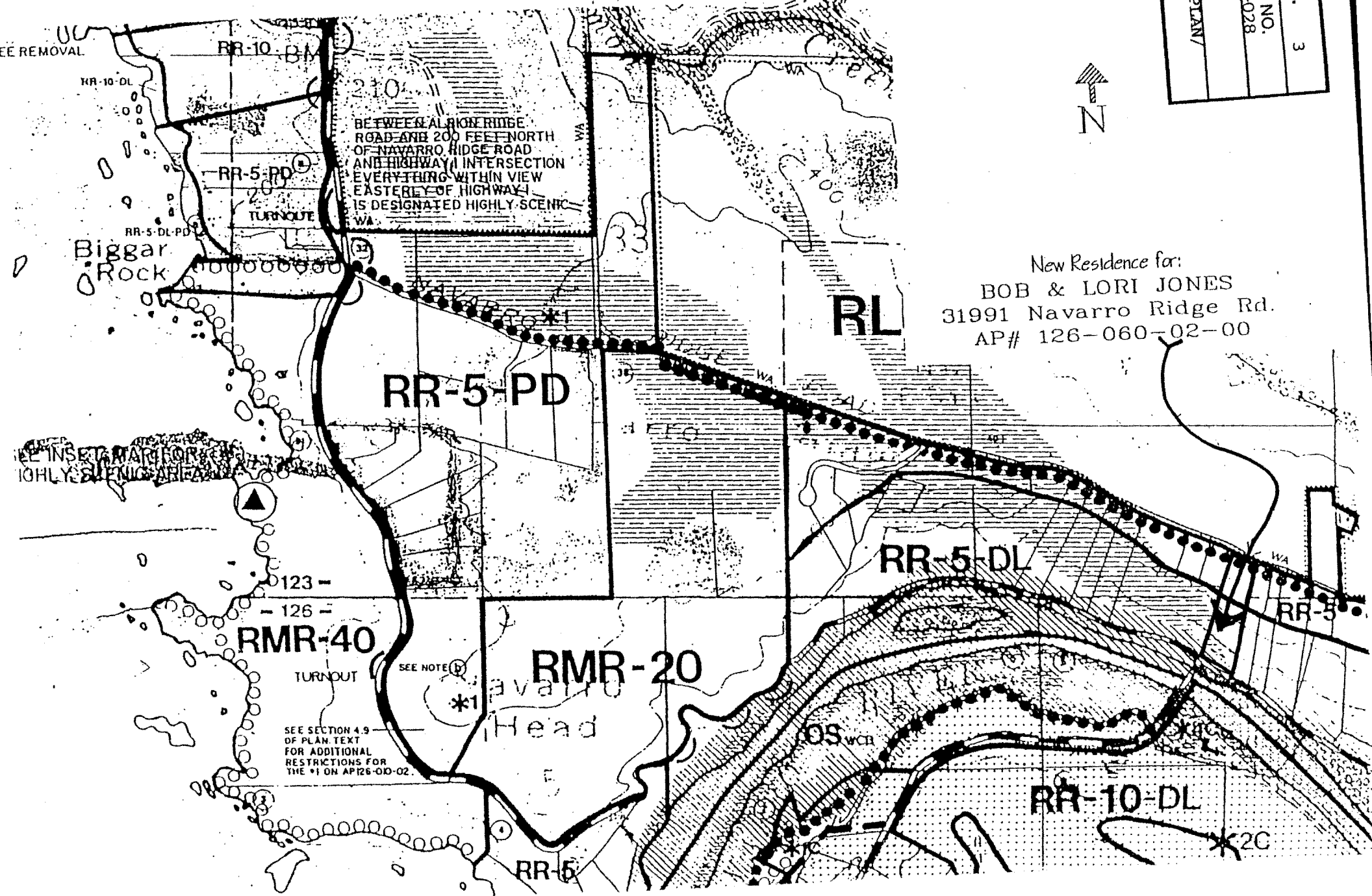
EXHIBIT A

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	



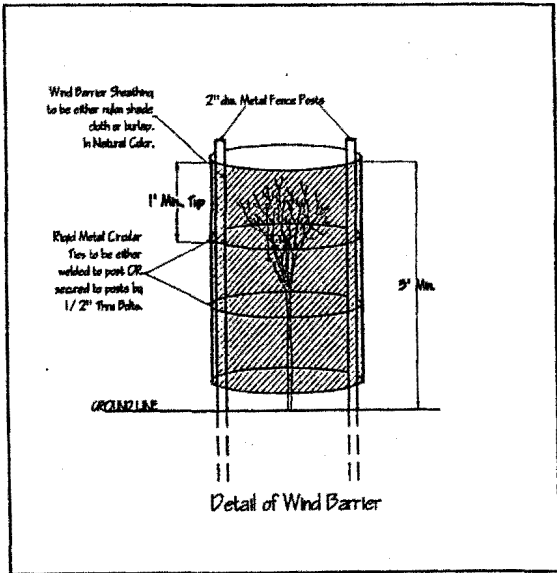
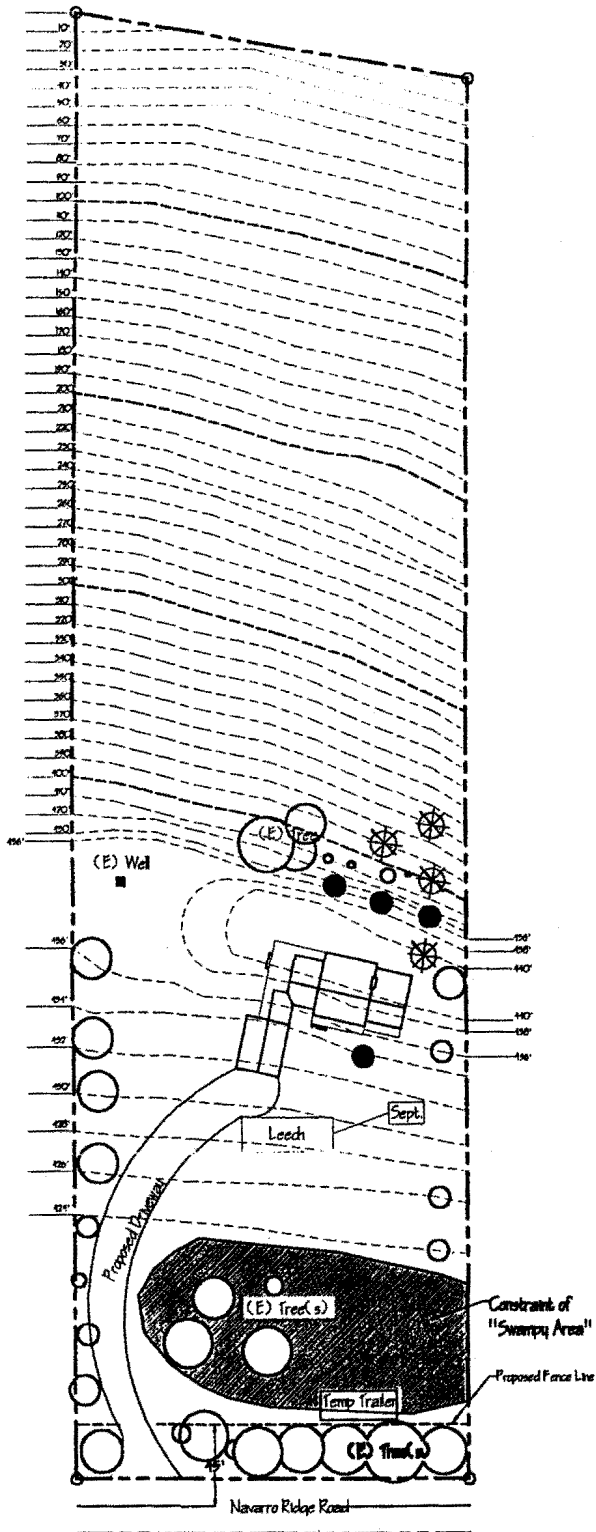
New Residence for:
 BOB & LORI JONES
 31991 Navarro Ridge Rd.
 AP# 126-060-02-00



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.

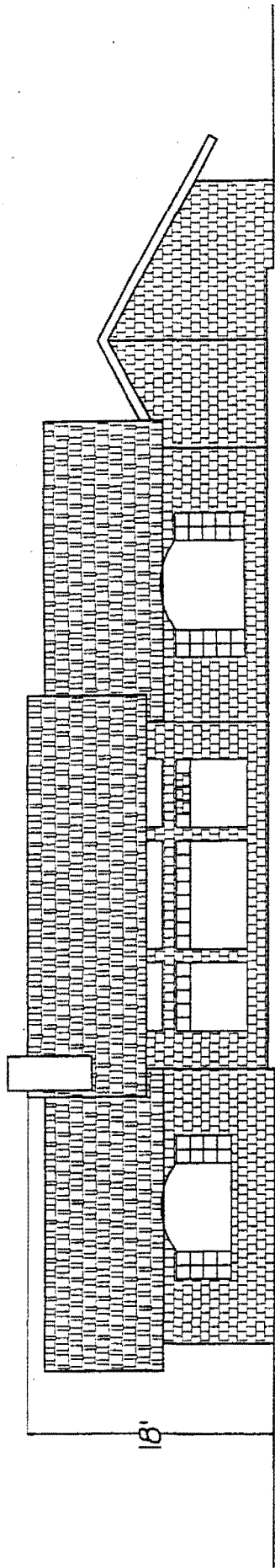


Tree Legend

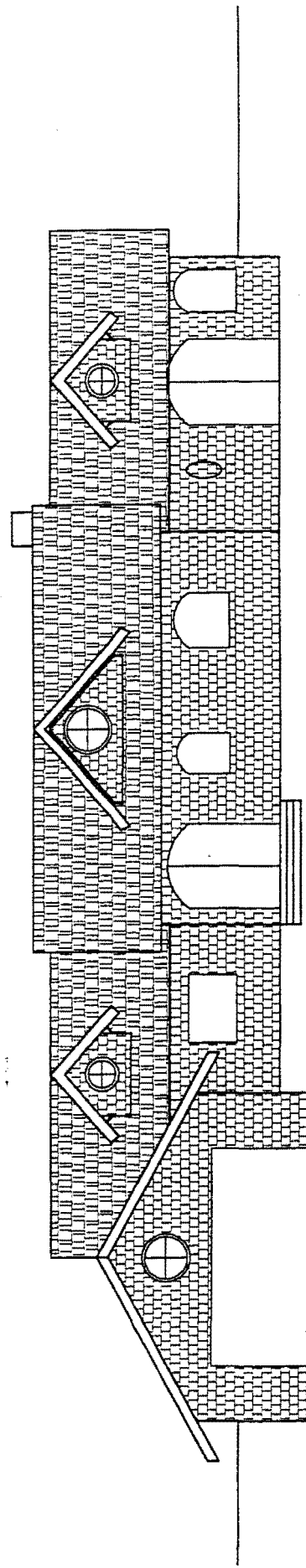
- Property's Existing Trees
- New Trees (Grand Fir)
- ⊗ New Trees (Shore Pine)

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

EXHIBIT NO.	5
APPLICATION NO.	A-1-MFN-00-028
ELEVATIONS	



SW Elevation (visible from Highway I)



NE Elevation (visible from Navarro Ridge Road)

SCALE 1" = 12'

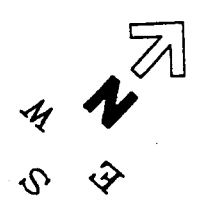
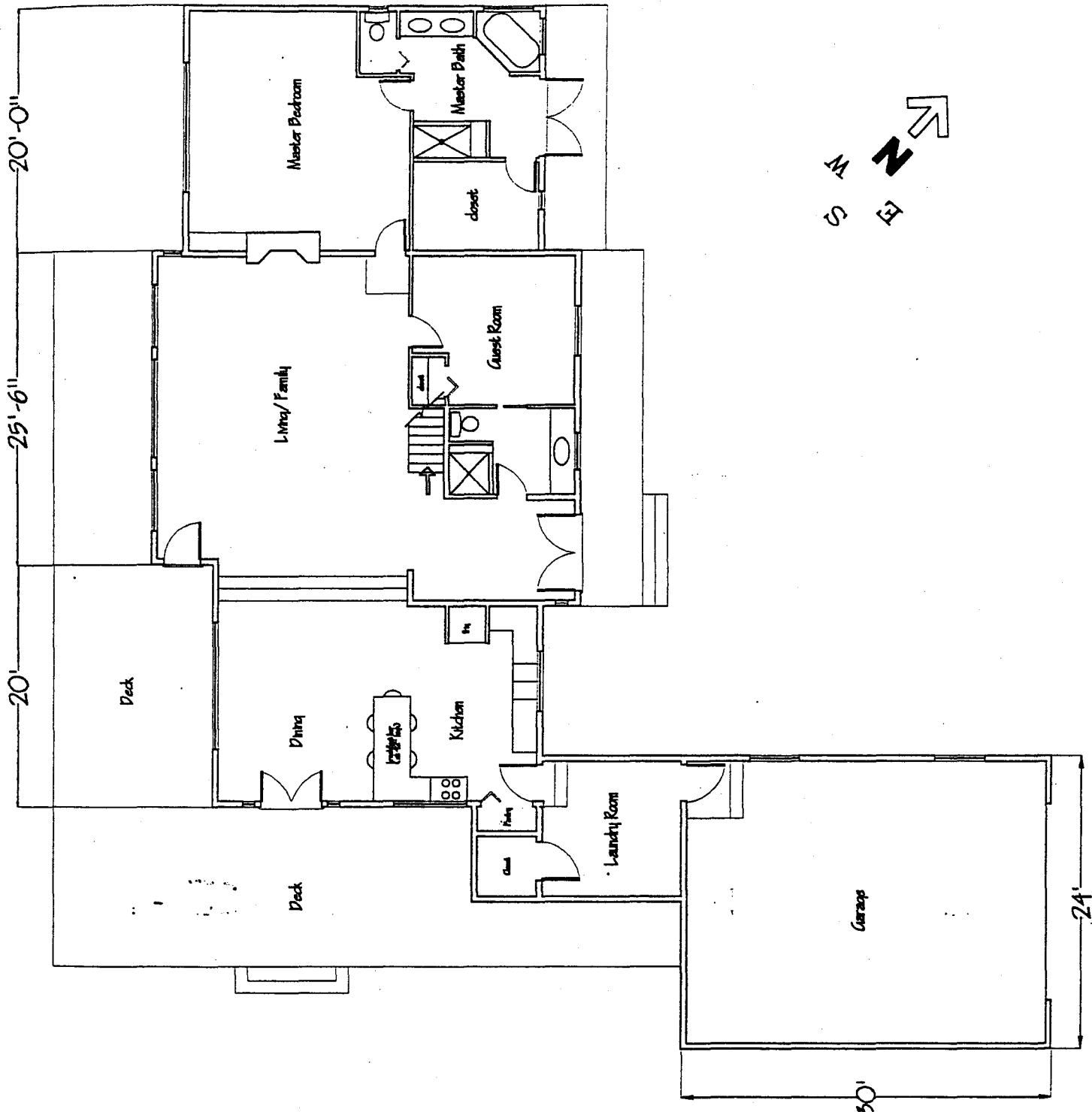


EXHIBIT NO.	6
APPLICATION NO.	A-1-MEN-00-028
FLOOR PLAN	



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 22 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 of 16

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 Hall

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."

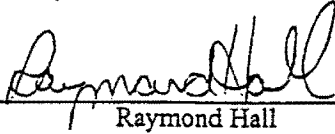
To require relocation to the north would bring the structure closer to agricultural lands under Williamson Act contract. Policy 3.2-9 of the LCP states: *"In order to minimize agricultural-residential conflicts...site plans in a residential area shall not result in a residential structure being closer 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

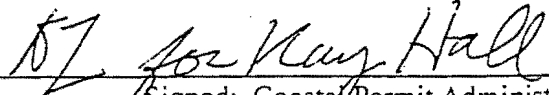
Denied

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

CDP# 62-99
March 23, 2000
CPA-3

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

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.

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 62-99
March 23, 2000
CPA-5

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.

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 62-99
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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.

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 62-99
March 23, 2000
CPA-7

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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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 62-99
March 23, 2000
CPA-8

- 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
March 23, 2000
CPA-9

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 4808
EUREKA, CA 95501-1965 EUREKA, CA 95502-4908
VOICE (707) 446-7833
FACSIMILE (707) 446-7877



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 613 sq ft garage, 12' 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 (CR # 518)
1.25 miles SE of Tidewater Highway One, 3891 Navarro Ridge Rd
APN 126-068-12

- 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

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JUN 06 2000

CALIFORNIA
COASTAL COMMISSION

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

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 Ilwaco 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)(5); 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*
Hillary Adams *Mundo 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

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

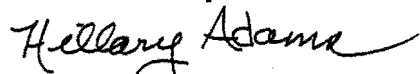
shall be encouraged . . . In the enforcement of this requirement it shall be recognized that trees often enhance views of the ocean area, commonly serve a valuable purpose in screening structures and in the control of erosion and the undesirable growth of underbrush." Similarly, zoning code section 20.504.015 (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

LAW OFFICES

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ALAN ROBERT BLOCK

OF COUNSEL
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OF COUNSEL
MOSS, LEVITT & MANDELL, LLP

December 21, 2000

California Coastal Commission
North Coast District Office
710 E. Street, Suite 200
Eureka, CA 95501

RECEIVED
DEC 27 2000

CALIFORNIA
COASTAL COMMISSION

Re: CDP Appeal No. A-1-MEN-00-028 (Jones)
31991 Navarro Ridge Road, Mendocino County, CA

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

Scheduled: January 12, 2001

Agenda Item: F 7(c)

Dear Commissioners:

Please be advised that this office represents the applicants herein, Bob and Lori Jones, with regard to the above captioned appeal pending before the Commission relating to the construction of a proposed residence to be located at 31991 Navarro Ridge Road.

This matter comes before the Commission for a de novo hearing for the "in fill" 18 foot high, 2,524 sq. ft. single family residence and related improvements, after the Commission found "substantial issue" on the appeal of the approval of the proposed project by the Mendocino Coastal Permit Administrator, contrary to the recommendation of its staff, which recommended that the Commission find "no substantial issue.

Although neither the Jones' nor I have received a copy of the current Staff Report, we have been advised by staff that the recommended Special Conditions for approval will be similar, if not identical to that contained in their Staff Report, dated September 29, 2000, which contained four (4) Special Conditions.

EXHIBIT NO.	9
APPLICATION NO.	A-1-MEN-00-028
APPLICANT'S CORRESPONDENCE	(1 of 64)

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The applicants have advised staff that they are in agreement with Special Conditions 1(c), 2, 3, and 4, which require that the applicants: 1) not deviate from the approved plans without an amendment to their Coastal Development Permit (CDP); 2) that all exterior siding and visible exterior components of the structure be of a natural appearing materials and dark earth tone colors; 3) permit the trailer on site only through construction of the proposed residence; and 4) not remove any existing trees on site except to meet fire safety purposes as determined by the California Department of Forestry and Fire Prevention.

The applicants only contest Special Condition Nos. 1a and b which unreasonably require that the house and garage be relocated to the northern portion of the parcel (north of the leechfield) wherein they would lose their entire view.

Applicable Facts

The project received approval from the Mendocino Coastal Permit Administrator after the applicants revised the original plans for their residence by reducing the height of the proposed residence from 26' to 18'; reducing the structure from two stories to one story; moving the residence 35' to the north off the Navarro River side of the ridge; relocating the ridgeline of the roof of the structure 20 feet back off the coastal ridge; reducing the amount of windows facing the public views from the southwest; and eliminated proposed excavation of the ridge top. As revised the project was found consistent with both the Coastal Act and Local Coastal Plan. A copy of the Notice of Final Action from the County of Mendocino Department Of Planning And Building Services for Coastal Development Permit (CDP), No. 62-99, dated May 18, 2000 is attached hereto as Exhibit 1 and hereby incorporated by reference.

The proposed residence is "in fill" development, and is to be located within a stringline of existing houses along the ridge that all have been permitted by the County of Mendocino and California Coastal Commission, and which all project above the ridgeline, including houses directly to the east and west of the subject parcel.

The subject parcel is one of the last four vacant view lots in this area of Navarro Ridge, which total over 27 lots, all of which have received Coastal Commission approval to construct single family residences which were permitted to take advantage of the views from the ridge of each lot. The other three vacant lots, because of their topography and location adjacent to Navarro Ridge Road, have no possible alternative location on their

sites in which to build a house except adjacent to Navarro Ridge.

The subject lot is the only lot, out of all 27 lots, wherein the Commission is alleging that an alternate "feasible" location for the residence exists. It is the applicants' strenuous contention, however, that at least nine of the other 26 lots, had sufficient area within their lot lines in which to relocate a residence off the ridgeline. A copy of a map of the immediate area is attached hereto as **Exhibit 2** and hereby incorporated by reference. The lots highlighted in yellow illustrate the lots that have already been developed with single family residences adjacent to Navarro Ridge. The lots which are both highlighted in yellow and contain a red star are lots wherein the size and topography of the lots would have permitted "an alternative location" for a residence to be constructed.

Six of the residences in this area, adjacent to Navarro Ridge, have been developed since the implementation of the Coastal Act, and in each instance the development proposed has been found to be "subordinate to the character of its setting" consistent with Section 30251 of the Coastal Act. The Commission did not require the relocation of said residences, however, because both the staff and Commission realized that the ridgeline was already developed and that the proposed construction did not block views "to and along the ocean and scenic coastal areas" consistent with the requirements of §30251.

If the applicants herein are compelled to relocate their proposed residence further from the ridge as recommended by staff, they will lose the entire benefit of their view lot, and as such receive an unequal protection under the law as enjoyed by all of the other property owners in the area. It is the applicants' strenuous contention that such an action would be inconsistent with the specific requirements of Section 30010 of the Coastal Act which provides that the Commission shall not exercise its power in any manner which would serve to "take or damage private property for public use without the payment of just compensation".

Without question, the height of the proposed residence is below the height of most of the existing development which has been approved by both the County of Mendocino and Coastal Commission. The residence will be framed by a backdrop of existing trees, and will not extend above the backdrop treeline. In addition, as conditioned by the Mendocino Coastal Permit Administrator, the house will be limited to dark earth tone colors and non-reflective materials and will be screened from the public view by a detailed landscaping plan.

The project site is inland from Highway One and will not block or effect views to or along the coast. The proposed development is compatible and subordinate to the character of the surrounding area, and contrary to the allegations of staff, no other "feasible" alternate location for the home exists on the site.

Commission Staff Recommended "No Substantial Issue" On The Appeal

In its Staff Report on "Substantial Issue", dated July 31, 2000, a copy of which is attached hereto as **Exhibit 3** and hereby incorporated by reference, staff recommended "no substantial issue" of the appeal finding that the proposed project was consistent with all provisions of the Coastal Act and Mendocino Local Coastal Plan. Further, as acknowledged by staff the alleged visual impacts of the proposed development are negligible. As evidenced by correspondence from State Parks & Recreation Supervisor Greg Picard, dated July 7, 2000, the proposed structure is high enough to **only be visible from one remote area** of Navarro Beach State Park along the river as it approaches the Highway One bridge. The proposed residence will not be visible from the main use areas of Navarro Beach State Park and/or the from the sandy beach along the ocean. A copy of Mr. Picard's letter, dated July 7, 2000, is attached hereto as **Exhibit 4** and hereby incorporated by reference.

As can be seen from the photograph attached hereto as **Exhibit 5** and hereby incorporated by reference, the proposed residence will be located among a long line of existing homes substantially closer to the state park and more prominent and visible than the structure proposed.

The Proposed Project Is Consistent With The Coastal Act

Public Resources Code § 30251 provides in relevant part as follows::

"Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, ... to be visually compatible with the character of the surrounding areas.... New development in highly scenic areas...shall be subordinate to the character of its setting."

As the attached photograph evidences, the development proposed by the applicants has been sited and designed to protect views to and along the coast. Page 10 of Staff's Report of September 29, 2000, specifically references that the project site is located

inland from Highway One and the other public vantage point in the area, the Navarro Beach State Park. Said report evidences that "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." A copy of page 10 of the Staff Report dated September 29, 2000 is attached hereto as **Exhibit 6** and hereby incorporated by reference.

The Mendocino Coastal Permit Administrator specifically found that the proposed house would be compatible with the surrounding area and subordinate to its setting by conditioning his approval on the applicant submitting a detailed landscaping plan which would shield the proposed home from the public view; re-orient the position of the house with roof set back from the ridgeline; reduce the height of the house below the existing treeline; and use dark earth tone colors to blend in with and be subordinate with the character of the area. Moreover, staff in its "no substantial issue" staff report agreed with the findings of the local coastal administrator wherein it recommended that the Commission find no legal basis for the appeal. See Exhibit.

The proposed house is obviously compatible and subordinate with the character of the surrounding area. The only real issue as alleged in the staff report is whether the proposed development is consistent with the LCP policies that discourage development on ridge tops. The applicants vigorously content that it is.

The fact is, the recommendation of staff to require the applicants' to relocate the proposed residence off the ridge has received much discussion in Mendocino County wherein approximately 300 County residents have indicated their support of the proposed location of the structure as approved by the Mendocino Coastal Permit Administrator by way of their signature on a circulated petition wherein they have stated that they are "familiar with the Jones' plan to build an 18', one story, single family residence at 31991 Navarro Ridge". Said petition goes on to provide that the signatories "strongly support" the project and "have viewed the site from highway 1", and believe that "it will be one of the least visible houses in their subdivision, and will in no way further diminish the appearance of Navarro Ridge". A copy of the petition in support of the project as signed by approximately 300 Mendocino County residents is attached hereto as **Exhibit 7** and hereby incorporated by reference.

The Mendocino Land Use Plan

Mendocino Land Use Plan (LUP) Policy 3.5-4 states in applicable part that "buildings ...that must be sited within the highly scenic area shall be sited near the toe of the 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."

In the application at hand, although the house is located on the ridgeline it has been sited immediately adjacent to the edge of a wooded area, and is not located in a large open area, and it will not be visible from any public viewing location. The placement of this proposed residence where proposed will not have any adverse effects under the Coastal Act and/or LUP because it will not block any public views to and/or along the coast regardless of whether there is an alternative feasible location on site, which the applicants vigorously contend there is not.

Clearly, the Mendocino Coastal Permit Administrator specifically considered the alternative of locating the house further north on the lot (away from the ridge) and found moving the home towards Navarro Ridge Road would not be feasible for two reasons.

In the first instance, moving the house to the north would make the project inconsistent with Local Policy 3.2-9 which demands that no residential structure be approved within 200 feet of agricultural land. The revised location recommended by staff would place the house within 50 feet of existing agricultural land wherein as now proposed it is 265 feet from the agricultural land. Clearly, at present the Jones' propose to engage in small scale farming on the northern end of their property which will not be possible if they have to relocate the house. See Jones' letter to staff, dated December 8, 2000, attached hereto as Exhibit 8 and hereby incorporate by reference. Secondly, the Coastal Administrator found that the septic system could not be relocated in light of the fact that the area along the northern border of the site has poor drainage condition with a high winter water table and ponds during heavy rains. The area available for a leachfield is further restricted by the presence of water wells on the subject and adjacent sites which must be separated from wells by a minimum of 100 feet.

As such, relocating the house to the north of the lot would require a detailed

California Coastal Commission

Re: CDP Appeal No. A-1-MEN-00-028 (Jones)

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pumping of the sewage effluent to a higher elevation, an extensive foundation system which would prevent flooding, as well as the possibility of long term foundation problems; **which would increase the construction cost of the proposed residence by approximately 26% to 36%.** It is the applicants' contention that the mere increase in the construction costs of between 26% to 36% would make the relocation of the residence infeasible. See letters from Ed Powers to the applicants', dated October 3, 2000 and December 4, 2000, attached herein collectively as **Exhibit 9** and hereby incorporated by reference.

In addition, as stated in Mr. Powers letter, dated December 4, 2000, both the County of Mendocino and Cal Trans, have both indicated that they are not inclined to approve of an alternative drainage plan which provides for additional drainage onto the highway. See Exhibit 9.

In addition, the requirement that they relocate the proposed residence to the northern end of the property, away from Navarro Ridge will reduce the value of their lot by more than 50%. See letter from Mendo Realty, dated December 2, 2000, a copy of which is attached hereto as **Exhibit 10** and hereby incorporated by reference.

LUP Policy 3.5-4 and Zoning Code Section 20.504.015 (C)(8) provide that if a **"feasible" alternative location is not available on the site that impacts of the development be minimized by utilizing existing vegetation, optimizing the structural orientation, landscaping, and protecting existing tree masses which define the ridgeline silhouette.**

As stated above, the Mendocino Coastal Permit Administrator conditioned his approval on the applicant submitting a detailed landscaping plan which would shield the proposed home from the public view; re-orient the position of the house with roof set back from the ridgeline; reduce the height of the house below the existing treeline; and use dark earth tone colors to blend in with and be subordinate with the character of the area.

In addition, the Mendocino Coastal Administrator's approval required the applicant to submit a revised landscaping plan which would include additional trees, and demanded that the trees be irrigated, maintained, and replaced as necessary in order to ensure that the approved house would be adequately screened in perpetuity. The

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condition also requires County review of any proposal to remove trees and requires that the existing trees on the site be protected. Special Condition No. 4 as recommended by staff further prohibits the removal of any trees except for fire safety regulation.

Neither Section 30251 of the Coastal Act and/or LUP Policy 3.5-1 and Zoning Code Sections 20.504.010 and 20.504.015, which requires that new development be visually compatible with the character of surrounding areas and subordinate to the character of its setting, contain any language that excludes existing structures from being considered as part of the visual character of the surrounding area. **Both the County and Commission have historically considered all aspects of the visual character of the setting of a project as contributing to the visual character of the area, including all existing structures.** See Exhibit 3, page 16.

The County and Commission have regularly considered the presence of existing structures to define the visual character of an area. In the case at hand, the proposed home would be constructed between two other homes on the immediately adjacent parcels, and in a stringline with numerous existing residences. The homes are constructed in an existing subdivision, and are located over 1.25 miles from the coast.

The Commissions staff report on "substantial issue" specifically referenced that the subject project does not set a negative precedent for future interpretations of the LCP because there are already numerous residential projects approved in the surrounding area and elsewhere along the coast where the presence of existing buildings have been taken into account in determining that the residential project is visually compatible with the character of surrounding area consistent with LUP Policy 3.5-1 and Zoning Code Section 20.504-010. See Exhibit 3, page 16.

Conclusion

The Coastal Act and LUP have to be interpreted and applied to individual applications in a reasonable manner consistent with the purpose and intent of the Coastal Act.

With regard to this specific application, there is no logical and/or reasonable basis to require the applicants to set their proposed residence back from the ridgeline when the placement of the proposed residence, within a wooded area, will not interfere with any views to and/or along the coast. Particularly, when the proposed structure is "infill"

California Coastal Commission
Re: CDP Appeal No. A-1-MEN-00-028 (Jones)
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development, in a stringline with numerous adjacent structures, is proposed at a lower height and is further from the coast than the already existing developed properties, and wherein requiring the applicants to relocate their proposed residence away from the ridgeline will completely deprive the applicants of the same views permitted all of their adjacent and nearby neighbors.

As the staff report on substantial issue concludes on page 19, the proposed development as approved by the Mendocino Coastal Administrator is not be out of character with the visual setting of the area and will not adversely affect the quality of the view.

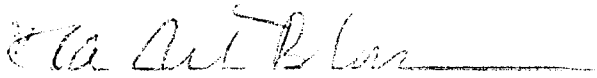
The applicants' respectfully request approval of the proposed development with Special Conditions 1(c), 2, 3, and 4 only.

I will be present at the hearing in Los Angeles in January 2001 in order to answer any of your questions.

Thank you in advance for your courtesy and cooperation.

Respectfully Submitted,

LAW OFFICES OF
ALAN ROBERT BLOCK
A Professional Corporation



ALAN ROBERT BLOCK

ARB:aw

cc: Commissioners
Robert Merrill
Bob and Lori Jones

APPLICANT'S EXHIBIT 1

10 24 64



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 22 2003

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)

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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 Hall

Signed: Coastal Permit Administrator

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MENDOCINO COUNTY MEMORANDUM

TO: DOUG ZANINI - SUPERVISING PLANNER
FROM: RAYMOND HALL - DIRECTOR *Ray 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.*"

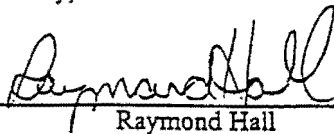
The proposed structure is located approximately 165 feet from the rangeland and Williamson Act land to the north. Requiring that the structure be re-located to the north would be inconsistent with Policy 3.2-9.

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.

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Approved and adopted this 5th day of May, 2000



Raymond Hall
Coastal Permit Administrator

RH:sb

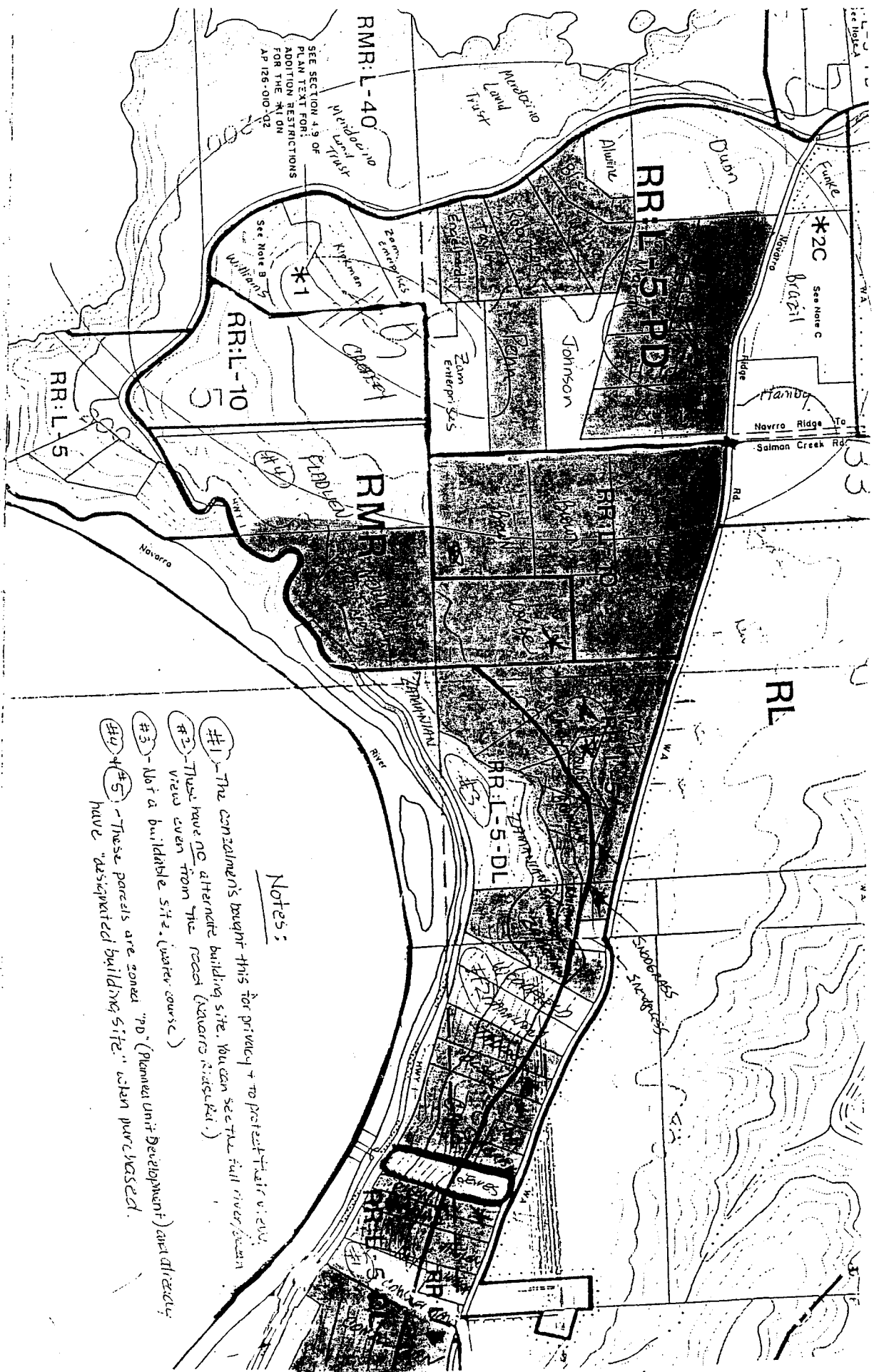
Attachments

cc: Bob and Lori Jones
Hillary Adams

APPLICANT'S EXHIBIT 2

17 9 64

Ocean



Notes:

- #1 - The condominiums bought this for privacy + to protect their views.
- #2 - These have NO alternate building site. You can see the full river stream view even from the road (Navarro riverbed.)
- #3 - Not a buildable site. (water course)
- #4 - These parcels are zoned "PD" (Planned Unit Development) and therefore have "designated building site" when purchased.
- #5 -

79581

APPLICANT'S EXHIBIT 3

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NORTH COAST DISTRICT OFFICE MAILING ADDRESS:
 710 E STREET • SUITE 200 P. O. BOX 4908
 EUREKA, CA 95501-1865 EUREKA, CA 95502-4908
 VOICE (707) 445-7833
 FACSIMILE (707) 445-7877



F5a

Filed: June 6, 2000
 49th Day: Opened and Continued
 Staff: Robert Merrill
 Staff Report: July 31, 2000
 Hearing Date: August 11, 2000
 Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

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, APN 126-060-02.

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; and Sierra Club, Mendocino/Lake Group, Roanne Withers

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SUBSTANTIVE FILE:
DOCUMENTS

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

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that ~~NO substantial~~ issue exists with respect to the grounds on which the appeal has been filed. These grounds include alleged project inconsistencies with Mendocino County's certified LCP policies pertaining to visual resources. The appellant has not raised any substantial issue with the local government's action and its consistency with the certified LCP.

The Mendocino Coastal Permit Administrator, approved with conditions a coastal development permit for 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; connection to existing well and on-site utilities; and temporary occupancy of a travel trailer during construction of the residence off of Navarro Ridge Road above the Navarro River in Mendocino County. Visual issues were at the center of the County's review of the project as the project site is located within an area designated as highly scenic under the LCP. The project site is inland from Highway One and other vantage points and thus would not block or affect views to or along the coast. Rather, the visual issues considered involved 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.

The approved development is located on one of about a dozen similar parcels that straddle Navarro Ridge and are zoned for rural residential use. Many of the parcels are already developed with single family residences, including the parcels on either side of the applicants' parcel. The applicants modified the project during the local review process to reduce its visual impacts, making such changes as moving the house further to the north off the southern crest of the ridge, reducing the structure to one story and 18 feet in height, reducing the amount of glass in the southern exposure of the building, and adding landscaping to partially screen the development from view. The Coastal Permit Administrator conditioned the project to further reduce its visual impacts, such as requiring that the landscaping plan be modified to include additional landscaping including fast growing species, that the proposed and existing landscaping be maintained and replaced as needed to assure that adequate screening is maintained, and limiting the building materials to dark non-reflective materials to ensure the project would blend in with its surroundings.

The appellants assert that the project as approved is inconsistent with the above cited LCP policies in three main respects. First, the appellants contend that the approved house is not compatible with the natural character of the ridge, inconsistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.010. The appellants believe that the County inappropriately

considered existing homes developed prior to adoption of the certified LCP to be part of the character of the area for purposes of reviewing the project for consistency with the LCP.

However, LUP Policy 3.5-1 and Zoning Code Section 20.504.010 do not exclude existing buildings from consideration of what comprises the visual character of the area surrounding a project. There are already many residential projects approved in the surrounding area and elsewhere along the coast where the presence of existing buildings has been taken into account in determining that the residential project is visually compatible with the character of the surrounding area consistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.010.

Second, the appellants contend that the landscaping required by the County will be inadequate to screen the approved house to make it subordinate to the character of its setting, as required by LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C)(3).

However, as approved, the landscaping has been conditioned to avoid many of the specific concerns raised by the appellants. The terms of the approved permit provide for augmenting the vegetation screening proposed by the applicant with additional trees, provide for the planting of fast growing trees that will screen the structure in a shorter period of time, and include provisions to ensure that existing and proposed trees will be maintained and/or replaced over time to ensure the project will be adequately screened in perpetuity. As conditioned, the required landscaping would be adequate to screen the approved house to achieve consistency with LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C)(3).

Finally, the appellants contend that the project would be inconsistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C)(8) because the approved house would project above the ridgeline and be highly visible to the public and the appellants believe there are alternative house locations on the site that would not create such impacts.

In its approval of the project, the County did consider moving the house northward off the ridge top as suggested by the appellants. However, the County determined that the need to provide an adequate buffer between the residence and adjacent rangeland to the north as required by LUP Policy 3.2-9 and concerns raised by the County Division of Environmental Health that a suitable area for a leach field would not be available to serve the house in that location made moving the house off the ridge top problematic. In light of the evidence available in the local record, staff believes the determination of the County was reasonable. Furthermore, given that (1) the proposed project would be built within a row of existing houses along the ridge that also project above the ridgeline, including houses on the parcels immediately east and west of the subject parcel, (2) the house would be limited to 18 feet and one story, which is lower than some of the houses visible in the string along the ridge, (3) the house would be framed by a backdrop of existing trees and would not extend above the treeline, (4) 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 and would be screened by landscaping, the development as approved would not appreciably affect the quality of the view. Thus, the particular visual resource affected by the decision is insignificant.

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For all of the above reasons, staff recommends that the Commission find that the appeal raises no substantial issue of consistency with the certified LCP. The Motion to adopt the Staff Recommendation of No Substantial Issue is found on Page 5.

STAFF NOTES:

1. Appeal Process

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within one hundred feet of a wetland or stream or three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in a sensitive coastal resource area.

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments, which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed house is located in a sensitive coastal resource area. Section 20.308.110(6) of the Mendocino County Zoning Code and Section 30116 of the coastal Act define sensitive coastal resource areas, as "those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity," including, among other categories, "highly scenic areas." Much of the subject development, including the proposed single-family residence, would be located on the crest of a ridgeline within an area designated in the LCP on the certified land use map as a "highly scenic area," and, as such, is appealable to the Commission.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, because the proposed development is between the first road and the sea, the applicable test for the Commission to

consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

2. Filing of Appeal

The appellants filed an appeal to the Commission in a timely manner on June 6, 2000, within 10 working days after receiving notice of final local action on May 22, 2000 (Exhibit No. 8).

3. Open and Continue.

Pursuant to Section 30621 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. In accordance with the California Code of Regulations, on June 9, 2000, staff requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. These materials were received on June 23, 2000, the day of the mailing of staff reports to the Commission and interested parties. Thus, the requested information was not received in time for the staff to review the information for completeness or prepare a recommendation on the substantial issue question for the Commission's July meeting agenda. Consistent with Section 13112 of the California Code of Regulations, since the Commission did not timely receive the requested documents and materials, the Commission opened and continued the hearing during the July Commission meeting.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

MOTION: I move that the Commission determine that Appeal No. A-1-MEN-00-028 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

STAFF RECOMMENDATION ON NO SUBSTANTIAL ISSUE:

Staff recommends a YES vote. Passage of this motion will result in a finding of No substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

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RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-1-MEN-00-028 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. APPELLANTS' CONTENTIONS.

The Commission received one appeal of the County of Mendocino's decision to approve the development. The appeal was filed jointly by the Navarro Watershed Protection Association; Hillary Adams; and the Sierra Club, Mendocino/Lake Group represented by Roanne Withers.

The project as approved by the County 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 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 project site is located on Navarro Ridge, approximately 1.25 miles southeast of Highway One, at 31991 Navarro Ridge Road

The appeal raises contentions involving inconsistency with the County's LCP policies regarding visual resources. The appellants' contentions are summarized below, and the full text of the contentions are included as Exhibit No 8.

1. Project consistency with LCP visual resource protection policies

The appellants contend that the County's approval is inconsistent with LCP policies pertaining to minimizing the visual impact of development on ridges. The appellants contend that the approved house would project above the ridgeline and be highly visible to the public. The appellants contend that the house could be sited elsewhere on the lot where it would not project above the ridgeline.

The appellants further contend that the project as approved is inconsistent with LCP policies requiring new development to be compatible with the character of the surrounding area. The appellants contend that the approved house is not compatible with the natural character of the ridge and that the County inappropriately considered existing homes developed prior to adoption of the certified LCP to be part of the character of the area for purposes of reviewing the project for consistency with the LCP.

Moreover, the appellants contend that the County's approval is inconsistent with LCP policies requiring new development in highly scenic areas to be subordinate to the character of its setting.

The appellants contend that the landscaping required by the County will be inadequate to screen the approved house in a manner that would make the house in its approved location subordinate to the character of its setting.

C. LOCAL GOVERNMENT ACTION

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 requires the applicants to submit a landscape plan for the review and approval of the CPA that provides for the planting of at least four grand fir trees south of the approved structure as proposed by the applicants and the planting of a faster growing species, such as shore pine, to provide some level of shielding of the structure from views from public vantage points. The condition also requires 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 requires any future tree removal on the property to be approved by the County.

Special Condition No. 3 requires the applicant to temporarily fence and protect existing trees from construction activities. Special Condition Nos. 4 and 5 require 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 requires 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 June 9, 2000 staff requested all relevant documents and materials regarding the subject permit from the County; these materials were received on June 23, 2000.

D. PROJECT SETTING AND 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.

Most of the dozen or so 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 this string of parcels and sits in-between two parcels already developed with homes. Other mostly undeveloped larger parcels extend west of the string of parcels to the ocean. Much larger mostly undeveloped Rangeland extend east of the string of parcels and north across Navarro Ridge Road.

The houses built on the string of a dozen or so similar parcels 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 sensitive habitat area. The eastern end of the parcel apparently has a relatively high groundwater table that precludes its use for a septic system leach field, although the groundwater apparently does not rise to the surface to form a wetland. A well has been drilled on the property pursuant to a previous Mendocino County coastal development permit and the applicants keep a travel trailer on the site.

Project Description

The proposed project subject to this appeal 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, at a point approximately 125 feet from the centerline of the road. The septic system would be located north of the house. See Exhibit 4. The project also includes use of a 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.

E. SUBSTANTIAL ISSUE ANALYSIS

Section 30603(b)(1) of the Coastal Act states:

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The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

1. Appellant's Contentions That Are Valid Grounds for Appeal

The contentions raised in the appeal present valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the Commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County raises no substantial issue.

Project consistency with LCP visual resource protection policies

The appellants contend that the County's approval is inconsistent with LCP policies pertaining to the protection of visual resources. These policies are listed below.

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.

LUP Policy 3.2-9 states in applicable part:

In order to minimize agricultural-residential conflicts, land divisions or 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.

Coastal Zoning Code Section 20.304.035 states in applicable part:

Conflict Resolution.

(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.

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.*
 - (2) *In highly scenic areas west of Highway 1 as identified on the coastal Element land use plan maps, new development shall be limited to eighteen (18) feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.*
 - (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.*
- ...

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- (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.*

Discussion:

Visual issues were at the center of the County's review of the project as the project site is located within an area designated as highly scenic under the LCP. The issues raised were not related to blockage of coastal views, as the project site is inland from Highway One and the other public vantage point in the area, the Navarro Beach State Park. The approved structure would not block views to and along the coast from any public vantage point. Rather the visual issues centered 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.

As noted in the "Project Setting" finding above, the project site is visible from different vantage points along Highway One on both sides of the Navarro River. The subject parcel is 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 a dozen rural residential parcels that straddle the ridge top. Many of these parcels and others in the vicinity have already been developed, including the parcels on either side of the applicants' property. The homes that have been developed within this group of parcels vary in size, height, design, and color, with the result that some are more prominent than others.

As noted in the "Local Government Action" finding above, the applicants made a number of changes to the project to reduce its visual impact from public vantage points along Highway One and the state park during the County's review of the project. 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.

The County also conditioned the permit in a manner to further reduce the visual impacts of the project. These conditions included requiring a revised landscaping plan that includes both grand firs as proposed by the applicant, and faster growing tree species to largely screen the south facing side of the house from view from the aforementioned public vantage points. The conditions require the trees to be planted to be irrigated and maintained, and require that any proposal to remove these or any of the other existing trees on the property would require review by the County. Other conditions required temporarily fencing and protecting the existing trees

from construction activities, and limiting the choice of building materials to dark, non-reflective materials.

With the changes to the project proposed by the applicant and the conditions imposed by the County, the resulting home would remain visible from various vantage points along Highway One and from certain vantage points at the state park along the river. The structure would also continue to project above the ridgeline. However, the structure would be located between other existing homes that are visible from these same vantage points. Many of the other homes are visible from more vantage points along the highway and within the park. Trees would largely screen the approved structure once the landscaping grows in. Existing trees on the property and in the nearby vicinity would also provide a backdrop of trees and the structure would not project above the tree line. The portions of the house that could be viewed through the trees would be one story, 18 feet in height, and constructed with dark non-reflective building materials.

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 that the visual impacts of development on ridges be minimized by prohibiting development that projects 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 which define the ridgeline silhouette.

As noted above, the appellants assert that the project as approved is inconsistent with the above-cited LCP policies in three main respects. First, the appellants contend that the approved house is not compatible with the natural character of the ridge, inconsistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.010. Second, the appellants contend that the landscaping required by the County will be inadequate to screen the approved house to make it subordinate to the character of its setting, as required by with LUP Policy 3.5-1 and Zoning Code Section 20.504.015. Finally, the appellants contend that the project would be inconsistent with LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8) because the approved house would project above the ridgeline and be highly visible to the public and the appellants believe there are alternative house locations on the site that would not create such impacts.

Compatibility with Character of the Surrounding Area.

The appellants assert that the approved house is not compatible with the natural character of the ridge and that the County inappropriately considered existing homes developed prior to adoption of the certified LCP to be part of the character of the area for purposes of reviewing the project for consistency with the LCP. The appellants state that "the older development on Navarro Ridge is frequently pointed to as a 'terrible example,' ...[and] 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...The 'visual compatibility' paragraph 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."

The Commission notes that the provisions of LUP Policy 3.501 and Zoning Code Section 20.504.010, that require new development to be visually compatible with the character of surrounding areas, contain no language that excludes existing structures from being considered as part of the visual character of the surrounding area. Nor do the policies make any distinction that only existing Victorian buildings may be considered part of the visual character of the area. The County and the Commission on appeal have historically considered all aspects of the visual character of the setting of a project as contributing to the visual character of the area. In areas with existing structures, the County and the Commission have regularly considered the presence of these structures to partly define the visual character of the area. Structures are sometimes approved as being compatible with the visual character of the area precisely because they are located within a group of homes. In other instances, where a proposed house has been proposed in an otherwise undeveloped area, the County and the Commission have sometimes found that building a prominent single home in isolation from any others would not be visually compatible with the character of its setting.

In the present case, the proposed home would be constructed in between other homes that have been developed along the ridge top. The existing homes help define the character of the area. The house was not proposed on portions of the ridge west of the present string of houses where the ridge top is largely undeveloped where the visual character is limited to the natural features of the setting. The project does not set a negative precedence for future interpretations of the LCP because there are already many residential projects approved in the surrounding area and elsewhere along the coast where the presence of existing buildings has been taken into account in determining that the residential project is visually compatible with the character of the surrounding area consistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.010. Therefore, the fact that the County considered the presence of other existing homes in the immediate vicinity of the project site does not raise a substantial issue of consistency with the LCP policies addressing compatibility of development with the character of the surrounding area.

Inadequacy of Landscaping To Assure Subordinate Development.

The appellants contend that the landscaping required by the County will be inadequate to screen the approved house to make it subordinate to the character of its setting, as required by LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C)(3). The appellants state the following:

"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 the 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....a heavy screen of trees is needed on the scenic corridor side of all new development along Navarro Ridge."

As approved, however, the landscaping has been conditioned to avoid many of the specific concerns raised by the appellants. Special Condition No. 2 requires submittal of a revised landscaping plan. The condition requires that additional trees besides the grand firs proposed by the permittee be included in the plan, and that the trees include a fast growing species such as Shore Pine. Furthermore, the condition requires that the trees to be planted be irrigated, maintained, and replaced as necessary to ensure that the approved house would be adequately screened in perpetuity. The condition also requires County review of any proposal to remove trees and requires that the existing trees on the site be protected. Thus, the terms of the approved permit provide for augmenting the vegetation screening proposed by the applicant with additional trees, provide for the planting of fast growing trees that would screen the structure in a shorter period of time, and include provisions to ensure that existing and proposed trees will be maintained and/or replaced over time to ensure the project will be adequately screened in perpetuity. Given the County's inclusion of these provisions, a high degree of factual support exists for the CPA's decision that the required landscaping would be sufficient to adequately screen the approved house to make it subordinate to the character of its setting, as required by LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C)(3). Therefore, the Commission finds that the required landscaping does not raise a substantial issue of conformance with LCP policies requiring that the proposed development be subordinate to the character of its surroundings.

Prohibiting development that projects above the ridgeline.

The appellants contend that the project would be inconsistent with LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8) because the approved house would project above the ridgeline and be highly visible to the public and the appellants believe there are alternative house locations on the site that would not create such impacts.

As approved, the proposed residence would project above the ridgeline as indicated by the appellant. The Commission notes, however, that LUP Policy 3.5-4 and Zoning Code Section 20.504.015 allow development that projects above the ridgeline, if "no alternative site is available below the ridgeline." In such instances, the LCP policies require that visual impacts be reduced by utilizing existing vegetation, structural orientation, landscaping, and limiting development to a single story above the natural elevation.

In approving the proposed development which projects above the ridgeline, the Coastal Permit Administrator considered the alternative of locating the house further north of the ridge on the portion of the parcel that slopes gently downward towards Navarro Ridge Road. If moved far enough into that area, the 18-foot structure would likely not project above the ridgeline. The Coastal Permit Administrator (CPA) considered whether the house should be moved to the north and sited a couple of factors that would make it problematic to locate a house in that area. First,

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the CPA noted that to require relocation to the north would bring the structure closer to agricultural lands under Williamson Act contract. The CPA noted that Policy 3.2-9 of the LCP states as follows:

"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 CPA notes the proposed structure is located approximately 165 feet from the rangeland and Williamson Act land to the north and that to require that the structure be relocated to the north would be inconsistent with Policy 3.2-9. The CPA also noted that 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.

The local record does not demonstrate that these factors absolutely preclude the option of locating the house further northward where it would not project above the ridge. LUP Policy 3.2-9 allows residential development to be located closer than 200 feet from agricultural parcels if there is no other 'feasible' building site. Visual concerns could be taken into account in the determination of what constitutes a feasible building site to allow a reduced buffer. With respect to septic concerns, an evaluation of alternative septic leach field system sites prepared by a knowledgeable hydrologist or engineer familiar with the design of such systems was not included in the materials contained in the local record. Thus, the information available in the local record does not rule out that possibility of relocating the septic system to accommodate moving the house north. On the other hand, the appellant has not presented any evidence from on-site investigations that would support the assertion that a septic system can be located elsewhere on the property to accommodate moving the house northward. Given the evidence in the record that the County Division of Environmental Health expressed concerns that the site is highly constrained for relocating the septic system and the need to maintain an agricultural buffer consistent with LUP Policy 3.2-9, the CPA's determination that the project as approved complies with LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8) concerning development on ridge tops is reasonable.

The appellants raise a valid issue as to whether the approved project is fully consistent with LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8). However, the Commission must find not just that an issue of conformance with the certified LCP is raised by the project but that a substantial issue is raised in order to set aside the County permit and consider the application de novo.

In the present case, 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. As discussed previously, the proposed

Put on P. 3 37444

APPLICANT'S EXHIBIT 4

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DEPARTMENT OF PARKS AND RECREATION

Rusty Areias, Director

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.

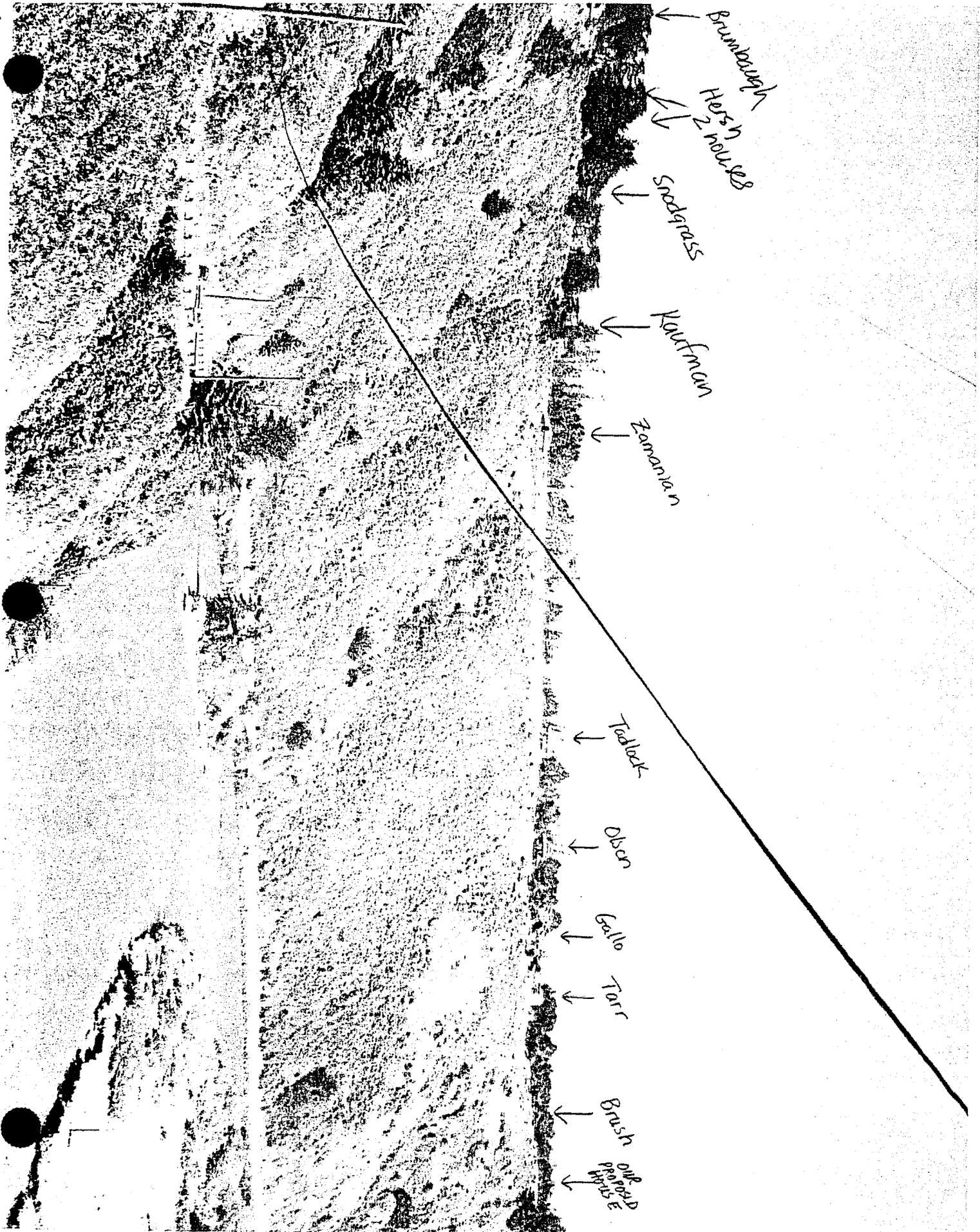
It is also very difficult to make any recommendations given the fact that the bluff is covered with very visible houses that have all been given permits in the past. Why should the house you are proposing be treated any different than they were? It certainly would be frustrating to be in the Jones' shoes. 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

APPLICANT'S EXHIBIT 5

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Brumbaugh

Hershey
2 houses

Snodgrass

Kaufman

Zamarian

Tedlock

Olson

Gallo

Tarr

Brush

our
spotted
pupae

59614

APPLICANT'S EXHIBIT 6

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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

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APPLICANT'S EXHIBIT 7

RE: A-1-00-28

I am familiar with the Jones' plan to build an 18' one-story, single family residence at 31991 Navarro Ridge. I strongly support their project. I have viewed the site from Highway 1, and it will be one of the least visible houses in their subdivision, and will in no way further diminish the appearance of Navarro Ridge.

- | Signature | Print Name | Address |
|-------------------------------|------------------------|--|
| <u>Kenneth G. Kyle</u> | KENNETH G. Kyle | P.O. Box 280 Albion Calif 95411
960 HWY 1 North, |
| <u>Sabra Reign King Gallo</u> | Sabra Reign King Gallo | 32771 Navarro Ridge Rd, Albion Ca
95410 |
| <u>Diva Gallo</u> | Diva Gallo | 32771 Navarro Ridge Rd, Albion CA.
95410 |
| <u>Novia Gallo</u> | Novia Gallo | 32771 Navarro Ridge Rd, Albion CA
PO Box 532
95410 |
| <u>Jane Brush</u> | JANE BRUSH | 32701 Navarro Ridge Rd, Albion Ca
PO Box 532
95410 |
| <u>Joe Brush</u> | Joe Brush | 32701 Navarro Ridge Rd, Albion, Ca |
| <u>Alan Peters</u> | ALAN PETERS | 40901 AIRPORT RD LITKERNER CA |
| <u>John L. Graves</u> | John L. Graves | 32771 Navarro Ridge Albion, CA |
| <u>Shelley Martin</u> | Shelley Martin | 33611 Navarro Ridge Rd Albion |
| <u>Ryan Hendricks</u> | RYAN HENDRICKS | 37000 Albion Ridge Rd. Albion |
| <u>Patricia A. Caughey</u> | PATRICIA A. CAUGHEY | 3313 NAVARRO RGE RD. ALBION 95410 |
| <u>Button Quinn</u> | BUTTON QUINN | 33775 NAVARRO RGE. RD, ALBION,
95410 |
| <u>William Bottrell</u> | WILLIAM BOTTRELL | 3930 ALBION-LITKERNER RD, ALBION |
| <u>Barbara Brown</u> | Barbara Brown | 33531 Navarro Ridge Rd, Albion |
| <u>Richard Brown</u> | Richard Brown | 33531 NAVARRO RIDGE RD, ALBION |
| <u>James Heid</u> | James Heid | 33801 Navarro Ridge, Albion |
| <u>David L. Hoff</u> | DAVID L. HOFF | Bx 1699 MENDOCINO |
| <u>Beverly Witchner</u> | Beverly Witchner | 33745 Navarro Ridge Rd. Albion |
| <u>Seth Cole</u> | Seth Cole | PO 213 FIK CA 95432 |

RE: A-1-00-28

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Signature	Print Name	Address
<u>David Burns</u>	David Burns	617 Stewart - Ft. Bragg Ca.
<u>Vince Smith</u>	Vince Smith	PO Box 575 Little River CA 95066
<u>Timothy Blackshaw</u>	Timothy Blackshaw	33850 ALBION RIVER RD 95410
<u>Richard Yates</u>	Richard Yates	PO. Box 9 Albion Ca 95410
<u>Robert Curran</u>	Robert Curran	P.O. Box 92 Albion CA 95410
<u>William E. HANNAH</u>	WILLIAM E. HANNAH	P.O. BOX 725 ALBION CA 95410
<u>Robert Rickett</u>	Robert Rickett	18320 Georges Lane
<u>William Rickett</u>	William Rickett	415 s. McPherson 3 rd
<u>John G. Cernac</u>	John G. Cernac	235 N - Cory St. Ft. B.
<u>Dino Mattiuzzi</u>	Dino Mattiuzzi	30400 Simpson Lane Ft. Bragg Ca. 95433
<u>Harold Johnson</u>	1244 Cedar St	Fort Bragg 96437
<u>Angelo Del Re</u>	805 Cedar St	Ft Bragg 95437
<u>Beatrice</u>	O. Stodd Miller	21593 Foster Lane Ft. Bragg "They lived there a long time great neighbors"
<u>Arthur G. Morley</u>	Arthur G. Morley	150 Morrow St, Fort Bragg, CA 95437
<u>Jean H. Morley</u>	JEAN H. MORLEY	150 Morrow St, Fort Bragg, CA 95437
<u>T.M. Holmes</u>	T.M. HOLMES	191 FEWETT Fort Bragg Ca 95437
<u>Dana Coversto</u>	Dana Coversto	153 HARRISON Ft. B.
<u>Rose Del Re</u>	ROSE DEL RE	805 Cedar St. Fort Bragg Ca
<u>Don GIOVANNONI</u>	DON GIOVANNONI	1184 N MAIN ST #15 FT BRAGG
<u>Diana</u>	Diana	844 HADDER ST FT BRAGG

I am familiar with the Jones' plan to build an 18' one-story, single family residence at 1991 Navarro Ridge. I strongly support their project. I have viewed the site from Highway 1, and it will be one of the least visible houses in their subdivision, and will in no way further diminish the appearance of Navarro Ridge.

Signature	Print Name	Address
1. <u>Charley Newman</u>	<u>Charley Newman</u>	<u>26 Betty St., Ukiah, Ca. 95482</u>
2. <u>Nichele Eder</u>	<u>MICHELE EDER</u>	<u>POBX 17, Casspar Cal. 95482</u>
3. <u>Robin Baker</u>	<u>ROBIN BAKER</u>	<u>POB27 Little River 95456</u>
4. <u>Luz Harvey</u>	<u>LUZ HARVEY</u>	<u>POBOX 1304 Mendocino 95460</u>
5. <u>Gary Bell</u>	<u>GARY BELL</u>	<u>1350 CARRIGAN LN UKIAH CA 9548</u>
6. <u>Chuck Greenberg</u>	<u>Chuck Greenberg</u>	<u>6150 N. Hwy 1 Little River CA 95452</u>
7. <u>G.A. Langer</u>	<u>G.A. LANGER</u>	<u>33900 Frog Pond Rd., Little River CA 95456</u>
8. <u>Elizabeth A. Eskos</u>	<u>ELIZABETH A. Eskos</u>	<u>40401 Little River Airport Rd. CA P.O. Box 1502 Mendocino, Ca. 95460 95456</u>
9. <u>R.C. Zumalt</u>	<u>R.C. Zumalt</u>	<u>7679 N. Hwy 1 Little River CA 95456 42887 LITTLE RIVER RD</u>
10. <u>Brian Casey</u>	<u>BRIAN CASEY</u>	<u>Box 279 LR 95456</u>
11. <u>Carol Lillis</u>	<u>CAROL LILLIS</u>	<u>PO BOX 670 ALBTON CA 95410</u>
12. <u>Deena Owen</u>	<u>Deena Owen</u>	<u>P.O. Box 324 Comptche Ca 95427</u>
13. <u>Peter Russell</u>	<u>Peter Russell</u>	<u>P.O. BOX 593 MENDOCINO 95467</u>
14. <u>Raymond Furey</u>	<u>RAYMOND FUREY</u>	<u>P.O. Box 392 LITTLE RIVER 95452</u>
15. <u>Chad Johnson</u>	<u>Chad Johnson</u>	<u>16741 N Hwy 1 APT 3 FEBRUARY, CA 95437</u>
16. <u>Ute Rowland</u>	<u>Ute Rowland</u>	<u>42867 Little River Airport Rd LR 95456</u>
17. <u>Thomas F. Kidner</u>	<u>THOMAS F. KIDNER</u>	<u>6901 ISIDE RD LITTLE RIVER CA</u>
18. <u>Gary Taff</u>	<u>GARY TAFF</u>	<u>PO. 458, LITTLE RIVER, CA 95456 43850 BURLINGAME RD</u>
19. <u>Sheri Valador</u>	<u>SHERI VALADOR</u>	<u>149 N. LINCOLN ST FB CA 95431</u>
20. <u>Christopher Palmer</u>	<u>Christopher Palmer</u>	<u>1346 Helen Ukiah</u>

RE: A-1-00-28

I am familiar with the Jones' plan to build an 18' one-story, single family residence at 31991 Navarro Ridge. I strongly support their project. I have viewed the site from Highway 1, and it will be one of the least visible houses in their subdivision, and will in no way further diminish the appearance of Navarro Ridge.

Signature	Print Name	Address
<u>Gerald A. Lee</u>	GERALD A. LEE	217 N. CARRY ST. FORT BRAGG CA
<u>Jean Duncan Rasmussen</u>	JEAN DUNCAN RASMUSSEN	43800 LITTLE LAKE RD MENDOCINO CA 95460
<u>Thomas Kilgus</u>	THOMAS KILGUS	31421 Airport Rd. F.B.
<u>Michael A. James</u>	Michael A. James	30336 Starwood Rd. F.B. ca
<u>Molly Warner</u>	Molly Warner	21251 S. Petaluma, Ft. Bragg, Ca. 95437
<u>Jennifer Lang</u>	Jennifer Lang	7701 N. Hwy 1 Little River CA 95456
<u>Cindy Burksen</u>	Cindy Burksen	95051 E side Little River 95456
<u>George Reed</u>	GEORGE REED	32760 SIMPSON LAKE 95451
<u>Pattie DeMatteo</u>	PATTIE DeMATTEO	PO Box 479, Little River 95456
<u>Robert Nye</u>	ROBERT NYE	POB 828 Mendocino, CA 95460
<u>Lance Johansen</u>	LANCE JOHANSEN	Box 773 Mendocino CA 95460
<u>Michael Lee Finney</u>	Michael Lee Finney	22125 Burnside Rd. Ft Bragg 95454
<u>Tia Zumalt</u>	Tia Zumalt	6851 Isideway L.R.
<u>Marilyn Romelli</u>	MARILYN ROMELLI	160 Ebbing Way F.B. 95437
<u>Lee Buttorzi</u>	Lee Buttorzi	5850 E/s Capella Rd. Ukiah 95488
<u>Tim Peterson</u>	Tim Peterson	2615 Porter Crk Rd Santa Rosa, CA 95404
<u>Don Romelli</u>	DON ROMELLI	160 EBBING WAY Fort Bragg, CA 95437
<u>Claire Ellis</u>	CLAIRE ELLIS	6150 N. HWY #2 Little River 95456
<u>Steve B. Say</u>	STEVE B. SAY	4450 L.R. AIRPORT RD. L.R.
<u>Bruce R. Woodruff</u>	Bruce R. Woodruff	43351 L.R. Airport Rd., Little River, CA 95456

RE: A-1-00-28

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Signature Print Name Address

- 1. Denise Carpenter Denise A Carpenter 31523 Albion Ridge Albion
- 2. Maria A Waldman Maria A Waldman 41801 Airport Rd Little River, CA 95456
- 3. John H. Lillis John H. Lillis 2408 Nonella Lane Albion CA 95470
- 4. Gordon B Gillingham GORDON B GILLINGHAM 43800 LR AIRPORT RD LITTLE RIVER CA 95456
- 5. William Flinn WILLIAM FLINN P.O. BOX 265 LITTLE RIVER CA 95456
- 6. Lori Kaye LORI KAYE 33001 PAILO-GREENWOOD RD. ELK CA. 95432
- 7. Giovanna Chacon Giovanna Chacon 551 Smith Hill Rd Philo CA 95466
- 8. Ronald V. Engvall RONALD V. ENGVALL 43300 Airport Rd #17 Little River, CA 95456
- 9. Judy Stevens Judy Stevens 425 1/2 Madrone Ft. Bragg, CA 9543
- 10. Royce Joe Jones Royce Joe Jones 3001 Navarro Ridge Rd. Albion CA
- 11. John Dunlop John Dunlop 460 Navarro Ridge Albion CA 95410
- 12. Stephan Dunlop Stephan Dunlop 32301 Pearl Dr RB 95437
- 13. Morgan Baynam MORGAN BAYNAM 10301 Hwy 128 Philo 95466
- 14. Roger Griswold ROGER GRISWOLD 41400 AIRPORT RD. LITTLE RIVER CA 95456
- 15. Kenneth Matheson Kenneth Matheson 49341 (2nd) 4371 Anderson Rd Little River CA 95456
- 16. Deborah Fulmer Deborah Fulmer 6801 LR Airport Rd Little River 95456
- 17. Ed Zimmerman ED ZIMMERMANN 33150 Frog Pond Rd. Little River P.O. Box 372
- 18. Dwight Bissett DWIGHT BISSETT 33150 Frog Pond Rd Little River CA 95456
- 19. Clara Kirkpatrick PO Box 561 Little River CA Clara Kirkpatrick
- 20. William LaRosa PO Box 482 Little River CA William LaRosa

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- | Signature | Print Name | Address |
|----------------------|--------------------------|--|
| <u>[Signature]</u> | <u>K.A. Olsen</u> | <u>32801 Navarro Ridge Rd.</u> |
| <u>Marilyn Olsen</u> | <u>M. J. OLSEN</u> | <u>32801 NAVARRO RIDGE ⁷⁵⁴¹⁶</u> |
| <u>[Signature]</u> | <u>HAZEL GREFSHUND</u> | <u>32801 NAVARRO RIDGE RD. ^{ALBION, CA}</u> |
| <u>[Signature]</u> | <u>MURNA SHARP</u> | <u>31515 middle Ridge Rd Albion CA</u> |
| <u>[Signature]</u> | <u>Raymond YATES</u> | <u>3350 ALBION Ridge rd ALBION CA</u> |
| <u>[Signature]</u> | <u>THERMAN L. SPROCK</u> | <u>33840 ALBION Ridge Rd. ALBION, CA.</u> |
| <u>[Signature]</u> | <u>Ira Rosenbly</u> | <u>30500 Albion Ridge Rd.</u> |
| <u>[Signature]</u> | <u>P. Marinu</u> | <u>33000 Navarro Ridge Rd.</u> |
| <u>[Signature]</u> | <u>KENNETH RIGHTMIER</u> | <u>32571 NAVARRO RIDGE RD</u> |
| <u>[Signature]</u> | <u>Delia Rightmier</u> | <u>32571 NAVARRO RIDGE RD.</u> |
| <u>[Signature]</u> | <u>ED BOHON</u> | <u>3386 (EST) GRANOS ^{ALBION, CA 95416}</u> |
| <u>[Signature]</u> | <u>CAROL CARPENTER</u> | <u>32000 NAVARRO RIDGE RD</u> |
| <u>[Signature]</u> | <u>LELAND CARPENTER</u> | <u>32000 NAVARRO RIDGE RD</u> |
| <u>[Signature]</u> | <u>GENE E. OZENNE</u> | <u>1460 NAVARRO BLUFF RD ALBION</u> |
| <u>[Signature]</u> | <u>LEROY A. OZENNE</u> | <u>1460 NAVARRO BLUFF RD ALBION</u> |
| <u>[Signature]</u> | <u>LILLIAN MILLER</u> | <u>320 Oak St FB.</u> |
| <u>[Signature]</u> | <u>CHARLES R. RENCE</u> | <u>3200 AIP Port Rd F.B</u> |
| <u>[Signature]</u> | <u>Jill Motherwell</u> | <u>24732 Sashandre Ln. FB</u> |
| <u>[Signature]</u> | <u>NANCY HANDLEY</u> | <u>810 Alder St. FB</u> |
| <u>[Signature]</u> | <u>KAREN L. BECK</u> | <u>118 Lonne Way F.B.</u> |

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Signature	Print Name	Address
<u>Arthur N. Lattote</u>	<u>ARTHUR H. LATTOTE</u>	<u>6000-B HWY 1 LITTLE RIVER P.O. Box #482 95456</u>
<u>Jon Thomas</u>	<u>JON THOMAS</u>	<u>41035 LTL. LR. Rd. Mendo 95460</u>
<u>Matthew J. Holder</u>	<u>Matthew J. Holder</u>	<u>464 Alger St #5 Fort Bragg CA 95437</u>
<u>Traci Forte</u>	<u>Traci Forte</u>	<u>6051 B RD 18 LR CA 95456</u>
<u>Cliff Barry</u>	<u>CLIFF BARRY</u>	<u>P.O. Box 1431 GUAKA, CA. 95446</u>
<u>Robert Schwan</u>	<u>Robert Schwan</u>	<u>30701 Turner Rd. Fort Bragg</u>
<u>Bill Watson</u>	<u>BILL WATSON</u>	<u>6027 N HWY 1 Little River</u>
<u>Wilbert Barta</u>	<u>Wilbert Barta</u>	<u>114 N FRANKLIN ST Fort Bragg CA.</u>
<u>Raymond Thoma</u>	<u>RAYMOND THOMA</u>	<u>234 S. Macpherson Fort Bragg</u>
<u>Leila A. McPhee</u>	<u>LEILA A. MCPHEE</u>	<u>BOX 476 Mendocino CA 95460</u>
<u>Adam R. Bullock</u>	<u>ADAM R. Bullock</u>	<u>Box 476 Mendocino CA 95460</u>
<u>Jean Woodard</u>	<u>JEAN WOODARD</u>	<u>P.O. BOX 293, CA 95432</u>
<u>Warren Lampson</u>	<u>Warren Lampson</u>	<u>PO 229 Albion CA 95410</u>
<u>John Wetzler</u>	<u>JOHN WETZLER</u>	<u>Box 364 LITTLE RIVER</u>
<u>Steve Hole</u>	<u>Steve Hole</u>	<u>Box 1651 Mendocino.</u>
<u>Carol Anderson</u>	<u>CAROL ANDERSON</u>	<u>PO 363 " "</u>
<u>Beatrice Levine</u>	<u>BEATRICE LEVINE</u>	<u>PO 354 LITTLE RIVER, CA 95456</u>
<u>Marianne Langer</u>	<u>MARIANNE LANGER</u>	<u>" 361 " " " "</u>
<u>Louise Lampson</u>	<u>Louise Lampson</u>	<u>P.O. Box 729 Albion, CA 95482</u>
<u>Park Loyda</u>	<u>PARK LOYDA</u>	<u>P.O. Box 381 6866 Little River Highway</u>

RE: A-1-00-28

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Signature	Print Name	Address
<u>Diana Honeycutt</u>	DIANA HONEYCUTT	30951 NAVARRO RIVER RD.
<u>Craig Azavedo</u>	CRAIG AZEVEDO	24800 WARD AVE. Fort Bragg
<u>Brian Manning</u>	Brian Manning	2312 Humble Ln. Kelseyville
<u>Patricia Spores</u>	PATRICIA SPORES	7400 S. Hwy One, Elk
<u>Harley K. Branson</u>	HARLEY K. BRANSON	PO BOX 542, LITTLE RIVER, CA 95456
<u>Forrest Ludwick</u>	FORREST LUDWICK	PO B 39 MENDOC.
<u>Kent Craney</u>	Kent Craney	43200 Little Lake Rd. Mendocino, CA 95541
<u>Joann Bradley</u>	JOANN BRADLEY	7001 N. HWY ONE LITTLE RIVER
<u>Mike Beck</u>	MIKE BECK	Box 1747 Mendocino
<u>Andrew Hawczak</u>	ANDREW HAWCZAK	27689 ORE SPRINGS RD. COMPTCHE
<u>Carl Rittman</u>	CARL RITTMAN	BOX 1700 MENDOCINO CA
<u>Adam Roberts</u>	ADAM ROBERTS	Box 316 Comptche CA
<u>Stephen M. Sisk</u>	Stephen M. Sisk	Box 1198 Mendocino
<u>Andy O'Bryan</u>	ANDY O'BRYAN	PO 721 AUBION
<u>David R. Lacey</u>	DAVID R. LACEY	BOX 588, MENDOCINO CA
<u>Noella Shandel</u>	Noella Shandel	Box 197 Comptche, CA
<u>Bruce Bell</u>	Bruce Bell	Box 609, Mendocino Ca
<u>Doug Hynes</u>	Doug Hynes	Box 388 - Little River, Ca 95456
<u>Denise Anderson</u>	DENISE ANDERSON	528 S. FRANKLIN ST. FORT BRAGG, CA
<u>Craig Anderson</u>	CRAIG ANDERSON	9128 S. FRANKLIN ST. FB. CA

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Signature	Print Name	Address
<u>Patti Swanson</u>	<u>PATTI SWANSON</u>	<u>29920 SHERWOOD RD FT BRAGG</u>
<u>Regina Ceriani</u>	<u>Regina Ceriani</u>	<u>586 AS Franklin ST FT BRAGG</u>
<u>Roy Taylor</u>	<u>Roy Taylor</u>	<u>33841 Navarro Ridge Albion</u>
<u>Evelyn Hamby</u>	<u>Evelyn Hamby</u>	<u>33810 Navarro Ridge Albion</u>
<u>Sheila Wahlmeier</u>	<u>Sheila Wahlmeier</u>	<u>32000 Navarro Ridge Albion</u>
<u>George Dushoff</u>	<u>GEORGE DUSHOFF</u>	<u>30501 NAVARRO RIDGE ROAD</u>
<u>Sarah Daniel</u>	<u>Sarah Daniel</u>	<u>29701 Navarro Ridge Rd</u>
<u>Aiyana Martin</u>	<u>Aiyana Martin</u>	<u>28540 Navarro Ridge Rd</u>
<u>Harold Searles</u>	<u>HAROLD SEARLES</u>	<u>27500 Navarro Ridge Rd</u>
<u>Eva Katz</u>	<u>Eva Katz</u>	<u>27500 Nav. Ridge Rd.</u>
<u>Daniel Zoroff</u>	<u>DANIEL ZOROFF</u>	<u>30100 NAVARRO RIDGE</u>
<u>Thelma A. Ray</u>	<u>THELMA A. RAY</u>	<u>31256 Navarro Ridge Rd.</u>
<u>Bob Colin</u>	<u>BOB COLIN</u>	<u>31940 NAVARRO RIDGE RD.</u>
<u>Bill Fulton</u>	<u>Bill Fulton</u>	<u>31940 NAVARRO RIDGE RD.</u>
<u>Steven Mathews</u>	<u>Steven Mathews</u>	<u>31940 Navarro Ridge Rd</u>
<u>Dan Sabea</u>	<u>DAN SABEA</u>	<u>31940 Navarro Ridge Rd.</u>
<u>Earl P. Latham</u>	<u>Earl P. Latham</u>	<u>33100 Albion Ridge Rd Albion</u>
<u>Ed Petrykowski</u>	<u>ED PETRYKOWSKI</u>	<u>32095 ALBION RIDGE RD ALBION</u>
<u>Judith A Frank</u>	<u>JUDITH A FRANK</u>	<u>32095 albion ledge Rd. albion</u>
<u>Sandy Nelson</u>	<u>Sandy Nelson</u>	<u>28390 Albion Ridge Rd Albion</u>

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Signature	Print Name	Address
1. <u>Carol Clary</u>	<u>CAROL CLARY</u>	<u>P.O. Box 2 ALBION 95410</u>
2. <u>Don Cruser</u>	<u>DON CRUSER</u>	<u>Box 537 Little River</u>
3. <u>B. L. Steve</u>	<u>BRIAN L. STEVENSON</u>	<u>Box 531 "</u>
4. <u>Marsha Kidd</u>	<u>MARSHA KIDD</u>	<u>Box 2557 Fort Bragg CA</u>
5. <u>Cheryl Booth</u>	<u>CHERYL BOOTH</u>	<u>26801 N. Hwy. 1 FT. BRAGG</u>
6. <u>Leona Walden</u>	<u>LEONA WALDEN</u>	<u>Box 149 Albion Albion Ca 95410</u>
7. <u>M. Shaheen</u>	<u>M. SHAHEEN</u>	<u>Box 708 Fort Bragg</u>
8. <u>Patricia Hice</u>	<u>PATRICIA HICE</u>	<u>27404 N Hwy 1 - FB</u>
9. <u>Mary E. Kunkel</u>	<u>MARY E. KUNKEL</u>	<u>3553 "G" Rd, N. ALBION, CA 95410</u>
10. <u>Sylvia Stanley</u>	<u>SYLVIA STANLEY</u>	<u>32945 Albion Rd, ALBION CA 95410</u>
11. <u>Maria Mann</u>	<u>MARIA MANN</u>	<u>Box 878 Mendocino, CA 95460</u>
12. <u>Kathy A. Wells</u>	<u>KATHY A. WELLS</u>	<u>Box 29 Mendocino 95460</u>
13. <u>Jennifer Reed</u>	<u>JENNIFER REED</u>	<u>P.O. Box 356 COMPTCHE CA 95427</u>
14. <u>William Miller</u>	<u>WILLIAM MILLER</u>	<u>3905 Mc Pherson ^{Fort Bragg, Ca} 95437</u>
15. <u>Grace O'Ferral</u>	<u>GRACE O'FERRAL</u>	<u>3501 E Road Albion 95410</u>
16. <u>Brooke Heckerath</u>	<u>BROOKE HECKERATH</u>	<u>Box 151 Albion, Ca 95410</u>
17. <u>Roy C. LeMeur</u>	<u>ROY C. LEMEUR</u>	<u>Box 403 Albion CA 95410</u>
18. <u>Raymonda L. Wisdom</u>	<u>RAYMONDA L. WISDOM</u>	<u>1060 Navarro Bluff Rd. Albion Ca 95410</u>
19. <u>Dean R. Wisdom</u>	<u>DEAN R. WISDOM</u>	<u>1060 NAVARRO BLUFF RD ALBION CA 95410</u>
20. <u>Dobby Sommer</u>	<u>DOBBY SOMMER</u>	<u>POB 568 ALBION CA 95410</u>

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Signature	Print Name	Address
<u>[Signature]</u>	<u>CINDY VAN DINE</u>	<u>32399 BASIN ST. #30 FT. BRAGG, CA.</u>
<u>[Signature]</u>	<u>FRED HANS</u>	<u>32800 PEARL DR. FORT BRAGG, CA</u>
<u>[Signature]</u>	<u>Stephanie Stevens</u>	<u>29201 Sherwood Rd. FB, CA F.B.</u>
<u>[Signature]</u>	<u>DIANA LINA</u>	<u>31701 Little Valley Rd, CA</u>
<u>[Signature]</u>	<u>JANET BRENNAN</u>	<u>45351 Indian Shooks CA</u>
<u>[Signature]</u>	<u>CAROL BROSSARD</u>	<u>32800 PEARL DR. Fort Bragg CA 95437</u>
<u>[Signature]</u>	<u>W. Caplan</u>	<u>18600 Sherman Ave, Fort Bragg, CA 9</u>
<u>[Signature]</u>	<u>Roberta Whiteside</u>	<u>45098 MAIN ST MENDOCINO CA 9546</u>
<u>[Signature]</u>	<u>Martin C. Monks</u>	<u>32001 Navarro Ridge Rd Albion 95410</u>
<u>[Signature]</u>	<u>DAPHNE MARTIN</u>	<u>28540 NAVARRO RIDGE RD. ALBION 95410</u>
<u>[Signature]</u>	<u>ALAN GRAHAM</u>	<u>27600 ALBION RD ALBION 95410</u>
<u>[Signature]</u>	<u>Robert Spiky</u>	<u>P.O. BOX 207 Elk CA 95413</u>
<u>[Signature]</u>	<u>Valerie A. Morales</u>	<u>32001 Navarro Ridge Rd. 95410 CA</u>
<u>[Signature]</u>	<u>Robert Michael</u>	<u>32000 Navarro Ridge Rd. CA 95410 CA</u>
<u>[Signature]</u>	<u>Woody Heckeroth</u>	<u>30151 Navarro Ridge Rd. 95410</u>
<u>[Signature]</u>	<u>STEPHEN HECKEROTH</u>	<u>30151 NAVARRO RIDGE RD. 95410</u>
<u>[Signature]</u>	<u>Card Wolman</u>	<u>29751 Navarro Ridge 95410</u>
<u>[Signature]</u>	<u>Jacob Clapsadle</u>	<u>29751 " " "</u>
<u>[Signature]</u>	<u>Bonnie Smith</u>	<u>30100 Navarro Ridge Rd</u>
<u>[Signature]</u>	<u>Charles Tetoni</u>	<u>32751 Navarro Ridge Rd. ALBION</u>

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Signature	Print Name	Address
<u>[Signature]</u>	<u>Patty McCummings</u>	<u>P.O. Box 726, Mendocino</u>
<u>[Signature]</u>	<u>MERRILL, PEGGY</u>	<u>P.O. Box 300 Little River</u>
<u>[Signature]</u>	<u>TOM/BRADHAM</u>	<u>P.O. Box 7090 Mendocino</u>
<u>[Signature]</u>	<u>MARY ANNE GRAHAM</u>	<u>P.O. Box 1098 Mendocino</u>
<u>[Signature]</u>	<u>Cheri Sigman</u>	<u>40450 Little River Airport Rd, LLC 9546</u>
<u>[Signature]</u>	<u>Kathy Cerrelli Orsi</u>	<u>172 Woodland Dr. Fort Bragg, CA</u>
<u>[Signature]</u>	<u>BUD KAMR</u>	<u>9929 WARNER LANE MENDOCINO</u>
<u>[Signature]</u>	<u>Greg Burke</u>	<u>Box 336 Comptele</u>
<u>[Signature]</u>	<u>Wendy Roberts</u>	<u>45121 Little Lake St, Mendocino</u>
<u>[Signature]</u>	<u>Jeremy Norris</u>	<u>P.O. Box 063 ALBION CA 95410</u>
<u>[Signature]</u>	<u>CHARLIE REED</u>	<u>P.O. Box 1001 MENDOCINO, CA 95460</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>Box 425 Little River, 95456</u>
<u>[Signature]</u>	<u>Larry England</u>	<u>428 Wall St Fort Bragg 95435</u>
<u>[Signature]</u>	<u>Jim Ford</u>	<u>Po #532 L.R. CA 95456</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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APPLICANT'S EXHIBIT 8

57 464

Robert & Lori Jones
P.O. Box 547
Albion, CA 95410

December 8, 2000

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

RE: A-1 MEN-00-028 (JONES)

Dear Mr. Merrill;

The Coastal Commission may rightfully construe the Coastal Act to give visual issues priority. However, as the attached cited sections of the Coastal Act and Mendocino County's General Plan make clear that agricultural considerations, if not paramount, are far from insignificant.

What is insignificant, however, is the visual impact of our proposed project on Navarro Ridge. All who are familiar with our project and who have viewed the site – including yourself; your staff reports; Mendocino County's Planning Department and Permit Administrator; Superintendent of State Parks Greg Picard; and literally hundreds of local residents and visitor's who have signed a petition of support agree- Our home will have little or no impact on Navarro Ridge.

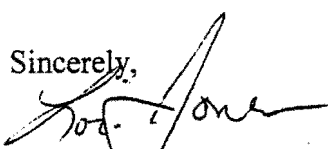
This being the case, why totally disregard farming considerations? Why force our house to be built within 65 feet of agricultural land, well within the 200 foot setback required to protect Williamson Act lands from potential future litigation? Why force us to build on the only area of our parcel that is suitable for the small scale farming we intend to engage in?

The southern end of our property, where we propose to build our house, is not suitable for farming. This area is extremely windy with very poor soil, mostly hard sandstone. (See Rittiman) The terrain slopes steeply and would require terracing and would be very difficult to irrigate.

The northern end of our parcel – where you propose we build – is not only an infeasible location for our residence, but moreover, is perfectly suitable for farming. The terrain is flat and sheltered from the prevailing winds. There is a good layer of rich loamy topsoil on the surface, which is nutrient enriched annually by winter flooding. We plan to dig a pond to store some of this winter run-off to complement our well water for summer irrigation.

Please, Mr. Merrill, take this into consideration. Given the minimal impact our project will have on any visual issues; the risk of impinging on Williamson Act lands; the significant extra cost and undesirability of building in the periodically flooded area of our lot; the total loss of the agricultural viability of our land; and the unreasonable depreciation of our property if we are compelled to build near the road, we ask you to re-consider your recommendation and allow us the same consideration that the approximately 20 or so of our immediate neighbors were given when they were permitted to build their homes.

Sincerely,


Robert & Lori Jones


58464

RELEVANT EXERPTS FROM MENDOCINO CO. COASTAL ELEMENT

p. 27 RURAL RESIDENTIAL

Intent: The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located to create minimal impact on agricultural viability.

p. 59 Coastal Act Requirements

The Coastal Act establishes agriculture as a priority use.

Section 30241. ...conflicts shall be minimized between agricultural and urban land uses...

p. 61 ...North of the Navarro River, agricultural activity has been affected by residential development... The land use policies of the Coastal Element, with its emphasis on the preservation and enhancement of agriculture, should encourage these landowners to maintain their farms in production.

p. 64 3.2-9 In order to minimize residential conflicts, land divisions or 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.

3.2-11 Light and local scale agriculture... shall be recognized as a principal use in the Rural Residential and Remote Residential land use classification in the Coastal Zone.

APPLICANT'S EXHIBIT 9

60 of 64

RECEIVED
OCT 10 2000

CALIFORNIA
COASTAL COMMISSION

Ed Powers
P.O. Box 1384
Mendocino, CA 95460
(707) 937-1851 phone/fax

October 3, 2000

Bob & Lori Jones
PO Box 547
Albion, CA 95410

Re: Alternate Site suggested in Staff Report dated 9-29-00
A 1 MEN 00 028

Dear Jones,

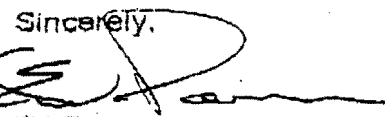
The following letter is in response to your inquiry regarding cost increases resulting from moving to the alternate building site suggested in the above referenced staff report. Please bear in mind that moving your building site 150' NE of the ridge (adjacent to Navarro Ridge Road) would entail several factors that while not individually cost prohibitive, could comprise a substantial portion of your overall building budget of \$150,000.

The necessary changes would include, but are not limited to:

1. Design and installation of site drainage system for rear portion of lot.
2. Redesign of foundation/found. drainage system.
3. Redesign of residence/garage to take full advantage of any aesthetic options offered by the suggested site.

The site work to remediate poor drainage could run from \$8,000 to \$15,000 including civil engineering fees, materials, equipment rental and labor. The more extensive foundation drainage system would be the least expensive of the three factors; possibly in the neighborhood of \$2,000-\$5,000. The house redesign would be the most expensive. Creating and elaborating a design that makes the most aesthetically of the suggested site from design development phase to construction documents would add no less than \$20,000.

With the only the aforementioned expenses included, the increase to you could be from \$30,000 to \$40,000 minimum (20% to 26% of your overall budget).

Sincerely,

Ed Powers

61 of 64

Ed Powers
P.O. Box 1384
Mendocino, CA 95460
(707) 937-1851 phone/fax

December 4, 2000

Bob Jones
PO Box 547
Albion, CA 95410

Re: Drainage plan for CALTRANS

Dear Bob,

I have been advised by Caltrans representatives that prior to considering the viability of a drainage plan for the northern portion of your property onto Highway 1, they would need to review an engineered drainage plan. Preliminary estimates for providing the engineered drainage plan are between \$10,000 and \$15,000 depending on the amount of preliminary excavation required for the design of a suitable drainage system. *This amount does not include the construction of the drainage system, only the design.* Even though the proposed plan would be engineered, it would still be subject to their approval. As we discussed before, Caltrans, like Mendocino County with regard to draining water onto Navarro Ridge Road has also indicated that they are not inclined to have additional drainage onto the highway.

The above cost will obviously be in addition to the cursory amounts referred to in my correspondence of 10-3-00. I would now estimate that even if Caltrans, or Mendocino County, will permit additional drainage onto the public roadways in question, which is highly unlikely, the expenses now involved to relocate the house from where it was approved by the County, to where the Coastal Commission proposes, will increase your overall budget a minimum of \$40,000 to \$55,000 or somewhere between 26% to 36% of your entire building budget.

Let me know how you wish to proceed.

Sincerely,



Ed Powers

62464

APPLICANT'S EXHIBIT 10

63 of 64



*Mendocino's Oldest Real Estate Firm
Serving the North Coast Since 1963*

December 2, 2000

The California Coastal Commission

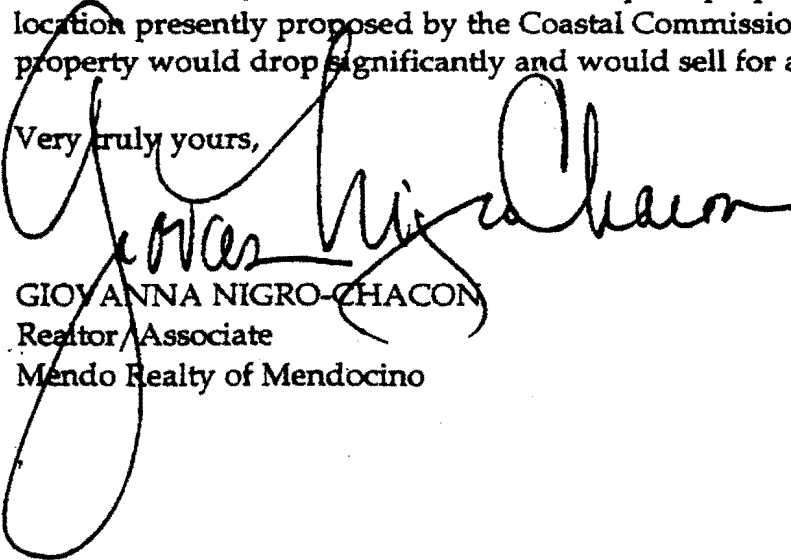
Ladies and Gentlemen:

I have been asked to give an evaluation of the property at 31991 Navarro Ridge Road, Albion, AP# 126-060-02.

If the Jones' are permitted to developed with the ocean and river views, in the location as approved by the County of Mendocino, the almost 4 acre land parcel would be worth approximately \$300,000 based on recent comparables.

However, if the Jones' are forced to develop the property without a view, in the location presently proposed by the Coastal Commission staff, the value of the property would drop significantly and would sell for approximately \$140,000.

Very truly yours,


GIOVANNA NIGRO-CHACON
Realtor/Associate
Mendo Realty of Mendocino

(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.	10
APPLICATION NO.	A-1-MEN-00-028
ADDITIONAL APPLICANT'S CORRESPONDENCE	(1 of 13)

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.

2 of 13

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 13

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.

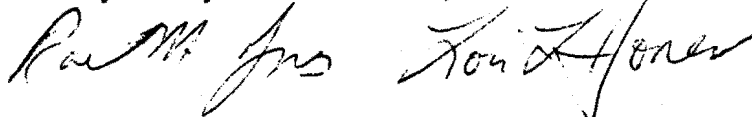
Finally, there is the issue of the protected range land immediately to the north of our property. Why impinge on lands protected by L.U.P. 3.2-9? If we have to build on the northern portion of our property we would be immediately adjacent to this protected land. Due to serious health concerns (I have chronic liver disease and my wife has auto-immune 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

7413



DEPARTMENT OF PARKS AND RECREATION

Rusty Areias, Director

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

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 13

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

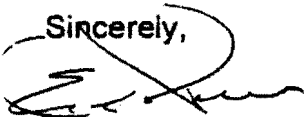
Re: Application #62-99 (Bob & Lori Jones)

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 because 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,



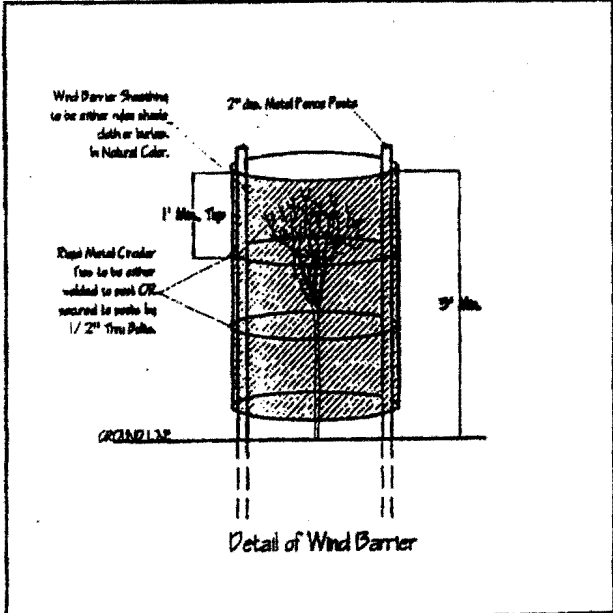
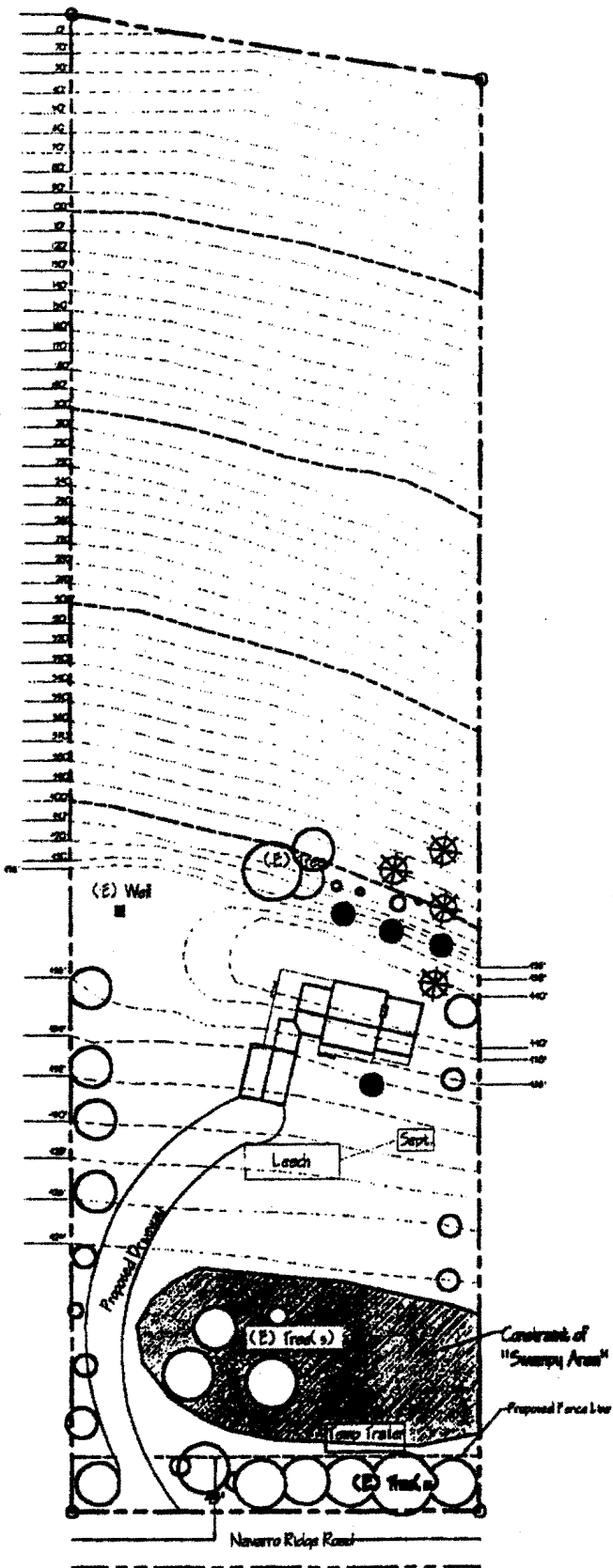
Ed Powers

11 of 13

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

LANDSCAPE NOTES:

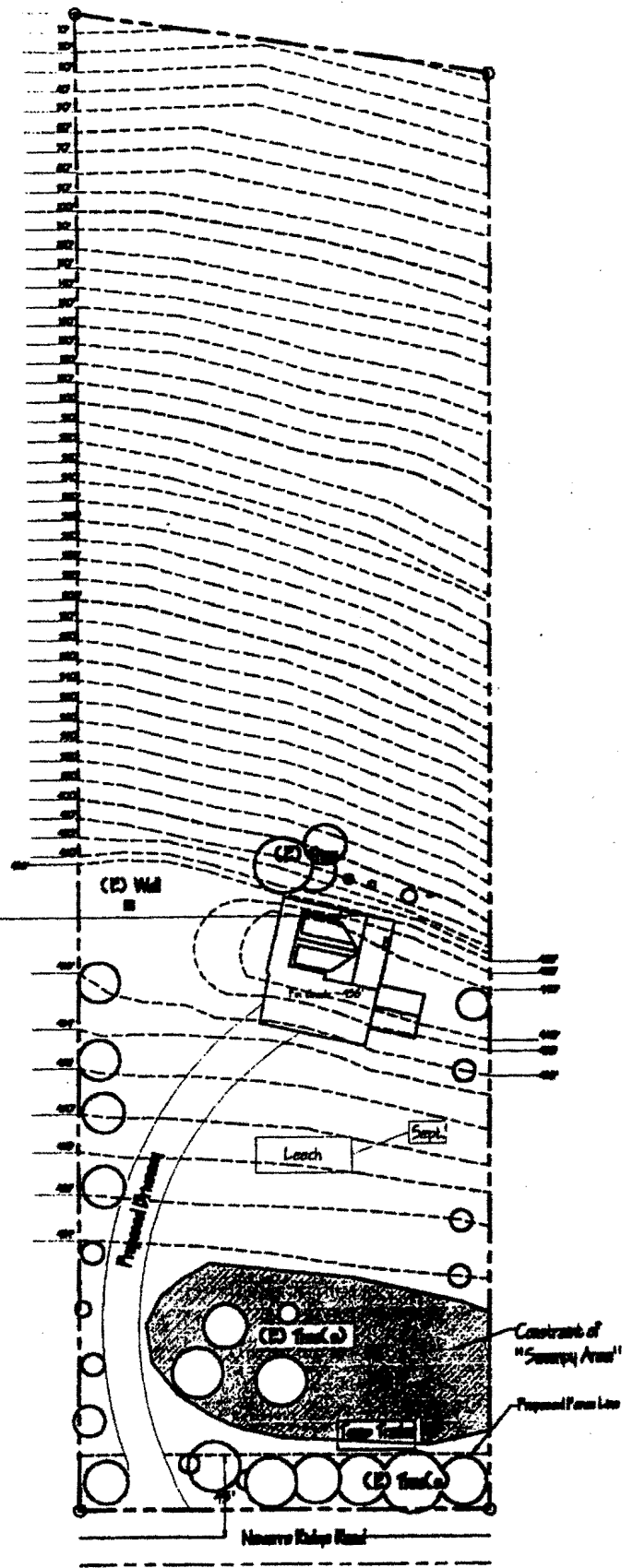
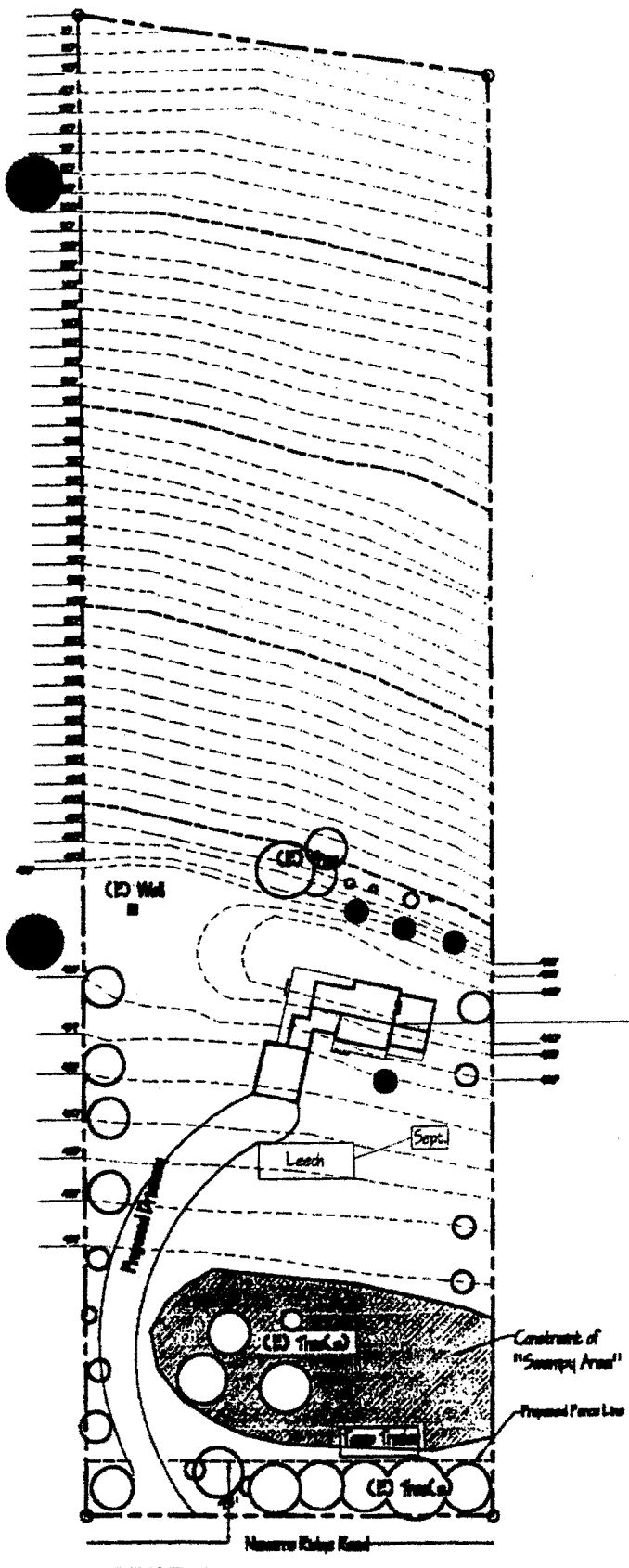
1. These notes apply only to new vegetation planted to screen development from Highway One.
2. Owners will supplement existing vegetation already visible from Highway One with the addition of no less than four Grand Fir trees and no less than four Shore Pines, to be placed as shown on adjoining site 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)

SUBMITTED TO COUNTY 5/2000

12 of 13



New Site Plan

- Property's Existing Truss
- New Truss (Ground Fr)

Original Site Plan

- Property's Existing Truss



JONES CDP 102-99
 MODIFIED FOR APRIL 27, 2000
 PUBLIC HEARING

139 13

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

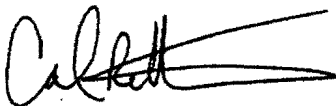
LOCATION: Navarro Ridge Road, approximately 1.25 miles from Hwy One to the driveway marked 31991 on the south side of the road

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.	11
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: [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.

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

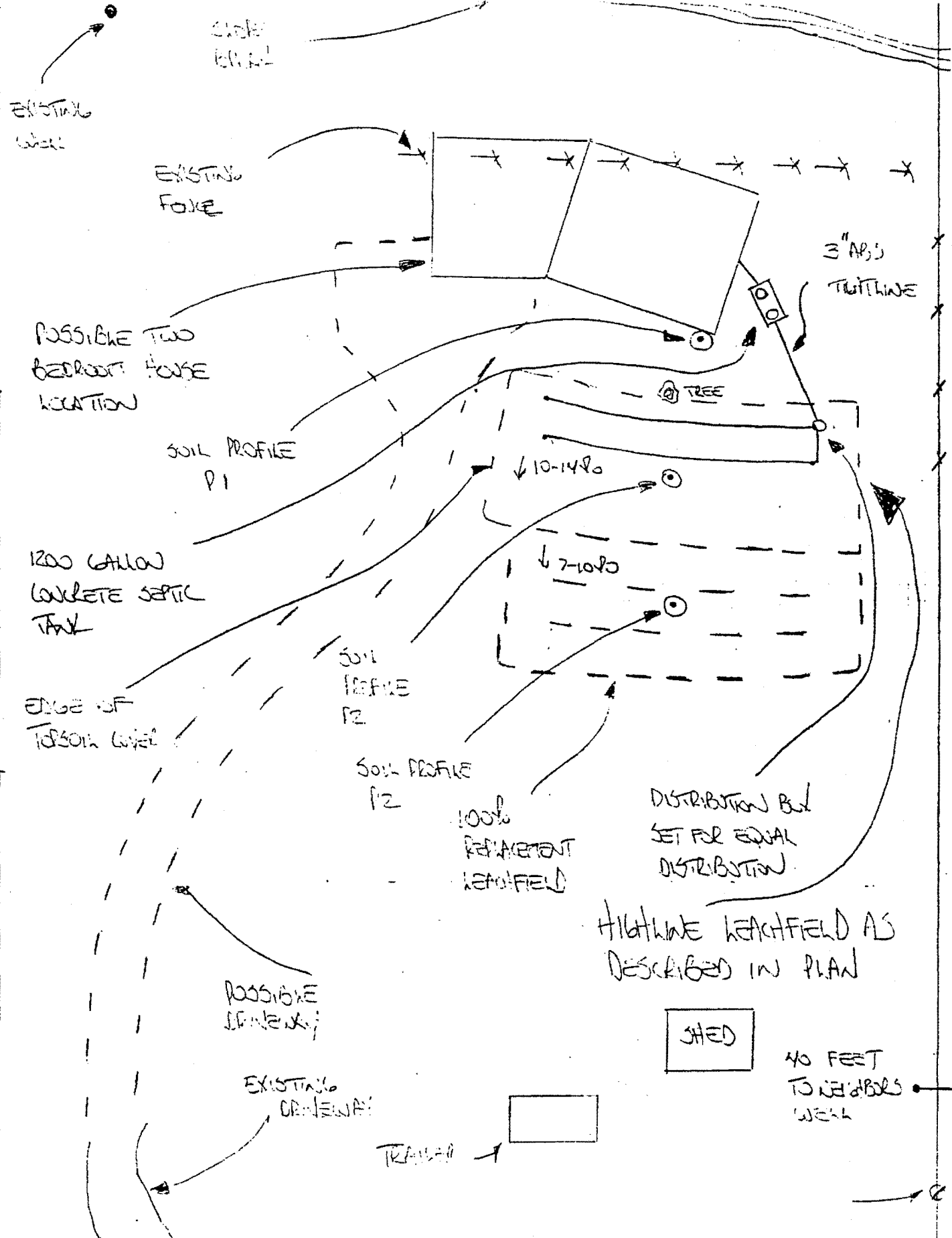
4 of 11

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.

5911



MANACKS GOLF ROAD

Leaf 11

1"=30'
 ↓ 11

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 COVER

0	COVER
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: C. J. [Signature]

MENDOCINO COUNTY Hydrometer Test Worksheet

Environmental Health

Site Address: <u>31991 NAVARRO RIDGE RD</u>		Lab Test Date: <u>5.28.99</u>			
APN:		Project #			
Owner Name: <u>JONES</u>		Site Evaluator: <u>CAK</u>			
Sample ID Number	<u>P2</u>	<u>P2</u>	<u>P3</u>	<u>P3</u>	
Sample Depth	<u>0-45"</u>	<u>45-73"</u>	<u>24-33"</u>	<u>33-48"</u>	
Slake Test (pass or fail)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
HYDROMETER TEST					
A. Oven drv wt. (gm)	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	
B. Start Time	<u>11:45</u>				
C. Temp @ 40 sec (°F)	<u>73</u>	<u>73</u>	<u>73</u>	<u>73</u>	
D. Hydrometer reading @ 40 sec (gm/l)	<u>24.5</u>	<u>26.0</u>	<u>30.0</u>	<u>30.0</u>	
E. Composite correction (gm/l)	<u>5.5</u>	<u>5.5</u>	<u>5.5</u>	<u>5.5</u>	
F. True Density @ 40 sec (gm/l)	<u>19.0</u>	<u>20.5</u>	<u>24.5</u>	<u>24.5</u>	
G. Temp @ 2 hrs. (°F.)	<u>72</u>	<u>72</u>	<u>72</u>	<u>72</u>	
H. Hydrometer reading @ 2 hrs. (gm/l)	<u>10.5</u>	<u>16.0</u>	<u>19.0</u>	<u>18.5</u>	
I. Composite correction (gm/l)	<u>5.7</u>	<u>5.7</u>	<u>5.7</u>	<u>5.7</u>	
J. True density @ 2 hrs. (gm/l)	<u>4.8</u>	<u>10.3</u>	<u>13.3</u>	<u>12.8</u>	
K. %Sand = 100 - [(F + A) x 100]	<u>62.0</u>	<u>59.0</u>	<u>51.0</u>	<u>51.0</u>	
L. %Clay = (J + A) x 100	<u>9.6</u>	<u>20.6</u>	<u>26.6</u>	<u>25.6</u>	
M. %Silt = 100 - (K + L)	<u>28.4</u>	<u>20.4</u>	<u>22.4</u>	<u>23.4</u>	
Coarse Particles					
N. Wt. Coarse particles retained (gm)	<u>93.2</u>	<u>127.6</u>	<u>192.0</u>	<u>194.0</u>	
O. Wt of total sample (gm)	<u>432.8</u>	<u>456.6</u>	<u>535.7</u>	<u>553.7</u>	
P. % Coarse particles = (N + O) x 100	<u>21.5</u>	<u>27.9</u>	<u>35.8</u>	<u>35.0</u>	
Bulk Density					
Q. Total sample wt (gm)	<u>432.8</u>	<u>456.6</u>	<u>537.5</u>	<u>533.7</u>	
R. Coarse particles wt. (gm)	<u>93.2</u>	<u>127.6</u>	<u>192.0</u>	<u>194.0</u>	
S. Total sample vol. (cc)	<u>325</u>	<u>325</u>	<u>325</u>	<u>325</u>	
T. Coarse particles vol. (cc)	<u>49.1</u>	<u>67.2</u>	<u>101.1</u>	<u>102.1</u>	
U. Bulk Density = [(O - R) ÷ (S - T)] (gm/cc)	<u>1.23</u>	<u>1.28</u>	<u>1.54</u>	<u>1.61</u>	
W. Adjusted Sand (%)					
X. Adjusted Clay (%)					
Y. Adjusted Silt (%)					
Z. Soil Suitability Zone	<u>2B</u>	<u>2C</u>	<u>2C</u>	<u>2C</u>	

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.

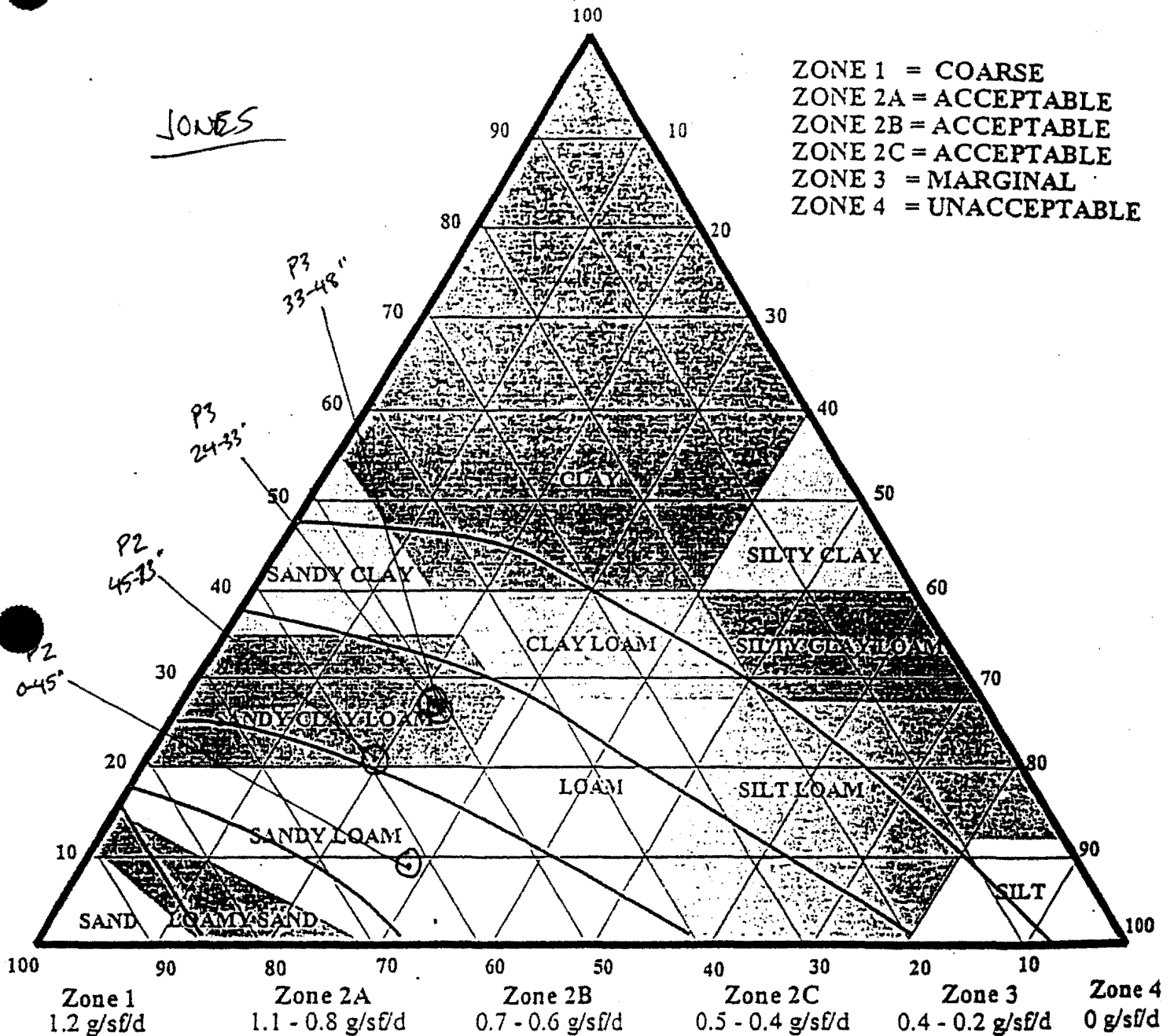
Signed CAK

9911

Soil Texture Suitability Chart

JONES

ZONE 1 = COARSE
 ZONE 2A = ACCEPTABLE
 ZONE 2B = ACCEPTABLE
 ZONE 2C = ACCEPTABLE
 ZONE 3 = MARGINAL
 ZONE 4 = UNACCEPTABLE



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 of 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: *Carl Ritt*

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:

Agenda # W 18a
Application #A-1-Men-oo-028
Joe & June Brush
in favor of project

RECEIVED

California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, California 95501

OCT 05 2000

CALIFORNIA
COASTAL COMMISSION

October 3, 2000

Dear Commissioners:

For the life of us, we cannot see your reasons for continuing to resist the request to build a single story home by the applicants, Bob and Lori Jones. Pictures have been submitted to your panel, showing what little impact would be made to the view and ridge outline, in building on the proposed site. As was stated in a letter, dated August 7, 2000, we, as adjacent property owners, see no problem with your granting permission.

To force a move to the northern section of the property means encroaching on the only leach line area and to also subject the owners to possible flood damage in years of constant, heavy rains. Houses on the ridge, allowed when there is no other building site on the parcel, are much more visible than the proposed building would ever be. Also, the building materials and window coverings would greatly reduce the impact as seen from any road.

We think it's a darn shame to subject people to the kind of stress the Jones couple are undergoing. How about the Golden Rule? Anyone on the commission consider that? Please rethink your position. Thank you.

Sincerely,

Joe & June Brush

Joe & June Brush
P.O. box 532 32701 Navarro Ridge
Albion, California 95410

EXHIBIT NO.	12
APPLICATION NO.	A-1-MEN-00-028
OTHER	
CORRESPONDENCE	(1 of 8)



DEPARTMENT OF PARKS AND RECREATION

Rusty Areias, Director

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

RECEIVED
OCT 11 2000

October 5, 2000

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, CA 95501

In Re: Applicants: Bob and Lori Jones
Meeting Wednesday, October 11, 2000
Agenda Item No. W 18A
Permit # A-1-MEN-00-028

Dear Commissioners,

After a careful reading of the September 29th staff report for the Jones Project and gaining a clearer understanding of the adopted rules of the certified LCP, I am persuaded that the project should be moved to the alternate available site in order to mitigate the effects on the visual character of the ridgeline. While my initial comments in my letter of July 7th are still valid and I believe should be followed if the staff report is not adopted, I feel under the circumstances that adherence to the regulations set up under the local coastal plan are important to follow, and failure to do so sets up precedent that will destroy their value in subsequent land use decisions throughout coastal Mendocino County.

Sincerely,

Greg Picard
Parks Superintendent

2 of 8

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OCT 11 2000

Dr. Hillary Adams
1391 Cameron Road
Elk, California 95432

CALIFORNIA
COASTAL COMMISSION

October 6, 2000

Commissioners
California Coastal Commission
c/o Mr. Robert Merrill
P. O. Box 9908
Eureka, CA. 95502-9908

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

By FAX: (707) 445-7877 and mail

Dear Commissioners:

I wish to thank you for finding a substantial issue at your meeting of August 11, 2000 concerning A-1-MEN-00-028 (Jones). This project is very important in determining the fate of the many lots which are waiting to be developed along Navarro Ridge all the way to the western tip above the headlands. The headlands was recently purchased using public tax dollars to save it from development and to protect the public views to the ocean. This ridge runs for some distance directly above Navarro River Redwoods State Park and beach.

I live on the opposite ridge, on the south side of the Navarro River in the coastal zone. The houses on our side are not visible from scenic Highway 1 or from Highway 128, which meets Highway 1 at the Navarro River bridge. This is because the houses on the south side are hidden behind a thick covering of forest trees. Those who live above the river on the south side have excellent views, but their houses cannot be seen. The certified Local Coastal Program (LCP) in this area intended to stop visible ridgetop development which had sprung up in a series of narrow lots on Navarro Ridge. The Jones property is one of the first to go through the process since the LCP was adopted. Whatever happens with this project will set a precedent for the future development of Navarro ridge. I believe that the Jones project in its present location is out of compliance with the LCP Visual Resources 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). The house should be moved back.

Navarro ridge, where the Jones property is located, has been mostly bare of trees since at least the 1880's. Trees on the face of the cliff are stunted and twisted. This ridge faces south and is subject to heavy buffeting from wind and winter storms. We looked at a house there when we first came to the area and decided against it because of this situation and the tendency to leakage from rain.

One of the first houses built on Navarro Ridge under the LCP rules (Tadlock) apparently had a confined lot and depended on landscaping for visual protection from scenic Highway One. To my knowledge, the Tadlocks have never planted their required landscaping. A newer project, CDP 77-99 (Newman) on the western edge of the ridge is also severely restricted by its lot. This lot should never have been allowed. The house is near the back of its lot, which rises steeply. The house will be very visible both from Highway One and the beach for many years before its landscaping grows up. However, landscaping was the only viable alternative there. This is not the case with the Jones property or many of the other lots along the ridgetop.

3 of 8

Depending on landscaping to protect public views in this area is very uncertain. There are many instances of people who have not planted the required landscaping, who have planted to get through inspection and then allowed the landscaping to die, who have cut limbs off mature trees so that only the trunks are left to shield the viewshed. To police this takes enormous public effort.

On our ridge, gophers and deer eat many newly planted trees. Our neighbors lost all but one of the 24 trees they planted because of gophers, even though they had deer cages around the trees. We plant with wire cages underground to protect from gophers, and deer cages above ground. Another problem that has begun to affect this area is a fungus disease or beetle that is attacking the pines along the coast. At mile marker 44.47 near Dark Gulch there is an example of this kind of quickly spreading pine death. It is not possible any longer to rely on landscaping alone to protect the public views.

The landscaping plan which the Jones submitted (assuming the May, 2000 plan is the one now under consideration) has very few Grand Fir across the front, and very few Sea Pines, which are placed so far down on the steep ridge that they will probably not grow tall enough to adequately protect the public views. To protect the views by this method would require many more trees, placed closer to the house and adequately protected in terms of watering, feeding, deer and gopher protection, wind protection, limbing and replacement. Even so, it would probably take at least fifteen to twenty years, especially given the wind conditions, for the faster growing species to grow high enough to protect the public viewshed.

The solution here is to move the house back. This will be more expensive for the Jones, because of the high water tables along both of these ridges. Our septic system, like many others on the ridges, was expensive. That is something people need to consider when they purchase their lots and apply for their building permit. Expense should not be used as an excuse for impacting the public view, especially in this very important and highly scenic area.

Please support our certified Local Coastal Program and help to protect future visual impact along Navarro Ridge by requiring the applicants to move their home back out of the public view.

Most sincerely,

Hillary Adams
Dr. Hillary Adams

*P.S. I am a member of the
Sierra Club and am asking
Mark Masuca to represent me.*

NAVARRO WATERSHED PROTECTION ASSOCIATION

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

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OCT 11 2000

October 7, 2000

Mr. Robert Merrill and Commissioners CALIFORNIA
California Coastal Commission COASTAL COMMISSION
P. O. Box 9908
Eureka, CA. 95502-9908

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

Via FAX: (707) 445-7877 to be followed by mail

Dear Mr. Merrill and Commissioners:

The Navarro Watershed Protection Assn.(NWPA) wishes to support the staff position and report dated September 29, 2000 for A-1-MEN-00-028 (Jones) appealed by us and by Hillary Adams personally. The Jones house can, and should, be moved further back on the lot, out of the public view. The Jones project is presently 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). This is one of the first houses to be developed on the Navarro Ridge since the certification of our Local Coastal Program (LCP). To allow this applicant to follow the old pattern, which the LCP was designed to stop, would set a precedent for numerous other lots which are in the process of development on Navarro Ridge.

Moreover, the landscaping plan submitted for the house in its present position is inadequate (May, 2000 plan). There would need to be many more trees, both fast and slow growing species. The pines were sited so far down on the steep hill that they would never shield the house from public view. Landscaping should be a last resort in protecting viewsheds since there are so many examples here of people who do not plant their landscape (see Tadlock, Navarro Ridge), or allow it to die, or cut the limbs when the trees do grow up.

We ask the Commissioners to support the staff position and our certified LCP.

Sincerely,



Henry P. Schaeffer
Planning Committee



Hillary Adams
Chairperson

598

October 21, 2000

Agenda #W 18a
Application #A-1-Men-00-028
Joe & June Brush
in favor of project

California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, California 95501

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NOV 01 2000
CALIFORNIA
COASTAL COMMISSION

Dear Commissioners:

In arguments against the Jones building site, the appellant has made remarks that need to be answered.

In the first paragraph of a letter to Robert Merrill, dated June 29, 2000 she (Hillary Adams) says "we", evidently meaning the Navarro Watershed Protection Association. No such a group is listed with Mendocino County and only one other name surfaces in connection with the Association, so its influence is be questioned.

"This project" (the Jones house) "will set a precedent for numerous other lots ---". Not so. When Bob and Lori Jones purchased their parcel in 1990 there was no current LCP in effect and their plan was to join the existing five (5) houses to the east and the ten (10) homes already situated on Navarro Ridge to the immediate west. There are two empty parcels in this area which, like the Tadlock house, will be able to be built upon, based on having no other site on the property. That leaves the Jones home, standing alone to set the precedent for "numerous other lots"... Where?

Under "visual", yes, the long view of Navarro Ridge is the first stunning view for motorists driving via Highway 128. However, it is impossible to see any part of the Jones property, due to the northern cliff

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Agenda W 18a
Application #A-1-Men-CO-028
Joe and June Brush
in favor of project

and trees. Granted, two segments of Highway 1, south of the Junction, afford a glimpse when coming down a steep grade and yes, the property would be barely visible from the river road and when traveling down the steep, winding Navarro Grade. Navarro Ridge may be highly visible from Highway 1, coming from the west but the Jones property is so far east there would be minimal, if any, impact on spectators. The appellants remarks are highly exaggerated.

In paragraph four of the letter, the statement "the Jones development would be visible from the Inn, the estuary beach and from the river estuary": We defy anyone to get even a glimpse on the parcel from the Inn; the estuary beach is blocked from viewing by trees except for a small strip of sand that is flooded daily by the high tides; the river estuary itself is a bog and used for no kinds of recreation. In the thirty-three (33) years we have been on Navarro Ridge we have seen one (1) man and one (1) woman making their way through the tangles and boggy undergrowth. Interestingly enough, this sighting was shortly after the appeal to the Jones project was filed. Coincidence? Maybe. A planned walk attempting to strengthen the appellant argument? Probably.

The following paragraphs of the appellants letter carry exaggerations and downright untruths but I won't take your time or mine to call them to your attention. Suffice to say, to anyone familiar with the area, the arguments and allegations made should be discounted. The whole thing begins to smack of a personal vendetta. Shameful!

748

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Agenda #W 18a
Application #A-1-Men-00-
Joe and June Brush
in favor of project

Both Bob and Lori Jones are very environmentally conscious and take pleasure in watching and feeding the many birds who inhabit the area, especially the great Blue Heron which sometimes visits their parcel in search of food. Their property has been fenced to keep deer away from the newly planted trees but those beautiful animals can be seen on other nearby lands, along with racoons, skunks, possums and various other wild life. These people do their best to preserve the beauty of the ridge and only desire to join their neighbors to enjoy the view.

Thank you for taking the time to read this and, hopefully, to help make it easier for that young couple to realize their dream.

Sincerely,

Joe & June Brush

Joe & June Brush
P.O. Box 532 32701 Navarro Ridge Rd.,
Albion, Ca. 95410

898