

CALIFORNIA COASTAL COMMISSION

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

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



Th 7b & Th 7c

RECORD PACKET COPY

Filed: July 3, 2003
49th Day: August 21, 2002
Staff: Randall Stemler
Staff Report: July 24, 2003
Hearing Date: August 7, 2003
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

APPEAL NOS.: A-1-MEN-03-046 and A-1-MEN-03-047

DECISIONS: Both Applications Approved with Conditions

APPLICANT: Douglas Gordon

AGENTS: Bud Kamb and Bill Rienstra

PROJECT LOCATION: 33850 Navarro Ridge Road, approximately 1.5 miles south of Albion, on the north side of Navarro Ridge Road, .2 mile east of its intersection with State Highway One, Mendocino County (APN 123-320-10).

PROJECT DESCRIPTION
A-1-03-046: Coastal Development Minor Subdivision of an approximately 11.98-acre parcel to create two parcels of 5.20 and 6.78 acres with approved locations for future on-site water and sewage disposal systems for Parcel 1 and Parcel 2, and construction of an access drive over Parcel 2 to serve Parcel 1.

PROJECT DESCRIPTION
A-1-03-047: Modification of Coastal Development Use Permit (#CDU 10-93) to create additional building envelopes that would include a 100-foot by 100-foot residential building site, a 16-foot diameter concrete below-grade water storage tank, and an adjacent 10-foot by 10-foot, 8-foot-high

pump house on Parcel 2, and establish a 16-foot by 16-foot building envelope for a pump house on Parcel 1.

APPELLANT: Evelyn S. Hamby

SUBSTANTIVE FILE: 1) Mendocino County CDMS No.10-93; CDU No. 10-93
DOCUMENTS 2) Mendocino County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Commission staff recommends that the Commission find that A-1-MEN-03-046, the Coastal Development Minor Subdivision (CDMS 26-2001) as approved, raises NO SUBSTANTIAL ISSUE of conformance with the certified LCP. Commission staff recommends that the Commission also find that A-1-MEN-03-047, the Coastal Development Use Permit Modification (CDUM 10-93/2000) as approved, raises NO SUBSTANTIAL ISSUE of conformance with the certified LCP.

The overall project, as approved by the County, includes a minor subdivision of an approximately 11.98-acre parcel to create two parcels containing approximately 5.20 acres and approximately 6.78 acres and the modification of a use permit to establish new building envelopes on both proposed parcels through implementation of the "PD" Planned Development Combining District zoning designation. The subdivision portion of the project would include approved locations for future on-site water and sewage disposal systems for Parcel 1 and Parcel 2, as well as construction of an access driveway within a 40-foot-wide access easement from Navarro Ridge Road over Parcel 2 to serve Parcel 1. The modification of Coastal Development Use Permit No. CDU 10-93 would create additional building envelopes that include a 100-foot by 100-foot residential building site, as well as building envelopes for a 16-foot diameter concrete below-grade water storage tank and an adjacent 10-foot by 10-foot, 8-foot-high pump house on Parcel 2, as well as a 16-foot by 16-foot building envelope for a pump house on Parcel 1. Parcel 1 would utilize the original approved residential building envelope created by the previous minor subdivision.

The appeal, which was filed jointly for both the minor subdivision CDP approval and the Coastal Development Use Permit Modification, raises contentions involving inconsistency of the approved subdivision and use permit modification with Mendocino County's certified LCP policies and standards relating to protection of visual resources, ESHA and agricultural buffer setbacks, and protection of water resources. The appellant asserts that "[t]he old building envelope in the northwest corner [of the site plan] has not been removed from the plan map" implying that the County inadvertently approved three residential building envelopes rather than two resulting in allowance of an additional residential structure on parcel 1. As a result, the appellant contends that the project is inconsistent with the provisions of LUP Policy 3.5 that require that development located in highly scenic areas be subordinate to the character of its setting and be sited appropriately to provide for the protection of ocean and coastal views from public areas as it allows for a third future residence that would unnecessarily adversely affect visual resources. The appellant also asserts that the buffer setbacks approved by the County are inaccurately portrayed on the site plan and therefore, inconsistent with provisions of LUP Policy 3.1-7 and Coastal Zoning Code (CZC)

Section 20.496.020 designed to protect ESHA resources with 100-foot buffers, and inconsistent as well with LUP Policies 3.2-9, and 3.2-13, and CZC Section 20.508.020 designed to protect agricultural resources on adjoining property with 200-foot setbacks. The appellant states: "either the 100-foot setback from the wetlands, or the 200-foot setback from adjacent AG II property is incorrectly marked on the map in the staff report. ...The measurements are inconsistent with one another. The 200-foot [buffer distance] appears to be closer to 150 feet." Finally, the appellant asserts an inconsistency of the County-approved project with the provision of certified LUP Policy 3.8-9, which requires that approval of the creation of any new parcels be contingent upon an adequate water supply during dry summer months which will accommodate the proposed parcels, and will not adversely affect the groundwater table of contiguous or surrounding areas.

Staff recommends that the Commission find that the subdivision portion of the project as approved, raises no substantial issue of conformance with the certified LCP with respect to contentions raised concerning proof of adequate water and demonstration that there would be no adverse effect on the groundwater table of neighboring parcels. Testing for proof of adequate water was performed prior to the approval of the permit according to the requirements of the certified LCP. The two parcels to be created by this subdivision are each greater than five acres in size, and are located in a Critical Water Resource (CWR) area designated by the Department of Water Resources. Evaluations of the effects of new wells on the groundwater table of neighboring parcels are not required by the certified LCP for new subdivisions located within CWR areas if the parcels created are five or more acres in size.

Staff recommends that the Commission determine that no substantial issue is raised with respect to an inconsistency of the County approval of the subdivision and use permit modification in regard to the protection of visual resources, ESHA resources, or agricultural resources. Structures that could eventually be built in the designated building envelopes of the new parcels need not be highly visible or block views to the ocean, and there would be ample opportunity to visually screen future residential development when permit applications for those residences are reviewed in the future. Staff recommends that the Commission determine that no substantial issue is raised with respect to the accuracy of the ESHA and agricultural buffers. The buffer widths are appropriately labeled and appear to be drawn to an appropriate scale. ESHA resources would be protected with a 100-foot buffer from the approved development as required by the certified LCP. Agricultural resources would be adequately protected with a 200-foot buffer from the approved development as required by the certified LCP.

Motions to adopt the Staff Recommendation of No Substantial Issue for A-1-MEN-03-046 and A-1-MEN-03-047 are found on Page 5 and 6.

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 three hundred feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within one hundred feet of any wetland or stream, or within three hundred feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area.

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

The subject development is appealable to the Commission because the proposed project is located (1) within a sensitive coastal resource area, and (2) the approved project would be a development not designated as the "principal permitted use" under the certified LCP. 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.*" The approved development is partially located 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 as being within a sensitive coastal resource area. The land division authorized by the County's approval of the Coastal Development Minor Subdivision is not a principally permitted use. The modification of the Coastal Development Use Permit by definition authorizes development that is not principally permitted. Therefore, both the approval of the minor subdivision and the modification of the coastal use permit are also appealable to the Commission as non-principal permitted uses 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, 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**

An appeal was filed by Evelyn S. Hamby (Exhibit 5). The appeal was filed with the Commission in a timely manner on July 3, 2003 within 10 working days of receipt by the Commission of the County's Notice of Final Action (Exhibit 4) on June 23, 2003.

I. **MOTION, STAFF RECOMMENDATION, AND RESOLUTION ON SUBSTANTIAL ISSUE FOR A-1-MEN-03-046 (Coastal Development Minor Subdivision CDMS 26-2001):**

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-03-046 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff Recommendation:

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.

Resolution to Find No Substantial Issue:

The Commission hereby finds that Appeal No. A-1-MEN-03-046 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal

Act regarding consistency of the approved development with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

II. MOTION, STAFF RECOMMENDATION, AND RESOLUTION ON SUBSTANTIAL ISSUE FOR A-1-MEN-03-047 (Coastal Development Use Permit Modification CDUM 10-93):

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-03-047 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff Recommendation:

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.

Resolution to Find No Substantial Issue:

The Commission hereby finds that Appeal No. A-1-MEN-03-047 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

III. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. APPELLANT'S CONTENTIONS.

The Commission received one joint appeal of the two actions taken by the County of Mendocino approving the development from Evelyn S. Hamby.

The overall project, as approved by the County, includes a minor subdivision of an approximately 11.98-acre parcel to create two parcels containing approximately 5.20 acres and approximately 6.78 acres and the modification of a use permit to establish new building envelopes on both proposed

parcels through implementation of the "PD" Planned Development Combining District zoning designation. The subdivision portion of the project would include approved locations for future on-site water and sewage disposal systems for Parcel 1 and Parcel 2, and construction of an access driveway within a 40-foot-wide access easement from Navarro Ridge Road over Parcel 2 to serve Parcel 1. The modification of Coastal Development Use Permit No. CDU 10-93 would create additional building envelopes that include a 100-foot by 100-foot residential building site, as well as building envelopes for a 16-foot diameter concrete below-grade water storage tank and an adjacent 10-foot by 10-foot, 8-foot-high pump house on Parcel 2, as well as a 16-foot by 16-foot building envelope for a pump house on Parcel 1. Parcel 1 would utilize the original approved residential building envelope created by the previous minor subdivision. The project site is located approximately one and a half miles south of Albion, on the north side of Navarro Ridge Road, about two-tenths of a mile east of its intersection with State Highway One, in coastal Mendocino County.

The appeal raises contentions involving inconsistency of both the minor subdivision appeal and the modification of the use permit with Mendocino County's certified LCP policies and standards relating to the protection of visual resources, ESHA and agricultural buffer setbacks, and protection of water resources. The appellant's contentions are summarized below, and the full text of the contentions is included as Exhibit No. 5.

1. Protection of Visual Resources

The appellant generally asserts that the project as approved, is inconsistent with the provisions of Mendocino County Land Use Plan Policy 3.5 that requires permitted development to be sited and designed to protect views, to be visually compatible with the character of surrounding areas, and to be subordinate to the character of its setting. Specifically, the appellant states that the proposed lot split would increase the visual impact of future development on Navarro Ridge Road, an LCP designated public trail. In addition, the appellant asserts that in approving new building envelopes, the County did not eliminate a previously designated building envelope from the plan map, and therefore is inadvertently allowing for three residences on the two parcels rather than two, thereby increasing the visual impact of future development from public vantage points.

2. ESHA and Agricultural Buffer Setbacks

The appellant asserts that the County-approved site plan map is inaccurate, and therefore it is not clear that the approved project would provide adequate buffers to protect ESHA resources and agricultural resources on adjoining lands as required by certified Mendocino County LUP Policies 3.1-7, 3.2-9, 3.2-13, and CZC Sections 20.496.020(A)(1) and 20.508.020.

3. Protection of Water Resources

The appellant asserts that the project as approved, is inconsistent with the provisions of Mendocino County Land Use Plan Policy 3.8-9, as the project was approved before it was demonstrated that the wells that would serve the development would provide an adequate water supply during dry summer months, and would not adversely affect the groundwater table of contiguous or surrounding areas.

B. LOCAL GOVERNMENT ACTION.

On June 5, 2003, the Mendocino County Planning Commission approved 1) #CDMS 26-2001, a Coastal Development Minor Subdivision; and 2) #CDUM 10-93/2002, a Modification of Coastal Development Use Permit for the subject parcel. The decisions of the Planning Commission were not appealed at the local level to the County Board of Supervisors.

Coastal Development Minor Subdivision (CDMS 26-2001)

The County attached to its coastal development minor subdivision seventeen (17) Conditions of Approval, contained in their entirety in Exhibit 4. The conditions that are most relevant to the contentions of the appeal are listed by condition number below.

1. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research Associates, Inc., dated July 2002. A note shall be placed on the Unilateral Agreement stating that development (including residential and accessory structures, access ways, and on-site utilities) will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services. [A unilateral agreement was used as a mechanism in lieu of recording a map under the Subdivision Map Act. Unilateral agreements are required to be recorded against the property pursuant to the Subdivision Map Act.]
3. A notation shall appear on the Unilateral Agreement that property adjacent to Agricultural Preserve may be subject to inconvenience or discomfort arising from agricultural practices which occasionally generate dust, noise, smoke, and odors.
4. A notation shall appear in the Unilateral Agreement that no future residential development may occur within the non-building area located within 200 feet of the adjacent lands within Type II Agricultural Preserve. Specific building envelopes are delineated on an exhibit map on file with the Department of Planning and Building Services.
13. Submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH Form Number 26.05) by a qualified individual of a water source located on Parcels 1 and 2 of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's "Land Division Requirements" (DEH Form Number 26.09), and submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory on a sample from the subdivision water source.

15. A notation shall appear on the Unilateral Agreement which shall advise that development of the property will be subject to the "highly scenic" development standards stated in Chapter 20 of the Mendocino County Code.

Coastal Development Use Permit Modification (CDUM 10-93/2002)

The property to be subdivided is located in a Planned Development Combining District (PD), which is intended to require sensitive development of selected sites where standard residential development would be inappropriate. In PD districts the County requires that a use permit be processed concurrently with development proposals (in this case a minor subdivision) to provide a mechanism to insure that appropriate mitigation be provided. The original use permit for this parcel was processed in 1993 when the subject parcel was split from the neighboring parcel that currently contains the Fensalden Inn, and the inn was expanded to add a new inn-keeper unit and increase the number of units from seven to twelve. The present modification of Use Permit 10-93 is required because the current owner is proposing a minor subdivision to create two lots. It is a waiver of survey that is automatically recorded against the title of the property.

The County attached to the current coastal development use permit fourteen (14) Conditions of Approval, contained in their entirety in Exhibit 4. The conditions that are most relevant to the contentions of the appeal are listed by condition number below.

2. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research Associates, Inc., dated July 2002. A note shall be placed on the Unilateral Agreement stating that development (including residential and accessory structures, access ways, and on-site utilities) will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.
9. A notation shall appear in the Unilateral Agreement that no future residential development may occur within the non-building area located within 200 feet of the adjacent lands within Type II Agricultural Preserve. Specific building envelopes are delineated on an exhibit map on file with the Department of Planning and Building Services.
10. A notation shall appear on the Unilateral Agreement which shall advise that development of the property will be subject to the "highly scenic" development standards stated in Chapter 20 of the Mendocino County Code.
12. Building materials, including siding and roof materials for buildings to be constructed on the parcels, shall blend in hue and brightness using earth tone colors and shall blend with their surroundings.

13. All future lighting whether installed for security or safety or landscaping design purposes shall be downcast and shielded and shall be positioned in a manner that will not shine light or allow glare beyond the boundaries of the subject parcels
14. The existing cypress hedgerow lying along the northern and western property boundaries shall be maintained through trimming replanting or other appropriate management techniques to provide visual screening and enhancement to the site.

A single Notice of Final Action covering both approvals was received by Commission staff on June 23, 2003, (Exhibit 4). The permit was appealed to the Commission in a timely manner by the appellant on July 3, 2003, within 10-working days after receipt by the Commission of the Notice of Final Local Action. Staff requested a copy of the local record on July 7, 2003. A copy of the local record was received on July 16, 2003.

C. PROJECT AND SITE DESCRIPTION.

The project site is an approximately 11.98-acre parcel located on a very high, ancient coastal marine terrace east of Highway One, bordering the north side of Navarro Ridge Road about two-tenths of a mile east of its intersection with Highway One, and about one and one half miles south of the town of Albion in Mendocino County (Exhibits 1 and 2). The County staff report indicates the site is located within a designated highly scenic area.

The subject property is at an elevation of approximately 375 feet above mean sea level on grassland terrain that slopes toward the north and west. The surrounding land is generally undeveloped, except for an inn and several structures located to the east of the property. The predominant vegetation at the site is coastal terrace prairie plant community, with a seasonal wetland component in the northeastern portion of the property. There is a planted hedgerow of 75-year-old, 100 to 125-foot-high Monterey Cypress trees growing along the entire northern and western boundaries of the site. The subject property is undeveloped except for a rocked access road and three existing wells. The seasonal wetland located in the northeastern portion of the property constitutes an ESHA for which a 100-foot protective buffer has been recommended in the wetland delineation report prepared for the project. The County conditions of approval require that a final map defining building envelopes on the site conform to this recommendation. The parcel is bordered to the north and west by agricultural rangeland with a zoning designation of RL-160 (Rangeland – Minimum 160 acres) that is within a Type II Agricultural Preserve. LCP policies require that protective buffers establishing a 200-foot separation between future residential development on the subject property and the neighboring Agricultural Preserve be maintained. The County conditions of approval require that the final map defining building envelopes on the site conform to these requirements.

The overall project, as approved by the County, includes a minor subdivision of an approximately 11.98-acre parcel to create two parcels containing approximately 5.20 acres and approximately 6.78 acres and the modification of a use permit to establish new building envelopes on both proposed parcels through implementation of the "PD" Planned Development Combining District zoning designation. The subdivision portion of the project would include approved locations for future on-

site water and sewage disposal systems for Parcel 1 and Parcel 2, and construction of an access driveway within a 40-foot-wide access easement from Navarro Ridge Road over Parcel 2 to serve Parcel 1. The modification of Coastal Development Use Permit No. CDU 10-93 would create additional building envelopes that include a 100-foot by 100-foot residential building site, as well as building envelopes for a 16-foot diameter concrete below-grade water storage tank and an adjacent 10-foot by 10-foot, 8-foot-high pump house on Parcel 2, as well as a 16-foot by 16-foot building envelope for a pump house on Parcel 1. Parcel 1 would utilize the original approved residential building envelope created by the previous minor subdivision.

D. SUBSTANTIAL ISSUE ANALYSIS.

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

"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."

All of the contentions raised in this appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP or with the public access policies of the Coastal Act. These contentions allege that the approval of the project by the County raises three (3) substantial issues related to LCP provisions regarding the protection of visual resources, ESHA and agricultural buffer setbacks, and protection of water resources.

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." (California Code of Regulations, title 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, an appellant nevertheless may obtain judicial review of the local government's coastal permit decision by filing a 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 approved by the County raises no substantial issue with regard to the project's conformance with the certified LCP.

Allegations Raising No Substantial Issue:

a. Demonstration of Proof of Adequate Water Supply Inadequate

The appellant contends that the project as approved by the County is inconsistent with Mendocino County LCP policies and standards relating to the provision of adequate water supply for new development and the protection of water resources. The appellant does not distinguish whether she is appealing on these grounds the County's action to approve the Coastal Development Minor Subdivision, the Coastal Development Use Permit, or both. The appellant specifically cites inconsistency with LUP Section 3.8-9 as a reason for the appeal.

LCP Policy:

LUP Policy 3.8-9 states in applicable part:

"Approval of the creation of any new parcels shall be contingent upon an adequate water supply during dry summer months which will accommodate the proposed parcels, and will not adversely affect the groundwater table of contiguous or surrounding areas. Demonstration of the proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study dated June, 1982, as revised from time to time and the Mendocino County Division of Environmental Health's Land Division requirements as revised (Appendix 6)."

Discussion:

The appellant contends that the project as approved by the County is inconsistent with LUP Policy 3.8-9 that requires that the County approval of the creation of new parcels be contingent upon 1) proof of adequate water to serve the parcels during dry summer months; and 2) a finding that the creation of new parcels would not adversely affect the groundwater table of contiguous or surrounding areas. This certified LUP policy effectively requires the County to conduct necessary tests and provide evidence that supports creation of new parcels consistent with these provisions

prior to approval. The policy says that "[a]pproval of the creation of any new parcels shall be contingent upon...", meaning that the County approval is dependent upon, tests and evidence indicating that adequate water sources are available to serve the new proposed parcel, and that no adverse effects would occur to the groundwater table of contiguous or surrounding areas.

The appellant is the owner of Fensalden Inn located to the east immediately adjacent and upslope of the subject property. The appellant states that she is concerned about water draw down because it could destroy her business. She refers to a conversation she had with Scott Miller at the Mendocino County Department of Environmental Health (DEH), stating that he was not concerned about adverse effects from the subject wells on neighboring wells because "the new wells were too far away from Fensalden Inn's well to draw down." The appellant maintains that surface distance from neighboring wells is less important than the depth of the wells and aquifer source. She goes on to claim that to her knowledge "no draw down has been done to this point to prove that the new wells on the proposed parcel split will not adversely affect Fensalden Inn's well." Additionally, the appellant refers to a memorandum dated 1/22/03 from Jim Ehlers of the DEH Fort Bragg office to Scott Miller at the DEH Ukiah office reporting that production tests from the two wells on the proposed two parcels meet the minimum requirement for the rate production (Exhibit 6, page 55). The appellant takes exception with the memo because it "does not state when the tests were made. I understand that all such tests must be made during the dry season..."

LUP Policy 3.8-9 as described above requires that demonstration of the proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study and the Mendocino County Division of Environmental Health's Land Division requirements as set forth in Appendix 6 of the certified LUP. The Mendocino Coastal Groundwater Study designates the subject parcel as a Critical Water Resource Area (CWR) meaning that the area has a history or is known to be water short. As provided in certified LUP Policy 3.8-9, LUP Appendix 6 was revised during July 1989, and the *Mendocino County Coastal Groundwater Development Guidelines* were adopted by the Mendocino County Board of Supervisors on November 21, 1989. The Guidelines are considered to be a part of the certified LCP, and these guidelines establish the requirements for proof of water and hydrological studies that the County has used since 1989 to assure that development is compatible with the limitations of the local water supply. Water well testing guidelines for proof of water require that water wells be tested "during dry season conditions, which is defined to be the period of August 20th to October 31st." The hydrological study guidelines in the document set forth requirements for studies to be performed for certain types of development and land divisions in order to determine the adequacy of on-site groundwater supply for a proposed development and to document any adverse impacts on local water users and the aquifer as a whole.

The County staff report discussed the need for proof of adequate water for the proposed subdivision as follows:

"The Division of Environmental Health reviewed the project with regard to water supply and wastewater disposal and stated in a memorandum dated January 28, 2002 that both parcels are greater than 5 acres and the project is in the Critical Water Resource Area (CWR) as identified in the Department of Water Resources (DWR) Coastal Groundwater Study. The

Division of Environmental Health states that for parcels designated CWR a "proof of water test" is required on each parcel and that to comply with the Coastal Groundwater Study the applicant will be required to submit to the Division of Environmental Health an acceptable proof of water evaluation prepared by a qualified individual of a water source located on both parcels of the subdivision demonstrating an adequate water supply. Additionally, the applicant shall submit an acceptable standard mineral analysis performed by a certified public health laboratory on a sample from one of the subdivision water sources."

As described above, the DEH's January 22, 2003, memorandum did verify to the Mendocino County Department of Planning and Building Services prior to approval of the permit that the test yields "meet the minimum requirements for the rate production, and should be approved at this level of review." DEH based this finding on tests performed by Carl Rittiman and Associates, the applicant's consultant. In a letter to DEH from Andrew Kawczak of Carl Rittiman and Associates, dated November 30, 2001 (Exhibit 6, page 35-36), Mr. Kawczak states:

"As required to satisfy the conditions set forth for this subdivision, our office conducted two, 17-hour proof of water tests on proposed Parcels One and the Remainder Parcel; of this subdivision. Attached you will find all drawdown and recovery data, as well as graphical analysis of the data... Both of the wells tested have proven to meet the requirements set forth for proof of adequate water for this subdivision."

The tests indicated that the two wells produce 0.68 gallons per minute for the shallow, 29-foot well; and 0.5 gallons per minute, for the deep 250-foot well. These are relatively low yields as recognized by the County DEH, and therefore the DEH recommended that "[d]ue to limited production, a requirement for 1500 gallons of storage for each proposed parcel should be made." The tests were performed on October 16, 2001 for the 29-foot well, and November 9, 2001 for the 250-foot well.

According to the *Coastal Groundwater Development Guidelines*, hydrological studies are required for all minor and major subdivisions proposed at densities greater than those recommended in Table 1 of the Guidelines. Table 1 indicates that subdivisions creating parcels within designated CWR areas that are greater than, or equal to, 5 acres in size, have no investigation requirement for evaluating adverse effects on the groundwater table of contiguous or surrounding areas. As described above, the subject property is located within a CWR area, and the parcels resulting from the proposed subdivision would be approximately 5.20 and 6.78 acres in size, both in excess of the minimum 5-acre requirement. The Mendocino County Division of Environmental Health (DEH) evaluated the nature of the proposed development and the conditions at the subject site and concluded that a hydrological study evaluating the impacts on surrounding properties, was not necessary in this case due to the relatively large size of the parcels involved. The well testing for the proposed development was performed on October 16th and 17th, 2001 during the dry period by Carl Rittiman and Associates in accordance with the requirements of the Department of Environmental Health (see Exhibit 6). As described above, the yields for the two wells were 0.68 gallons per minute, and 0.5 gallons per minute, and meet the requirements of the Guidelines. These requirements were specific, and a seventeen-hour test was performed as required.

Therefore, based on the foregoing discussion, no substantial issue is raised regarding the conformance of the approved subdivision with LUP Policy 3.8-9, requiring that an adequate water supply be available to serve the proposed development. Test results were provided to the County prior to permit approval verifying that adequate water capacity to serve the new proposed parcels exists. Therefore, the Commission finds that the degree of factual and legal support for the County's action to approve Coastal Development Minor Subdivision No. 26-2001 as consistent with the requirements of LUP Policy 3.8-9 is high. Additionally, the precedential value of the local government's decision to approve the subdivision as being consistent with the water supply requirements of LUP Policy 3.8-9 is low given that the County has followed the *Coastal Groundwater Development Guidelines* water testing procedures since 1989 for numerous land division projects. Therefore, the Commission finds that neither the approval by the County of the Coastal Development Minor Subdivision or the Coastal Development Use Permit raise a substantial issue of consistency with provisions of LUP Policy 3.8-9.

b. Protection of Visual Resources

The appellant generally asserts that the project as approved, is inconsistent with the provisions of Mendocino County Land Use Plan Policy 3.5 that provides permitted development to be sited and designed to protect views, to be visually compatible with the character of surrounding areas, and to be subordinate to the character of its setting. Specifically, the appellant states that the proposed lot split would increase the visual impact of future development on Navarro Ridge Road, an LCP designated public trail. In addition, the appellant asserts that in approving new building envelopes, the County did not eliminate a previously designated building envelope from the plan map, and therefore is inadvertently allowing for three residences on the two parcels rather than two, increasing the visual impact of future development from public vantage points.

LCP Policies:

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.

...New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land and boundary line adjustments within "highly scenic areas" will be analyzed for consistency of potential future development with visual

resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies."

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 impacts of development on terraces by (1) avoiding development in large open areas if alternative site exists; (2) minimize the number of structures and cluster them near existing vegetation, natural landforms, or artificial berms; (3) provide bluff setbacks for development adjacent to or near public areas along the shoreline; (4) design development to be in scale with rural character of the area...."

LUP Policy 3.5-6 states in applicable part:

"Development on a parcel located partly within the highly scenic areas delineated on the Land Use Maps shall be located on the portion outside the viewshed if feasible..."

LUP Policy 4.9 states in applicable part:

"DARK GULCH TO NAVARRO RIVER PLANNING AREA (Albion Planning Area)

...

Designated Access Points, Trails, and Recreation Areas

...

Navarro Ridge Road Inland Trail

Location: From Highway 1 north of Navarro River, County Road 518 traverses southeasterly to Highway 128.

Existing Development: Pedestrian, bicycle, and equestrian use; designated by County Trails Plan."

CZC Section 20.504.015 states in applicable part:

Coastal Zoning Ordinance Section 20.504.015 – 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.*

- (4) *All proposed divisions of land and boundary line adjustments within highly scenic areas shall be analyzed for consistency of potential future development with the regulations of this Chapter, and no division of land or boundary line adjustment shall be approved if development of resulting parcel(s) would be inconsistent with this Chapter."*

Discussion:

The project site is located east of Highway One in an area the County staff report indicates is within a designated highly scenic area. As noted above, the appellant raises two specific contentions alleging inconsistencies of the project as approved with the visual resource policies of the certified LCP. The first contention involves the visual impact of the land division on views from Navarro Ridge Road. The second involves a contention that the County approvals will result in three future residences on the subject property rather than two, and will thus result in unnecessary visual impacts.

Visual Impact of Increased Density of Development on Navarro Ridge Road

The appellant contends that the subdivision as approved is inconsistent with provisions of the LCP protecting public views from Navarro Ridge Road, which is identified in certified LUP Policy 4.9 as Navarro Ridge Road Inland Trail. The road/trail extends from Highway One north of the Navarro River along County Road 518 (Navarro Ridge Road), traversing southeasterly to Highway 128. The public uses cited in the LUP for the trail include pedestrian, bicycling, and equestrian. LUP Policy 3.5-3 requires that any development permitted in highly scenic areas provide for the protection of ocean and coastal views from public areas including highways, roads, and coastal trails. This policy also obligates new development to be subordinate to the character of its setting. The appellant does not distinguish whether she is appealing on these grounds only the County's action to approve the Coastal Development Minor Subdivision, the Coastal Development Use Permit, or both.

In approving the subdivision, the County analyzed potential adverse impacts to public views associated with designating building parcels for future residential construction. County Coastal Planner Rick Miller conducted a site visit of the subject property and recorded notes in a memorandum dated October 11, 2002. Excerpts of that memorandum follow:

"The main reason for having the site view was to assess the potential visual impact the proposed building envelopes may have on public views to and along the ocean. It is important to note that no structures have been proposed at this time and a Coastal Development Permit would be required in the future to address any specific development proposals on the site. A 28-foot tall story pole has been erected on the southwest corner of the westerly building envelope for visual reference purposes. Staff was unable to see the pole from any public view areas. ...[T]he location of the proposed building envelopes does not cause concern for future development from a visual resource protection standpoint."

The County attached several conditions to the permit requiring 1) buildings that would be constructed on the parcels in the future to use building materials with earth tone colors that blend in hue and brightness; 2) all future lighting to be downcast and shielded and positioned so that light or glare would not shine beyond the boundaries of the parcels; and 3) maintenance of the cypress tree hedgerow to provide visual screening of the site.

Commission staff viewed the subject property and also came to the conclusion that structures that would eventually be built in the designated building envelopes of the new parcels would most likely not be highly visible or visible at all from Highway One or other public vantage points to the north or west. The higher elevation of the project site relative to the public vantage points and the dense hedgerow of trees that line the north and west perimeter of the property shield the project site from view from the north and west.

To the east of the project site lays the Fensalden Inn, owned by the appellant. Future development of residences that would be accommodated by the approved subdivision and use permit would be very visible from the Inn (see pages 26-30 of Exhibit 6). However, the provisions of LUP Policy 3.5-3 and Coastal Zoning Code Section 20.504.015(C)(1) that protect views are limited to the protection of views from public areas, including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. The Fensalden Inn is privately owned, and although members of the public utilize the twelve-unit inn, the numbers of visitors is not so substantial as to enable the inn to be characterized as a "public area."

The future development that would be accommodated by the subdivision and use permit would also be visible from the south from a relatively short stretch of Navarro Ridge Road, a designated coastal trail. However, there are no significant views of the ocean or coastline afforded from Navarro Ridge Road through the project site as the dense hedgerow of trees along the north and west perimeter of the property block such views. Additionally, the building envelopes have been placed as far from Navarro Ridge Road/ Inland Trail as possible while still respecting the 200-foot agricultural buffers and 100-foot wetland ESHA buffers. The County-approved building envelopes are no closer than 180 feet to Navarro Ridge Road. Finally, there would be ample opportunity to provide landscaping

to visually screen future residential structures should that be necessary to protect coastal public views or make future development subordinate to the character of its setting. The County, or the Commission on appeal, could require such landscaping as a condition of approval of any future coastal development permit granted for future development of residential structures and support facilities within the designated building envelopes. The Commission further notes that the significance of the coastal resources affected by the decision is not great because the affected public views only involve views from a portion of Navarro Ridge Road and views to the ocean and coastline are already blocked by the previously noted hedgerow of trees.

Therefore, the Commission finds that the contention that the approved development would fail to protect views to and along the shoreline and would not be subordinate to the character of its setting because it would increase the density of development does not raise a substantial issue of conformance with LUP Policy 3.5-3 and the other visual policies and standards of the LCP, either with respect to the County's approval of the Coastal Development Minor Subdivision or the Coastal Development Use Permit.

Visual Impact of Alleged Inadvertent Approval of Third Residential Building Envelope

The appellant contends that the project as approved is inconsistent with LCP policies protecting visual resources because "[t]he old building envelope in the northwest corner [of the site plan] has not been removed from the plan map," implying that the County inadvertently approved a total of three residential building envelopes on the two parcels rather than two, thereby allowing an additional residential structure on parcel 1. The appellant specifically cites but does not explain how the development is inconsistent with, provisions of the certified LCP including LUP Policy 3.5-3, 3.5-4, and 3.5-6. As noted previously, Policy 3.5-3 protects visual resources by requiring that development located in highly scenic areas be subordinate to the character of its setting, and be sited appropriately to provide for the protection of ocean and coastal views from public areas. Policy 3.5-4 requires that buildings sited in a highly scenic area shall be sited in or near the edge of a wooded area, avoid development in large open areas if an alternative site exists, cluster structures near existing vegetation, and design development to be in scale with the rural character of the area. Policy 3.5-6 requires that development on a parcel located partly within the highly scenic areas delineated on the Land Use Maps shall be located on the portion outside the viewshed if feasible.

The building envelope that the appellant refers to is a 16-foot by 16-foot envelope located immediately adjacent to the existing well in the northwest corner of the property. The small envelope was retained for use as a pump house as indicated by a notation on the site plan. The envelope is nearly 400 feet from Navarro Ridge Road at its closest point, and is approximately 20 feet from the cypress tree hedgerow on both the north and west sides. The likelihood that a future pump house constructed on this building envelope would be significantly visible from any public vantage point, and would not be subordinate to the character of its setting as required by LUP Policy 3.5-3 is very small. In addition, the building envelope is sited near the edge of a wooded area, the hedgerow of cypress trees, as required by LUP Policy 3.5-4. Furthermore, it is not clear that any portion of the project site is completely out of the viewshed from public vantage points. Therefore, there is no substantial issue of conformance with LUP Policy 3.5-6. As discussed above, the County

has conditioned the modified use permit to include additional visual resource protection requirements that 1) building materials, including siding and roof materials for buildings to be constructed on the property, shall blend in hue and brightness, and shall use earth tone colors to blend with their surroundings; 2) all lighting would be downcast, shielded, and positioned to not allow light to shine or glare beyond the subject property; and 3) the existing cypress tree hedgerow would be maintained to provide visual screening. It should be noted that there is no current proposal to construct any structure on the building envelope. At the time when such an application is made, additional landscaping could be required by the County or the Commission on appeal to further screen the future pump house from view from public vantage points to assure that public views would be protected. The Commission further notes that the significance of the coastal resources affected by the decision is not great because the affected public views only involve views from a portion of Navarro Ridge Road and views to the ocean and coastline are already blocked by the previously noted hedgerow of trees.

Therefore, the Commission finds that the contention that the County approved an additional residence on the property that would unnecessarily contribute to visual impacts is not accurate and does not raise a substantial issue of conformance with LUP Policy 3.5-3, 3.5-4, and 3.5-6, either with respect to the County's approval of the Coastal Development Minor Subdivision or the Coastal Development Use Permit.

c. ESHA and Agricultural Buffer Setbacks

The appellant contends that the project as approved is inconsistent with provisions protecting ESHA resources and agricultural resources because the buffer setbacks indicated on the approved site plan map are inaccurate. The appellant does not distinguish whether she is appealing on these grounds only the County's action to approve the Coastal Development Minor Subdivision, the Coastal Development Use Permit, or both. The appellant cites provisions of the certified LCP including LUP Policy 3.1-7 and CZC Section 20.496.020(A)(1) dealing with requirements for adequate ESHA buffers; and LUP Policies 3.2-9 and 3.2-13, and CZC Section 20.508.020 dealing with requirements for establishing adequate buffers for Type II Agricultural Preserves.

LCP Policies:

LUP Policy 3.1-7 in applicable part states:

"A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width. New land

division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards:

- 1. It shall be sited and designed to prevent impacts which would significantly degrade such areas;*
- 2. It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and*

Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.”

LUP Policy 3.2-9 in applicable part states:

“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.”

LUP Policy 3.2-13 in applicable part states:

“Limit residential uses and subdivisions adjacent to Type II Ag Preserve to a low density standard to provide a buffer to minimize the conflicts between agricultural operations and residential land uses. New parcels created adjacent to an Ag Preserve shall be limited to a ten (10) acre minimum. For parcels beyond the 10-acre minimum buffer (parcels which would be separated from the Ag Preserve by the buffer), the minimum parcel size would be dictated by the land use classification and applicable policies of the Coastal Element.

If parcels adjacent to Type II Ag Preserve are designated Clustering (:CL) or Planned Development (:PD), the density will be dictated by the General Plan Land Use classification provided that the residential development is located not closer than 200 feet from the property line(s) of the protected agricultural resource or at the farthest feasible point from said property line(s). For residential development within 200 feet of the agricultural parcel(s), density shall not exceed one dwelling unit per 10 acres. (There shall be a minimum of 10 acres of lot area for each dwelling unit located within the 200-foot limit). Approval of any land divisions shall be consistent with Policy 3.9-2 and only when the creation of new parcels at the proposed acreages will not adversely affect the long term productivity of agricultural lands.”

CZC Section 20.496.020 of the Coastal Zoning Code in applicable part states:

ESHA- Development Criteria

- (A) *Buffer areas. A buffer shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.*

(1) *Width.*

The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, and County Planning staff, that one hundred feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width..."

CZC Section 20.508.020 of the Coastal Zoning Code in applicable part states:

"Development adjacent to agriculturally designated parcels is subject to the following:

(A) Development Adjacent to Agriculturally Designated Parcels.

- (1) *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.*
- (2) *New parcels shall not be created that would result in a dwelling within two hundred (200) feet of an agriculturally designated parcel.*

...

(C) Development Adjacent to Type II Agricultural Preserve.

- (1) *New parcels created adjacent to Type II Agricultural Preserve shall be a minimum of ten (10) acres, however, parcels designated Clustering Development Combining District (:CL) or Planned Unit Development Combining District (:PD) may be developed at a density specified by the base zone provided that no dwelling is closer than two hundred (200) feet from the property line of the Preserve or at the furthest feasible point from said property line."*

Discussion

The above-cited LCP provisions require 100-foot ESHA buffers and 200-foot agricultural buffers. The appellant asserts: "either the 100' setback from the wetlands, or the 200' setback from adjacent

AG 2 property is incorrectly marked on the map in staff report (2/6/03) pg. PC-12. The measurements are inconsistent with one another. The 200' appears to be closer to 150'."

Commission staff used a precision drafting compass to verify the approved site plan accuracy and found that with a few minor exceptions the subdivision site plan map is to-scale and accurate. The 100-foot protective wetland ESHA buffer may be shown slightly larger in a few locations on the map than 100 feet, but in no instances is it represented as less than the required 100 feet. In no instance is the required 200-foot Type II Agricultural Preserve buffer shown as less than 200 feet. Furthermore, the approved site plan map is well labeled with distances clearly marked regarding all 200-foot buffers and all 100-foot buffers so there can be no confusion about what the map is intended to represent. The Commission notes that since the width of the required buffers are clearly labeled on the site plan as being 100 feet or 200 feet, depending on whether the buffer is an ESHA buffer or an agricultural buffer, and since the mapped buffers scale is at least the labeled 100 or 200 foot widths, there is a high degree of factual support for the County's decision that the development is consistent with the ESHA and agricultural buffer policies of the certified LCP. Therefore, the Commission finds that the approved development does not raise a substantial issue of conformance with the buffer width requirements of LUP Policies 3.1-7, 3.2-9, 3.2-13, and Coastal Zoning Code Sections 20.496.020(A)(1) and 20.508.020, either with respect to the County's approval of the Coastal Development Minor Subdivision or the Coastal Development Use Permit.

Conclusion

The Commission finds that, for the reasons stated above, the appeal raises no substantial issue with respect to conformance of the approved Coastal Development Minor Subdivision and the Coastal Development Use Permit with the certified LCP.

EXHIBITS

1. Regional Location Map
2. Vicinity Location Map
3. Project Plans
4. Notice of Final Action
5. Appeal
6. Applicant's Correspondence

PROJECT
SITE

EXHIBIT NO. 1

APPLICATION NO.

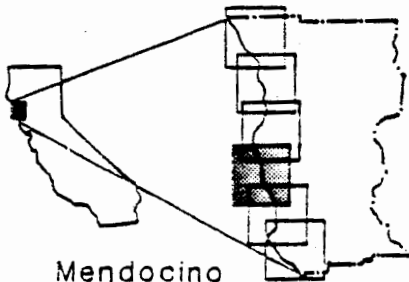
A-1-MEN-03-046

A-1-MEN-03-047

GORDON

REGIONAL LOCATION

MAP



California Coastal Commission

LOCATION MAP



County of Mendocino

PROJECT PLANS

SITE ADDRESS:

33850 HAVAPPO RIDGE ROAD
DELPHON, CA.

A.P.14:

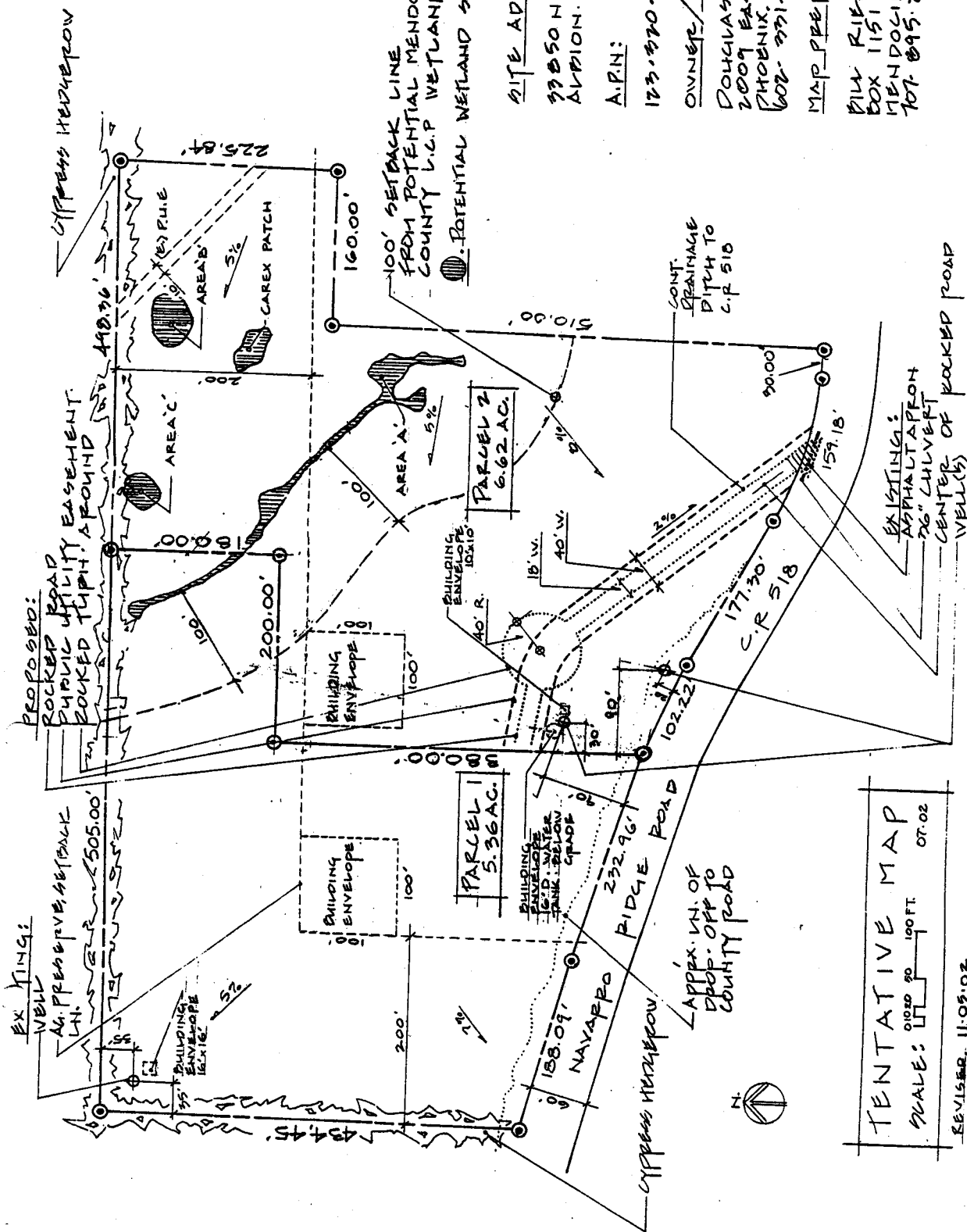
01-014-42

DIVIDE / SUBDIVIDE:

DOUGLAS GORDON
1009 EAST PALM AVE.
PHOENIX, ARIZONA 85020
602-331-4795

MAP PREPARED BY:

WILL RICHARDS
BOX 1151
BENDONGINO, CA.
95460
07-095-2671



TENTATIVE MAP

SCALE: 01020 50 100 FT.

REVISER, 11-05-02



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

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

RECEIVED

June 19, 2003

JUN 23 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#: #CDMS 26-2001/#CDUM 10-93/2002

DATE FILED: 4/3/2002

OWNER: DOUGLAS GORDON

AGENTS: BILL RIENSTRA AND BUD KAMB

REQUEST: Coastal Development Minor Subdivision of an 11.98+- acre to create 2 parcels containing 5.20+- and 6.78+- acres, project includes on-site water and sewage disposal systems for Parcel 1 and Parcel 2, construction a 40 foot wide access easement over Parcel 2 to serve Parcel 1. Modification of Coastal Development Use Permit (#CDU 10-93) to create additional building envelopes that would include a 100 foot by 100 foot residential building site, a 16 foot diameter concrete below-grade water storage tank and an adjacent 10 foot by 10 foot, 8 feet high pump house on Parcel 2, and establish a 16 foot by 16 foot building envelope for pump house on Parcel 1.

LOCATION: Within the Coastal Zone, approximately 1.5 miles south of Albion, on the north side of Navarro Ridge Road (CR# 518), 0.2 mile east of its intersection with State Highway 1, located at 33850 Navarro Ridge Road; AP# 123-320-10.

PROJECT COORDINATOR: Dennis Chaty

ACTION TAKEN:

The Planning Commission, on June 5, 2003, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

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

Attachments

cc: DOUGLAS GORDON
BILL RIENSTRA
BUD KAMB
COASTAL COMMISSION
ASSESSOR

EXHIBIT NO. 4

APPLICATION NO.

A-1-MEN-03-046

A-1-MEN-03-047

GORDON

NOTICE OF FINAL ACTION

(1 of 22)

**MENDOCINO COUNTY PLANNING COMMISSION
DRAFT MINUTES
JUNE 5, 2003**

5B. CDMS 26-2001/CDUM 10-93/2002 – GORDON – South of Albion

Request: Coastal Development Minor Subdivision of an 11.98+- acre to create 2 parcels containing 5.20+- and 6.78+- acres, project includes on-site water and sewage disposal systems for Parcel 1 and Parcel 2, construction a 40 foot wide access easement over Parcel 2 to serve Parcel 1. Modification of Coastal Development Use Permit (#CDU 10-93) to create additional building envelopes that would include a 100 foot by 100 foot residential building site, a 16 foot diameter concrete below-grade water storage tank and an adjacent 10 foot by 10 foot, 8 foot high pump house on Parcel 2, and establish a 16 foot by 16 foot building envelope for pump house on Parcel 1.

Mr. Lynch reviewed the staff report and correspondence.

Mr. Bud Kamb, Agent for the application, thanked the Planning Commission for granting continuances so he could obtain more information regarding issues noted by Coastal Commission staff. The Coastal Commission's issues were water, septic, and visual impacts in a highly scenic area. He requested that the Fish and Game filing fee be reduced since the \$1,275.00 fee was paid with the previous land division. Mr. Kamb also suggested additional conditions regarding building materials and lighting requirements to minimize issues with the highly scenic criteria.

Mr. Bill Rienstra, Agent for the application, described the landscape and topography on the subject property. He reviewed the history of the property including providing adequate water. He noted that septic system requirements should not be an issue because the property perks well. Mr. Rienstra noted that the two building sites would be located in the previously approved building envelope.

In response to Commissioner Edwards, Mr. Reinstra noted that the proposed homes would be average sized homes, approximately 1,500 to 2,000 square feet in size.

The public hearing was declared open.

Ms. Evelyn Hamby, owner of the Fensalden Inn, spoke in opposition of the project. She voiced concern regarding visual impacts. She requested a restriction prohibiting the cutting of the cypress hedgerow. She also described the wildlife in the area.

The public hearing was declared closed.

Mr. Lynch displayed a map showing the highly scenic boundaries. He noted that the highly scenic boundary ends to the south and east of the subject property.

Commissioner Barth discussed the Navarro Ridge Trail noting that the trail is rarely used and may be deleted in the future.

Chairman McCowen noted that he rarely sees people using the trail. He also described the surrounding area designated highly scenic which is covered with power poles, propane tanks near the road, abandoned vehicles and trailers.

2 of 22

Chairman McCowen supported the "de minimis" finding because the project would create a 100-foot setback from the wetland area, there are no endangered species listed near the property and the fee was paid on a previous application.

RECESS: 10:34 – 10:52 a.m.

Upon motion by Commissioner Lipmanson, seconded by Commissioner Calvert and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #CDMS 26-2001/CDUM 10-93/2002 making the following findings and subject to the following conditions of approval:

Environmental Findings: The Planning Commission finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project, therefore, a Negative Declaration is adopted.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan.

Department of Fish and Game Findings: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon the existing development on the subject parcel and surrounding parcels, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5. Further finding that the Fish and Game filing fee was already paid with the previous subdivision and the addition of the 100 foot setback from the wetland area would not impact wildlife or the habitat upon wildlife depends.

~~**Department of Fish and Game Findings:** Because this subdivision and use permit would create additional density and intensity of land use and would contribute to the overall reduction in wildlife populations and habitat from a cumulative standpoint, the de minimis finding can not be made for this project. The project is, therefore, subject to the Fish and Game fee of \$1,275.00.~~

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

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.

6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The Environmentally Sensitive Habitat Area as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

Coastal Land Division Findings: As required by Section 20.532.100(C), the Planning Commission further finds that:

1. The new lots created have or will have adequate water, sewage, including a long term arrangement for septage disposal, roadway and other necessary services to serve them; and
2. The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources; and
3. The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands; and
4. Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels; and
5. The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element.
6. The division will not contribute to development conflicts with natural resource habitats and visual resource policies.

Project Findings: The Planning Commission, making the above findings, approves #CDMS 26-2001 and #CDUM 10-93/2002, subject to the following conditions of approval as recommended within the staff report, further finding:

Pursuant to California Government Code Section 66445(e) the Planning Commission finds that division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement.

**STANDARD CONDITIONS OF APPROVAL FOR COASTAL DEVELOPMENT MINOR
SUBDIVISION #CDMS 26-2001:**

For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing an Unilateral Agreement.

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

1. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research

Associates, Inc., dated July 2002. A note shall be placed on the Unilateral Agreement stating that development (including residential and accessory structures, access ways, and on-site utilities) will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.

2. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 ~~\$1,275.00~~ shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to June 20, 2003 ~~February 21, 2003~~. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
3. A notation shall appear on the Unilateral Agreement that property adjacent to Agricultural Preserve may be subject to inconvenience or discomfort arising from agricultural practices which occasionally generate dust, noise, smoke, and odors.
4. A notation shall appear in the Unilateral Agreement that no future residential development may occur within the non-building area located within 200 feet of the adjacent lands within Type II Agricultural Preserve. Specific building envelopes are delineated on an exhibit map on file with the Department of Planning and Building Services.
5. There shall be provided an access easement of forty (40) feet in width (as per tentative map) from a publicly maintained road, to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
6. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.
7. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed.
8. Eighteen (18) foot wide road within the access easement, from Navarro Ridge Road (CR# 518) to the turnaround, including four (4) inch minimum rock base, one hundred twenty-five (125) foot minimum radius of horizontal curve, grade not to exceed fifteen (15) percent, drainage culverts where necessary. New or replaced culverts shall be a minimum of twelve (12) inches in diameter.
9. Private road approach shall be constructed to a minimum width of eighteen (18) feet, area to be improved twenty (20) feet from the edge of the county road, to be surfaced with comparable surfacing on the county road.
10. Any proposed work within county rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

11. A 40-foot radius turnaround be constructed within a 50-foot radius easement at turnaround location shown on the tentative map, to the satisfaction of the Mendocino County Department of Transportation.
12. The subdivider shall comply with those recommendations in the Department of Forestry letter of November 27, 2001 or other alternatives as acceptable to the Department of Forestry CDF# 635-01. Written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
13. Submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH Form Number 26.05) by a qualified individual of a water source located on Parcels 1 and 2 of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's "Land Division Requirements" (DEH Form Number 26.09), and submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory on a sample from the subdivision water source.
14. Submit to the Division of Environmental Health an acceptable site evaluation report (DEH Form Number 42.04) for Parcels 1 and 2 to be completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's "Basin Plan Policy for On-site Waste Treatment and Disposal" and Mendocino County Division of Environmental Health's "Land Division Requirements" (DEH Form Number 26.09). The report shall also include identifying replacement areas for existing on-site sewage disposal systems which may exist on the project site.
15. A notation shall appear on the Unilateral Agreement which shall advise that development of the property will be subject to the "highly scenic" development standards stated in Chapter 20 of the Mendocino County Code.
16. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

SPECIAL CONDITIONS OF APPROVAL:

1. Subdivider shall construct a ten (10) foot wide all weather driveway within the forty (40) foot wide access easement serving Parcel 1, from the turnaround to the easterly boundary of Parcel 1, including four (4) inch minimum rock base, fifty (50) foot minimum radius of horizontal curvature, grade not to exceed sixteen (16) percent.

**STANDARD CONDITIONS OF APPROVAL FOR COASTAL DEVELOPMENT USE PERMIT
MODIFICATION #CDUM 10-93/2002:**

1. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. This permit shall expire on June 5, 2004 ~~February 6, 2004~~. The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date.

2. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research Associates, Inc., dated July 2002. A note shall be placed on the Unilateral Agreement stating that development (including residential and accessory structures, access ways, and on-site utilities) will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.
 3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
 4. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
 5. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
 6. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
 - 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.
- Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.
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. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research Associates, Inc., dated July, 2002. A note shall be placed on the Unilateral Agreement stating that development will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.
 9. A notation shall appear in the Unilateral Agreement that no future residential development may occur within the non-building area located within 200 feet of the adjacent lands within Type II Agricultural Preserve. Specific building envelopes are delineated on an exhibit map on file with the Department of Planning and Building Services.

MENDOCINO COUNTY PLANNING COMMISSION
MINUTES

JUNE 5, 2003
PAGE 7

10. A notation shall appear on the Unilateral Agreement which shall advise that development of the property will be subject to the "highly scenic" development standards stated in Chapter 20 of the Mendocino County Code.
11. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
12. Building materials, including siding and roof materials for buildings to be constructed on the parcels, shall blend in hue and brightness, using earth tone colors and shall blend with their surroundings.
13. All future lighting whether installed for security or safety or landscaping design purposes shall be downcast and shielded and shall be positioned in a manner that will not shine light or allow glare beyond the boundaries of the subject parcels.
14. The existing cypress hedgerow lying along the northern and western property boundaries shall be maintained through trimming, replanting or other appropriate management techniques to provide visual screening and enhancement to the site.

AYES: Nelson, Barth, Edwards, Little, Calvert, Lipmanson, McCowen
NOES: None
ABSENT: None



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

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

January 8, 2003

RECEIVED

JAN 10 2003

CALIFORNIA
COASTAL COMMISSION

Planning - FB
Department of Transportation
Environmental Health - FB
Assessor
Ag Commissioner
Air Quality Management
Native Plant Society

Army Corps of Engineers
Dept of Fish and Game
Caltrans
Dept of Forestry
~~California Coastal Commission~~
Albion-Little River Fire District

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE
DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, February 6, 2003, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

CASE#: #CDMS 26-2001/#CDUM 10-93/2002

DATE FILED: 4/3/2002

OWNER: DOUGLAS GORDON

AGENTS: BILL RIENSTRA AND BUD KAMB

REQUEST: Coastal Development Minor Subdivision of an 11.98+- acre to create 2 parcels containing 5.20+- and 6.78+- acres, project includes on-site water and sewage disposal systems for Parcel 1 and Parcel 2, construction a 40 foot wide access easement over Parcel 2 to serve Parcel 1. Modification of Coastal Development Use Permit (#CDU 10-93) to create additional building envelopes that would include a 100 foot by 100 foot residential building site, a 16 foot diameter concrete below-grade water storage tank and an adjacent 10 foot by 10 foot, 8 feet high pump house on Parcel 2, and establish a 16 foot by 16 foot building envelope for pump house on Parcel 1.

LOCATION: Within the Coastal Zone, approximately 1.5 miles south of Albion, on the north side of Navarro Ridge Road (CR# 518), 0.2 mile east of its intersection with State Highway 1, located at 33850 Navarro Ridge Road; AP# 123-320-10.

PROJECT COORDINATOR: Dennis Chaty

ENVIRONMENTAL DETERMINATION: The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is attached for your review.

RESPONSE DUE DATE: February 5, 2003. If no response is received by this date, we will assume no recommendation or comments are forthcoming and that you are in agreement with the contents of the Draft Negative Declaration.

It should be noted that the decision making body may consider and approve modifications to the requested project(s). Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California. Oral comments may be presented to the Planning Commission during the public hearing(s).

The Planning Commission's action shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing(s). All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Secretary to the Planning Commission

9 of 22

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

I. DESCRIPTION OF PROJECT.

DATE: January 2, 2003

CASE#: #CDMS 26-2001/#CDUM 10-93/2002

DATE FILED: 4/3/2002

OWNER: DOUGLAS GORDON

AGENTS: BILL RIENSTRA AND BUD KAMB

REQUEST: Coastal Development Minor Subdivision of an 11.98+- acre to create 2 parcels containing 5.20+- and 6.78+- acres, project includes on-site water and sewage disposal systems for Parcel 1 and Parcel 2, construction a 40 foot wide access easement over Parcel 2 to serve Parcel 1. Modification of Coastal Development Use Permit (#CDU 10-93) to create additional building envelopes that would include a 100 foot by 100 foot residential building site, a 16 foot diameter concrete below-grade water storage tank and an adjacent 10 foot by 10 foot, 8 feet high pump house on Parcel 2, and establish a 16 foot by 16 foot building envelope for pump house on Parcel 1.

LOCATION: Within the Coastal Zone, approximately 1.5 miles south of Albion, on the north side of Navarro Ridge Road (CR# 518), 0.2 mile east of its intersection with State Highway 1, located at 33850 Navarro Ridge Road; AP# 123-320-10.

PROJECT COORDINATOR: Dennis Chaty

II. DETERMINATION.

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

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

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

**STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION**

#CDMS 26-2001/#CDUM 10-93/2002

FEBRUARY 6, 2003

PAGE PC-1

OWNER:

DOUGLAS GORDON
2009 E PALMAIRE AVE
PHOENIX, AZ 85020

AGENTS:

BILL RIENSTRA
BOX 1151
MENDOCINO, CA 95460

BUD KAMB
PO BOX 616
LITTLE RIVER CA 95456

REQUEST:

Coastal Development Minor Subdivision of an 11.98+- acre to create 2 parcels containing 5.20+- and 6.78+- acres, project includes on-site water and sewage disposal systems for Parcel 1 and Parcel 2, construction a 40 foot wide access easement over Parcel 2 to serve Parcel 1. Modification of Coastal Development Use Permit (#CDU 10-93) to create additional building envelopes that would include a 100 foot by 100 foot residential building site, a 16 foot diameter concrete below-grade water storage tank and an adjacent 10 foot by 10 foot, 8 feet high pump house on Parcel 2, and establish a 16 foot by 16 foot building envelope for pump house on Parcel 1.

LOCATION:

Within the Coastal Zone, approximately 1.5 miles south of Albion, on the north side of Navarro Ridge Road (CR# 518), 0.2 mile east of its intersection with State Highway 1, located at 33850 Navarro Ridge Road; AP# 123-320-10.

TOTAL ACREAGE:

11.98+- acres

ZONING:

RR-5:PD

ADJACENT ZONING:

North: RL-160:B
East: RR-5:PD/2C
South: RR-5:PD
West: RR-5:PD:B

GENERAL PLAN:

RR-5:PD

SURROUNDING LOT SIZES:

North: 103.5+- acres
East: 7.5+- acres
South: 5.47 to 6.43+- acres
West: 5+- acres

EXISTING USES:

Vacant

SURROUNDING LAND USES:

North: Residential and Agriculture
East: Residential and Commercial
South: Residential
West: Vacant

STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION

#CDMS 26-2001/#CDUM 10-93/2002
PAGE PC-2

SUPERVISORIAL DISTRICT: 5

GOV. CODE 65950 DATE: March 28, 2003

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA: Coastal Development Minor Subdivision #CDMS 10-93 and Coastal Development Use Permit #CDU 10-93 were approved by the Board of Supervisors on February 15, 1994, for two parcels containing 11.98+- acres and 7.45+- acres, and the phased expansion of the Fensalden Inn. Phase I consisted of a new innkeepers unit and the addition of a new laundry building and Phase II expanded the Inn from seven units to twelve units, an entitlement effectuated by the Board of Supervisors approval of General Plan Amendment #GP 18-88 in February of 1989.

Adjacent to the southerly boundary of the subject property, Coastal Development Minor Subdivision #CDMS 16-93 and General Plan Amendment #GP 12-89 were approved by the Board of Supervisors in March of 1994, and October 1995, respectively, creating four parcels ranging in size from 20 acres to 28.5 acres each. To the north and west, Certificate of Compliance #CC 20-99 is currently being processed on lands within an Agricultural Preserve, however, to date, no final determination has been made as to the number of parcels that may exist.

PROJECT DESCRIPTION: The applicant proposes a minor subdivision of an 11.98+- acre parcel to create two parcels containing 5.20 acres and 6.78 acres and a use permit modification to implement the "PD" Planned Development Combining District designation that would establish new building envelopes on both proposed parcels. The project will include an on-site water and sewage disposal system for Parcel 1 and Parcel 2, construction of a 40 foot wide access easement from Navarro Ridge Road over Parcel 2 to serve Parcel 1, and a Modification of Coastal Development Use Permit #CDU 10-93 to create additional building envelopes that include a 100 foot x 100 foot residential building site, a 16 foot diameter concrete below-grade water storage tank and an adjacent 10 foot x 10 foot, 8 foot high pump house on Parcel 2 and establish a 16 foot x 16 foot building envelope for a pump house on Parcel 1. Parcel 1 would utilize the original approved residential building envelope created by the previous minor subdivision.

ENVIRONMENTAL REVIEW:

Air Quality (Item 2A): The Air Quality Management District has reviewed the project and expressed concerns regarding impacts on air quality resulting from the use of wood stoves and fireplaces as a secondary source of heat, internal combustion engines, grading activities and unpaved roads causing fugitive dust.

Staff believes that the issues of air quality relating to these issues are beyond the scope of this individual application and would be more appropriately regulated by County wide policies. No mitigation is recommend.

Plant and Wildlife (Items 4A, 4B, 4C, 4D, 5A, 5B, 5C and 5D): The Natural Diversity Data Base, Biological Resource Map and the California Native Plant Society's (CNPS) Electronic Inventory indicates that the project site is within close proximity to sensitive habitat that includes Blasdale's Bent Grass, Swamp Harebell, California Sedge, Deceiving Sedge, Mendocino Paintbrush, Pacific Gilia, Coast Lily and the Maple Leaved Checkerbloom and wetland areas.

In a Botanical Survey dated July 29, 2002, Dr. Gordon E. McBride, Ph.D. stated that at the time of the June 25, 2002 field survey, the blooming windows were open and that the Blasdale's Bent Grass, Swamp Harebell, California Sedge, Deceiving Sedge, Mendocino Paintbrush, Pacific Gilia, Coast Lily and the Maple Leaved Checkerbloom were not located on the site.

A Wetland Delineation Report date July 2002, prepared by Wetlands Research Associates, Inc., determined that three areas potentially meeting the Mendocino County LCP wetland definition were found on the study areas during the June 13, 2002 site visit. The three areas meeting the Coastal Act/LCP wetland definition were found on the Study Area (Areas A, B, C) totaling 0.17 acre (7,472 square feet) and are identified in the "Exhibit Map" on Page Number 5 of the Wetland Delineation Report.

**STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION**

#CDMS 26-2001/#CDUM 10-93/2002

PAGE PC-3

Staff reviewed both the wetland report and the botanical survey and finds that the 100 foot wetland buffer as annotated on the site plan (tentative map) is consistent with the requirements of Section 20.496.020 for ESHA buffer width and that the building envelopes, driveway and water wells meet the required wetland setbacks. However, staff did note that the location of septic system improvements for each proposed building site have yet to be identified and these improvements would also need to meet the required 100 foot setback as well.

In reviewing the project with respect to sensitive habitat, and in particular, the wetland areas, the Department of Fish and Game stated in their response dated November 11, 2002, that they would have no objection and would support the proposed minor subdivision/use permit modification provided "No Development will occur within 100 feet of the wetland as identified in the Wetland Delineation Report dated July 2002, prepared by Wetlands Research Associates Inc." To insure that the wetlands are protected, a 100 foot buffer wherein no development is permitted is recommended. (See Condition Number 1)

With respect to the filing fees required by Fish and Game Code Section 711, given the close proximity to sensitive habitat, specifically that of the wetland areas, staff has determined, from a cumulative standpoint, that the project could result in impacts to wildlife resources and the "de minimis" finding cannot be made and therefore, the project will be subject to the filing fees required by Fish and Game Code Section 711. (See Condition Number 2)

Land Use (Item 8A – Market Area Buildout): The parcel to be divided lies within the rural portion of the Coastal Zone, and therefore, is subject to the 50 percent buildout criteria specified in Coastal Policy 3.9-2 which requires that at least 50 percent of the existing usable parcels within the market area be developed prior to approval of any new divisions. The subject parcel lies within Market Area 3 as defined in Coastal Policy 3.9-2. By the most current information available Market Area 3 has a present buildout of 68.10 percent. Therefore, the proposed minor division is consistent with Coastal Element Policy 3.9-2 and no planning policy conflicts exist.

Land Use (Item 8A – Planned Development): The property to be divided is within the Planned Development Combining District (PD). The PD district is intended to require sensitive development of selected sites where standard residential, commercial and industrial design would be inappropriate to the unique or highly visible nature of the site, and to encouraged imaginative development incorporating cluster development and the maximization and preservation of open space. Given the PD designation of the subject property, an use permit is required to be processed concurrently with development proposals (in this case a minor subdivision) to provide a mechanism to insure that mitigation, such as recommended Minor Subdivision Condition Number 2 that requires a 100 foot buffer between wetland areas and the building envelopes identified in the Wetlands Delineation Report, will extend beyond the "short term" nature of a typical subdivision condition. This condition is also recommended to become a use permit condition that will permanently be imposed on the land, with the intent to insure the continued protection of wetland areas and other sensitive habitat. (See Use Permit Condition Number 2)

Natural Resources (Item 9A): The adjacent property to the north and west is classified RL-160 and is within a Type II Agricultural Preserve.

Agricultural Plan Policy 3.2-13 states in part that:

"If parcels adjacent to Type II Agricultural Preserve are designated Clustering (:CL) or Planned Development (:PD), the density will be dictated by the General Plan Land Use Classification provided that the residential development is located not closer than 200 feet from the property line(s) of the protected agricultural resource of the farthest feasible point from said property line(s)..."

Coastal Zoning Code Section 20.508.020(C) states:

"New parcels created adjacent to Type II Agricultural Preserve shall be a minimum of ten (10) acres, however, parcels designated Clustering Development Combining District (:CL) or Planned Development Combining District (:PD) may be developed at a density specified by the base zone provided that no dwelling is closer than two hundred (200) feet from the property line of the Preserve or at the furthest feasible point from said property line."

STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION

#CDMS 26-2001/#CDUM 10-93/2002

PAGE PC-4

Staff would note that the previous Coastal Development Minor Subdivision #CDMS 10-93 which created the subject parcel established a 200 foot setback from the adjacent agricultural preserve that remains in effect for the proposed minor subdivision and use permit modification. However, to insure consistency with Agricultural Policy 3.2-12 and Coastal Zoning Code Section 20.508.020(C) and to protect agricultural activities and reduce impacts on residential land which are adjacent to agricultural land by providing notice and the creation of building envelopes and set back requirements for future residential development Conditions Number 3 and 4 are recommended.

Transportation and Circulation (Items 12A, 12B, 12C, 12D, 12E and 12F): The Department of Transportation (DOT) has reviewed the project with respect to access and stated in their response dated February 12, 2002, that access to the subject property is provided by a proposed dead-end access easement over Parcel 2, approximately 400 feet in length from Navarro Ridge Road to a proposed turnaround on Parcel 2. A driveway continues 50 feet from the turnaround to the Parcel 1 easterly boundary. The new access road would utilize an existing driveway approach on Navarro Ridge Road which was established as a condition of approval for Minor Subdivision #MS 31-91. The driveway approach will require upgrading to private road approach standards pursuant to the recommended conditions of approval. Removal or trimming of vegetation may be required to provide adequate sight distance.

Coastal Transportation Policy 3.2-12 states that highway capacity shall be considered in evaluating land use density increases. #CDMS 26-2001 with a net development potential of one residential parcel (0.78 peak hour trips) was reviewed using the State Route 1 Corridor Study (75/50 development scenario/2020 horizon year): Level of service is projected to remain A at the Navarro Ridge Road/SR 1 intersection. LOS is currently and projected at E from SR 128-Navarro Ridge Road, and will degrade from D to E from Navarro Ridge to Little River Airport Roads. Given the minor incremental increase in traffic, staff finds that traffic LOS impacts are not significant. The State Department of Transportation (Caltrans) has reviewed the project with respect to Highway 1 Capacity and has offered no response as to potential impacts to the State Route 1 Corridor resulting from increased development in the Segment 8 area. Therefore, staff determined that the project is consistent with Coastal Transportation Policy 3.2-12.

Roadway improvements recommended in Minor Subdivision Conditions Numbers 5 through 11, and Special Condition Number 1 will mitigate impacts upon traffic circulation and traffic safety resulting from increased residential traffic generated by the project.

Public Services (Fire Protection): The project site lies within the jurisdiction of the California Department of Forestry and Fire Protection (CDF) and the Albion-Little River Fire District. The site has a "Moderate" Fire Hazard Severity Rating as determined by CDF. Albion-Little River Fire District has offered no response with regard to fire safe standards, however, CDF reviewed the project and has recommended compliance with Fire Safe Standards that would include address identification, road standards and emergency water supply standards as identified in the CDF letter of November 27, 2001. Condition Number 12 is recommended to minimize hazards to and from future residential development of the project site.

Utilities (Item 15A – Potable Water): The Division of Environmental Health reviewed the project with regard to water supply and wastewater disposal and stated in a memorandum dated January 28, 2002 that both parcels are greater than 5 acres and the project is in the Critical Water Resource Area (CWR) as identified in the Department of Water Resource (DWR) Coastal Groundwater Study. The Division of Environmental Health states that for parcels designated CWR a "proof of water test" is required on each parcel and that to comply with the Coastal Groundwater Study the applicant will be required to submit to the Division of Environmental Health an acceptable proof of water evaluation prepared by a qualified individual of a water source located on both parcels of the subdivision demonstrating an adequate water supply. Additionally, the applicant shall submit an acceptable standard mineral analysis performed by a certified public health laboratory on a sample from one of the subdivision water sources. (See Condition Number 13)

Utilities (Item 15A – Sewerage): Coastal Element Policy 3.8-7 states:

"Land divisions and subdivisions creating new parcels or building sites or other proposed development, including lot line adjustments, mergers and conditional certificates of compliance shall be approved only where a community sewerage disposal system with available capacity exists and is obligated to provide

STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION

#CDMS 26-2001/#CDUM 10-93/2002
PAGE PC-5

service or where a satisfactory site for a sewage system exists. Leach field approval shall require satisfactory completion of a site evaluation on the site of each proposed septic system. A leach field shall not be located where the natural grade exceeds 30 percent or where there is less than 5 feet of soil below the trench if natural grade exceeds 20 percent slope. The septic system policy is consistent with the Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems adopted by the Regional Water Quality Control Board on April 17, 1979."

In a memorandum of January 28, 2002, the Division of Environmental Health states that on-site sewage disposal systems for both parcels have not yet been developed and that an acceptable site evaluation report will be required for both parcels. Said report to be completed by a qualified individual demonstrating the wastewater capacity of the soil. The report shall also include identifying replacement areas. The site evaluation report shall be reviewed and approved by the Division of Environmental Health prior to final clearance of the land division. (See Condition Number 14)

Aesthetics (Item 17A - Highly Scenic): The project site has been identified as being within an area of the Coastal Zone designated "Highly Scenic." Specifically, the site is situated on the east side of State Highway 1 and in not within an exclusion area as designated on the Exclusion Area Maps, and is therefore, subject to Coastal Element Policies 3.5-3, 3.5-4, 3.5-8 and 3.5-9 limiting development within highly scenic areas. Mendocino County Zoning Code Chapter 20.504 establishes development criteria within highly scenic areas as well. The standards established by these policies promotes the concept of insuring development is within the scale, scope and character of the surrounding area.

In an effort to access potential visual impacts that may result from the proposed development, staff conducted a site view of the subject property. The purpose of the site view was to assess the potential visual impacts the proposed building envelopes may have on public views to and along the ocean. For visual reference purposes a 28-foot tall story pole was erected at the southwest corner of the westerly building envelope of Parcel 1. The story pole was not visible from any public view area including Highway 1 and turnouts/trails on the west side of the Highway. Furthermore, the elevation of the project site and the large cypress hedgerow on the north and west parcel boundaries combine to substantially obscure public views of both proposed building sites. While acknowledging that future assessment of development plans will require specific assessment of site conditions, height limitations, size of structures, exterior materials and colors and placement of structures within the building envelopes, staff found the building envelopes to be generally consistent with the visual resources policies of the County's Coastal Zoning Code. Again, no structures have been proposed at this time and a Coastal Development Permit would be required in the future to address any specific development proposals on the site.

Condition Number 15 is recommended to insure consistency with the Coastal Element and the Coastal Zoning Ordinance.

Cultural Resources (Items 19A, 19B, 19C and 19D): An Archaeological Survey dated June 15, 2002, prepared by Thad M. Van Bueren, Registered Professional Archaeologist, stated that the survey revealed no evidence of any archaeological resources that meet the criteria defined in Section 5024.1 of the California Public Resources Code. As such, there are no historic resources that require consideration pursuant to Section 15064.5(a)(2)-(3) of the CEQA guidelines, the California Coastal Act and other state laws and regulations that may apply. On October 9, 2002, the Mendocino County Archaeological Commission reviewed and accepted the survey. Although no archaeological resources were discovered, the survey concludes by stating that if archaeological remains come to light during construction activities, all work should be halted until a professional archaeologist and appropriate county planning staff can examine the finds and determine a suitable course of action. (See Condition Number 16)

Public Comment: As of this writing, the Planning Department has received a petition with approximately 100 signatures from guests at the Fensalden Inn, the Visitor Accommodation and Service Facility (VAS) adjacent to the easterly boundary of Proposed Parcel 2, and 10 letters from property owners adjacent to and within close proximity of the project site expressing concern over the proposed minor subdivision application. In summary, the concerns expressed by the parties are primarily regarding visual impact that additional residential units would have on the visual character of the area. Other concerns include increased traffic, impacts on wildlife habitat, adequate buffers

**STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION**

#CDMS 26-2001/#CDUM 10-93/2002

PAGE PC-6

between residential use and the adjoining agricultural lands, and the potential loss of revenue to the Fensalden Inn resulting from increased residential development.

Coastal Element Policy 3.5-3 states, in 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.

For the purpose of staff analysis of this project, views of the project from the heavily traveled public areas would be any scenic lookout or Highway One. Staff did not consider Navarro Ridge Road itself as a sensitive receptor site, as that is primarily a local road serving local residents. It is not a highly traveled tourist roadway. Argument could be made however that the Fensalden Inn is "public" in that it serves the tourist population and they would be more sensitive to potentially infringing visual impacts. In the past, larger visitor serving facilities such as the Heritage House have had Coastal Commission support in limiting visual impacts to that facility as the site is a larger facility, but also because this facility does have some public access. The entire Navarro Ridge Road, within the coastal zone, is described as the "Navarro Ridge Road Inland Trail," within Chapter 4.9 of the Coastal Element. The road is described as a "pedestrian, bicycle, and equestrian trail." While the Commission is likely to hear argument that views from Navarro Ridge Road and the Fensalden Inn merit protection, staff believes that the limited building envelopes permitted will balance the public and private interests.

GENERAL PLAN CONSISTENCY REVIEW: The proposed project is consistent with applicable goals and policies of the General Plan and Coastal Element.

RECOMMENDED MOTION:

Environmental Findings: The Planning Commission finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project, therefore, a Negative Declaration is adopted.

General Plan Findings: Pursuant to Section 66473.5 of the California Government Code, the Planning Commission finds the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable goals and policies of the General Plan.

Department of Fish and Game Findings: Because this subdivision and use permit would create additional density and intensity of land use and would contribute to the overall reduction in wildlife populations and habitat from a cumulative standpoint, the de minimis finding can not be made for this project. The project is, therefore, subject to the Fish and Game fee of \$1,275.00.

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

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

**STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION**

#CDMS 26-2001/#CDUM 10-93/2002

PAGE PC-7

4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The Environmentally Sensitive Habitat Area as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

Coastal Land Division Findings: As required by Section 20.532.100(C), the Planning Commission further finds that:

1. The new lots created have or will have adequate water, sewage, including a long term arrangement for septicage disposal, roadway and other necessary services to serve them; and
2. The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources; and
3. The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands; and
4. Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels; and
5. The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element.
6. The division will not contribute to development conflicts with natural resource habitats and visual resource policies.

Project Findings: The Planning Commission, making the above findings, approves #CDMS 26-2001 and #CDUM 10-93/2002, subject to the following conditions of approval as recommended within the staff report, further finding:

Pursuant to California Government Code Section 66445(e) the Planning Commission finds that division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement.

**STANDARD CONDITIONS OF APPROVAL FOR COASTAL DEVELOPMENT MINOR SUBDIVISION
#CDMS 26-2001:**

For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing an Unilateral Agreement.

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION

#CDMS 26-2001/#CDUM 10-93/2002

PAGE PC-8

- ** 1. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research Associates, Inc., dated July 2002. A note shall be placed on the Unilateral Agreement stating that development (including residential and accessory structures, access ways, and on-site utilities) will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.
- ** 2. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$1,275.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to February 21, 2003. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
- ** 3. A notation shall appear on the Unilateral Agreement that property adjacent to Agricultural Preserve may be subject to inconvenience or discomfort arising from agricultural practices which occasionally generate dust, noise, smoke, and odors.
4. A notation shall appear in the Unilateral Agreement that no future residential development may occur within the non-building area located within 200 feet of the adjacent lands within Type II Agricultural Preserve. Specific building envelopes are delineated on an exhibit map on file with the Department of Planning and Building Services.
- ** 5. There shall be provided an access easement of forty (40) feet in width (as per tentative map) from a publicly maintained road, to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
6. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.
7. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed.
8. Eighteen (18) foot wide road within the access easement, from Navarro Ridge Road (CR# 518) to the turnaround, including four (4) inch minimum rock base, one hundred twenty-five (125) foot minimum radius of horizontal curve, grade not to exceed fifteen (15) percent, drainage culverts where necessary. New or replaced culverts shall be a minimum of twelve (12) inches in diameter.
9. Private road approach shall be constructed to a minimum width of eighteen (18) feet, area to be improved twenty (20) feet from the edge of the county road, to be surfaced with comparable surfacing on the county road.
10. Any proposed work within county rights of way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

**STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION**

#CDMS 26-2001/#CDUM 10-93/2002

PAGE PC-9

11. A 40-foot radius turnaround be constructed within a 50-foot radius easement at turnaround location shown on the tentative map, to the satisfaction of the Mendocino County Department of Transportation.
- ** 12. The subdivider shall comply with those recommendations in the Department of Forestry letter of November 27, 2001 or other alternatives as acceptable to the Department of Forestry CDF# 635-01. Written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
- ** 13. Submit to the Division of Environmental Health an acceptable water quantity evaluation (DEH Form Number 26.05) by a qualified individual of a water source located on Parcels 1 and 2 of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's "Land Division Requirements" (DEH Form Number 26.09), and submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory on a sample from the subdivision water source.
- ** 14. Submit to the Division of Environmental Health an acceptable site evaluation report (DEH Form Number 42.04) for Parcels 1 and 2 to be completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's "Basin Plan Policy for On-site Waste Treatment and Disposal" and Mendocino County Division of Environmental Health's "Land Division Requirements" (DEH Form Number 26.09). The report shall also include identifying replacement areas for existing on-site sewage disposal systems which may exist on the project site.
15. A notation shall appear on the Unilateral Agreement which shall advise that development of the property will be subject to the "highly scenic" development standards stated in Chapter 20 of the Mendocino County Code.
16. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

SPECIAL CONDITIONS OF APPROVAL:

1. Subdivider shall construct a ten (10) foot wide all weather driveway within the forty (40) foot wide access easement serving Parcel 1, from the turnaround to the easterly boundary of Parcel 1, including four (4) inch minimum rock base, fifty (50) foot minimum radius of horizontal curvature, grade not to exceed sixteen (16) percent.

**STANDARD CONDITIONS OF APPROVAL FOR COASTAL DEVELOPMENT USE PERMIT
MODIFICATION #CDUM 10-93/2002:**

1. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. This permit shall expire on February 6, 2004. The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date.
2. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research Associates, Inc., dated July 2002. A note shall be placed on the Unilateral Agreement stating that development (including residential and accessory structures, access ways, and on-site utilities) will

STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION

#CDMS 26-2001/#CDUM 10-93/2002
PAGE PC-10

be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.

3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
4. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
- ** 5. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
 - 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.

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

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. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes, which will avoid wetland areas, riparian habitat and rare plant communities in accordance with the Wetland Delineation Report prepared by Wetlands Research Associates, Inc., dated July, 2002. A note shall be placed on the Unilateral Agreement stating that development will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.
9. A notation shall appear in the Unilateral Agreement that no future residential development may occur within the non-building area located within 200 feet of the adjacent lands within Type II Agricultural Preserve. Specific building envelopes are delineated on an exhibit map on file with the Department of Planning and Building Services.
10. A notation shall appear on the Unilateral Agreement which shall advise that development of the property will be subject to the "highly scenic" development standards stated in Chapter 20 of the Mendocino County Code.
11. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

**STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION AND COASTAL
DEVELOPMENT USE PERMIT MODIFICATION**

#CDMS 26-2001/#CDUM 10-93/2002

PAGE PC-11

THIS DIVISION OF LAND IS DEEMED COMPLETE WHEN ALL CONDITIONS HAVE BEEN MET, AND
THE APPROVED PARCEL MAP OR UNILATERAL AGREEMENT IS RECORDED BY THE COUNTY
RECORDER.

1/6/03
DATE

Frank Lynch for
DENNIS CHATY
PLANNER II

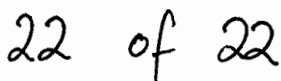
DC:sb
1/2/2003

Negative Declaration

Appeal Fee - \$680.00
Appeal Period - 10 days

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

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Planning - Ft Bragg			X
Department of Transportation			At MSC
Env. Health			At MSC
Building Inspection - Ft Bragg		X	
Coastal Commission	X		
Assessor	X		
Ag Commissioner	X		
Air Quality Management			X
Native Plant Society	X		
Army Corps of Engineers	X		
Dept of Fish and Game		X	
Caltrans	X		
Addresser		X	
Albion-Little River Fire Dist	X		
Sonoma State University			X
Arch Commission			X
Dept of Forestry			X



CALIFORNIA COASTAL COMMISSION

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

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



RECEIVED

JUL 03 2003

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This **CALIFORNIA COASTAL COMMISSION**

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Evelyn S. Hamby
PO Box 99
Albion, CA 95410 707 937-4042
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Mendocino County Planning Commission
2. Brief description of development being appealed: Coastal Development Minor Subdivision of an 11.985 acre to create 2 parcels containing 5.20+ and 6.78+ acres
3. Development's location (street address, assessor's parcel no., cross-street, etc.): 33850 NAVARRO Ridge Rd, Albion; Apt 123-320-10; Over-looking Hwy 1
4. Description of decision being appealed
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: ✓
 - c. Denial: _____

Note: For jurisdiction 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-03-046DATE FILED: 7/23/03DISTRICT: North Coast

EXHIBIT NO. 5

APPLICATION NO.

A-1-MEN-03-046

A-1-MEN-03-047

GORDON

APPEAL(1 of 6)

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

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

6. Date of local government's decision: June 5, 2003

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

App. Douglas Gordon	Agents Bill Kamb	Bill Rienstra
2004 E Palmer Ave	PO Box 616	PO Box 1151
Phoenix, AZ 85020	Little River, CA 95456	Mendocino, CA 95460

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

- (1) Wolfgang: Brunhilde Funke - PO Box 337 Albion, CA 95410
 Jim Heid + Maryellen Kelly - PO Box 743, Albion, CA 95410
 Pauli Funke - PO Box 685 Milwuk Village CA 95346
- (2) Shelly + Bill Martin - 33611 Navarro Ridge Rd, Albion, CA 95410
 Sheila Wankmeyer - 32000 Navarro Ridge Rd Albion 95410
 Miguel Elaco Maria Hansen - Navarro Ridge Rd, Albion, CA 95410
- (3) Van Phillips 33000 Navarro Ridge Rd Albion, CA 95410
 Hillary Adams 1391 Cameron Rd, Elk CA 95433-9204
- (4) John + Mary Curtis - 28620 Navarro Ridge Rd. Albion CA 95410
 Henry Schaeffer - PO Box 1936 - Mendocino CA 95460

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

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

- ① The old building envelope in the NW corner has not been removed from the plan map. P. PC-12 LCP 3.5 esp. 3.5-3, and 3.5-4 and 3.5-6.
- ② In my opinion, either the 100' setback from the wetlands, or the 200' setback from adjacent AC 2 property is incorrectly marked on the map in staff report (2/6/03) p. PC-12. The measurements are inconsistent with one another. The 200' appears to be closer to 150'. Mendocino Cty LCP 3.2 (AG) esp 3.2-9 and 3.2-13; CZC 20.508 esp. 020(c), LCP 3.1 (Wetlands) LUP 3.1-7, CZC 20.496 esp 020A-1. *

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/or knowledge.

Eugene J. Hamby
Signature of Appellant(s) or
Authorized Agent

Date 6/25/03

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

SECTION VI. Agent Authorization

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

Signature of Appellant(s)

Date _____

* See Attachments

Appeal from Coastal Permit Decision of local government, pg. 3 con't

I am concerned about water draw down because it could destroy my business. Environmental Health was not concerned (as per a phone conversation with Scott Miller) about the issue, claiming that the new wells were too far away from Fensalden Inn's well to drawn down. But surface distance does not impact draw down, depth and same source matter. These wells fall within the critical water resource area as identified in DWR Coastal Groundwater Study.

To my knowledge, no draw down has been done to this point to prove that the new wells on the proposed parcel split will not adversely affect Fensalden Inn's well. (LUP #3.8-9)

In Mendocino County Memorandum dated 1/22/03 to: Scott Miller DEH-Ukiah,
From: Jim Ehlers-DEH-Ft. Bragg, the report states that production from the 2 wells on the proposed 2 parcels meet the minimum requirement. (see attached memo). The memo does not state when the tests were made. I understand that all such tests must be made during the dry season (Oct/Nov).

Appeal from Coastal Permit Decision of local government, pg. 3 con't

Proposed lot split increases visual impact on adjacent Navarro Ridge Road, a public county road designated as "Navarro Ridge Road Inland Trail" on the county maps. Development must protect views from public areas, including any public road or facility. (LUP) 3.5-3 (see developer's map.)

Visitors to Fensalden Inn, adjacent to the proposed lot split, walk and bike-ride on Navarro Ridge Road Inland Trail. Fensalden Inn, like the Heritage House, should be considered public in that it serves not only the tourist population (local to international), but also hosts events for local groups.

Many people from all over the county and state walk and ride, both bicycles and horses, along Navarro Ridge Road Inland Trail.

Applicant erected only one story pole to prove "no visual impact", when there should have been one story pole on each corner of each proposed building.

At the public hearing in Ukiah on June 5th, Mr. Kamb, agent for Douglas Gordon, said he had written to Randy Stemler and Bob Merrill at the Coastal Commission, and they referred him to the local Coastal Planning Commission, and Rick Miller had visited the site, and he saw no reason to deny the request for a lot split. (see attached letters)

This gave the impression that there was no need to appeal to the Coastal Commission. I feel that the owner's agent does not have the authority to represent the Coastal Commission's opinion to the Planning Commission. To do so seems to me to be undue

influence.

I have enclosed a tape of the hearing for your consideration.

6 of 6

EXHIBIT NO. 6**APPLICATION NO.**

A-1-MEN-03-046

A-1-MEN-03-047

GORDON (1 of 55)

APPLICANT'S

CORRESPONDENCE

Randall Stemler, Coastal Program Analyst
California Coastal Commission
North Coast District Office
710 North E Street, Suite 200
Eureka, CA 95482

RECEIVED

JUL 16 2003

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Stemler,

I am writing in response to the Commission Appeal No. A-1-MEN-03-046. The local Permit No. is CDMS 26-2001. The property is located at 33850 Navarro Ridge Road, Mendocino County (APN 123-320-10).

We purchased this property in November, 2000. The appellant is the owner of the adjacent property to the east of our parcel which is the site of Fensalden Inn, a bed and breakfast. We purchased the property from Scott and Frances Brazil, who were the former owners of the Inn. The Brazils subdivided their original parcel into two parcels. They sold the Inn on one parcel to the appellant and the other parcel to us. The CC&R's were very specific as to the intent to create two parcels out of our property for the construction of two homes. The Brazils carefully set forth building envelopes so as to protect the views from the Inn to the west and south. They set up an Architecture Committee to ensure that the buildings would comply with visual requirements in favor of the Inn. These CC&R's affected the Innkeeper, the second parcel owner and the Brazils. All parties had to agree to the rules as terms of their purchase. The Brazils wanted to ensure the Inn's success because they carried back a mortgage and they were part of the Inn for so long.

The Brazils deeded to the parcel that we purchased Four hundred (400) Gallons of water per day, on a availability basis, to be obtained from the well on the Fensalden Inn property. This is evidenced in the legend on the map in the enclosed Preliminary Title Report (EXHIBIT 1) as well as in the text of the report. The Brazils would not have done this if they thought there were water supply issues for the Inn.

The appellant, Evelyn Hamby, was not only party to all of these agreements but she also had the right of first refusal on our property. On October 2, 2000, as evidenced by the enclosed letter to Jim Hay (EXHIBIT 2) and Title Report (EXHIBIT 1), Evelyn Hamby relinquished this right.

I maintain that most of Mrs. Hamby's concerns expressed in her appeal have been addressed and agreed upon in the CC&R's. Our intent for the use of the property was clear from the beginning. Our concern for the visual effect of our project is not only evident but restricted by very precise CC&R's with a governing Architecture Committee of which Mrs. Hamby is now a member. Mrs. Hamby voluntarily gave up her right to prevent the development of this parcel but she retains the right to influence its design through her position on the Architecture Committee.

The remaining issue is the water usage on the proposed parcels of the subdivision and the effect on the water supply at the Inn. We are providing to the Coastal Commission reports from several

experts to substantiate the absence of an effect on the water supply to the Inn as a result of our water usage.

The well testing was performed on October 16th and 17th, 2001 during the dry period by Carl Rittiman and Associates in accordance with the requirements of the Department of Environmental Health. These requirements were specific and a seventeen hour test was performed. There was no test requirement to exhibit the effect of these wells on the Fensalden well. Scott Miller, the director of the Department of Environmental Health, concurred with this as stated in Mrs. Hamby's appeal. The effect of our wells on the Inn's well was not an issue for the county department responsible for approval of water sources. Mr. Rittiman performed the tests that were required and necessary based on the regulations governing the approval of a new well. Mr. Rittiman's statement will be forwarded to you for inclusion in your staff report.

We have also asked E. H. Boudreau, a registered Geologist, to write a letter (EXHIBIT 3) on our behalf. He has done a geological study (EXHIBIT 4) of the area and is very knowledgeable as to rock and soil formations and their effect on water location and supply. Mr. Boudreau has concluded that the use of our wells will not affect the Inn's water supply due to the distance from the Inn's well, the low yields of our wells, topography and surrounding geological formations.

Jean Moran, a senior Hydrogeologist with Stetson Engineers, Inc., is submitting her report on the water supply and the effect of our water usage on the Inn's water supply.

Mrs. Hamby has exhibited an intention to block any development of our property. She is concerned about her views from the Inn so much that she has, admittedly, had several 75 year old cypress trees cut down on the western border of our land. She is so worried about preserving her pasture, as she refers to our land on her website (EXHIBIT 5) that she will do anything to stop us from building two homes for our family. Finally, the 400 gallons of water that we have a right to use may be of more concern than the possibility of our wells drawing down from the Fensalden Inn well.

In conclusion, Mrs. Hamby was fully aware of all that was intended for our property. She had the power to veto the project through her right of refusal. She still has some control through her position on the Architecture Committee. We performed the test required by the County with good intent. The experts (E.H. Boudreau and Jean Moran) maintain that there is not going to be an effect on the Inn's well. Evelyn Hamby wants to delay or stop this project for her own benefit. The point of our wells affecting the Inn's well has been address at the county and the Environmental Health Department's decision was to not require a test. We hope that this information will satisfy the Coastal Commission and the appellant and that we may proceed with our subdivision without further delay.

Sincerely,



Douglas Gordon
Owner

EXHIBIT #1

Redwood Empire Title Company of Mendocino County



Preliminary Report

OFFICES

P.O. BOX 238
376 EAST GOBBI STREET
UKIAH, CA 95482
PHONE (707) 462-8666
FAX #(707) 462-5010

P.O. BOX 459
1764 SOUTH MAIN STREET
WILLITS, CA 95490
PHONE (707) 459-5316
FAX #(707) 459-0970

P.O. BOX 653
45061 LITTLE LAKE STREET
MENDOCINO, CA 95460
PHONE (707) 937-5855
FAX #(707) 937-3430

3 of 55

May 7, 2001
Redwood Empire Title Company
of Mendocino County

Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of REDWOOD EMPIRE TITLE COMPANY OF MENDOCINO COUNTY.

We may collect nonpublic information about you from the following sources:

- Information we receive from you such as an application or other forms.
- Information about your transactions we secure from our files, or from (our affiliates) or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Redwood Empire Title Company



"PRELIMINARY REPORT TOP SHEET"

WE'RE ON TOP OF YOUR TRANSACTION!

WILL ANY OF THESE SITUATIONS
AFFECT YOUR TRANSACTION?

- ☐ ARE YOUR PRINCIPALS EXCHANGING THIS PROPERTY?
- ☐ WILL YOUR PRINCIPALS BE USING A POWER OF ATTORNEY?
- ☐ ARE ANY OF THE VESTED OWNERS DECEASED?
- ☐ HAS THERE BEEN A CHANGE IN MARITAL STATUS THAT IS DIFFERENT FROM THE VESTING?
- ☐ DO ANY OF THE PARTIES WHO WILL BE SIGNING DOCUMENTS NOT HAVE A PHOTO I.D. OR DRIVER'S LICENSE?
- ☐ WILL THERE BE A NEW ENTITY FORMED?
I.E., PARTNERSHIP OR CORPORATION.
- ☐ HAVE ANY OF THE PRINCIPALS RECENTLY FILED FOR BANKRUPTCY?
- ☐ IF THIS IS A SALE TRANSACTION, ARE THE SELLERS OF THIS PROPERTY NON-RESIDENTS OF CALIFORNIA?
- ☐ IS THIS PROPERTY VESTED IN A TRUST? OR, WILL ANY PURCHASER OR BORROWER OF THIS PROPERTY VEST IN A TRUST?

IF YOU ANSWERED YES TO ANY OF THE ABOVE SITUATIONS,
PLEASE CONTACT YOUR ESCROW OFFICER FOR MORE INFORMATION
SO AS TO NOT CAUSE ANY DELAY IN CLOSING YOUR TRANSACTION.

PRELIMINARY REPORT

REDWOOD EMPIRE TITLE COMPANY of MENDOCINO COUNTY
376 E. GOBBI ST. P.O. BOX 238
UKIAH, CA 95482
(707) 462-8666

ESCROW AGENT:

Redwood Empire Title Company
45061 Little Lake Rd., P.O. Box 653
Mendocino, CA 95460
707-937-5855

ORDER NO. 397554-CW

SELLER: GORDON

BUYER:

Reference No.

ESCROW OFFICER: Cherryl West

TITLE OFFICER: Peggy Fimbres

Dated as of November 23, 2001 at 7:30 a.m.

In response to the above referenced application for a policy of title insurance,

REDWOOD EMPIRE TITLE COMPANY OF MENDOCINO COUNTY

hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies may be set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The form of policy of title insurance contemplated by this report is:

Other - to be determined

Policies issued will be those of OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

SCHEDULE A

1. The estate or interest in the land hereinafter described or referred to covered by this Report is:

a fee

2. Title to said estate or interest at the date hereof is vested in:

DOUGLAS M. GORDON, Trustee of the Douglas M. Gordon Trust Agreement dated December 16, 1999; and JULIE K. GARRETT, Trustee of the Julie K. Garrett Trust Agreement dated October 27th, 2000; and MICHAEL H. GORDON, a single man

3. The land referred to herein is situated in the unincorporated area, County of Mendocino, State of California, and is described as follows:

Parcel 2 as numbered and designated on that certain Parcel Map of MS No. 31-91 filed for record October 10, 1996 in Map Case 2, Drawer 63, Pages 8 and 9, Mendocino County Records.

123-320-10

SCHEDULE B

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in the policy form designated on the face page of this Report would be as follows:

1. General and Special Taxes for the fiscal year 2001-2002
Assessment No.: 43128
1st installment: \$1,318.35 Paid
2nd installment: \$1,318.35 a lien not yet due but payable
Assessed Separately
A. P. No.: 123-320-10
A. C. No.: 104-014
Rate : \$1.034
Land : \$255,000.00
2. Supplemental taxes assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation Code of the State of California:
A. P. No. 123-320-10
First Installment : \$243.28 Paid
Second Installment: \$243.28 Due April 10, 2002
3. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation Code of the State of California.
4. Covenants, conditions and restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, in the declaration of restrictions
Executed by : James Sansi, Sr., et ux
Recorded : February 11, 1970 in Book 810, Official Records, Page 568, and amended June 13, 1986 in Book 1564 Official Records, Page 280, as Instrument #9467, Mendocino County Records.

NOTE: "If this document contains any restriction based on race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.1 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

Said instrument provides that a violation thereof shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value.

Said covenants, conditions and restrictions do not provide for reversion of title in the event of a breach thereof.

(Continued)

80F55

EXCEPTIONS (continued)

5. Easements and/or Building setback lines affecting the portion of said land and for the purposes stated herein and incidental purposes, shown or dedicated by the map herein referred to:
 For : Public Utilities
 Affects : A strip of land 10 feet in width in the Northeasterly corner as shown on said map

6. The map herein referred to contained the following recitation:
 - a) "Future development may be subject to county adopted fire safe standards"
 - b) "These parcels are adjacent to agricultural lands within a Type II Agricultural Preserve and may be subject to the inconvenience and discomfort arising from agricultural production which may generate dust, noise, smoke and odors."
 - c) "No residential development may occur within 200 feet of the adjacent lands within Type II Agricultural Preserve. Specific building envelopes are delineated on an exhibit map on file with the Department of Planning and Building Services."
 - d) "Future development shall be subject to the criteria for development in highly scenic areas contained within Mendocino County Code Section 20.504.015(C)"
 - e) "The Environmental Health Division advises a potential buyer of Parcel 2, that the domestic water supply is to be provided by the small Public Water Supply on Parcel 1."
 - f) "A water supply of 400 gallons per day (gpd) is available for use on Parcel 2 from the water system on Parcel 1. However, there may be extended dry periods when less than 400 gpd will be available. Wells were drilled on Parcel 2 in 1990 and 1993. As of January 1994 on producing wells have been developed on Parcel 2. Water storage sufficient to meet the requirements of C.D.F. will be installed on Parcel 2."

7. Covenants, conditions, restrictions, and establishment of easements, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, in the declaration of restrictions
 Executed by : Roy Scott Brazil and Frances Ruth Brazil, as Trustees of the Scott and Frances Brazil Trust Agreement dated July 22, 1988
 Recorded : November 20, 1997 in Book 2459, Official Records, Page 520, as Instrument #00019259, Mendocino County Records.

NOTE: "If this document contains any restriction based on race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.1 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

(Continued)

EXCEPTIONS (continued)

Said instrument provides that a violation thereof shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value.

Said covenants, conditions and restrictions do not provide for reversion of title in the event of a breach thereof.

8. Water system easements and system costs for the purposes stated and incidental purposes as provided in the above mentioned Declaration of Restrictions.
9. Reservation of utility and drainage easements and reservation of easements for declarants use for the purposes stated and incidental purposes as provided in the above mentioned Declaration of Restrictions.
10. Notice Affecting Real Property executed by Roy Scott Brazil and Frances Ruth Brazil, as Trustees of the Scott and Frances Brazil Trust Agreement dated July 22, 1988.
Recorded : November 20, 1997 in Book 2459 Official Records, Page 547, as
Instrument #00019260, Mendocino County Records.
Affects : Northerly 5.6 feet.
11. A Right of First Refusal to purchase said land upon the terms and conditions contained in that certain Right of First Refusal executed by and between Roy Scott Brazil and Frances Ruth Brazil, as Trustees of Scott and Frances Brazil Trust Agreement dated July 22, 1988 ("Owner") and Evelyn Smyth Hamby.
Recorded : November 20, 1997 in Book 2459 Official Records, Page 568, as
Instrument #00019266, Mendocino County Records.
12. Terms and provisions of the trust referred to in the vesting herein and any failure to comply therewith.
13. Any invalidity or defect in the title of the vestees in the event that the trust referred to in the vesting portion of Schedule A is invalid or fails to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instrument.
14. If title is to be insured in the trustee(s) of the trust shown in the vesting herein, (or if their act is to be insured), this Company will require that a Certification of Trust be furnished in accordance with Probate Code Section, 18100.5.
15. The requirement that this office be furnished with a copy of the final map of the Minor Division prior to the issuance of the Guarantee required by the Mendocino County Recorder's Office.

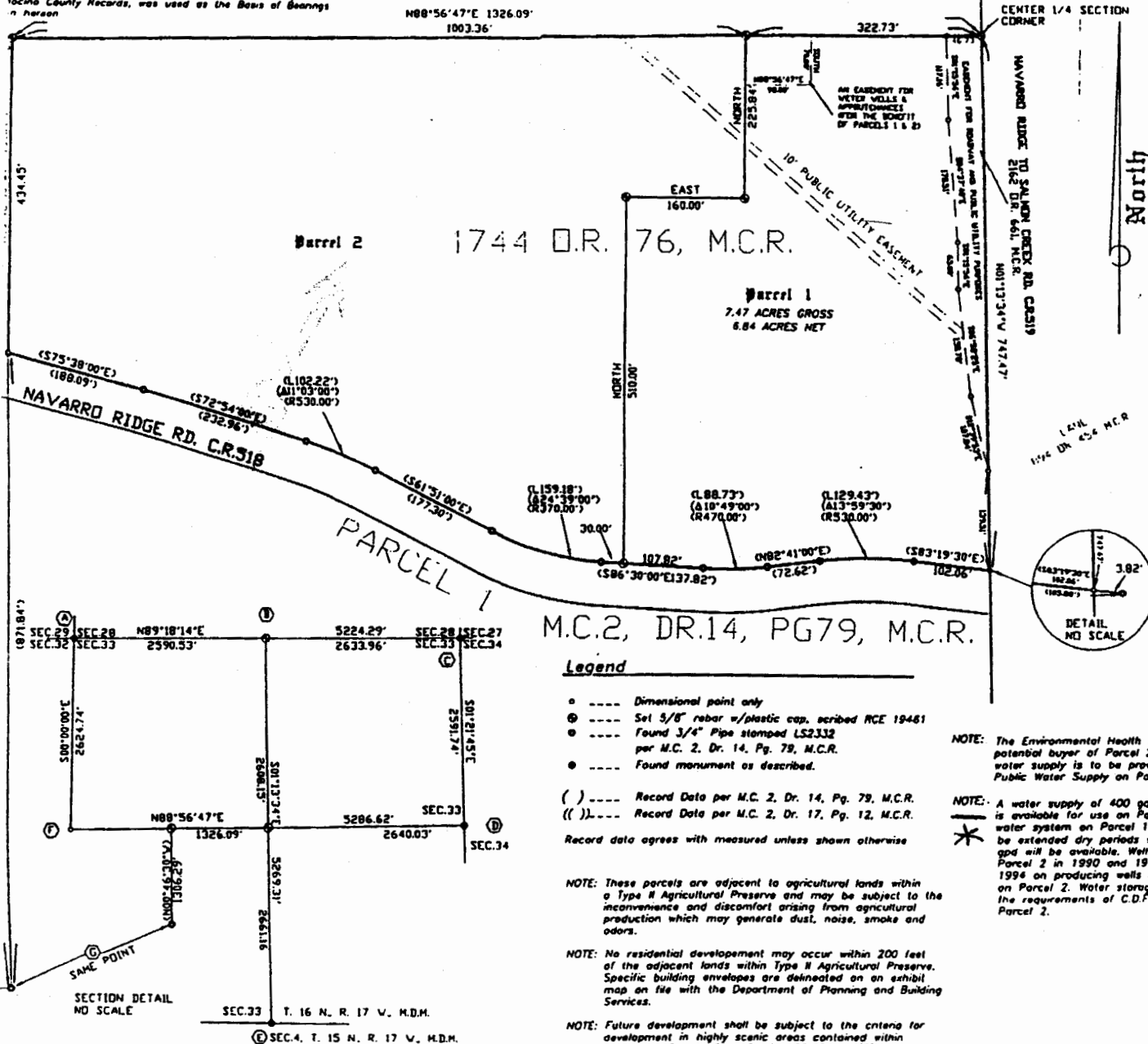
-END SCHEDULE B-

NOTES:

1. The following deeds affecting the property herein were recorded within six months prior to the date of this report: None.
2. Short Term Rate Applies.
3. NOTE: Notice is hereby given that none of the Endorsements in the 126 Series will be attached to any owners policy of title insurance issued pursuant to this report.

sis of Bearings

Bearing, North 1° 17' 40" West, between found monuments to East line of Parcel 2, as shown and delineated on that Parcel Map filed in Map Case 2, Drawer 14, Page 79, Mendocino County Records, was used as the Basis of Bearings on hereon



- FOUND 4" X 5" CONCRETE MONUMENT FOR THE NORTHWEST CORNER OF SECTION 33 AS SHOWN ON RECORD OF SURVEY FILED IN MAP CASE 2, DRAWER 3, PAGE 20, MENDOCINO COUNTY RECORDS.
- NO EVIDENCE OF ORIGINAL NORTH ONE QUARTER CORNER OF SECTION 33. ESTABLISHED POSITION OF CORNER BETWEEN SECTION CORNERS AT THE INTERSECTION OF ANCIENT PICKET FENCE REMAINS TO NORTH AND SOUTH. POSITION AGREES WITH G.L.D. CALLS TO EAST FOR BREAK IN SLOPE AND WEST TO SALMON CREEK. SET 3/8" REBAR WITH PLASTIC CAP Scribed R.C.E.19461 WITH A METAL FENCE POST ALONG SIDE ON STEEP SLOPE.
- FOUND 4" X 4" SCRIBED POST FOR NORTHEAST SECTION CORNER OF SECTION 33 AS SHOWN ON RECORD OF SURVEY FILED IN MAP CASE 2, DRAWER 3, PAGE 41, MENDOCINO COUNTY RECORDS.
- FOUND 3/4" REBAR TAGGED L.S.3184 FOR EAST ONE QUARTER SECTION CORNER OF SECTION 33, AS SHOWN ON THE PARCEL MAP FILED IN MAP CASE 2, DRAWER 17, PAGE 12, MENDOCINO COUNTY RECORDS.
- FOUND 3/4" IRON PIPE STAMPED L.S.2332, AS SHOWN ON THE PARCEL MAP FILED IN MAP CASE 2, DRAWER 14, PAGE 79, MENDOCINO COUNTY RECORDS. ACCEPTED AS THE SOUTH ONE QUARTER CORNER OF SECTION 33. ALSO SEE RECORD OF SURVEY FILED IN MAP CASE 2, DRAWER 51, PAGE 69, MENDOCINO COUNTY RECORDS.
- NO EVIDENCE ORIGINAL WEST ONE QUARTER CORNER OF SECTION 33. ESTABLISHED POSITION BY ORIGINAL CONTROL METHOD PER MANUAL OF SURVEY INSTRUCTIONS. G.L.D. CALLS SOUTH TO BLUFF FALL BEYOND ERODED BLUFF, WITH NO EVIDENCE OF ORIGINAL POST FOR FRACTIONAL SECTION 33. DISTANCE FROM NORTHWEST SECTION CORNER DETERMINED BY AN INDEX OF AVERAGE ERROR OF LOCAL MEASUREMENTS.
- FOUND 3/4" IRON PIPE FOR SOUTHWEST CORNER OF PARCEL 1 OF A SUBDIVISION SHOWN ON A PARCEL MAP FILED IN MAP CASE 2, DRAWER 14, PAGE 79, MENDOCINO COUNTY RECORDS. SAID CORNER IS ALSO SHOWN TO REPRESENT THE SOUTHEAST CORNER OF SILVIO L. AND MARTHA L. NOKELLA AS DESCRIBED IN GRANT DEED RECORDED IN BOOK 505 OF OFFICIAL RECORDS OF MENDOCINO COUNTY, PAGE 41, BEING THE SOUTHEAST CORNER OF LOT 1 OF SECTION 33, BECAUSE OF THE MISSING AND UNESTABLISHED GOVERNMENT CORNERS IN THIS SECTION. THIS CORNER OF LONG USE IS HELD AS THE SOUTHEAST CORNER OF SAID LOT 1 AND WEST LINE OF THE AFORESAID PARCEL 1 AND THE NORTHERLY PROJECTION THEREOF ARE HELD AS THE EAST LINE OF SAID LOT 1.

PARCEL MAP

Of Minor Subdivision NO. 15 31-91 being in Section 33.

Township 16 North, Range 17 West,

Mount Diablo Base & Meridian

Mendocino County

California

Shall two of two

August, 1995

Map Case 2
Page 69
Page 9

± 6.7

EXHIBIT A
CALIFORNIA LAND TITLE ASSOCIATION
HOMEOWNER'S POLICY OF TITLE INSURANCE (1998)
EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental policy power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
 - a. building
 - b. zoning
 - c. land use
 - d. improvements on the land
 - e. land division
 - f. environmental protectionThis Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.
This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
 - a. a notice of exercising the right appears in the Public Records at the Policy Date; or
 - b. the taking happened before the Policy Date and is binding on you if You bought the land without Knowing of the taking.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.d, 22, 23, 24, or 25.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY (1990)
EXCLUSIONS

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions of or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy.
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy;
 - (e) or resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS

In addition to the Exclusions, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.

EXHIBIT A (Continued)

3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (1992) SCHEDULE OF EXCLUSIONS FROM COVERAGE

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company and not shown by the public records but known to the insured claimant either at Date of Policy or at the date such claimant acquired an estate or interest insured by this policy and not disclosed in writing by the insured claimant to the Company prior to the date such insured claimant became an insured hereunder; (c) resulting in no loss or damage to the insured claimant; (d) attaching or creating subsequent to Date of Policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws.

AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY (1987) EXCLUSIONS

In addition to the exceptions in Schedule B, you are not insured against loss, costs, attorney's fees and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or governmental regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - land use
 - improvements on the land
 - land division
 - environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:
 - a notice of exercising the right appears in the public records on the Policy Date.
 - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking.
3. Title Risks:
 - that are created, allowed, or agreed to by you
 - that are known to you, but not to us, on the Policy Date - unless they appear in the Public Records.
 - that result in no loss to you
 - that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks.
4. Failure to pay value for your title.
5. Lack of a right:
 - to any land outside the area specifically described and referred to in Item 3 of Schedule A
 - or
 - in streets, alleys, or waterways that touch your land.

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

EXHIBIT A (Continued)

**AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (1987) WITH REGIONAL EXCEPTIONS
EXCLUSIONS**

In addition to the exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or governmental regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - land use
 - improvements on the land
 - land division
 - environmental protectionThis exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:
 - a notice of exercising the right appears in the public records on the Policy Date.
 - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking.
3. Title Risks:
 - that are created, allowed, or agreed to by you
 - that are known to you, but not to us, on the Policy Date - unless they appear in the public records.
 - that result in no loss to you
 - that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks.
4. Failure to pay value for your title.
5. Lack of a right:
 - to any land outside the area specifically described and referred to in Item 3 of Schedule A
 - or
 - in streets, alleys, or waterways that touch your land.This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

REGIONAL EXCEPTIONS

In addition to the Exclusions, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by making inquiry of parties in possession of the land.
2. Any liens or easements not shown by the Public Records. However, this does not limit the affirmative coverage in Item 8 of Covered Title Risks.
3. Any facts about the land not shown by the Public Records which a correct survey would disclose. However, this does not limit the affirmative coverage in Item 12 of Covered Title Risks.
4. (a) Any water rights or claims or title to water in or under the land; (b) unpatented mining claims; (c) reservations or exceptions in patents or in acts authorizing the issuance thereof.

15 of 55

EXHIBIT # 2

FENSALDEN INN
P.O. Box 99
Albion, CA 95410
(707) 937-4042
email: inn@fensalden.com

October 2, 2000

Jim Hay
Sea Cottage Real Estate
P.O. Box 762
Mendocino, CA 95460

Dear Jim,

Pursuant to the offer of Douglas Gordon, on 9/25/00, for \$255,000 for the property west of my land (12.5 acres) on Navarro Ridge Road, I relinquish my right of first refusal. This waiver applies only to this particular offer, for the indicated 30 day escrow time limit.

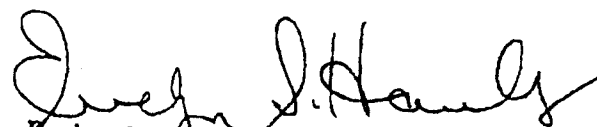

Evelyn S. Hamby

EXHIBIT #3

July 12, 2003

E. H. Boudreau
1209 Beattie Lane
Sebastopol, CA 95472

Douglas Gordon
FAX 602-331-0506

Dear Sir:

I have received and reviewed the pumping test data for the two wells on your property at 33810 Navarro Ridge Road, Mendocino, California. Also, I have reviewed my report of April 6, 2001, on the ground water potential of the property. The purpose of this has been to form an opinion about your neighbor's claim that pumping of your well will result in his well going dry.

Your neighbor's well is about 50 feet from the northeast corner of your 12-acre property. One of your wells is 1,000 feet to the west of the neighbor's well, and the other is about 800 feet to the southwest of the neighbor's well. Each of your wells produces less than one gallon per minute. There are three dry holes on your property between the neighbor's well and your wells.

A thin layer of sandy Terrace Deposits overlies a great thickness of the Franciscan Formation, most of which is impermeable shale. In some places there is enough fractured Franciscan sandstone to store and transmit small amounts of ground water.

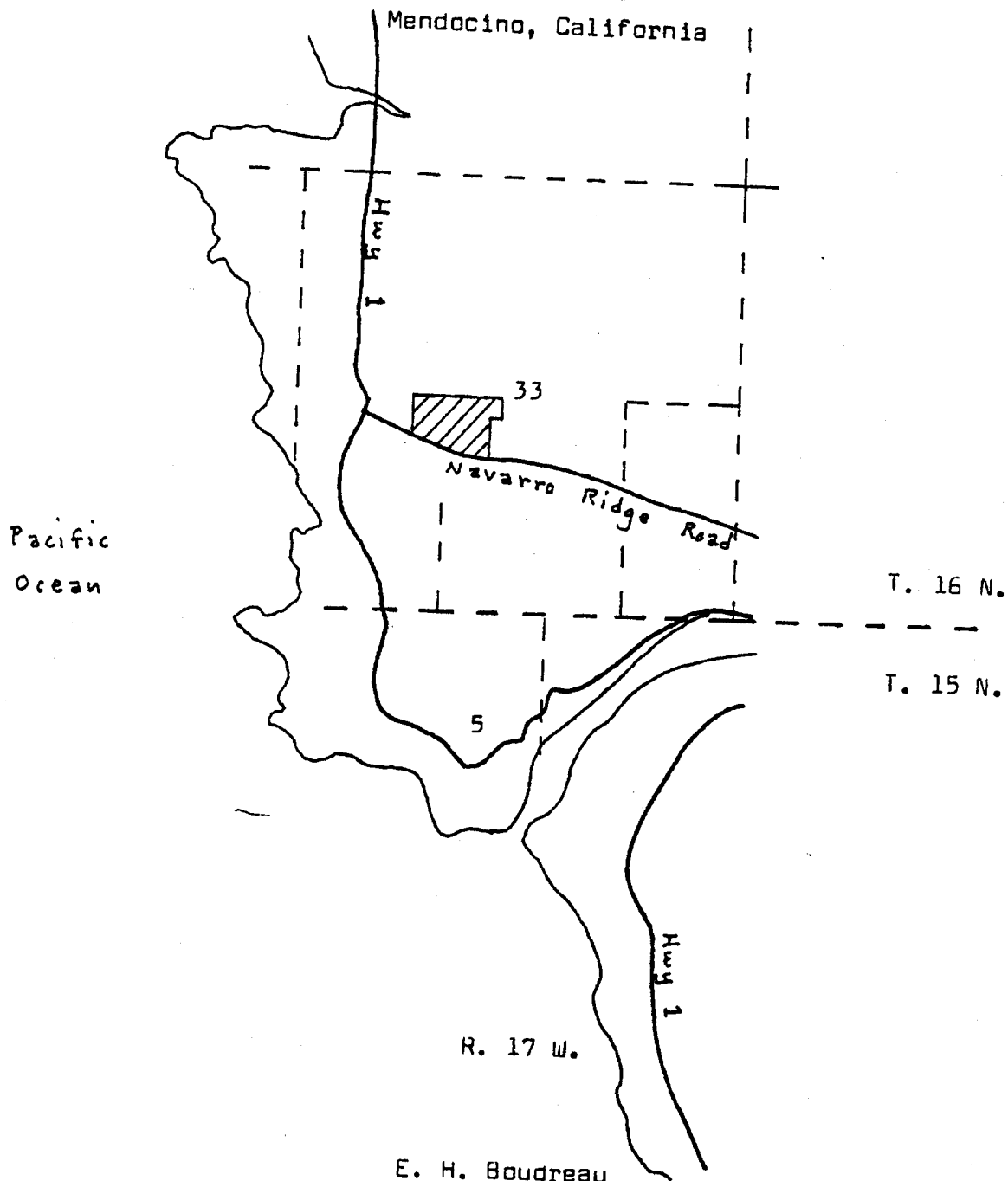
Because of the general poor ground water availability in the area, and the great distance of your wells from your neighbor's well, I believe there should be no affect on your neighbor's well as a result of your pumping your wells.

E. H. Boudreau
Registered Geologist
#3000

EXHIBIT # 4

GEOLOGY & GROUND WATER POTENTIAL OF THE GORDON PROPERTY

33810 Navarro Ridge Road
Mendocino, California



E. H. Boudreau
Registered Geologist #3000
1209 Beattie Lane
Sebastopol, CA 95472
April 6, 2001

823 1954 180655

INTRODUCTION

The 12-acre Gordon property lies along the north side of Navarro Ridge Road in the southwest quarter of section 33, T. 16 N., R. 17 W., MDB&M. As the property is to be split into two lots, and there is one well, a second well is needed. I have recently made a study of the geology and the logs of the well and several dry holes to determine the general ground water potential, and to select a favorable area to drill a test hole to explore for water. This report contains my observations and recommendations.

GENERAL GEOLOGY

The property lies along an old marine terrace, with elevations ranging between about 320 to 400 feet above sea level. Soil cover masks most of the bedrock and its details from view, but there are enough outcrops and information (?) from the drillers' logs to give a rough picture of the geologic situation. Some information on the surface geology of the region is shown on the Ukiah Sheet of the California Division of Mines & Geology's Geologic Map of California.

Two separate geologic units underlie the property, the younger being Terrace Deposits and the older being the Franciscan Formation. These units differ considerably with respect to age, origin, rocktypes, thickness and lateral extent, structure, and water-bearing characteristics.

Figure 1 is a map showing the property boundaries, topography, surface geology, and the sites of the well, some of the dry holes, and my proposed test holes.

Figure 2 is a generalized geologic cross section through the property in a north 36 degrees west direction, showing the possible relationships of the rocks and the water table at depth as projected from available information.

Figure 3 is a diagram of the well, using information from the driller's log.

Terrace Deposits

Back a few tens of thousands of years ago, when this area was at sea level, a thin layer of clay, sand and well-rounded gravel was de-

posited on a wave-cut terrace as the sea advanced inland. From logs, this material is a maximum of about 20 feet thick.

Franciscan Formation

Underlying the Terrace Deposits, and outcropping along the north side of Navarro Ridge Road and the driveway into the property, is the Mesozoic-age Franciscan Formation, which is 100-140 million years old and an estimated 50,000 feet thick. This unit underlies much of Mendocino County, along with much of the rest of the California Coast Range. It is made up of a group of highly consolidated marine sediments, (shale, sandstone and chert), marine volcanics called "greenstone," intrusive bodies of serpentine, and metamorphosed derivatives of these rocks. During their long history the rocks have been so strongly deformed and broken during episodes of folding and faulting, caused by stresses in Earth's crust, that their structure is very complex, and it is impossible to make exact predictions of the conditions at depth.

Sandstone (cemented sand) can be seen along the driveway and around the Gordon well, where the sandstone was excavated. The sandstone layer looks to be lying about flat. Farther to the west the rock is a mixture of sandstone and shale (compacted clay).

The clay in the drillers' logs for the Franciscan must be sheared shale.

The drillers' logs do not seem to be very accurate in differentiating between sandstone and shale, so not much faith can be put in them.

GROUND WATER & WELLS

All ground water in the area is derived from local rainfall that has percolated into the ground, and it exists in small pore spaces and small, open fractures in the zone of saturated rock below the water table. (There are no underground streams or lakes to be found.) Depth to the table varies with local geologic, topographic and hydrologic conditions. Movement of the water is from the land down towards the ocean. Seasonal fluctuation in the water table could be 10 to 15 feet.

The Gordon well is 390 feet deep, and it tested about 0.5 gpm, with the static level at six feet. The driller called the upper five feet "brown rock," and the rest "gray rock." It was drilled with air.

Several other dry holes were drilled to depths of 22-200+ feet. The drillers seem to call most of the Franciscan "sandstone," although the cuttings show mostly shale. Most of the hole locations are unknown.

20 OF 55

A well is successful when it penetrates permeable rock below the water table, allowing usable amounts of water to flow through the rock and into the well. The well's yield depends on the rock's thickness and its degree of permeability. The methods used in drilling, equipping, and developing the well influence its maximum yield, its operating characteristics, and life.

Permeability is a measure of the ease with which water moves through rock, and it depends on the amount and size, and interconnectedness, of the pore spaces in the rock. The amount of water that a rock contains may have no bearing on how much it will yield, as a clay can be 40% water by weight and still be impermeable as the water is held in the clay by capillary forces. It is impossible in advance of drilling to predict exactly how much usable water will be found beneath the surface, although with enough information on the local geology fairly accurate estimates can be made. From past drilling in the Franciscan, the general permeabilities of its rocktypes are known.

With favorable geology governing the availability of ground water, it follows that the most practical exploration technique for finding water is to try to drill in the most permeable rock, and to avoid drilling in impermeable rock. In complex situations, as in the Franciscan with its mixture of impermeable and potentially permeable rocktypes, drilling involves taking a risk; so, the information obtained during the drilling must be interpreted right along to see if the test hole should go deeper.

Since Franciscan rocks are so highly-consolidated (from deep burial for millions of years), they have no primary (or intergranular) porosity and permeability as occurs in loose sand and gravel, and the result is many dry holes. Successful wells have penetrated zones in the hardest and most brittle of the rocktypes (the sandstone, chert, and greenstone) where faulting and fracturing have created some secondary porosity and permeability in the form of small, open fractures. Rarely do shale and serpentine contain open fractures, since their rather soft and therefore semi-plastic natures cause the breaks in them to be sealed by the pressure of the overlying rock; so, they are impermeable and yield little or no water.

There is no way of locating the open, water-bearing fractures, or to measure their yields, except by drilling. An extensive pumping test is needed to determine the well's sustained yield.

The yield of a Franciscan well depends on the number, width, and extent of the water-bearing fractures penetrated, but often it is less than 10 gpm

since the fractures make up but a small portion (perhaps 1-2%) of the total volume of the rock. Some wells yield 500 gpm, and 20 to 50 gpm is common. Most wells that penetrate a fair thickness of the right rocktypes yield at least enough water for a home. Initial yields may drop off with sustained pumping if the permeable rock is only a small mass surrounded by impermeable rock that blocks recharge of the pumped-out fractures.

When exploring in essentially massive rock for water-bearing fractures, a depth of about 300 feet is the point of diminishing returns for a domestic well. The reason is that increasing pressure with depth tends to seal deep fractures. Sometimes deeper drilling is justified, as on a steep ridge made up of highly-fractured rock, there being a deep water table and little side pressure.

Most water in the Franciscan is of good mineral quality, but there can be troublesome amounts of dissolved iron, manganese, calcium carbonate (hardness), hydrogen sulfide, and methane. Probably most of the iron comes from oxidizing pyrite (FeS_2) that was deposited in fault zones by hot mineralized water at some time in the past; but this iron can be removed from water by passing it through a water softener, or it can be allowed to precipitate and settle out in a storage tank.

Potentially permeable Franciscan rock is hard, and so rotary drilling equipment is needed. Cabletool rigs are too slow, and bucket rigs cannot drill it at all.

When exploring in hard rock for small water-bearing fractures, the air-rotary method of drilling is preferable over the mud-rotary method for the following reasons:

1. The locations and approximate yields of the fractures are known as soon as they are penetrated because the water is blown right to the surface and can be measured with a bucket and a watch.
2. There is no risk in plugging the water-bearing fractures with stiff, viscous mud and thus sealing-off part--or even all--of the water. This is especially important in marginal wells.
3. Only the right amount of casing is used, and the perforations are sited opposite the permeable zones.
4. The mineral quality of the water from different zones can be checked.

If caving conditions in the hole cause mud to be used, then a chemical, self-liquifying mud should be used instead of bentonite clay.

SUMMARY & RECOMMENDATIONS

Another well is needed for the Gordon property, which is underlain by a thin layer of Terrace Deposits and a great thickness of the Franciscan Formation. The Terrace Deposits contain some impermeable clay, as well as permeable sand and gravel; but this unit lies above the water table. Much of the Franciscan is impermeable shale, but there is some potentially permeable sandstone (although much less than the drillers' logs indicate). Sandstone is potentially permeable because it can contain enough small, open fractures so it can yield usable amounts of water to a well; however, the erratic distribution and nature of the open fractures make it impossible in advance of drilling to predict their exact locations and yields. (And a well must be used for a year to get a good idea of the balance between pumpage and recharge.) The existing well was probably drilled mainly in shale, although it was cased all the way down--drilling with air, the driller should have known where the water was hit.

It might pay to jet develop the existing well with high-pressure air and water (150 lbs per square inch minimum) to see if the yield can be increased, even though it was drilled with air. Go very slow, and jet until the water comes out clean.

I recommend drilling a test hole in the northwest corner of the property, as that is a long way from the nearest dry hole. Use air-rotary equipment, and drill to 300 feet. If water is found, case the well to no deeper than just below the lowest water zone. This is test hole A on Figure 1.

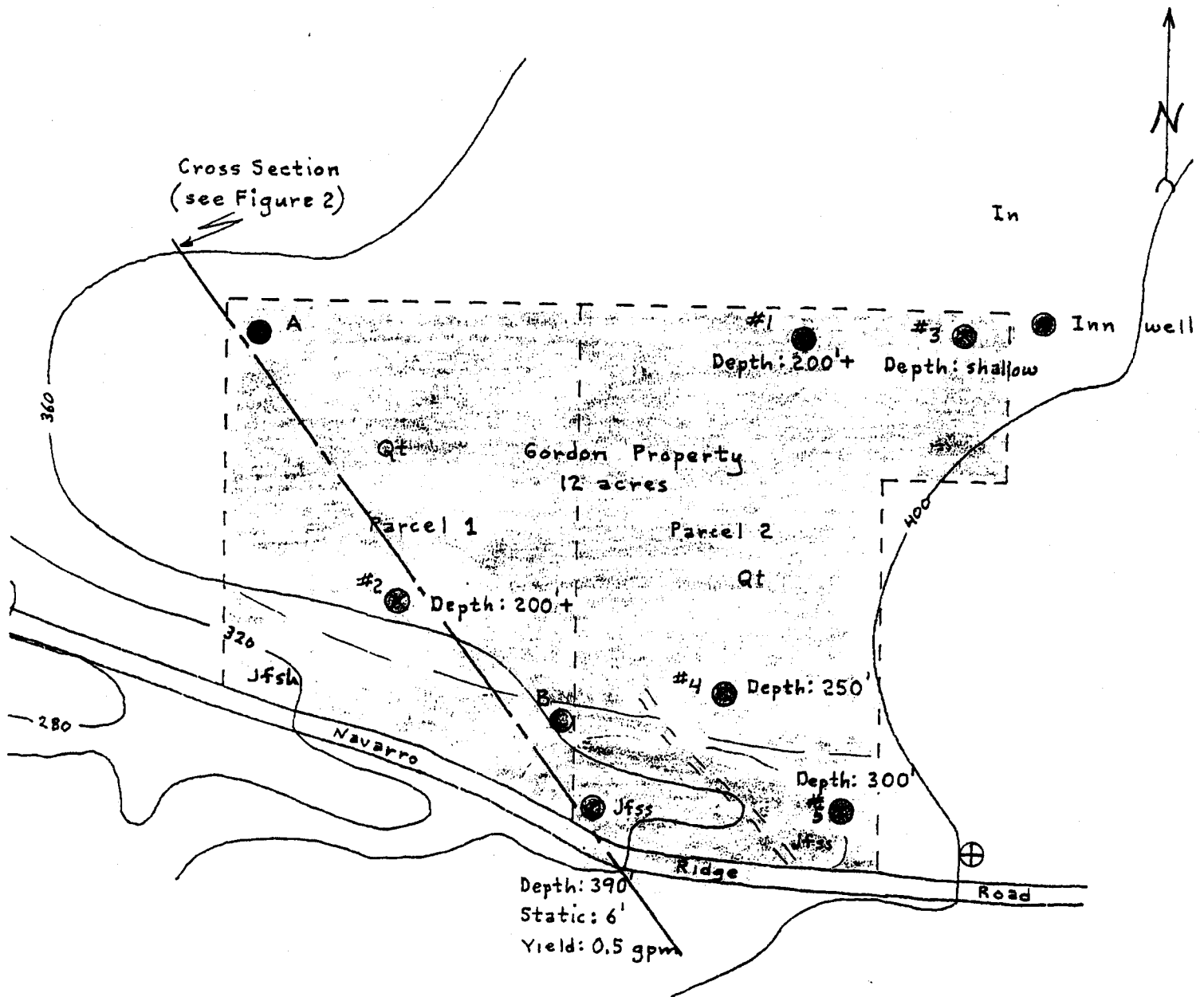
Test hole B is sited to explore the sandstone showing around the existing well. Again, drill with air, but go only about 100 feet, unless the rock remains favorable.

If desired, I could supervise the drilling at my hourly rate.




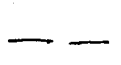





E. H. Bondreau
Registered Geologist

#3000

Figure
Geology Map



LEGEND

-  Terrace Deposits
Gravel, sand & clay
-  Sandstone: potentially permeable
-  Franciscan Formation
-  Shale, or unknown (Jf): shale is impermeable
-  Geologic contact
-  Well
-  Dry hole
-  Abandoned well
-  Proposed test hole

Scale:
200 feet

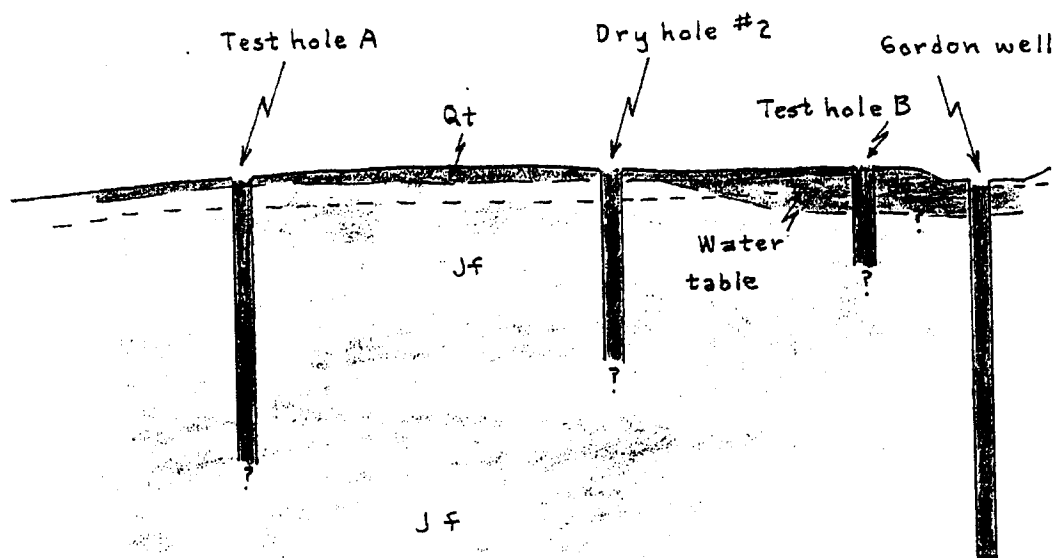
24
23 OF 55

Figure 2
Cross Section

← N 36° W

S 36° E →

← Gordon Property →



Elevation
+ 400 feet

+ 300

+ 200

+ 100

- 0

- 100

- 200

- 300

- 400

- 500

Fensalden Inn

[Click Here For Virtual Tour](#)

(750k download)

[Homepage](#) | [Welcome](#) | [Specials](#) | [Rooms](#) | [Availability & Reservations](#) |
[Weddings](#) | [Events](#) | [Map](#) |
[Area Attraction Links](#) | [Guest Testimonials](#) | [Meetings, Seminars, and Retreats](#)

Rooms

- [Common Space](#)
- [Tower Suite](#)
- [Tower Room](#)
- [Hawthorne Suite](#)
- [Mariner Room](#)
- [Headlands Room](#)
- [Navarro Room](#)
- [Ridge Room](#)
- [The Bungalow](#)



Common Space



Click on the picture for a view of the parlor.

I offer three common rooms in the main building for my guests' enjoyment. An open wood burning fireplace in the entry greets visitors. The walls and ceiling feature warm, rich-textured redwood. A library/reading room includes a TV with satellite programming, books, a FAX machine and a telephone for guest use. The "Tavern Room," a namesake common for waystations in the raucous early western days, still shows bullet holes in its original redwood ceiling. A couch and large overstuffed chairs look out the large windows to the ocean while a glass-front wood burning stove adds warmth and charm during the morning meal and evening social hours. In this room we serve a full gourmet breakfast and evening wine and hors d'oeuvres.

Tower Suite[back to top](#)

Click on the picture for a larger one.

The "Tower Suite" is a perfect romantic retreat. It is built around the struts of a water tower which dates from the 1890's. The tower has very large redwood beams which have weathered over the years to a rich and warm textured wood grain. The tower beams come through the four corners of the sitting room floor and remain exposed as they continue through the cathedral ceiling. A fireplace is framed by the cross-members of the tower as are two large picture windows which look out over our pasture to the ocean. A beautiful polished wood staircase wraps around one of the corner struts leading to the bedroom loft.

This room is furnished in antiques with a queen sized bed, dresser with folded wing mirrors, an armoire and occasional chair. Dormer windows face east and west. The room is open through the cathedral ceiling with the struts criss-crossing as they pass through the roof. Flames from the fireplace cast dancing shadows from the struts on the ceiling at night.

Downstairs is a completely furnished kitchen with a complimentary bottle of wine in the refrigerator and a full bath with shower tub. Our \$185 rate includes a full gourmet breakfast and evening wine and hors d'oeuvres.

January 2 - March 31- rates are reduced \$10.

Tower Room[back to top](#)

In the water tower structure is our "Water Tower Room." This room, with its large cathedral-beamed ceiling, has a corner brick fireplace. Three large picture windows look out across the meadow to the ocean. The view is through majestic cypress trees where deer frolic with their new-born fawns and fog swirls through the tree branches. An overhead fan casts shadows from the fireplace across the timbered beams of the ceiling.

Your comfort is assured by two wicker chairs, antique queen bed and dresser. A walk-in closet and separate, private bath with shower and bar refrigerator with a



are treated to a gourmet breakfast and evening wine/hors d'oeuvres; all included for just \$165 with a \$10 reduction during January 2 - March 31.

Hawthorne Suite

[back to top](#)



Click on the picture for a larger one.

For romantic elegance I offer the "Hawthorne Suite." Located on the second floor of the main building this two room suite provides a sweeping view of the cypress tree lined pasture and the Pacific beyond the meadow. There are large windows facing east and west from both rooms. The sitting room has an open brick fireplace.

Furnishings are original antiques including a table that belonged to Nathaniel Hawthorne, sideboard, chaise lounge, chairs, queen canopy bed, dresser, armoire, and bar refrigerator with a complimentary bottle of wine. The private bathroom has a large tiled shower and a hand-thrown pottery floral lavatory set in a tiled vanity. A heart gourmet breakfast and evening wine and hors d'oeuvres complement your stay, each included in the \$180 rate. Rates reduced \$10 January 2 - March 31.

Mariner Room

[back to top](#)



Click on the picture for a larger one.

From the second floor of the Inn's Main Building, guests enjoy an unobstructed view of the ocean and tree-lined pasture. The view often includes deer grazing in the meadow, fishing boats trolling their lines, or pods of whale breaching during their annual birthing migrations.

The "Mariner Room" is one of the original Way Station bedrooms. Completely redecorated now, it features period antiques, balcony, queen bed, armoire, dresser, wicker chair, rocker, gas fireplace and a bar refrigerator with a complimentary bottle of wine. The separate bath has a tiled shower and a hand-thrown pottery floral lavatory set in a tiled vanity. A favorite room selection for those seeking a romantic time away without excessive cost. Our full gourmet breakfast and evening wine and hors d'oeuvres are included in the \$160 rate. Rates reduced \$10 January 2 - March 31.

Headlands Room

[back to top](#)



Click on the picture for a larger one.

Navarro Room

[back to top](#)



Click on the picture for a larger one.

Located on the ground floor of the Inn's Main Building, the "Headlands Room" also features the amenities described for the Mariner Room. Ocean view, pastoral meadow, rich, warm-wood antiques, queen bed, porch, wicker chair, gas fireplace and bar refrigerator with a complimentary bottle of wine. All the makings for a relaxing, comfortable stay at a reasonable cost. Price, \$155. Rates reduced \$10 January 2-March 31.

The "Navarro Room" takes its name from the river's name and the country lane connecting the Inn to the highway. It is bright and roomy; furnished with warm antiques, gas fireplace, bar refrigerator with a complimentary bottle of wine, and a queen bed. The Navarro Room is located on the second floor of the Inn and features a large balcony which overlooks the entry gardens and waterfall-pool. The garden lights at night and the splashing waterfall immediately below the porch set a poet's theme with music and shadows for a night of romantic memories.

Guests often enjoy having their morning coffee on the deck, watching the sunrise filtered through the cypress-lined pasture to the east. The private bath has a large tiled shower and a floral-pottery lavatory set in a tiled vanity. A full gourmet breakfast and evening wine is of course included. The room rate is \$125. January 2 - March 31- rates reduced \$10.

Ridge Room

[back to top](#)



The name of the "Ridge Room" commemorates the tradition of the coastal range with its finger ridges running from inland mountains to the ocean's shore. During the mid-1800's lumber mills were established at the mouth of the rivers and creeks which run between each ridge. Workers' homes were built along each of the ridge crests (which is just what the Inn became following its stint as a Stagecoach Way Station).

Click on the picture for a larger one.

The Ridge Room is large, even with its queen bed, nightstands, antique rocker, desk, gas fireplace and bar refrigerator with a complimentary bottle of wine. Tasteful art decorates the walls. The extra-large bath includes a tiled shower and antique dresser-lavatory. An entry door opens to a private porch, which is adjacent to a garden pool and water fall. Our full gourmet breakfast and evening wine are included in the \$135 room rate. January 2- March 31- rates reduced \$10.

The Bungalow

[back to top](#)



For those wishing to get away to privacy and quiet repose I offer "The Bungalow." Located at the north end of the acreage, it is set at the head of the pasture. The view to the ocean is unobstructed and is often graced with deer frolicking with their new-born fawns.



The Bungalow is rustic but modern. The main room has exposed weathered redwood paneling and beams. It is fully carpeted and features a glass-faced, gas-burning fireplace in the center. This is surrounded by a love-seat two rockers and several throw pillows. A queen bed is at the east end of the room and a dining table at the west end in front of a large picture window. The view is across the twenty-acre meadow to the ocean. With a 400 foot elevation, the view is spectacular!



Click on the picture for a larger one.

There is a sleeping alcove with a queen bed; and two lofts, each with a twin bed. All furnishings are matching antiques. A fully furnished kitchen with a complimentary bottle of wine in the refrigerator, a full bath with Jacuzzi bathtub and a skylight, and separate redwood shower are also included. A porch provides a perfect place to sit while watching the whales migrate, the deer browse, hawks soaring overhead, the midnight star-carpeted sky or the panoramic multi-hued sunsets. Our traditional full gourmet breakfast and evening wine/hors d'oeuvres make your stay complete. Rate: \$225. January 2 - March 31- \$10 reduction.

[back to top](#)



2171 E. Francisco Blvd., Suite K • San Rafael, California 94901 • (415) 457-0701
FAX: (415) 457-1638 • email: sr@stetsonengineers.com

3104 East Garvey Avenue, Suite A • West Covina, California 91791 • (626) 967-6202
FAX: (626) 331-7065 • email: wc@stetsonengineers.com

2659 W. Guadalupe Rd., Suite D213 • Mesa, Arizona 85202 • (480) 839-5910
FAX: (480) 839-6560 • email: mesa@stetsonengineers.com



Reply to:

2020

July 16, 2003

San Rafael

Mr. Randall Stemler
Coastal Program Analyst
California Coastal Commission
North Coast District Office
410 North E Street; Suite 200
Eureka, CA 95501

RECEIVED

JUL 18 2003

CALIFORNIA
COASTAL COMMISSION

Re: Gordon Property, 33850 Navarro Ridge Road; Albion, CA

Dear Mr. Stemler,

Stetson Engineers was requested to review existing studies and evaluate the potential impact that two new wells located on the property at 33850 Navarro Ridge Road, Albion California, might have on the existing well owned by the neighboring bed and breakfast inn. This letter summarizes the available information on the occurrence and movement of ground water beneath the two adjoining properties on the Navarro Ridge and the possibility of a ground-water connection between the new and existing wells.

Regional Occurrence and Movement of Ground Water

The Gordon Property is located in the Albion ground-water subunit of the Mendocino County coastal area. It is underlain by marine terrace deposits and the coastal belt Franciscan shale and sandstone. The terrace deposits are generally less than 20 feet thick on the Navarro Ridge (Parfitt and Germain, 1982) and the ground water is unconfined (water table aquifer). Wells completed in the terrace deposits have an average specific capacity (SC) of 0.46 gpm per foot of drawdown (gpm/ft). Based on this SC, a typical well screened in these terrace deposits would be expected to yield less than 3 gpm, depending upon saturated thickness, well efficiency and well interference. The underlying and outcropping bedrock is considered non-water bearing, though sufficient ground water for domestic use occurs in fractures or in near-surface weathered rock. The fractured bedrock is the primary source of ground water for domestic supply wells between Albion and Gualala, and is also considered unconfined (Parfitt and Germain, 1982). Wells completed in the fractured sandstone in the Albion subunit have an average SC of 0.08 gpm/ft (based on 32 wells in the area), with the average well yielding 6 gpm. Wells completed in bedrock fractures typically yield between 0.15 and 45 gpm. Ground-water production from fractured bedrock is highly influenced by the nature and continuity of the water bearing fractures that the well intersects.

30 OF 55

The primary recharge of ground water is from direct infiltration of seasonal precipitation. It is expected that the ground-water table in the terrace deposits generally follows surface topography and flows down slope, in a westerly direction. Recharge of the bedrock fractures occurs as water infiltrates from overlying materials and by the lateral movement of ground water within the fractures. The general direction of ground-water movement is controlled by the continuity and alignment of the fractures, in a northwest-southwest direction, roughly parallel to the structural trend of the Coast Range geomorphic province. Competent, unfractured rock will not transmit water and acts as a barrier to ground-water flow. (Parfitt and Germain, 1982)

Water levels vary seasonally with higher water levels in the wetter winter and spring months and lower water levels in the dryer summer and fall months. Lowering of ground-water levels occurs naturally in the summer and fall months as water moves from higher to lower elevations toward sea level and is induced by pumping of local domestic wells. Wells that are completed in the thin layer of terrace deposits on the Navarro Ridge can go dry seasonally as water levels drop from spring to fall, or following a dryer than normal winter when the aquifer has not been fully recharged.

Occurrence and Movement of Ground Water on the Gordon Property

Over the last couple of years three studies were completed for the Gordon Property with respect to ground water on and beneath the site. A local geology and ground water study (Boudreau, 2001) was researched to determine the best location to install a well. Sustainable yield pump tests (CRA, 2001) were conducted for two wells on the Gordon property. A wetland delineation was completed (WRA, 2002) which showed three seasonal wetland areas in the northeast corner of the property. These studies were used to evaluate the potential connection between the neighboring inn's well and the two new wells.

The property where the two new wells are located is situated to the west and down slope of the existing well for the inn. There are two new wells on the Gordon property; well B, located near the northwest corner and well C, located in the south central side of the parcel. Sustained yield pumping tests (CRA, 2001) were completed successfully in October 2001 for well B (29 ft deep; terrace deposits; 0.68 gpm) and November 2001 for well C (250 ft deep; fractured bedrock; 0.5 gpm). The neighboring inn's well is located near the northeast corner of the Gordon property. The exact location, depth, and yield of the inn's well has not been reviewed at this time. For the purpose of this letter, it is assumed that the inn's well is located approximately 50 feet due east of the northeast corner of the Gordon property (Boudreau, 2001); and that the well is deep (drawing water from both the marine terrace and fractured bedrock units) in order to satisfy the water yield required for an inn. The distances between the inn's well and wells B and C are approximately 1,000 ft west and 800 ft southwest, respectively.

Five "dry" test holes were drilled on the Gordon property and abandoned prior to locating wells with 'sustainable' water (Boudreau, 2001). Two of these dry test holes are located between the inn's well and well B: a shallow one about 100 ft from the inn's well and a 200-ft deep test hole located about 320 ft from the inn's well. Two of these dry test holes are also located between the inn's well and well C: one shallow one about 100 ft from the inn's well and one 250-ft deep located about 620 ft from the inn's well. The lack of ground water occurring between the inn's well and wells B and C in the shallow marine terrace unit indicates that there is

not a continuously saturated ground-water aquifer between the three wells. The lack of ground water occurring between the inn's well and well C in the deeper fractured bedrock unit indicates that the dry test hole did not intersect any fracture system common to the water producing wells. The general direction of ground-water movement is controlled by the continuity and alignment of the fractures, which tend to be in the northwest-southwest direction (Parfitt and Germain, 1982). Well C is located 800 feet southwest from the inn's well. The ground-water saturated fractures that are intersected by the inn's well and well C are probably not connected if the subsurface beneath the property follows this trend.

A wetland delineation was completed (WRA, 2002) which showed three seasonal wetland areas in the northeast corner of the property. Ground-water seepage of "near surface hydrology from upslope" was attributed to the northwest trending drainage channel and two patches totaling 0.17 acre of wetlands indicated a ground water discharge area during a June 2003 site visit (WRA, 2002). Something in the subsurface causes this area, located between the inn's well and wells B and C, to be a location where ground water discharges instead of continuing down slope. This also indicates that there is a ground-water divide between the inn's well and wells B and C.

Conclusions

Though it is not impossible, it is very unlikely that there is a direct connection between the wells. The available physical evidence points to a ground-water divide between the wells. Regionally there is a northwest-southeast trend of water-bearing fractures in the bedrock. This same linear trend is displayed at the site by the wetland delineation on the surface. It is not expected that ground water will travel between fracture networks. It is very unlikely that there is any connection between the water bearing fractures that the Inn's well intersects and the fractures that well C on the Gordon property intersects.

The State of California and Mendocino County do not regulate ground-water pumping interference in domestic well. Mendocino County does require that wells be placed with at least a 10 ft setback from the property line (DEH, 2003). Well B is located 35 ft from the north and west property line, and well C is located 90 ft from the south property lines, well outside the restricted area.

Sincerely,



Jean Moran, CHG # 755

JM:mc

Attachment: References

REFERENCES

- Boudreau, E.H., April 2001. Geology and Ground Water Potential of the Gordon Property. 8 pages.
- California Geological Survey, (CGS; previously published under Division of Mines and Geology), 1960. Geologic Map of California; Ukiah Sheet. Map scale 1:250,000.
- Carl Rittiman and Associates (CRA), November 2001. Letter to Jim Ehlers of Mendocino County Division of Environmental Health regarding sustained yield well tests; Aquifer Test Data Sheets and graphs for wells A, B, and C; Analytical Data for well C.
- Department of Environmental Health (DEH), July 2003. Carlie Williams of the Mendocino County DEH coastal office, personal communication.
- Parfitt, D. G. and L.F. Germain, June 1982. Mendocino County Coastal Ground Water Study. California Department of Water Resources (DWR), Northern District; study includes 15 minute geology map at 1:62,500 scale (figure 13).
- USGS, 1960. Albion Quadrangle, Mendocino County, California; 7.5 minute topographic map series. Map scale 1:24,000.
- Wetlands Research and Associates (WRA), July 2002. Delineation of Jurisdictional Wetlands under the Mendocino County Local Coastal Program. 7 pages.

Please Your Copy

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

Jim Ehlers
R.E.H.S.
Mendocino County Division of Environmental Health
790 A-1 S. Franklin Street
Fort Bragg, CA 95437

Date: 11/30/01

re: 33850 Navarro Ridge Road, Albion; AP# 123-320-10; Douglas Gordon
Proof of water tests

Jim,

As required to satisfy the conditions set forth for this subdivision, our office conducted two, 17-hour proof of water tests on proposed Parcels One and the Remainder Parcel of this subdivision. Attached you will find all drawdown and recovery data, as well as graphical analyses of the data.

The type of test procedure used to determine a wells' production is referred to as a sustained yield test. The aim of this test is to try to stabilize the water level within the well, relatively near the pump inlet. This indicates that the flow of water being pumped out of the well is equal to the amount of water entering the well. The results of the test are as follows:

Well 'B'

The well tested is a drilled well, cased with 6.0" diameter PVC casing. The total depth of the well is 29 feet. For this test, the pump inlet was set at 25 feet. The test was started at 2:05 P. M., on October 16th. The static water level in the well was 16' 10.0" at the start of the test. The water level stabilized in the well at the depth of 17' 5.0", 340 minutes into the test, while pumping at a flow rate of 0.68 gallons per minute. The water level remained stable for the remaining 680 minutes of the test.

The recovery of this well was monitored for 295 minutes following pump shut off. In that time, the total drawdown of 7.0" recovered 6.75" for a 95% recovery of the total drawdown.

Well 'C'

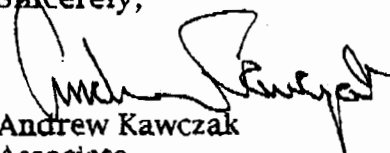
The well tested is a drilled well, cased with 6.0" diameter PVC casing. The total depth of the well is 250 feet. For this test, the pump inlet was set at 245 feet. The test was started at 10:30 A. M., on November 9th. The static water level in the well was 26' 7.0" at the start of the test. The water level in the well stabilized near the depth of 109' 11.0", 750 minutes into the test, while pumping at a flow rate of 0.5 gallons per minute. The water level remained fairly stable for the remaining 270 minutes of the test.

The recovery of this well was monitored for 590 minutes following pump shut off. In the time, the total drawdown of 83' 4.5" recovered 68' 11.0" for a 82% recovery of the total drawdown.

Both of the wells tested have been proven to meet the requirements set forth for proof of adequate water for this subdivision.

If you have any questions regarding the tests, please feel free to contact our office. Thank you.

Sincerely,



Andrew Kawczak
Associate

AQUIFER TEST DATA SHEET

Date 10.16.01Page 1 of 2PROJECT 33850 LAWRENCE RIDGE ROADWell Designation 'A'Type of Test ATTENDED PROOF OF WATERTotal Depth 143'Well Diameter (I.D.) 6.0"Pump Inlet Depth 135' (Assorted)

clock time	elapsed time	Δt	depth to water	speed rate to:	slow rate to:	seconds per gallon
10:35 A.M.	\ominus		66' 1.0" STATIC LEVEL			—
10:40	5		73' 9.5"			8.25
10:45	10		85' 10.25"		(18.67)	8.6
10:50	15		90' 9.25"			26.57
10:55	20		93' 0.25"			27.15
11:05	30		98' 0.5"			27.34
11:15	40		103' 8.5"			27.99
11:25	50		107' 9.75"			28.98
11:35	60		115' 5.75"		(34.24)	30.10
11:45	70		119' 0.5"		(44.22)	34.86
11:55	80		125' 6.0"		(78.06)	48.04
12:05 P.M.	90		128' 11.0"		(139.12)	102.01
12:15	100		130' 3.75"			165.78
12:20	105		131' \ominus "			—
12:28	113		132' 4.5"			167.44
12:30	115		132' 6.5"			168.56
12:33	118		132' 9.0"			182.72
12:35	120		132' 10.0"			—
12:37	122		133' 1.5"			125.44
12:40	125		133' 3.5"			238.81
12:42	127		133' 4.5"			262.88
12:45	130		134' 7.0"			260.48
12:48	133		134' 8.75"			371.36
12:50	135		134' 10.5"			385.20
PUMP OFF						

AQUIFER TEST DATA SHEET

Date 10.11.20

Page 2 of 2

PROJECT 33850 SANABRO RIDGE ROAD

Well Designation 'A'

Type of Test_____

Total Depth _____

Well Diameter (I.D.) _____

Pump Inlet Depth _____

[illegible]

AQUIFER TEST DATA SHEET

Date 10-16-01Page 1 of PROJECT 33850 NAVARRO RIDGE RD.Well Designation 'B'Type of Test PROOF OF WATERTotal Depth 29'Well Diameter (I.D.) 6.0"Pump Inlet Depth 25' (APPROXIMATE)

clock time	elapsed time	Δt	depth to water	speed rate to:	slow rate to:	seconds per gallon
2:05 P.M.	0	—	16' 10.0"	STATIC LEVEL		—
2:07	2	2	16' 10.0"			119.81
2:10	5	3	16' 10.5"			116.41
2:13	7	2	16' 10.5"			115.43
2:15	10	3	16' 10.5"			110.31
2:17	12	2	16' 10.5"			110.44
2:20	15	3	16' 10.5"			105.92
2:22	17	2	16' 10.5"			106.88
2:25	20	3	16' 10.5"			79.34
2:30	25	5	16' 10.5"			78.61
2:35	30	5	17' 0"			53.05
2:45	40	10	17' 3.25"		(80.03)	52.21
2:55	50	10	17' 4.0"			80.09
3:05	60	10	17' 3.25"			81.96
3:15	70	10	17' 4.0"			82.60
3:25	80	10	17' 4.0"			84.99
3:35	90	10	17' 4.0"			87.62
3:45	100	10	17' 4.0"			74.31
4:15	130	30	17' 4.25"			77.87
4:45	160	30	17' 4.25"			77.84
5:15	190	30	17' 4.25"			78.09
5:45	220	30	17' 4.5"			78.22
6:45	280	60	17' 4.5"			79.24
7:45	340	60	17' 5.0"			79.53
9:45	460	120	17' 5.0"			85.05
11:45	580	120	17' 5.0"			86.77

38 OF 55

39

AQUIFER TEST DATA SHEET

Date 10.16.21

Page 2 of 2

PROJECT 33850 NAWARD RIDGE ROAD

Well Designation 'B'

Type of Test_____

Total Depth _____

Well Diameter (I.D.) _____

Pump Inlet Depth

[illegible]

390455
40

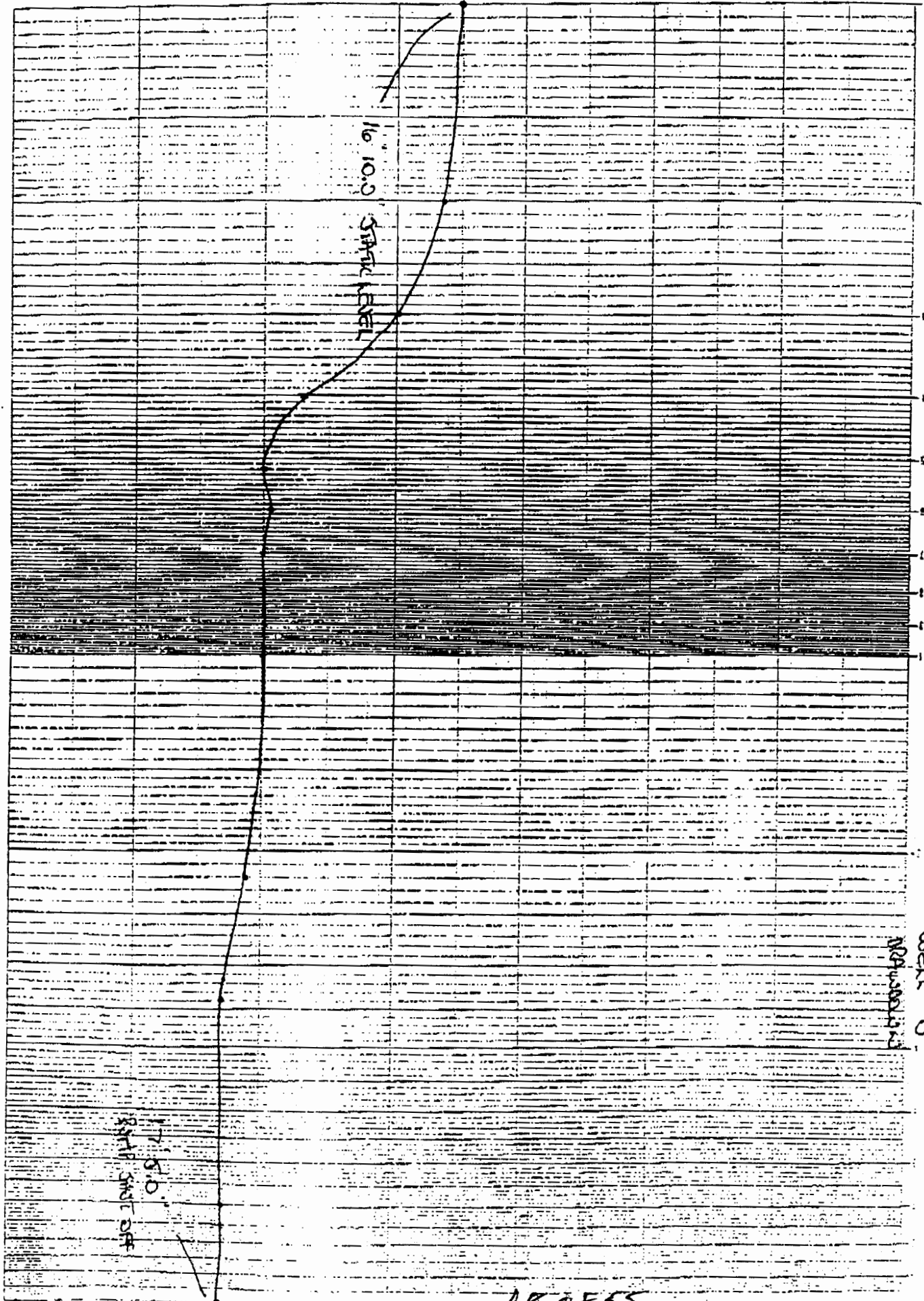
47

18

17

6

water in
FEET



ELAPSED TIME IN MINUTES

radius

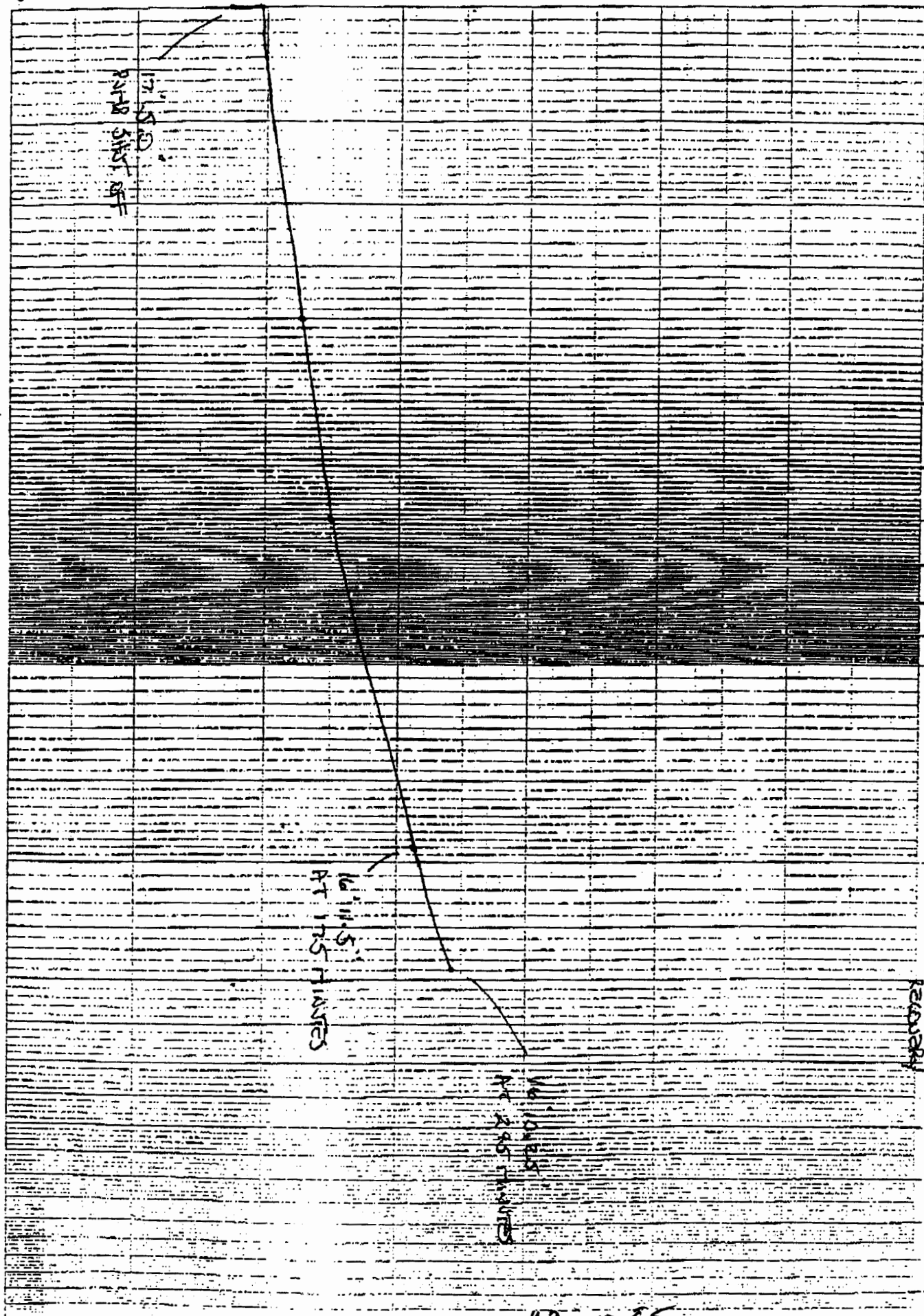
WELL B

WATER IN
FEET

18

17

16



ELAPSED TIME IN MINUTES

AQUIFER TEST DATA SHEET

Date 11.9.01Page 1 of 3PROJECT 33850 NAVARRO RIDGE ROADWell Designation 'C'Type of Test PROOF OF WATERTotal Depth 250'Well Diameter (I.D.) 6.0"Pump Inlet Depth 245' (ASSUMED)

clock time	elapsed time	Δt	depth to water	speed rate to:	slow rate to:	seconds per gallon
10:30 A.M.	0	-	26' 7.0" STAT. LEVEL			-
10:32	2	2	33' 0"		(36.79)	13.23
10:35	5	3	34' 4.5"			41.91
10:37	7	2	35' 4.5"			43.84
10:40	10	3	36' 12.0"			45.23
10:45	15	5	40' 0"		(65.51)	49.37
10:50	20	5	41' 1.35"			69.57
10:55	25	5	42' 11.0"			72.67
11:00	30	5	44' 11.0"			72.83
11:10	40	10	48' 8.0"		(129.12)	75.79
11:20	50	10	50' 0"			134.16
11:30	60	10	51' 0.75"			134.32
11:40	70	10	52' 0"			141.34
11:50	80	10	53' 4.5"			114.40
12:00 P.M.	90	10	54' 8.0"			120.0
12:10	100	10	55' 10.5"			119.61
12:20	110	10	56' 6.5"			149.73
12:30	120	10	58' 6.0"			124.55
12:40	130	10	61' 7.5"			64.84
12:50	140	10	65' 0"			67.65
1:00	150	10	68' 1.0"			64.88
1:10	160	10	71' 2.0"			52.15
1:20	170	10	75' 8.0"			54.24
1:30	180	10	79' 6.0"			56.20
2:00	210	30	87' 1.35"			66.08
2:30	240	30	95' 7.5"			49.98

42. OF 55
43

AQUIFER TEST DATA SHEET

Date 11.9.01Page 2 of 3PROJECT 33850 NAWARD RIDGE ROADWell Designation C

Type of Test _____

Total Depth _____

Well Diameter (I.D.) _____

Pump Inlet Depth _____

clock time	elapsed time	Δt	depth to water	speed rate to:	slow rate to:	seconds per gallon
3:00	270	30	104' 6.5"			55.40
3:30	300	30	113' 6.5"			57.99
3:50	320	20	114' 4.5"	(118.63)		140.16
4:00	330	10	113' 3.5"			119.42
4:40	370	40	111' 4.25"			139.37
5:00	390	20	110' 11.0"			118.47
5:30	420	30	110' 3.75"			116.39
6:00	450	30	109' 9.0"			119.34
6:30	480	30	109' 3.0"			121.39
7:00	510	30	108' 8.0"			121.64
7:30	540	30	108' 11.5"			119.67
8:00	570	30	108' 10.75"			119.84
8:30	600	30	109' 6.5"			124.21
9:00	630	30	109' 5.0"			120.14
9:30	660	30	109' 4.75"			119.71
10:00	690	30	109' 5.0"			118.92
10:30	720	30	109' 9.0"			112.64
11:00	750	30	109' 11.0"			118.92
12:00 AM	810	60	109' 11.5"			118.67
1:00	870	60	109' 11.5"			119.13
2:00	930	60	109' 11.25"			119.42
3:00	990	60	109' 11.5"			119.24
3:30	1020	30	109' 11.5"			119.31
PUMP OFF						

AQUIFER TEST DATA SHEET

Date 11-9-01Page 3 of 3PROJECT 33850 JAWARD RIDGE RD.Well Designation 'C'

Type of Test _____

Total Depth _____

Well Diameter (I.D.) _____

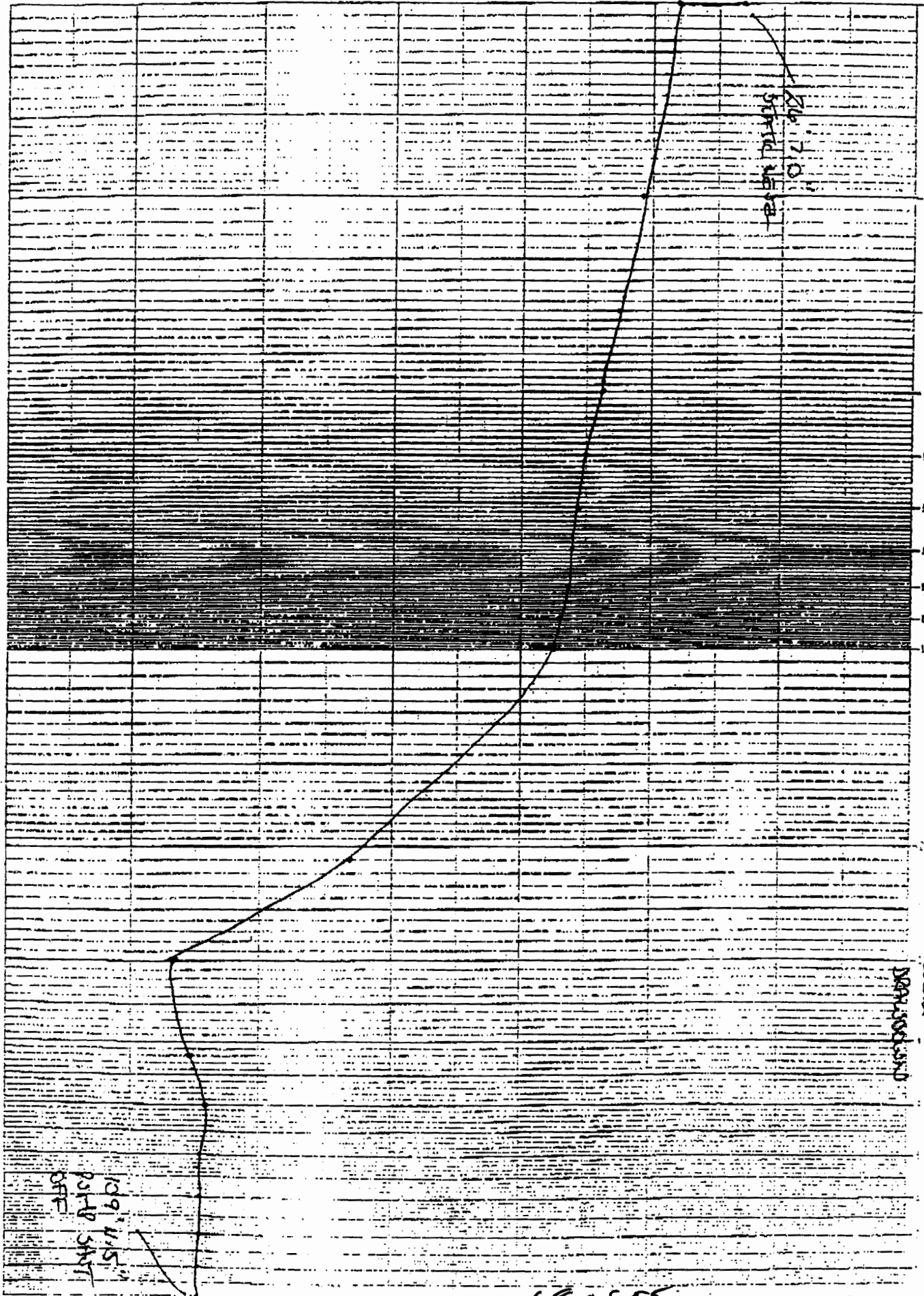
Pump Inlet Depth _____

clock time	elapsed time	Δt	depth to water	speed rate to:	slow rate to:	seconds per gallon
Pump OFF			109' 11.5"			
Pump ON						
3:32 A.M.	2		108' 9.5"			
3:35	5		107' 9.5"			
3:37	7		107' 1.0"			
3:40	10		106' 2.5"			
3:45	15		105' 0"			
3:50	20		103' 8.0"			
3:55	25		102' 3.75"			
4:00	30		101' 4.0"			
4:10	40		98' 8.5"			
4:20	50		95' 7.0"			
4:30	60		92' 10.25"			
5:00	90		86' 5.0"			
5:30	120		80' 7.0"			
6:00	150		71' 9.0"			
7:00	210		64' 6.0"			
8:00	270		58' 2.25"			
9:00	330		54' 1.75"			
10:00	390		50' 10"			
12:00 P.M.	450		45' 9.5"			
2:20	590		41' 0.5"			

44 OF 55
45

120 110 100 90 80 70 60 50 40 30 20

12
13
14



ELAPSED TIME IN HOURS

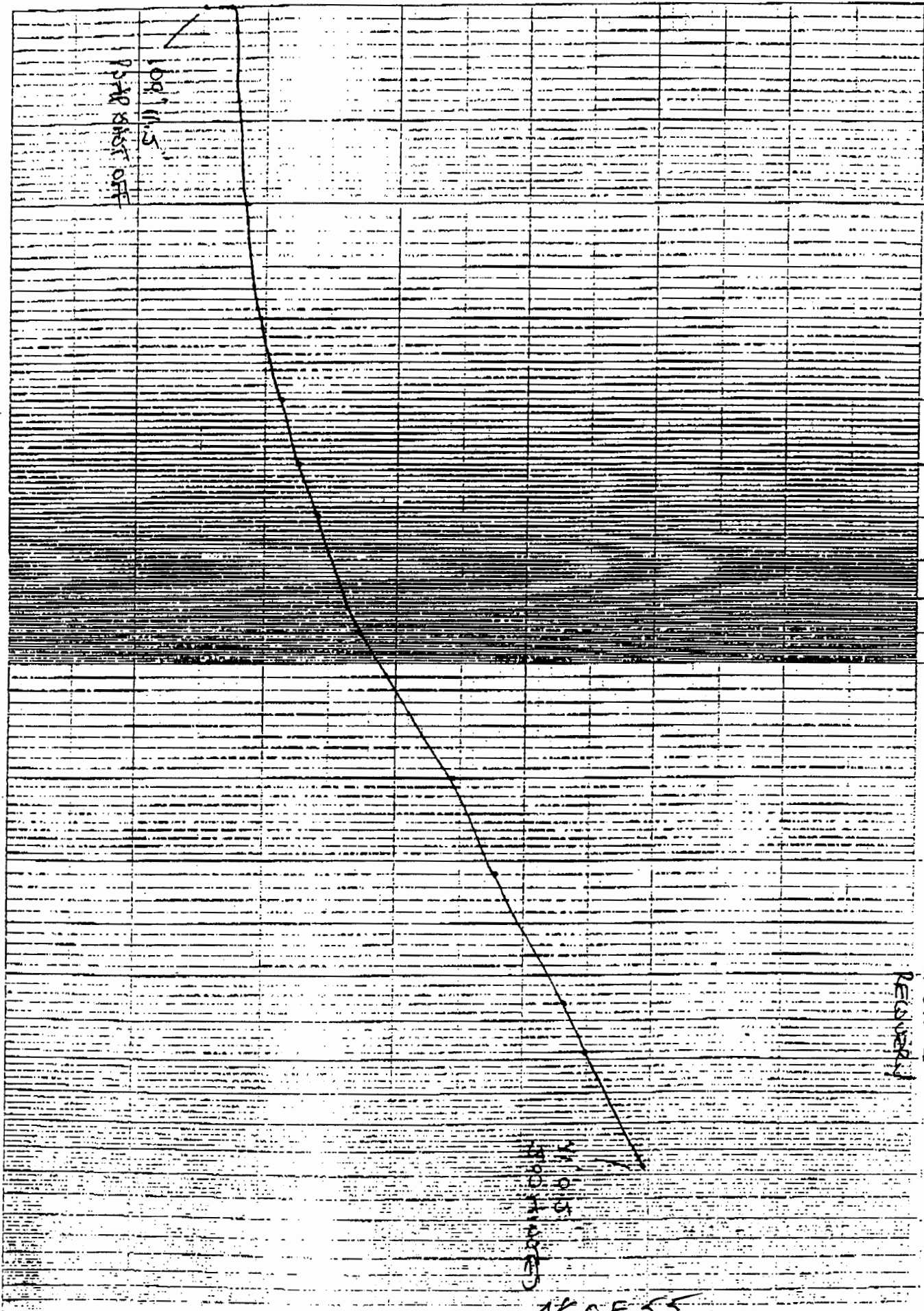
USE 'C'

109' 4.5"
POSTED SIGN
OFF

45 OF 55
46

22 FEB
LEAD
WATER

120
110
100
90
80
70
60
50
40
30
20



EMERGED TIME IN HOURS

100 min

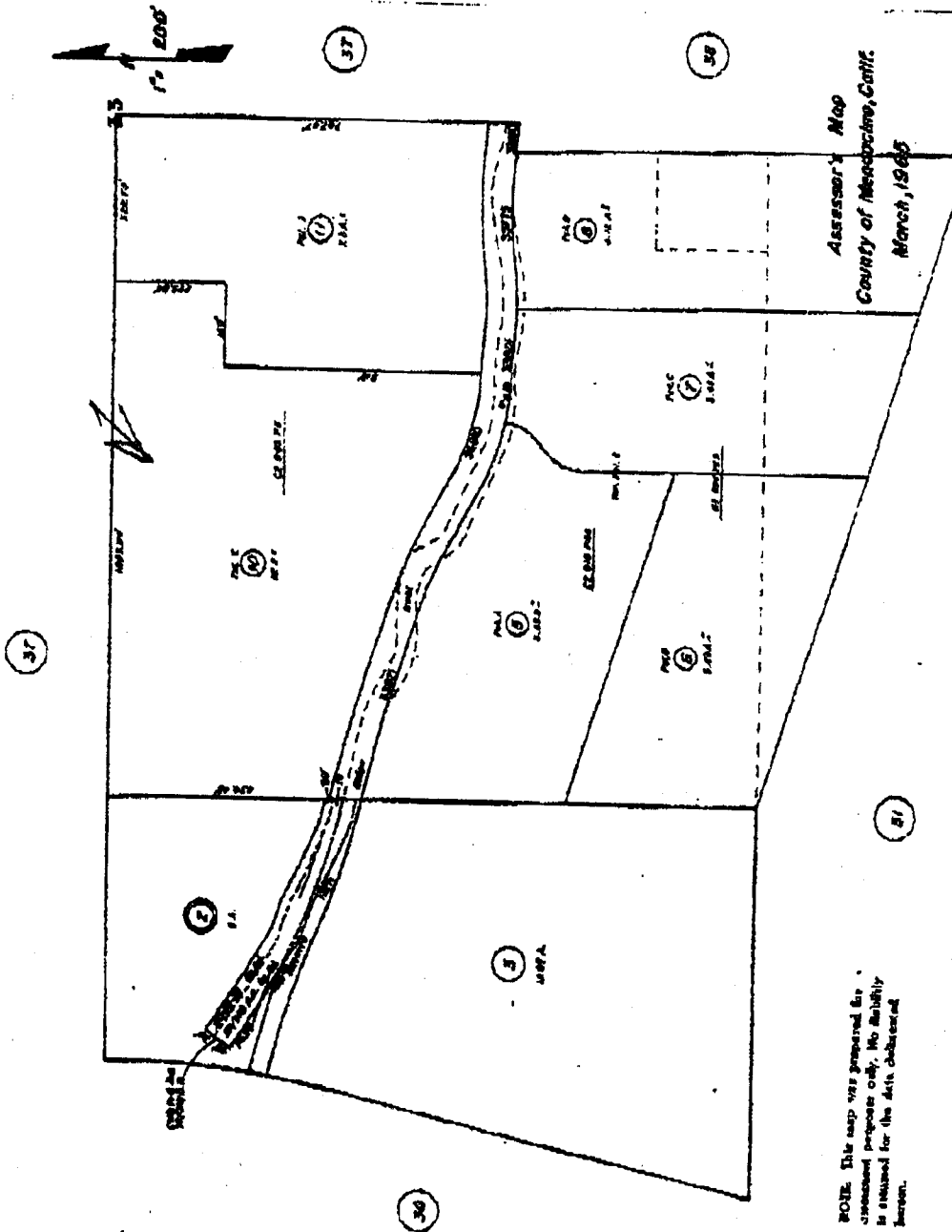
RECOVERED
WATER

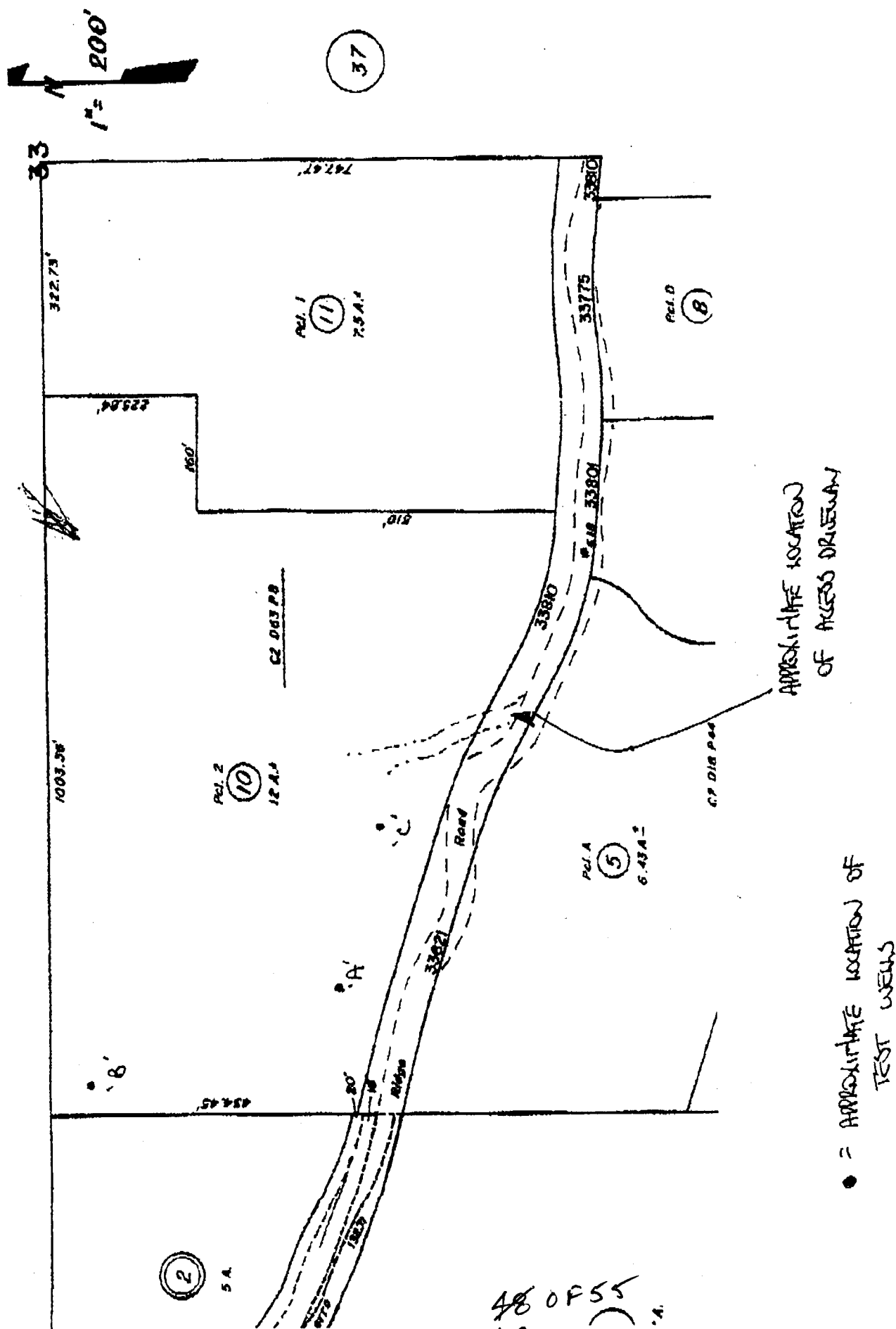
46 OF 55
47

123-32

104-014

Por. of N. 1/2 of SW 1/4, Sec. 33, T.16N. R.17W. NDB.B.M.





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

Jim Ehlers
R.E.H.S.
Mendocino County Division of Environmental Health
790 A-1 S. Franklin Street
Fort Bragg, CA 95437

Date: 1/31/03

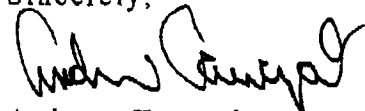
Re: 33850 Navarro Ridge Road, Albion; CDMS 26-2001, Parcel 2
Standard mineral analyses

Jim.

As a condition of the above referenced subdivision, our office obtained a water sample from the well located on Parcel 2 (Well 'C') and had a standard mineral analysis performed on the sample. The results of the sample are attached. All values tested fell within the State's recommended maximum levels except for the manganese and turbidity.

Please feel free to call if you have any questions.

Sincerely,



Andrew Kawczak
Associate

Cc: B. Rienstra

The values in Column I are recommended maximum levels of the various compounds tested for in a standard mineral analysis. These levels have been provided to me by the Mendocino County Division of Environmental Health. The values in Column II are from your water sample.

	I	II
Sulfate (SO ₄)	250 mg/l	10 mg/l
Bicarbonate (HCO ₃)		58 mg/l
Chloride (Cl)	250 mg/l	16 mg/l
Carbonate (CO ₃)		ND
Nitrate (NO ₃ -N)	45 mg/l	7 mg/l
Calcium (Ca)	160 mg/l	9.3 mg/l
Fluoride (F)	1.4 - 2.0 mg/l	0.20 mg/l
Magnesium (Mg)	372 mg/l	ND
Sodium (Na)	250 mg/l	22 mg/l
Potassium (K)	no standard	2.7 mg/l
Manganese (Mn) total	0.05 mg/l	0.20 mg/l
Iron (Fe) total	0.3 mg/l	23 mg/l
Alkalinity, total (CaCO ₃)	25 - 400 mg/l	48 mg/l
Calcium Hardness	25 - 400 mg/l	23 mg/l
Magnesium Hardness	25 - 400 mg/l	4 mg/l
Total Hardness	200 mg/l	27 mg/l
Total dissolved solids	500 mg/l	97 mg/l
pH	5.0 - 9.0 pH acceptable range	9.0 pH
Turbidity	5 NTU	89 NTU



Alpha Analytical Laboratories Inc.

860 Waugh Lane, H-1, Ukiah, California 95482

e-mail: clientservices@alpha-labs.com • Phone: (707) 468-0401 • Fax: (707) 468-5267

CHEMICAL EXAMINATION REPORT

Page 2 of 4

Carl Rittiman
P.O. Box 1700
Mendocino, CA 95460
Attn: Carl Rittiman

Report Date: 01/27/03 10:37

Project No: -

Project ID: Gordon Court 26-2001 Well 'C'

Order Number
A301229

Receipt Date/Time
01/10/2003 14:20

Client Code
RITCAR

Client PO/Reference

Alpha Analytical Laboratories, Inc.

	METHOD	BATCH	PREPARED	ANALYZED	DILUTION	RESULT	PQL	NOTE
Well 'C' , Parcel Two (A301229-01)			Sample Type: Water			Sampled: 01/10/03 07:30		
Metals by EPA 200 Series Methods								
Calcium	EPA 200.7	AA31308	01/13/03	01/24/03	1	9.3 mg/l	1.0	
Iron	"	"	"	"	"	23 "	0.10	
Potassium	"	"	"	"	"	2.7 "	1.0	
Magnesium	"	"	"	"	"	ND "	1.0	
Manganese	"	"	"	"	"	0.20 "	0.020	
Sodium	"	"	"	"	"	22 "	1.0	
Conventional Chemistry Parameters by APHA/EPA Methods								
Total Alkalinity as CaCO3	EPA 310.1	AA31508	01/10/03	01/10/03	1	48 mg/l	1.0	
Carbonate Alkalinity as CaCO3	"	"	"	"	"	ND "	1.0	
Bicarbonate Alkalinity as CaCO3	"	"	"	"	"	48 "	1.0	
Hydroxide Alkalinity as CaCO3	"	"	"	"	"	ND "	1.0	
Total Anions	SM1030F	AA32010	01/20/03	01/20/03	"	1.74 meq/l	1.00	
Bicarbonate	SM2320B	AA31508	01/10/03	01/10/03	"	58 mg/l	1.0	
Carbonate	"	"	"	"	"	ND "	1.0	
Total Cations	SM1030F	AA31308	01/13/03	01/24/03	"	2.38 meq/l	1.00	
Specific Conductance (EC)	EPA 120.1	AA31508	01/10/03	01/10/03	"	180 umhos/cm	20	
pH	EPA 150.1	"	"	"	"	9.0 pH Units	3.0	
Total Dissolved Solids	EPA 160.1	AA31315	01/13/03	01/16/03	"	97 mg/l	10	
Turbidity	EPA 180.1	AA31508	01/10/03	01/10/03	"	89 NTU	0.10	
Anions by EPA Method 300.0								
Chloride	EPA 300.0	AA31012	01/10/03	01/11/03	1	16 mg/l	0.50	
Fluoride	"	"	"	"	"	0.20 "	0.10	
Nitrate as NO3	"	"	"	"	"	7.0 "	1.0	
Sulfate as SO4	"	"	"	"	"	10 "	0.50	

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Sheri Speaks

Sheri L. Speaks For Lisa E. Jansen
Project Manager

1/27/03

52 OF 55
52



Alpha Analytical Laboratories Inc.

860 Waugh Lane, H-1, Ukiah, California 95482

e-mail: clientservices@alpha-labs.com • Phone: (707) 468-0401 • Fax: (707) 468-5267

CHEMICAL EXAMINATION REPORT

Page 3 of 4

Carl Rittiman
P.O. Box 1700
Mendocino, CA 95460
Attn: Carl Rittiman

Report Date: 01/27/03 10:37

Project No: -

Project ID: Gordon Court 26-2001 Well 'C'

Order Number
A301229

Receipt Date/Time
01/10/2003 14:20

Client Code
RITCAR

Client PO/Reference

Alpha Analytical Laboratories, Inc.

METHOD	BATCH	PREPARED	ANALYZED	DILUTION	RESULT	PQL	NOTE
Well 'C' , Parcel Two (A301229-01)		Sample Type: Water			Sampled: 01/10/03 07:30		
Physical Parameters by APHA/ASTM/EPA Methods							
Hardness, Calcium	SM2340B	AA31308	01/13/03	01/24/03	1	23 mg/l	2
Hardness, Magnesium	"	"	"	"	"	4 "	3
Hardness, Total	"	"	"	"	"	27 "	5

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Sheri Speaks

Sheri L. Speaks For Lisa E. Jansen
Project Manager

1/27/03

52 OF 55
53

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

RECEIVED

JUL 14 2003

CALIFORNIA
COASTAL COMMISSION

Randall Stemler
California Coastal Commission
Coastal Program Analyst
710 E Street, Suite 200
Eureka, CA 95501

Date: 7/14/03

Re: 33850 Navarro Ridge Road, Albion; CDMS 26-2001; D. Gordon
Commission Appeal No. A-1-MEN-03-046

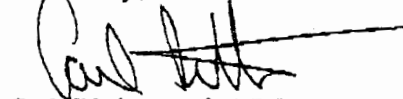
Randall,

I have been asked by Douglas Gordon, applicant for the above referenced subdivision, to comment on the appeal of the project with respect to water availability.

My firm conducted the required "proof of water" tests for this subdivision.

The Mendocino County Division of Environmental Health (DEH) set the conditions for this subdivision. The Division evaluated the conditions at the site and concluded that a proof of water study would be appropriate for this project. It was concluded that a hydrological study, the type of analysis which evaluates the impacts on surrounding properties, was not necessary in this case due to the relatively large size of the parcels involved. The proof of water test was conducted in accordance with Mendocino County requirements. County DEH personnel approved the results of the tests. The wells on the subject property are on the order of 1,000 feet away from the wells at the Fensalden Inn. My experience in conducting water quantity tests makes me believe that the pumping of the wells for residential use on the subject property will have no effect on the existing wells at the Fensalden Inn.

Sincerely,



Carl Rittiman, C.P.S.S.
President

cc: D. Gordon

MENDOCINO COUNTY MEMORANDUM

TO: Scott Miller, DEH - Ukiah

DATE: January 22, 2003

FROM: Jim Ehlers, DEH - FB

RE: CDMS #26-2001. Gordon

Water: 17-hour proof of water pump tests were done on wells for the two parcels of this CDMS: Well B for Parcel 1 and Well C for Parcel 2. Neither well was a big producer, yielding 0.68 gpm for Well B and 0.50 gpm for Well C. Although the yields of these two wells are low, especially Well C, I believe they meet the minimum requirements for the rate production, and should be approved at this level of review. You should probably be made aware that the owners of the property to the east of this parcel are very unhappy regarding this CDMS and may question the water availability data at great length. Due to limited production, a requirement for 1500 gallons of storage for each proposed parcel should be made.

Soils: I have reviewed the soils work and septic system design for the two proposed parcels. My review indicates that they both meet the Basin Plan requirements for the designed systems.

	<u>Primary</u>	<u>Repair</u>	<u>Waiver</u>
Parcel 1	STD	STD	None
Parcel 2	Wisconsin At Grade	Wisconsin At Grade with ATU*	H ₂ O

*This change reflects a requirement that septic systems for subdivisions must be standard and/or alternative septic systems, not innovative.

54 OF 55
55

