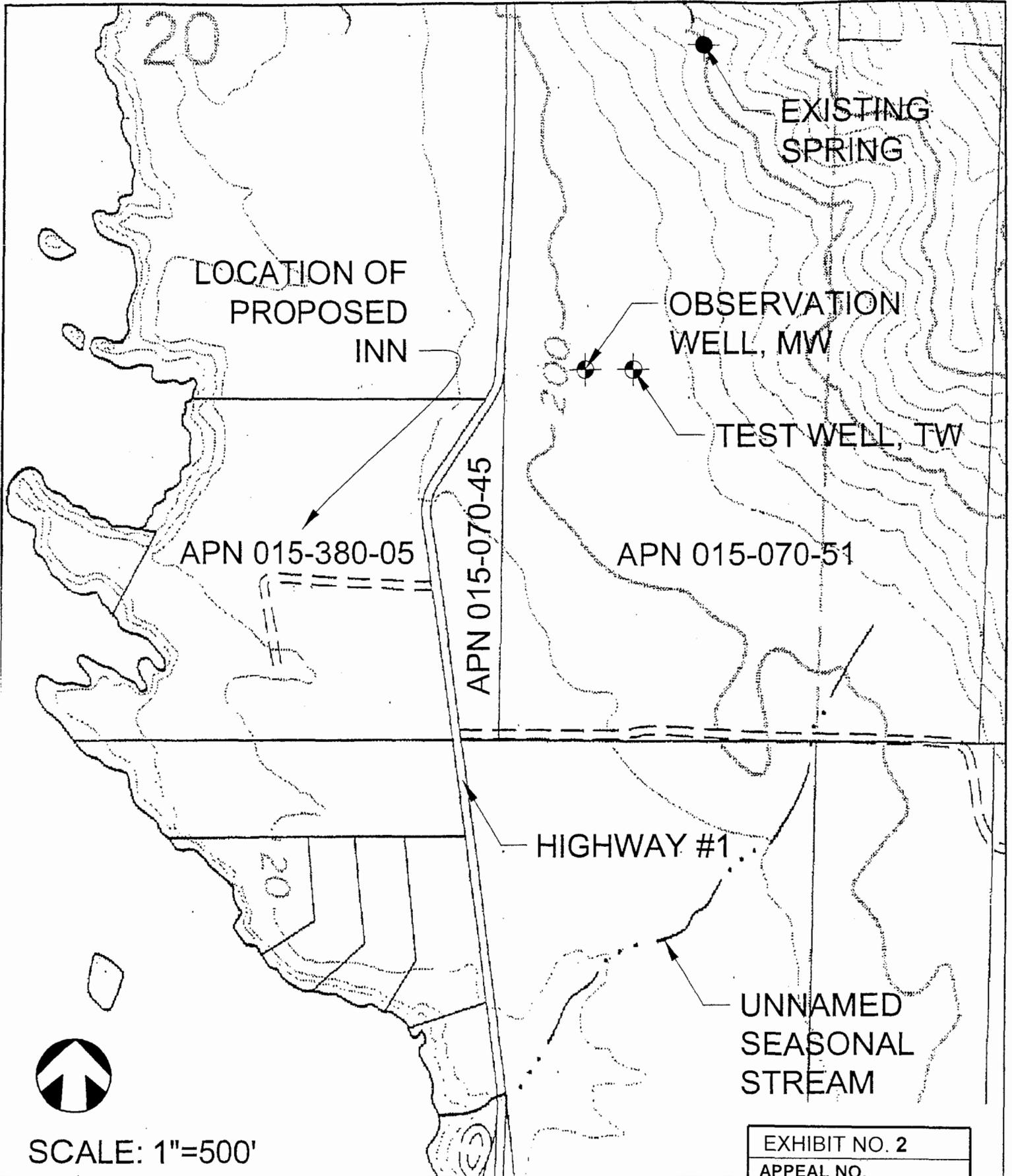


EXHIBIT NO. 1  
 APPEAL NO.  
 A-1-MEN-07-028  
 JACKSON-GRUBE FAMILY, INC.  
 REGIONAL LOCATION

1  
2  
3  
4  
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7  
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14  
15  
16  
17  
18



EXISTING  
SPRING

LOCATION OF  
PROPOSED  
INN

OBSERVATION  
WELL, MW

TEST WELL, TW

APN 015-380-05

APN 015-070-45

APN 015-070-51

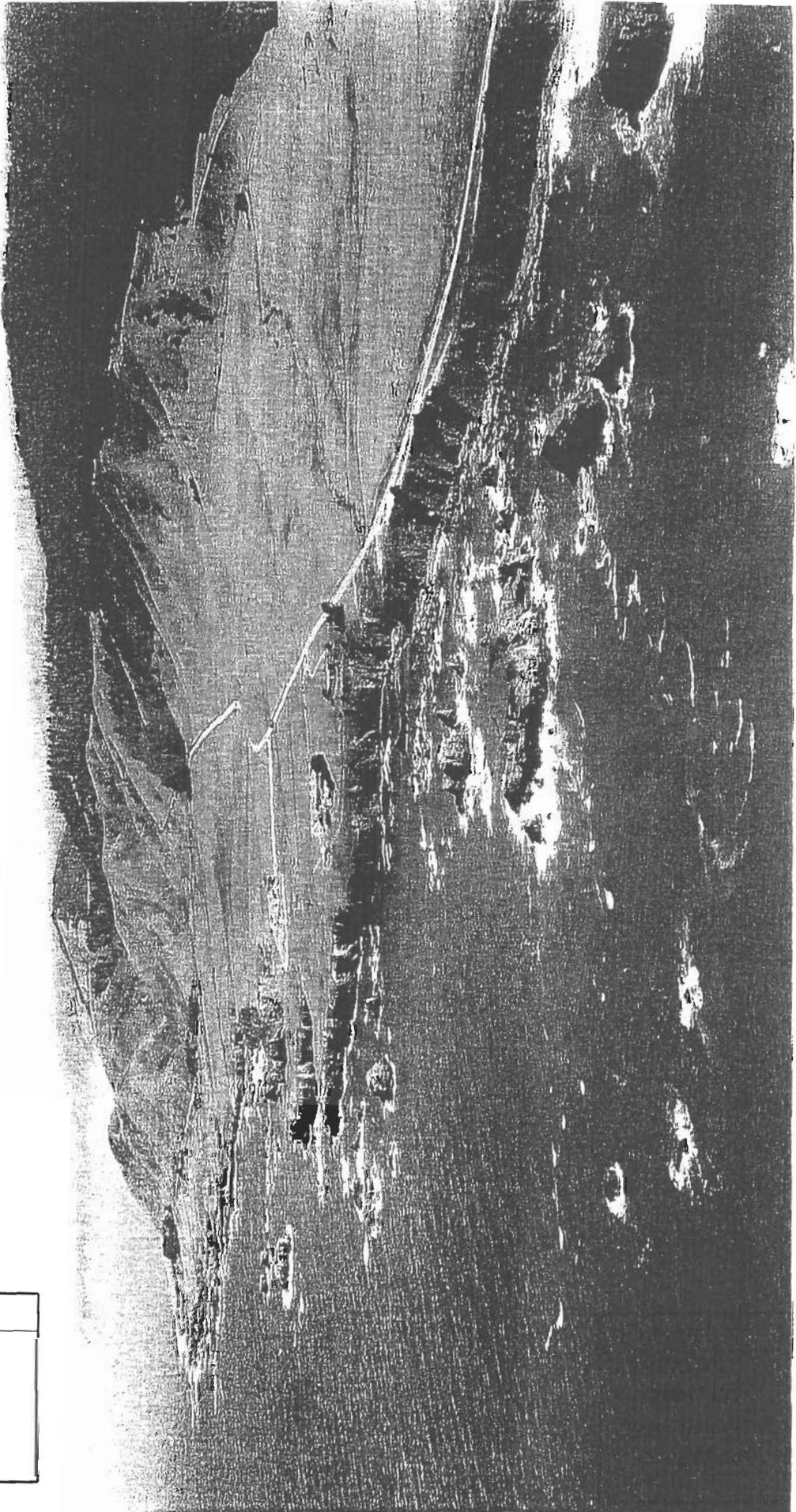
HIGHWAY #1

UNNAMED  
SEASONAL  
STREAM



SCALE: 1"=500'

EXHIBIT NO. 2  
APPEAL NO.  
A-1-MEN-07-028  
JACKSON-GRUBE FAMILY  
PARCEL MAP



NEWPORT RANCH

EXHIBIT NO. 3

APPEAL NO.

A-1-MEN-07-028

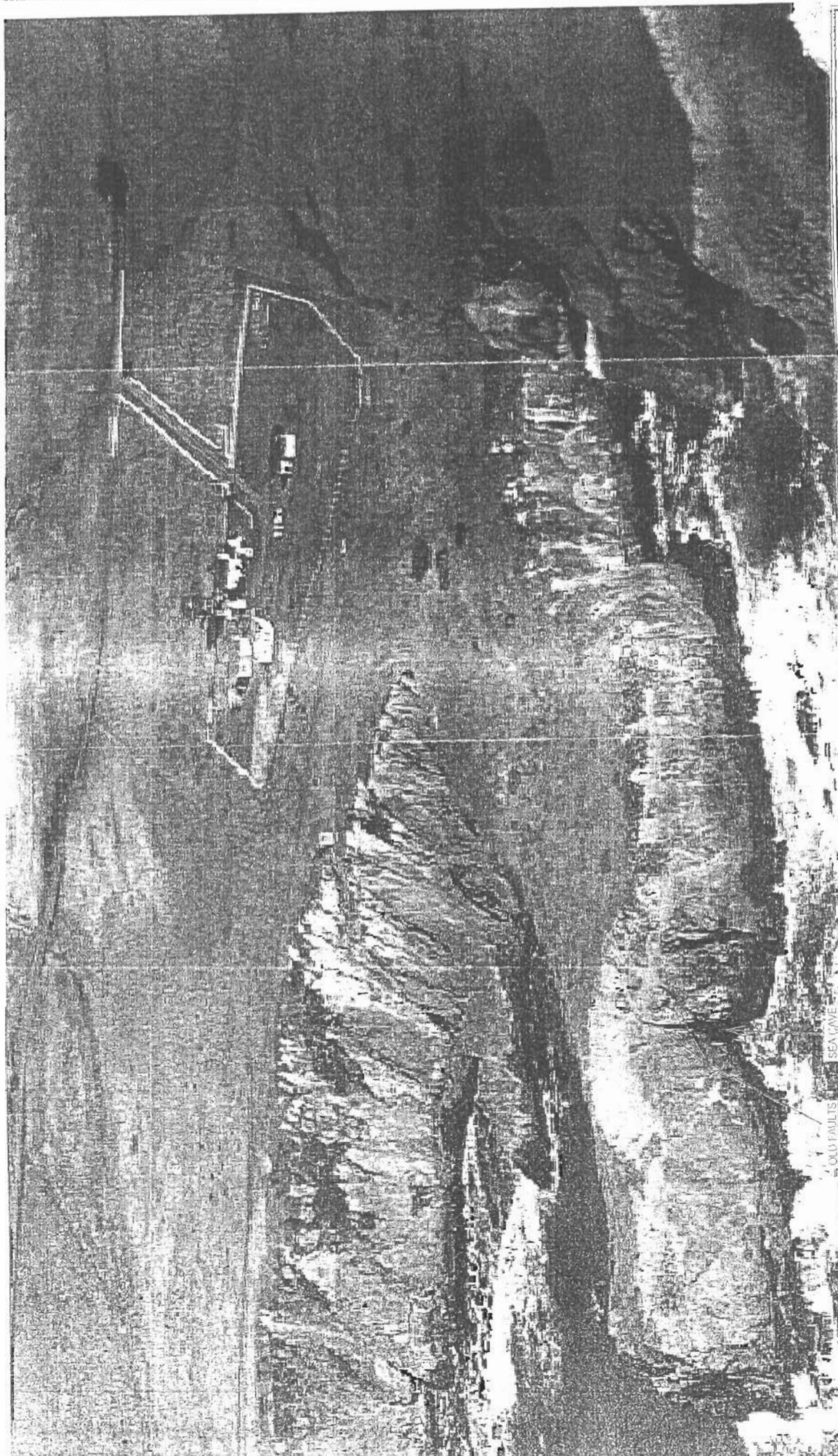
JACKSON-GRUBE FAMILY

PHOTOS OF SITE (1 of 8)

PROJECT SITE



298




**BACE Geotechnical**  
 a division of  
 Bunting Associates, Inc.  
 (714) 528-6103

Job No. 12106-1  
 Date **5-20-05**  
 Type **122318**  
 Name

**COASTAL OBLIQUE AERIAL PHOTOGRAPHY**  
 YEAR 2005  
 UNIT AT NEWPORT HWY/31  
 31002 North Highway One  
 Westport, Mendocino County, California

PLAIN  
**3**

FIGURE 1. Aerial photograph showing the coastal area of the study site.

3 of 8



4 of 8



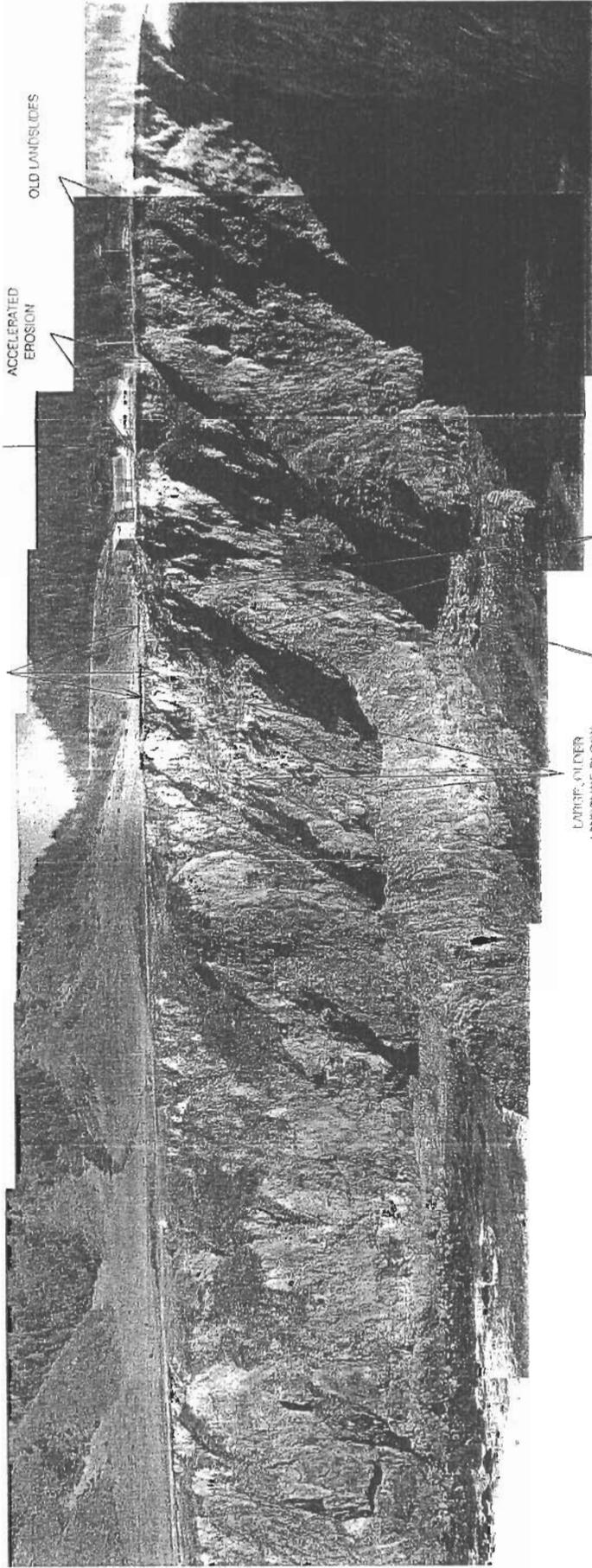
**SITE PHOTOGRAPH D**  
Looking east from the end of the  
northern peninsula, 10/22/07

RELATIVELY  
RECENT  
SCARP AND  
LANDSLIDE MASS BELOW

EXISTING  
BUILDINGS

ACCELERATED  
EROSION

OLD LANDSLIDES



LARGE, OLDER  
IMPASTIC BLOCK

SMALL BOULDER BENCH

DEBRIS FROM BUILDINGS  
DESTROYED BY SLIDE



**BACE Geotechnical**  
a division of  
Bracing Associates, Inc.  
(707) 526-6108

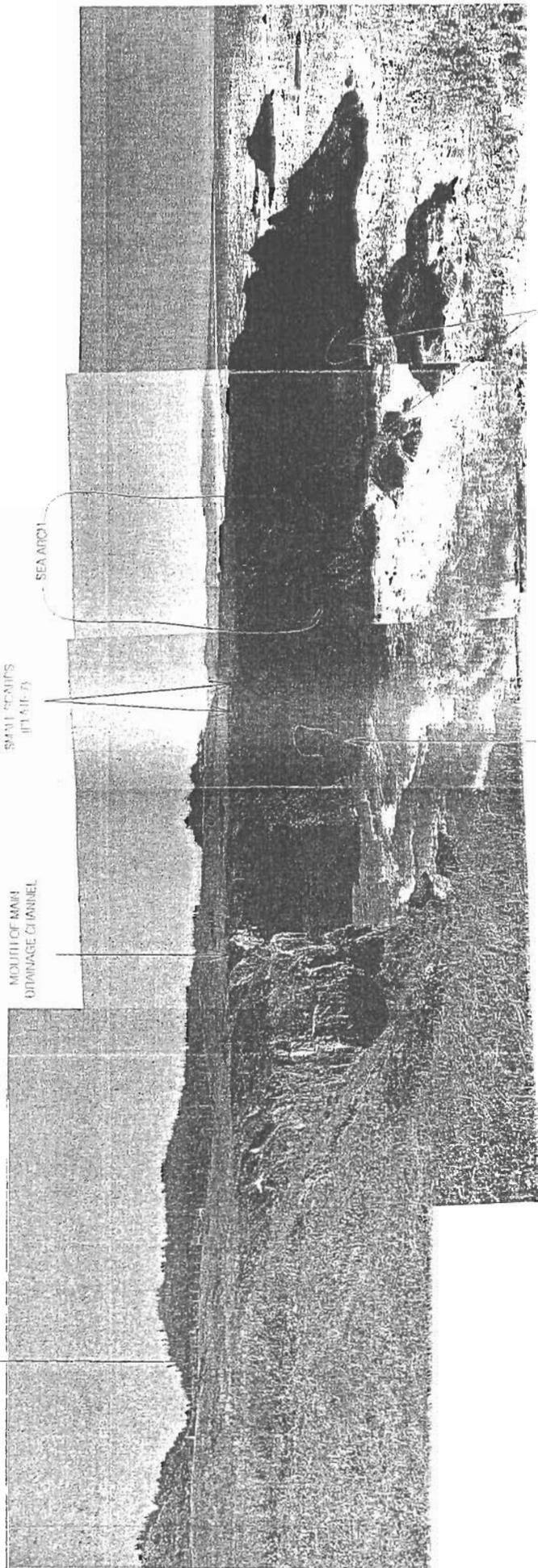
Job No. 070811  
Appr. **EEO**  
Date: 1/23/08

**SITE PHOTOGRAPH D**  
PRINT AT NEWPORT BAYCUT  
31500 North Highway One  
Westport, Mendocino County, California

6 of 8

**SITE PHOTOGRAPH E**  
 Looking south towards southern peninsula  
 from northern peninsula, 10/22/07

EXISTING BUILDINGS

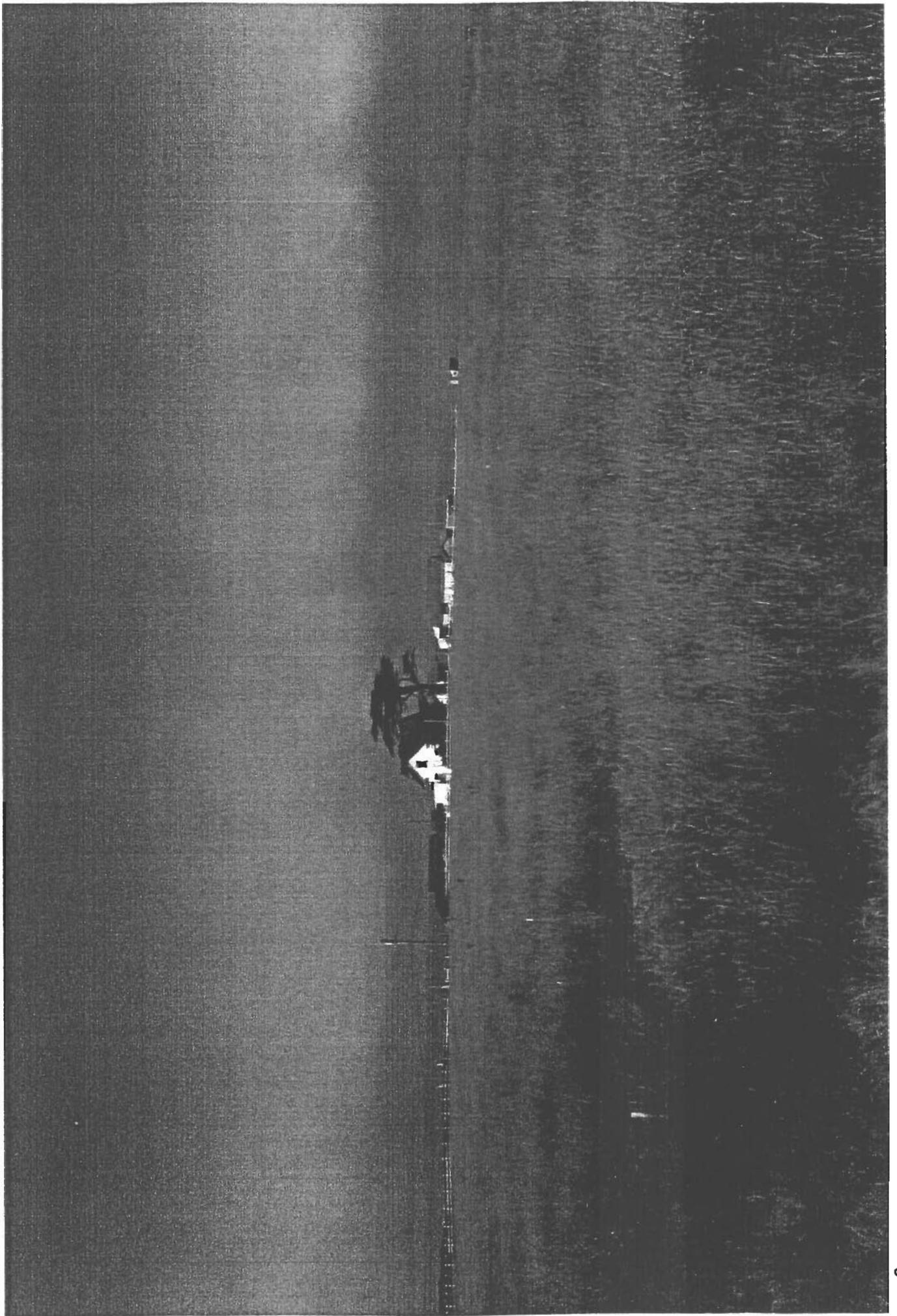


SEA ARCHES

SEA ARCH

7 of 8

 <p><b>BACE Geotechnical</b>          a division of          Boring Associates, Inc.          (707) 536-6108</p>	DATE April 1/29/08	PROJECT FEO 1/29/08	SCALE 9
	SITE PHOTOGRAPH E 21600 Health Highway, Suite Westport, Mendocino County, California		



898

DATE: 08.20.08  
 PROJECT: INN AT NEWPORT RANCH  
 SHEET NO. 1

DATE: 08.20.08  
 PROJECT: INN AT NEWPORT RANCH  
 SHEET NO. 1

DATE: 08.20.08  
 PROJECT: INN AT NEWPORT RANCH  
 SHEET NO. 1

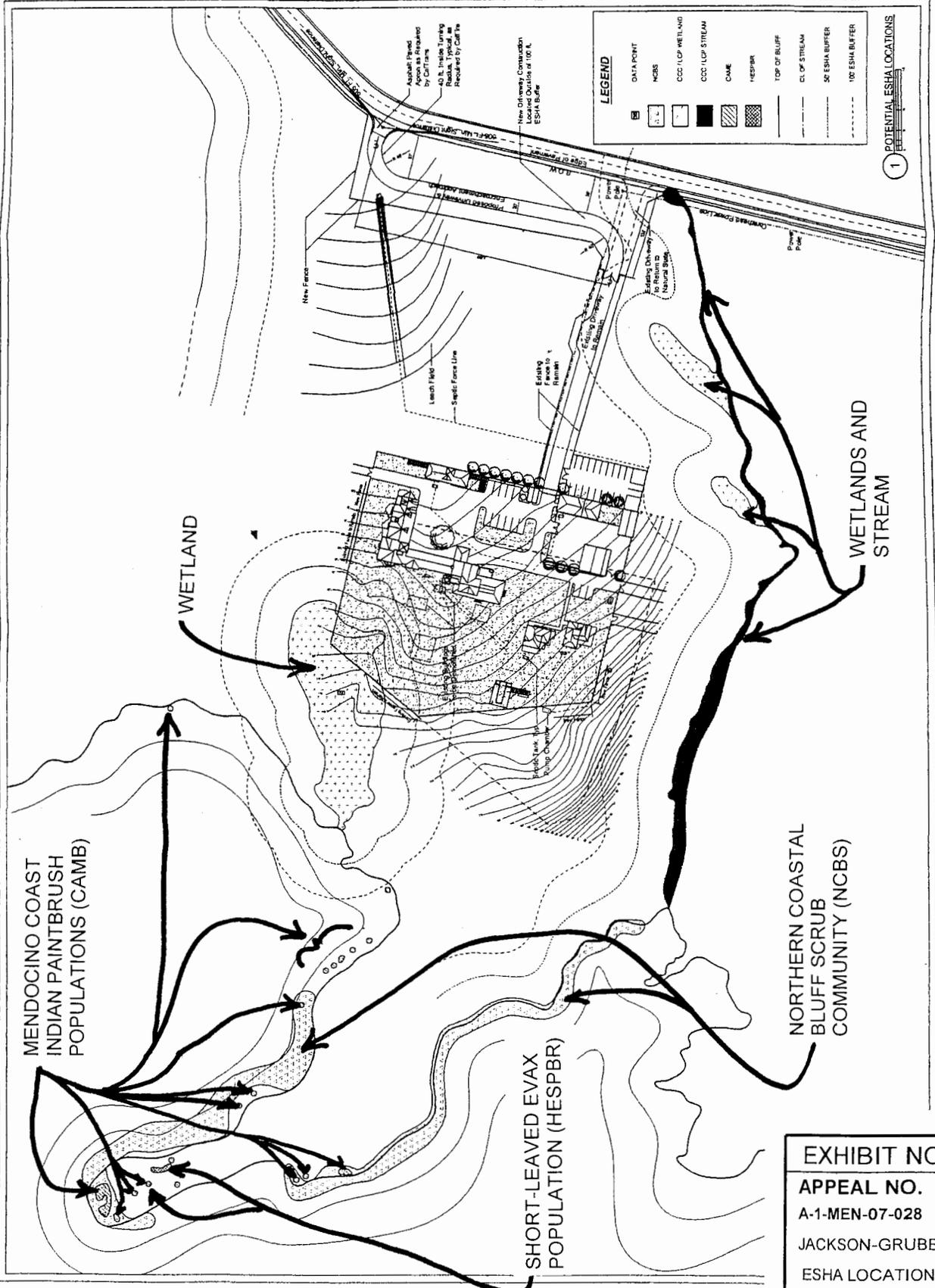
DATE: 08.20.08  
 PROJECT: INN AT NEWPORT RANCH  
 SHEET NO. 1

DATE: 08.20.08  
 PROJECT: INN AT NEWPORT RANCH  
 SHEET NO. 1

DATE: 08.20.08  
 PROJECT: INN AT NEWPORT RANCH  
 SHEET NO. 1

DATE: 08.20.08  
 PROJECT: INN AT NEWPORT RANCH  
 SHEET NO. 1

DATE: 08.20.08  
 PROJECT: INN AT NEWPORT RANCH  
 SHEET NO. 1



MENDOCINO COAST  
 INDIAN PAINTBRUSH  
 POPULATIONS (CAMB)

SHORT-LEAVED EVAX  
 POPULATION (HESPBR)

NORTHERN COASTAL  
 BLUFF SCRUB  
 COMMUNITY (NCBS)

WETLANDS AND  
 STREAM

WETLAND

**EXHIBIT NO. 4**  
**APPEAL NO.**  
 A-1-MEN-07-028  
 JACKSON-GRUBE FAMILY  
 ESHA LOCATIONS

1 POTENTIAL ESHA LOCATIONS

**Fig-5**

**INN AT NEWPORT RANCH**  
 SELLERS & COMPANY ARCHITECTS  
 Fort Bragg, California  
 SANFORD STRAUSS ARCHITECTS

# BLOCK & BLOCK

A PROFESSIONAL CORPORATION

1880 CENTURY PARK EAST, SUITE 415  
LOS ANGELES, CALIFORNIA 90067-1604  
TELEPHONE (310) 552-3336  
TELEFAX (310) 552-1850

ALAN ROBERT BLOCK  
JUSTIN MICHAEL BLOCK

SENDER'S E-MAIL  
alan@blocklaw.net

## CORRECTED

May 13, 2009

Mr. Bob Merrill  
California Coastal Commission  
710 E Street, Suite 200  
Eureka, California 95501

EXHIBIT NO. 5

APPEAL NO.

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

REVISED PROJECT  
DESCRIPTION (1 of 3)

Re: Appeal No. A-1-MEN-07-028 (Jackson-Grube Family, Inc.)  
Amendment of Project Description

Tentatively Scheduled For: June 2009

Dear Bob:

As discussed this morning, the applicant herein amends the project description of the proposed development as follows:

### Revised Project Description:

“Build a 5 unit Inn. The Inn operations shall include (1) the main building renovation of the former Orca Inn into a main unit of 2,989 sq. ft., an upstairs of unit of 1,112 sq. ft., a downstairs unit of 823 sq. ft.; an ell unit of 1,547 sq. ft. and accessory common and service areas of 3,338 sq. ft; and (2) a rental cottage and massage room of 1,688 sq. ft. The applicant to reserve the right to use the main unit as three separate units. Ranch and service operations shall include (1) a ranch manager’s unit of 1,737 sq. ft.; (2) an equipment barn of 1,145 sq. ft.; (3) a generator/pump shed of 240 sq. ft.; and (4) a guest garage of 1,479 sq. ft.. The existing well and the majority of the existing driveway are to remain; the application includes a new septic system, improvement to existing driveway, and the burying of existing overhead utilities. No portion of the proposed development, with the exception of the renovation of the main building that already exceeds 18 ft.) will exceed 18 ft. The total area of development is approximately 1.63 acres, including the building envelope of 1.29 acres and the driveway of 0.34 acres”.

Mr. Bob Merrill

Re: Appeal No. A-1-MEN-07-028 [Amendment of Project Description]

May 13, 2009

Page 2

A project comparison between the amended project, as described above, and the project that the Commission considered on September 7, 2007, when it made it's finding of substantial issue is as follows:

Project Data	Project Considered By Commission On Substantial Issue	Current Revised Project
Building Envelope:	1.71 acres	1.29 acres
# of Buildings	9	6
Rental Units	10	5-7
# of Bedrooms	14, plus 2 lofts	11
Lot Coverage	17,186 sq. ft.	14,990 sq. ft.
Total Area/Sq. Ft.	17,784 sq. ft.	16,098 sq. ft.

The applicant has agreed to post new story poles at the four corners of the proposed project in order to delineate the difference between the originally proposed boundaries and those proposed herein as you requested. I will advise you as to when the story poles are anticipated to be posted.

Please do not hesitate to contact the undersigned if you have any questions regarding the amendment of the project description.

Thank you for your continued support, courtesy and cooperation.

Very truly yours,

**BLOCK & BLOCK**  
A Professional Corporation

 Signature on File

ALAN ROBERT BLOCK

2 of 3

Mr. Bob Merrill

Re: Appeal No. A-1-MEN-07-028 [Amendment of Project Description]

May 13, 2009

Page 3

ARB: ctw

cc: Will Jackson

Dave Seller

Scott Baker

3 of 3

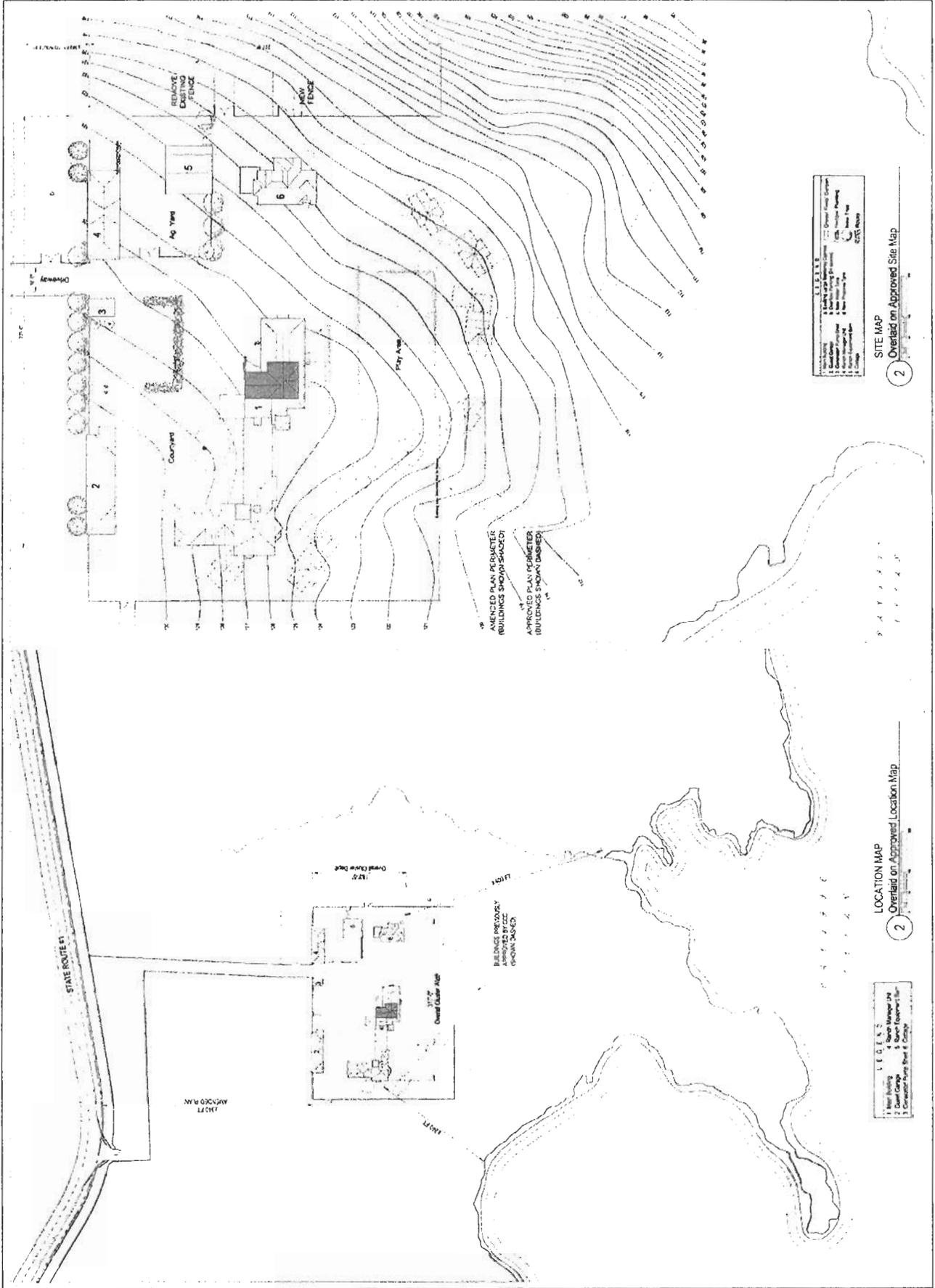


**INN AT NEWPORT RANCH**  
**Fort Bragg, California**  
**SELLERS & COMPANY ARCHITECTS**  
**SANFORD STRAUSS ARCHITECTS**

DATE: 05.01.09  
 BY: [Signature]

LOCATION MAP  
 SITE MAP

LM



662

INN AT NEWPORT RANCH  
 Fort Bragg, California  
 Sellers & Company Architects  
 SANFORD STRAUS ARCHITECTS

DATE 05.01.09  
 PROJECT

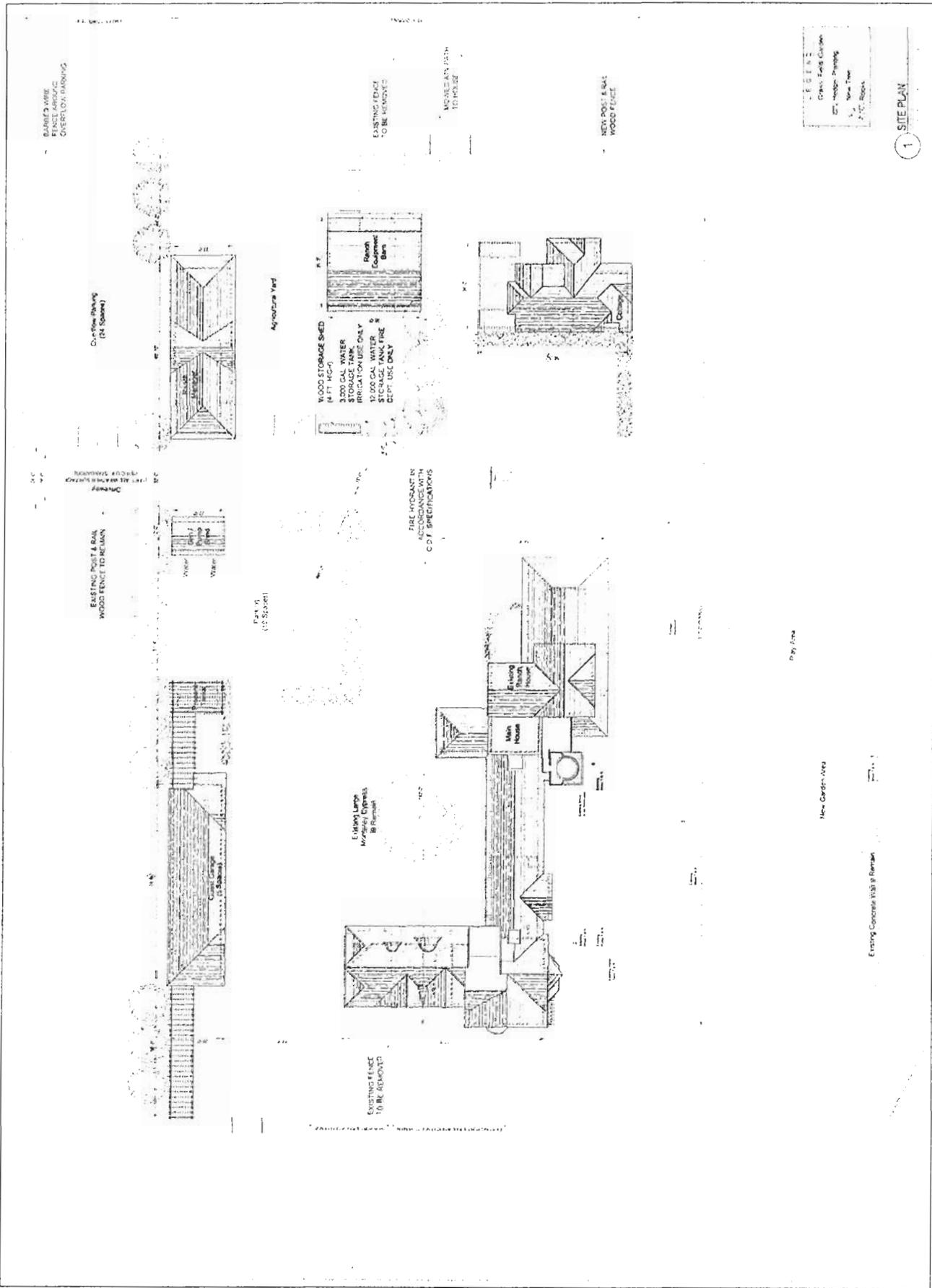
SITE PLAN

SP

NOTES:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

LEGEND  
 Green Fields Color  
 City-Maple Printing  
 New York  
 A.C.C. Books

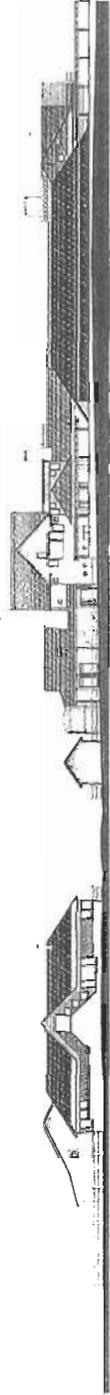
1 SITE PLAN



3 of 9



1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. FINISH GRADE SHALL BE DETERMINED BY THE SURVEYOR.  
 3. ALL ELEVATIONS ARE TO FINISH GRADE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



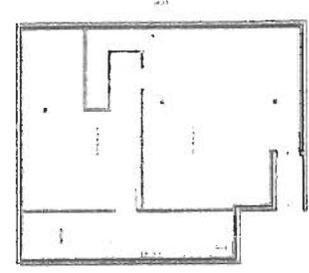
EAST ELEVATION (View from Route #1)  
 1 Trees not shown



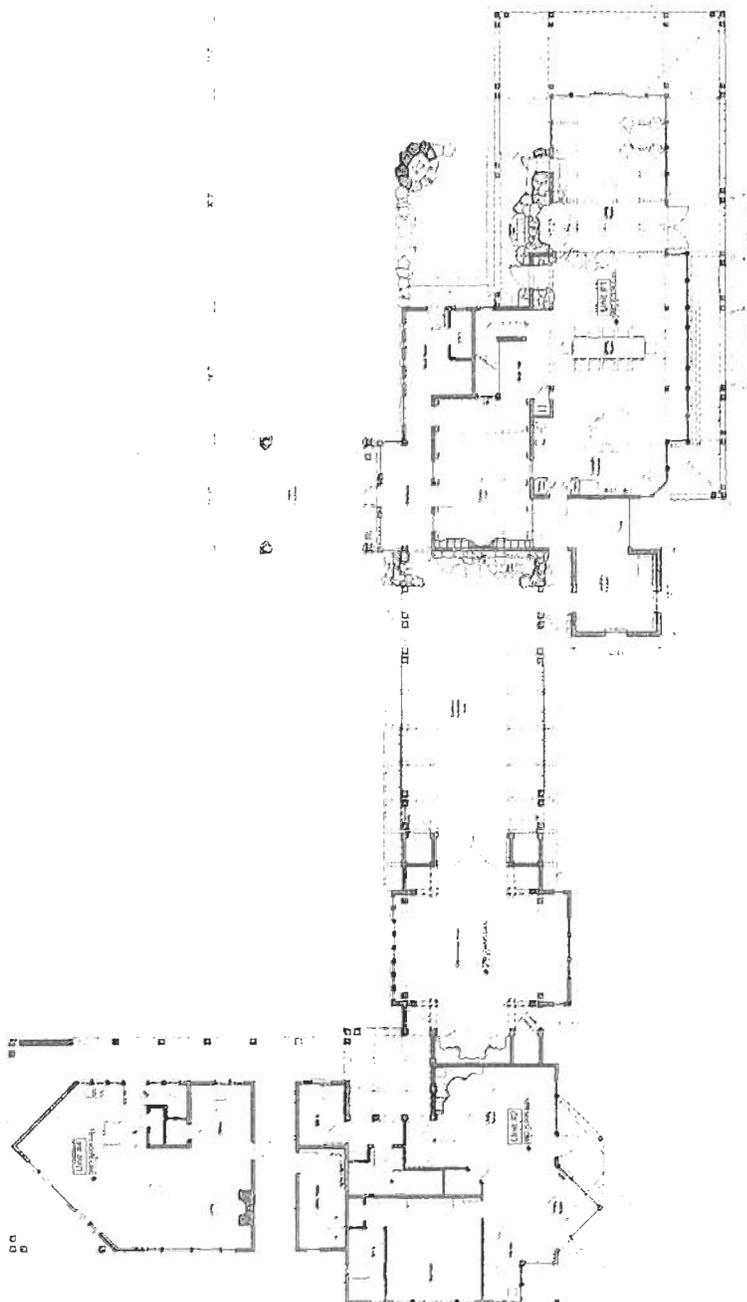
EAST ELEVATION (View from Route #1)  
 2 Trees shown

6 of 7

NOTES:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.  
 3. ALL DOORS ARE 36" WIDE UNLESS NOTED OTHERWISE.  
 4. ALL WINDOWS ARE 60" WIDE UNLESS NOTED OTHERWISE.  
 5. ALL CEILING HEIGHTS ARE 8' UNLESS NOTED OTHERWISE.  
 6. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 7. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 8. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 9. ALL MECHANICAL, ELECTRICAL AND PLUMBING ARE TO BE DETERMINED BY THE ARCHITECT.  
 10. ALL MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.



2 BASEMENT PLAN



1 FIRST FLOOR PLAN

599

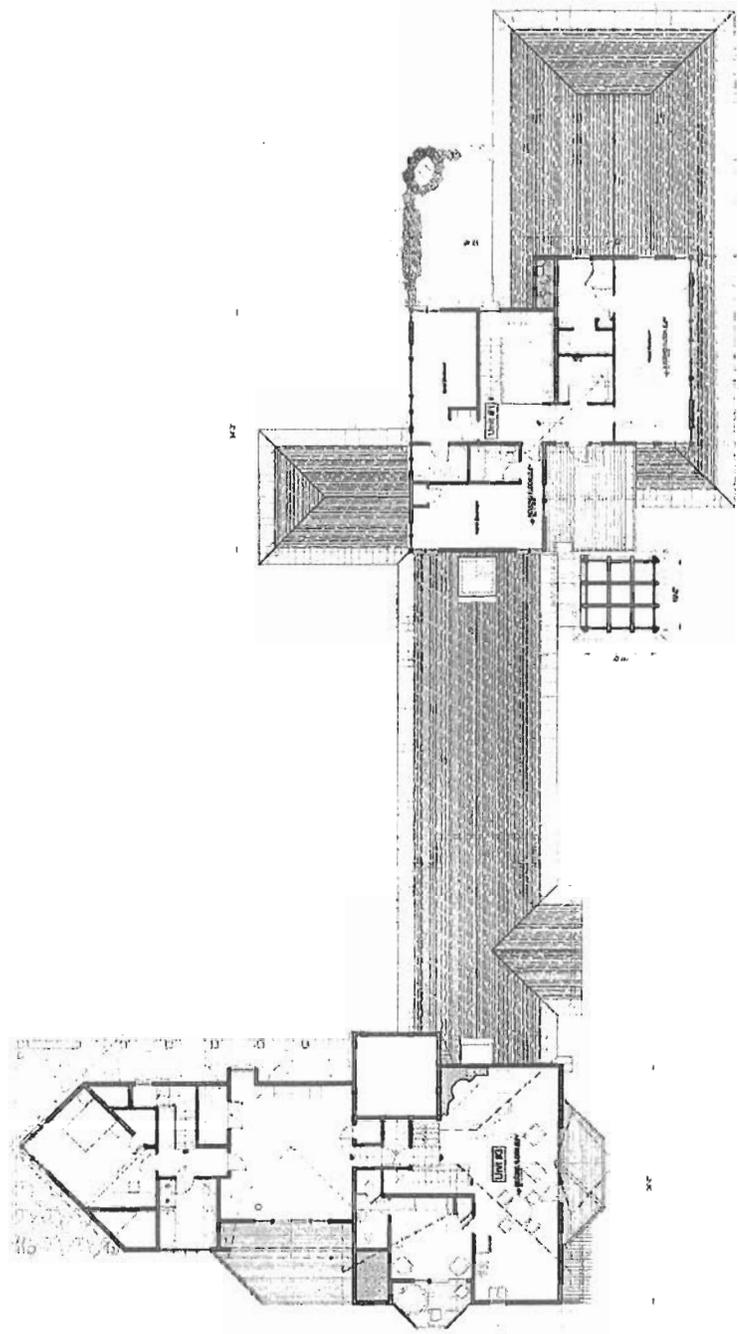
ARCHITECTS  
SANFORD STRAUS ARCHITECTS  
SELERS & COMPANY ARCHITECTS  
FORT BRAGG, CALIFORNIA  
INN AT NEWPORT RANCH

DATE: 05.01.09  
REVISIONS



MAIN  
BUILDING -  
FLOOR PLANS  
SHEET NO.

A-2



1 SECOND FLOOR PLAN

Loop 9

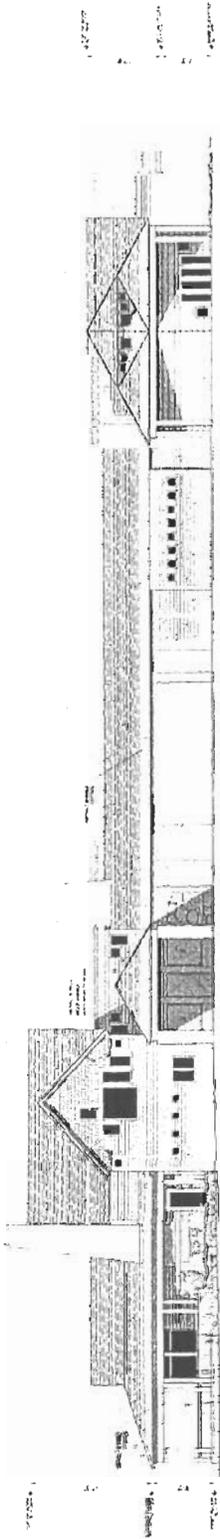
6 of 9

# INN AT NEWPORT RANCH Fort Bragg, California Sellers & Company Architects SANFORD STRAUSS ARCHITECTS

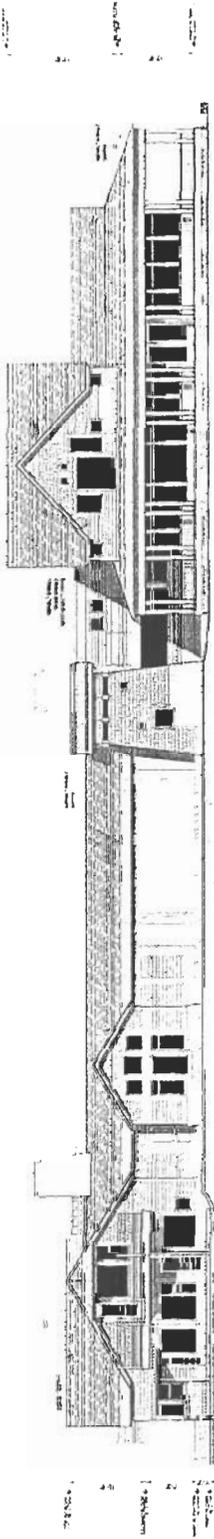
DATE: 05.01.09

MAIN BUILDING - ELEVATIONS

A-3



1 EAST ELEVATION



2 WEST ELEVATION



4 SOUTH ELEVATION - SEE E1



5 NORTH ELEVATION - at E1

NOT TO SCALE UNLESS NOTED OTHERWISE  
ALL DIMENSIONS ARE IN FEET AND INCHES  
UNLESS OTHERWISE NOTED  
CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES  
THESE DRAWINGS ARE THE PROPERTY OF SELLERS & COMPANY ARCHITECTS AND SHALL BE KEPT IN CONFIDENCE  
NO PART OF THESE DRAWINGS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF SELLERS & COMPANY ARCHITECTS

NOTE: ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL FINISHES TO BE DETERMINED BY THE ARCHITECT.

INN AT NEWPORT RANCH  
 Fort Bragg, California  
 Sellers & Company Architects  
 SANFORD STRAUSS ARCHITECTS

DATE: 05.01.09  
 REVISIONS:

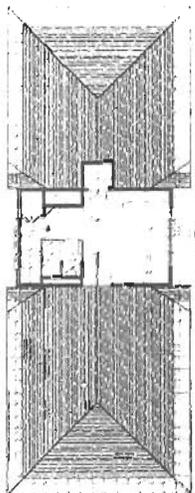
TITLE: GUEST GARAGE & RANCH MGR

SHEET NO.

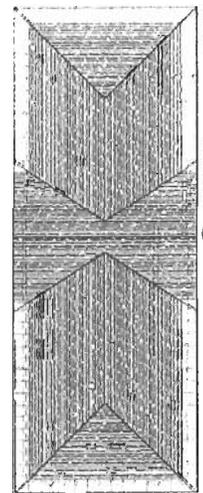
A-4



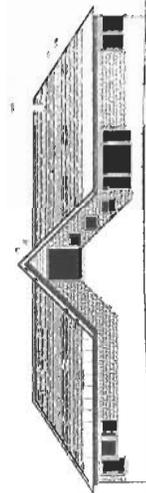
8 FIRST FLOOR PLAN



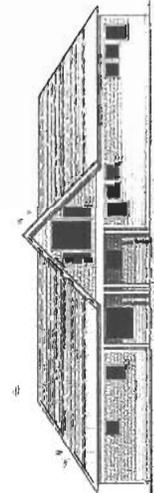
9 SECOND FLOOR PLAN



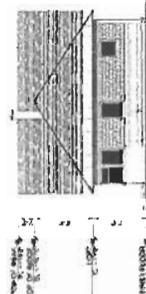
10 ROOF PLAN



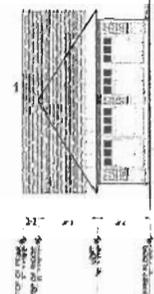
11 EAST ELEVATION



13 WEST ELEVATION

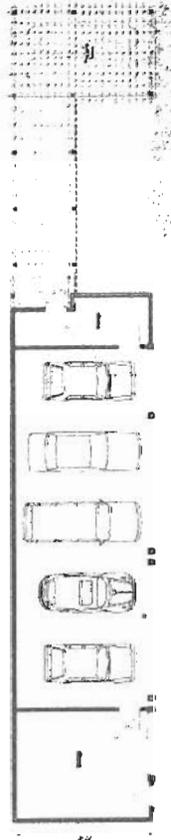


12 NORTH ELEVATION

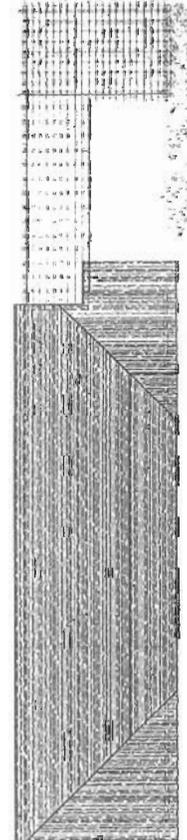


14 SOUTH ELEVATION

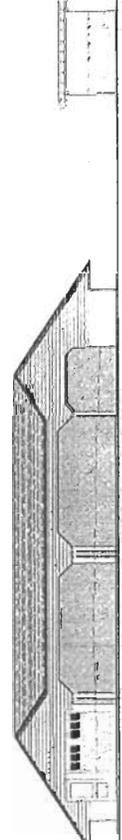
Ranch Manager



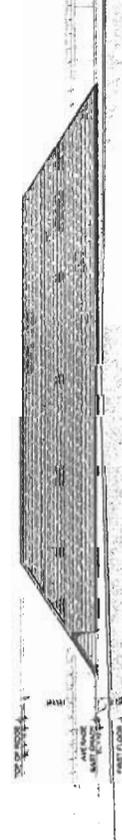
1 FIRST FLOOR PLAN



2 ROOF PLAN



4 WEST ELEVATION



5 EAST ELEVATION



7 NORTH ELEVATION

Guest Garage

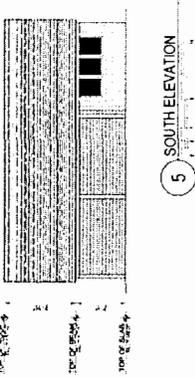
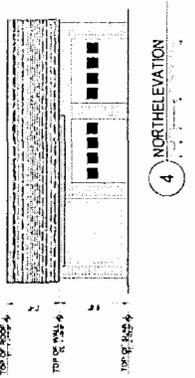
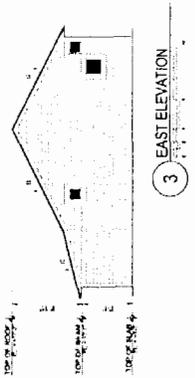
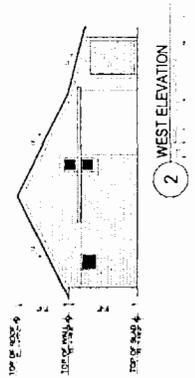
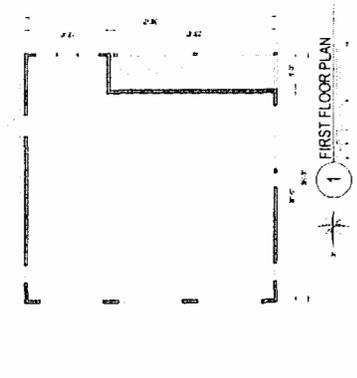
6 of 9

NOTE: THE ARCHITECT HAS CONDUCTED VISUAL QUALITY CONTROL OF THE PROJECT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE VISUAL QUALITY CONTROL ACT. THE ARCHITECT HAS CONDUCTED VISUAL QUALITY CONTROL OF THE PROJECT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE VISUAL QUALITY CONTROL ACT.

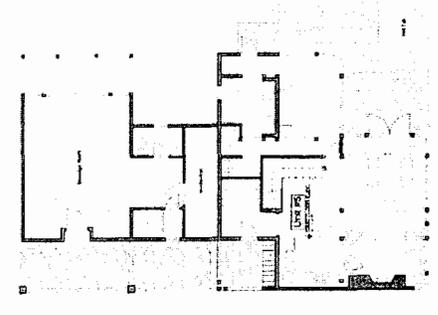
**INN AT NEWPORT RANCH**  
**Sellers & Company Architects**  
 Fort Bragg, California  
 SANFORD STRAUSS ARCHITECTS  
 11111 11th Street, Suite 100, San Francisco, CA 94133

DATE: 05.01.09

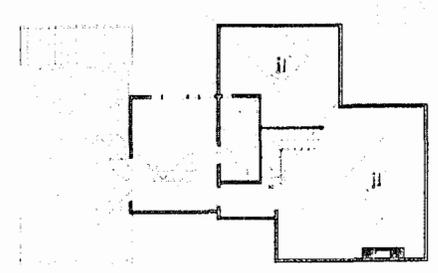
THIS EQUIP. BARN COTTAGE SHEET NO. A-5



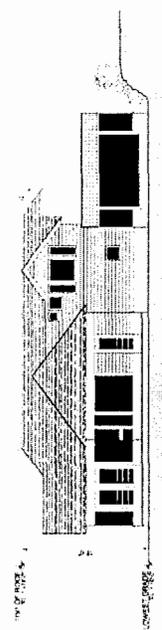
Ranch Equipment Barn



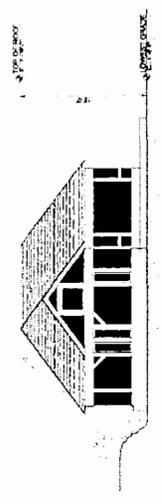
6 FIRST FLOOR PLAN



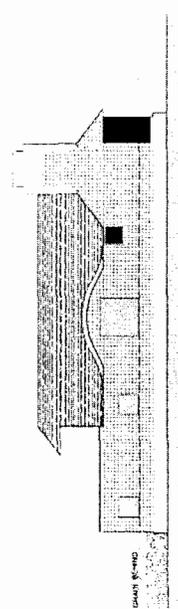
7 SECOND FLOOR PLAN



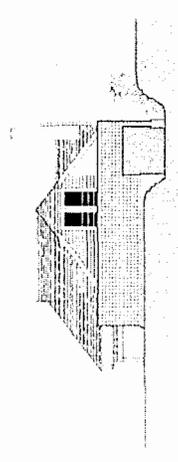
8 SOUTH ELEVATION



9 WEST ELEVATION



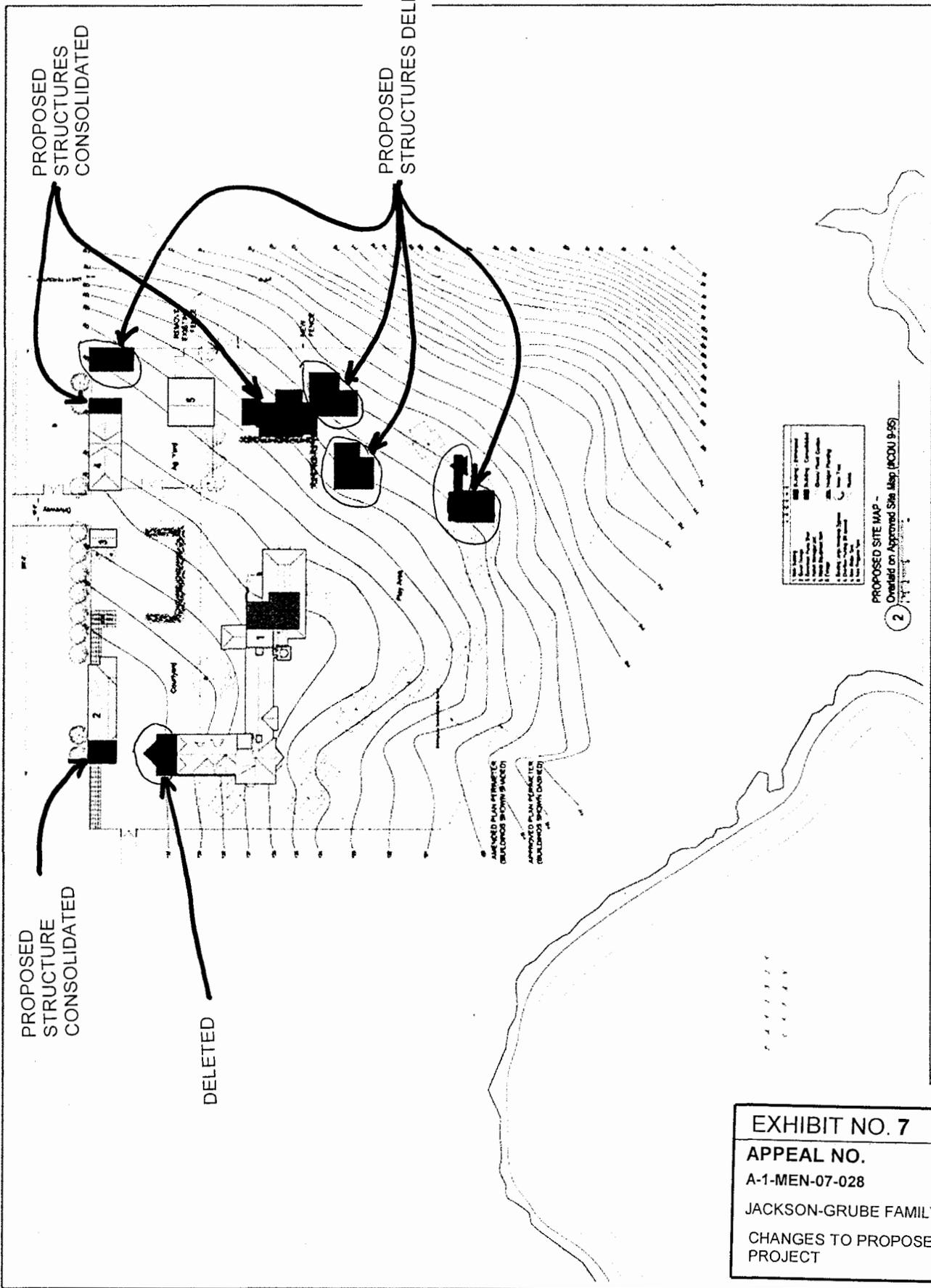
10 NORTH ELEVATION



11 EAST ELEVATION

Cottage

999



LEGEND	
[Symbol]	Proposed Building
[Symbol]	Proposed Structure Consolidated
[Symbol]	Proposed Structure Deleted
[Symbol]	Approved Plan Permits (Shaded)
[Symbol]	Approved Plan Permits (Dashed)
[Symbol]	Approved Plan Permits (Dotted)
[Symbol]	Approved Plan Permits (Solid)
[Symbol]	Approved Plan Permits (Cross-hatched)
[Symbol]	Approved Plan Permits (Diagonal Lines)
[Symbol]	Approved Plan Permits (Horizontal Lines)
[Symbol]	Approved Plan Permits (Vertical Lines)
[Symbol]	Approved Plan Permits (Stippled)
[Symbol]	Approved Plan Permits (Blank)

PROPOSED SITE MAP  
 Overlaid on Approved Site Map (PCDU 9-95)  
 2

**EXHIBIT NO. 7**  
**APPEAL NO.**  
 A-1-MEN-07-028  
 JACKSON-GRUBE FAMILY  
 CHANGES TO PROPOSED  
 PROJECT

INN AT NEWPORT  
 Fort Bragg, California  
 SHELTERS & COMPANY ARCHITECTS  
 SAUNDERS STRAUSS ARCHITECTS

DATE: 05.01.09

PROJECT  
 COMPARISON

PC

**SELLERS & COMPANY ARCHITECTS**  
ARCHITECTS AND TOWN PLANNERS

<b>EXHIBIT NO. 8</b>
<b>APPEAL NO.</b> A-1-MEN-07-028
JACKSON-GRUBE FAMILY
PROJECT COMPARISON INFORMATION (1 of 2)

**1. Existing and recent buildings**

	Building Name	# of Buildings	# of Bedrooms	# of Rental Units	Lot Coverage (sf)	Area (sf)
Existing Buildings	Main House	1	5		1,113	2,049
	Service Building	1			460	460
	Barn	1			1,080	1,080
	Pump House	1			168	168
	Shop	1			448	448
	Cottage	1	2		496	496
	<b>Sub-Total</b>	<b>6</b>	<b>7</b>	<b>0</b>	<b>3,765</b>	<b>4,701</b>
Recent Buildings	Cliff Hanger	1			956	956
	Garage	1			528	528
	2-Story Barn	1			1,950	2,850
	Storage Barn	1			1,350	1,350
	Outhouse	1			24	24
	<b>Sub-Total</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>4,808</b>	<b>5,708</b>
<b>TOTAL</b>		<b>11</b>	<b>7</b>	<b>0</b>	<b>8,573</b>	<b>10,409</b>

\*Note - Foundations remain in place today for some of the recent buildings; in the 1870's there existed many more buildings

**2. 1996 Project approved by the County**

	Building Name	# of Buildings	# of Bedrooms	# of Rental Units	Lot Coverage (sf)	Area (sf)
Inn Operations	Main House	1	5	2	3,420	3,177
	Rental Cottages	8	8	8	7,790	5,382
	<b>Sub-Total</b>	<b>9</b>	<b>13</b>	<b>10</b>	<b>11,210</b>	<b>8,559</b>
Inn Operations	*Note 1 - Main House included guest area, dining area for 20 people, kitchen, lounge, reception, large deck, innkeeper area (w/ kitchen, dining, living area and 2 bedrooms), and 2 rental units					
	*Note 2 - Rental Cottages each included 1 bedroom, kitchen, dining area, sitting area, deck and hot tub.					
Ag./ Service Operations	Garage (3-bay)	1			1,080	1,080
	Service Building	1			460	460
	Pump House	1			240	240
	2 Sheds	2			200	200
	<b>Sub-Total</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>1,980</b>	<b>1,980</b>
<b>TOTAL</b>		<b>14</b>	<b>13</b>	<b>10</b>	<b>13,190</b>	<b>10,539</b>

**SELLERS & COMPANY ARCHITECTS**  
ARCHITECTS AND TOWN PLANNERS

**3. 2007 Project approved by Mendocino County**

	Building Name	# of Buildings	# of Bedrooms	# of Rental Units	Lot Coverage (sf)	Area (sf)	
<b>Inn Operatins</b>	Main House	1	6	3	7,623	7,384	
	Bunkhouse	1	3	2	1,200	1,288	
	North Cottage	1	1	1	1,349	835	
	South Cottage	1	1	1	1,335	915	
	Spa	1			778	529	
	<b>Sub-Total</b>		<b>5</b>	<b>11</b>	<b>7</b>	<b>12,285</b>	<b>10,951</b>
<b>Ag./ Service Operations</b>	Ranch Mgr. Unit	1	2		1,319	1,276	
	Equipment Barn	1			1,269	1,145	
	Maintenance Shop	1			648	648	
	Gen./ Pump Shed	1			240	240	
	<b>Sub-Total</b>		<b>4</b>	<b>2</b>	<b>0</b>	<b>3,476</b>	<b>3,309</b>
	<b>TOTAL</b>		<b>9</b>	<b>13</b>	<b>7</b>	<b>15,761</b>	<b>14,260</b>

\*Note - Of 10 proposed rental units, 3 were eliminated at public hearing.

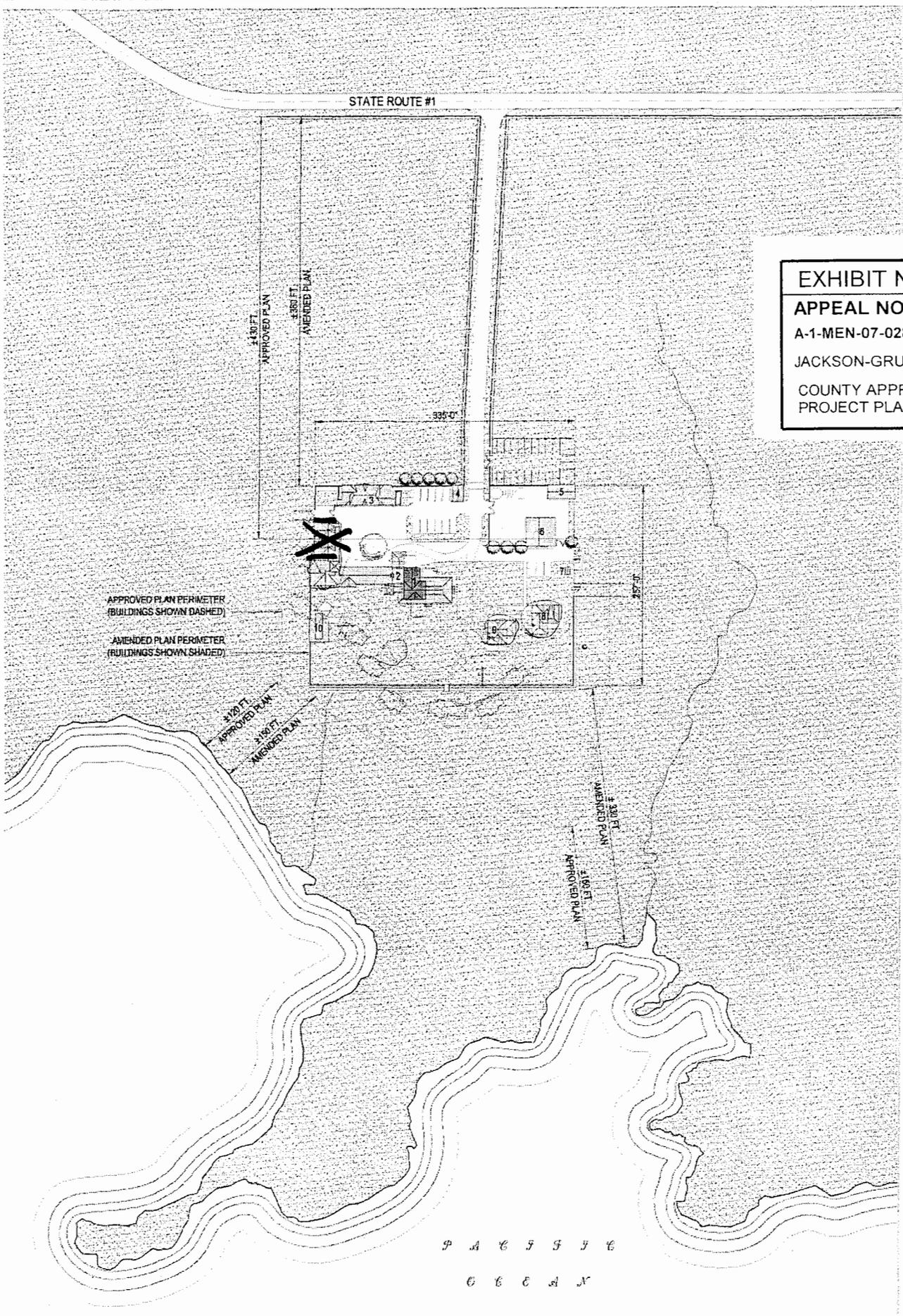
**5. 2009 Project revised (Current Proposal)**

	Building Name	# of Buildings	# of Bedrooms	# of Rental Units	Lot Coverage (sf)	Area (sf)	
<b>Inn Oprtns</b>	Main House	1	7	4	8,374	8,262	
	Cottage	1	2	1	1,946	1,688	
	<b>Sub-Total</b>	<b>2</b>	<b>9</b>	<b>5</b>	<b>10,320</b>	<b>9,950</b>	
<b>Ag./ Service Operations</b>	Ranch Mgr.	1	2		1,514	1,836	
	Guest Garage	1			1,496	1,496	
	Equipment Barn	1			1,269	1,145	
	Gen./ Pump Shed	1			240	240	
	<b>Sub-Total</b>		<b>4</b>	<b>2</b>	<b>0</b>	<b>4,519</b>	<b>4,717</b>
	<b>TOTAL</b>		<b>6</b>	<b>11</b>	<b>5</b>	<b>14,839</b>	<b>14,667</b>

202

NOTE  
 THE ABOVE DRAWINGS, IDEAS  
 AND DESIGNS ARE THE PROPERTY  
 OF SELLERS AND COMPANY ARCHITECTS.  
 NO PART THEREOF SHALL  
 BE REPRODUCED, COPIED,  
 OR TRANSMITTED IN ANY FORM OR  
 BY ANY MEANS, ELECTRONIC OR  
 MECHANICAL, INCLUDING PHOTOCOPYING,  
 RECORDING, OR BY ANY INFORMATION  
 SYSTEM WITHOUT THE WRITTEN  
 CONSENT OF THE ARCHITECTS.

**EXHIBIT NO. 9**  
**APPEAL NO.**  
 A-1-MEN-07-028  
 JACKSON-GRUBE FAMILY  
 COUNTY APPROVED  
 PROJECT PLANS (1 of 5)



**INN AT NEWPORT RANCH**  
**Mendocino, California**  
**SELLERS & COMPANY ARCHITECTS**  
 2 Break Road, Wrentham, VT 05674 T 802.468.2197 F 802.468.1601 www.sellerscompany.com  
**SANFORD/ STRAUSS ARCHITECTS**  
 74.4 Main Street, Middlebury, VT 05753 T 802.265.7400 F 802.265.7475

DATE  
**08.28.06**  
 REVISIONS



TITLE  
**LOCATION  
 MAP**

SHEET NO.  
**LM**

**LEGEND**

1. Existing Ranch House	4. Generator/ Pump Shed	7. Refreshed 3-Holer
2. Main House	5. Ranch Maintenance Shop	8. South Cottage
3. Annex	6. Ranch Equipment Barn	9. North Cottage
		10. Spa

AMENDED LOCATION MAP ~ PHASES-1&2  
 Overlaid on Approved Location Map  
 2

P A C E S S J C  
 C E C A N

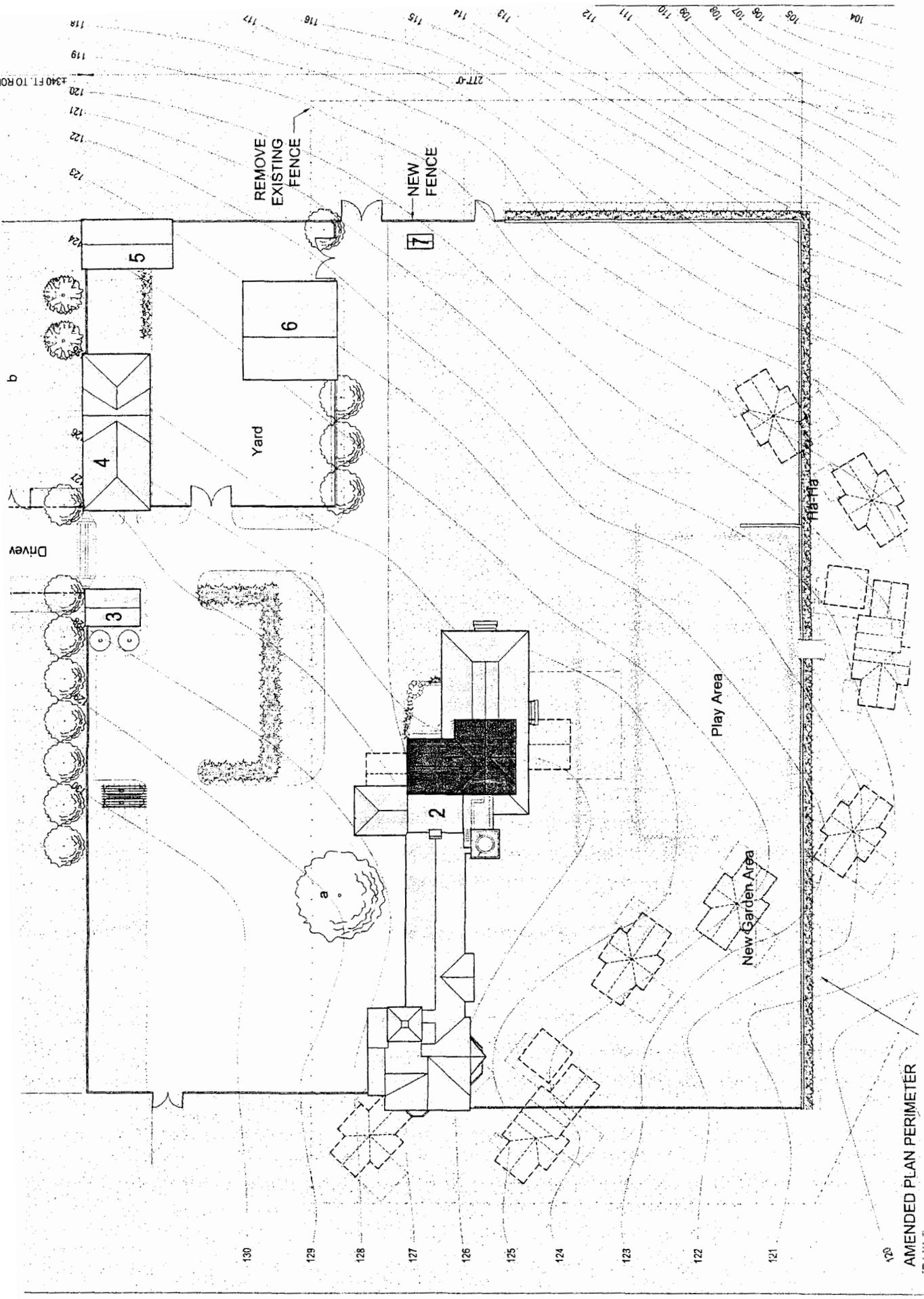
L E G E N D

1. Existing Ranch House	a. Existing Large Monterey Cypress	 Grass/ Field/ Garden
2. Main House	b. Overflow Parking (22 spaces)	 Hedge/ Planting
3. Bunkhouse	c. New Water Tank	 New Tree
4. Generator/ Pump Shed	d. New Propane Tank	 Rocks
5. Ranch Manager Unit	e. Plunge	
6. Ranch Maintenance Shop		
7. Ranch Equipment Barn		
8. Refurbished 3-Holer		
9. South Cottage		
10. North Cottage		
11. Spa		

PROPOSED SITE MAP (AMENDED) ~ PHASES-1&2  
Overlaid on Approved Site Map (#CDU 9-95)



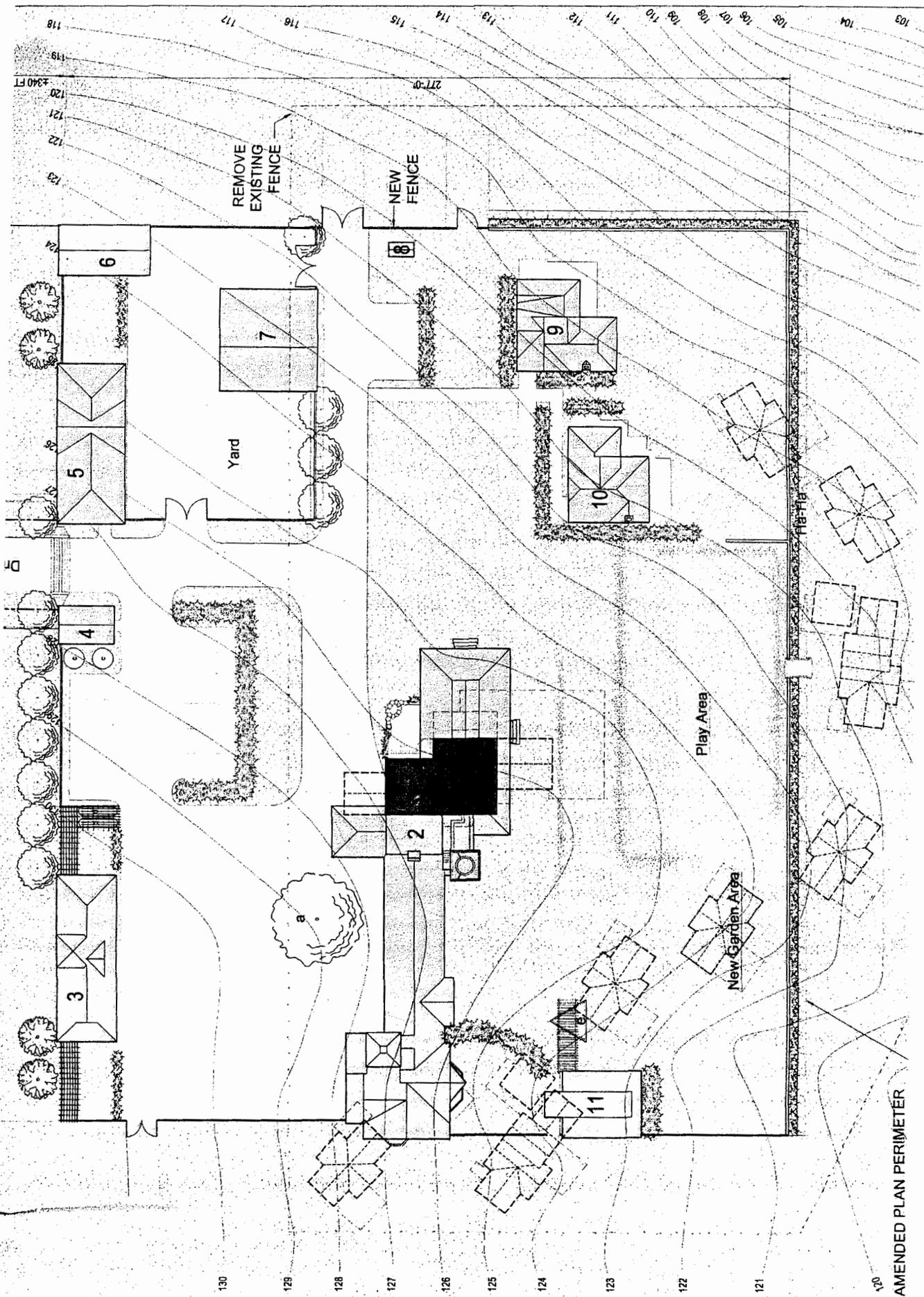
295



**PHASE 1**

SEAL

# EMVPORT RANCH California



PHASE 2

AMENDED PLAN PERIMETER

495

NOTES:  
 1. ALL DIMENSIONS SHALL BE IN FEET AND INCHES.  
 2. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
 3. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
 4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.  
 5. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

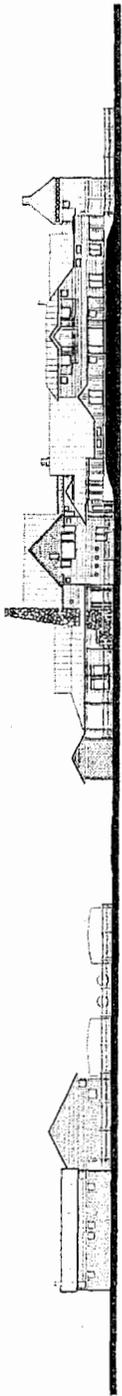
INN AT NEWPORT RANCH  
 Mendocino, California  
 SELTERS & COMPANY ARCHITECTS  
 SANFORD STRAUSS ARCHITECTS

DATE: 08.28.06  
 REVISIONS:



FILE: SE  
 SHEET NO: SE  
 SITE ELEVATIONS

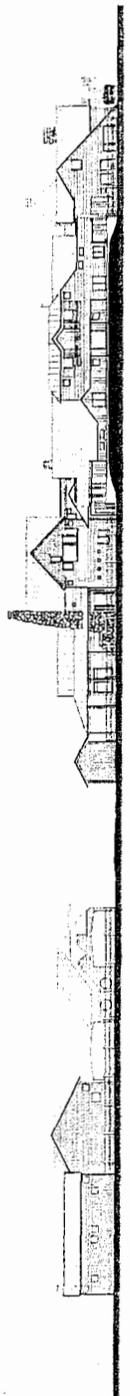
1 EAST ELEVATION (View from Route #1)  
 Phase-1 - Trees not shown



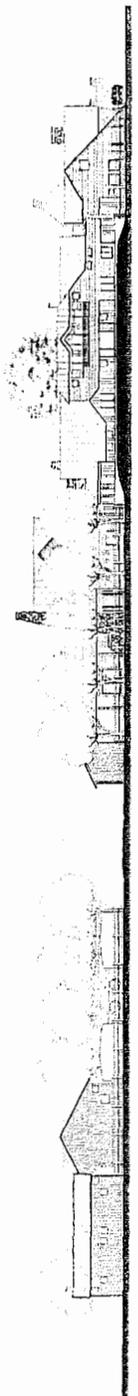
2 EAST ELEVATION (View from Route #1)  
 Phase-1 - Trees shown



3 EAST ELEVATION (View from Route #1)  
 Phases-1&2 - Trees not shown



4 EAST ELEVATION (View from Route #1)  
 Phases-1&2 - Trees shown



5 of 5

**CALIFORNIA COASTAL COMMISSION**

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

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

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

**SECTION I. Appellant(s)**

Name: Molly Warner & Britt Bailey, Mendocino Planning Commissioners

Mailing Address:

21251 So. Petaluma Ave.

City: Fort Bragg

Zip Code: 95437

Phone: 707- 9964-5472

EXHIBIT NO. 10

APPEAL NO.

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

APPEAL NO. 1 (MOLLY WARNER  
& BRIT BAILEY) (1 of 6)

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

Mendocino County, Planning Commission

2. Brief description of development being appealed:

Coastal Development Use Permit to establish a \*1C., Visitor Accommodations and Services. In two phases, total lot coverage of 17,186 square feet would include a bunkhouse, main house, guest rooms each having a bath per bedroom and a kitchen, and some of 3 bedrooms/baths plus kitchen and reception rooms. Also a conference center and a spa, and out buildings for tractors, ATV's, and mechanic/maintenance barn, and a 1200 square foot caretaker unit.

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

In Mendocino County within the Coastal Zone, 4+or- miles south of Westport, 1+or- mile north of Abalobadiah Creek, approx. 700 feet west of Highway 1; various AP numbers, a 3.7 acre portion of a 407 acre parcel.

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

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

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

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-1-MEN-07-028

RECEIVED

JUL 23 2007

CALIFORNIA  
COASTAL COMMISSION

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE

710 E STREET, SUITE 200

EUREKA, CA 95501

VOICE (707) 445-7833 FAX (707) 445-7877



DATE FILED:

7/23/07

DISTRICT:

North Coast

2 of 6

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

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

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

6. Date of local government's decision: June 21, 2007

7. Local government's file number (if any): CDU 6-2006

**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:

Owner/Applicant: Willard T. Jackson, President, Jackson-Grube Family, Inc.  
PO Box 430, Middlebury, VT 05753

Agent: Bud Kamb  
101 Boatyard Drive, STE. D, Fort Bragg, CA 95437

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

(1)

(2)

(3)

(4)

3 of 6

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

### SECTION IV. Reasons Supporting This Appeal

#### PLEASE NOTE:

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

#### Reasons for Appeal

##### 1. \*1C Zoning Designation

###### Ms. Warner's comments:

One major issue is the interpretation of the size and intensity of use that is appropriate for a \*1C designation. As per pages 21 and 22 of Mendocino County General Plan Coastal Element, this designation is for one of the least intensive uses of the visitor serving categories, from 5 to 10 units. Page 21 indicates that a health spa is an example of a use in the far more intensive "resort" category. Page 22 uses only the word "unit" where maximum unit size is listed. Although the word "suites" is used in the Mendocino County Zoning Code, Coastal Zone, in Sec. 20.436.015, the most common understanding of a "suite" is a bedroom with a sitting room. The proposal from Jackson-Grube is far, far beyond that. There was a total of 18 bedrooms proposed, each bedroom with it's own bathroom (18 BATHROOMS!). One "unit" includes 3 bedrooms, 3 bathrooms, kitchen, dining room, sitting room and porch totalling 2,961 square feet. Even the manager's unit is too big, with 3 bathrooms.

Accordingly, Ms. Bailey includes the following comments:

The zoning for the Jackson-Grube project allows for Inns and Bed & Breakfasts. Both the Mendocino County Local Coastal Plan and the Coastal Zoning Code are consistent in defining the uses within this zoning in a more diminutive rather than substantial way. \*1C represents the least intensive use for visiting serving facilities. Both the adopted Plan and Ordinance define limitations for guest rooms or suites. Bed & Breakfasts are allowed a maximum of 4 rooms or suites. Inns are allowed a maximum of 10 rooms or suites. In addition, the Inn designation limits food vending. The dining facilities should not accommodate more than three people per room/suite.

#### Sec. 20.436.015 Coastal Zoning Code

(a) Inn - \*1 or \*1C: 10 guest rooms or suites. Note: A bed and breakfast accommodation is limited to four (4) guest rooms or suites. Dining facilities for guests shall not exceed three (3) chairs per guest room or suite.

#### Definitions According to Section 20.308 of the Coastal Zoning Code

##### \*1C Bed & Breakfast/Inn

Bed and Breakfast Accommodations: Any building or portion thereof or group of buildings containing two but no more than four guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit wherein breakfast may be provided for compensation or profit. A use permit shall be required for the establishment of bed and breakfast accommodations.

4 of 6

Inn: Any building or portion thereof or group of buildings containing five or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, and where regular meals may be provided for compensation or profit.

I am of the opinion that in the case of the Jackson-Grube project, the intent of the \*1C zoning regulations has been seriously misinterpreted. I doubt that the drafters of the \*1C designation considered 3 bedroom, 3 bathroom, kitchen, living room, dining room (total sq.' 2600) one "suite." The Jackson-Grube project, while architecturally outstanding, should be considered to be more of a resort than an Inn and as such should carry the proper zoning. As a neighboring Commissioner, I am very concerned that the project as approved by the Mendocino Planning Commission, would do a great disservice to nearby communities with identical zoning within coastal scenic and highly scenic areas. In my district alone, I know of 2 undeveloped coastal properties with the \*1C zoning designation.

## 2. Intensity of Use

Above and beyond the concern about size and densities of these units, is the added intensity of uses such as the large maintenance barn, spa, conference room, and the applicant's intention to frequently hold weddings of up to 99 people. This project needs to be scaled back to fit the intent of a \*1C, especially given that it is in one of the few remaining relatively remote sections of our coastline where there are NO services, not even a fire district, and that is designated highly scenic and, as page 141 of the Mendocino Coastal Element informs us, "no additional traffic capacity on Highway 1 will be available". Weddings and conferences are not appropriate here. It is not a precedent to set for a \*1C in a resource area.

## 3. Visual Effects

Another issue regarding the Jackson-Grube project is the visuals of the project as proposed, even with the removal of the 3 single bedroom units on the north. Because there are so many buildings in the cluster, closed off from all ocean views toward the west by a fence, it gives the appearance of a faux Fort Ross. While the architecture of each building is well done, the total is not compatible with the open character of the surrounding area, as called for in Sec.30251 of the Coastal Act. Were it smaller, with a view corridor, it might fit the area.

## 4. Outdated hydrological and botanical studies

The project was considered and approved despite the outdated hydrological and botanical studies. For example, the botanical study submitted was over 13 years old. Especially in view of the proposed wedding and conference events where parking would need to occur in the fields surrounding the compound, it is imperative to have up to date knowledge of what the fields and drainages now contain.

5. Both the Local Coastal Plan and the Coastal Act stress the importance of providing low-cost visitor facilities. The Jackson-Grube project is a high-end facility and as such fails to address these requirements to encourage and provide low-cost accommodations. When asked to address this failure, Mr. Jackson could not identify a way to create an economically scaled range of facilities for the proposed project.

Chapter 3.7 County Coastal Element, Section 30213

Recreation and Visitor Serving Facilities

Section 30213 (Part). Lower cost visitor and recreational facilities...shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

5 of 6

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

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

Signature on File \_\_\_\_\_ Signature on File \_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent  
Date: July 19, 2007

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

**Section VI. Agent Authorization**

I/We hereby  
authorize \_\_\_\_\_

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

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

6 of 6

## CALIFORNIA COASTAL COMMISSION

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



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name:

Mailing Address: SEE ATTACHMENT 1

City:

Zip Code:

Phone:

RECEIVED

JUL 25 2007

CALIFORNIA  
COASTAL COMMISSIONSECTION II. Decision Being Appealed

1. Name of local/port government:

County of Mendocino

2. Brief description of development being appealed:

Coastal Development Use Permit to build a 10-unit inn in 2 phases. Phase I to consist of the demolition and reconstruction of the former Orca Inn into a main unit of 2,961 square feet (3 bedrooms / 3 bathrooms / downstairs area including kitchen, dining and reception rooms). The north end of the structure would include an upstairs unit of 1,089 square feet (2 bedrooms / 2 bathrooms / kitchen) and downstairs unit of 833 square feet (1 bathroom / kitchen). In addition, a 1,276 square foot two floored managers unit (2 bedrooms / 3 bathroom / kitchen); 1,269 square foot equipment barn; 648 square foot maintenance shop; and a 240 square foot generator/pump shed are proposed as part of the first phase. Phase II would consist of 7 units with 3 added to the main building in two storied units of 954 square feet (1 bedroom / 1 bathroom / kitchen); 951 square feet (1 bedroom / 1 bathroom / kitchen); and 820 square feet (1 bedroom / 1 bathroom / kitchen); 2 units within a detached bunkhouse of 531 square feet (1 bedroom / 1 bathroom / kitchen) and 757 square feet (2 bedrooms / 1 bathroom / kitchen); and 2 separate cottages of 835 square feet (2 bedrooms / 1 bathroom) and 915 square feet (2 bedrooms / 1 bathroom), respectively. A 778 square foot spa, wells, septic system, roads and underground utilities are also proposed within the approximate 3.7-acre area of development.

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

Approximately four miles south of Westport on the west side of Highway 1 at 31502 North Highway One, Mendocino County, (APN 015-380-03, -4, -05, 015-330-13, -19-27, a portion of 015-330-28, 015-070-45, -49,-51, portions of 015-070-47, -52).

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

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

EXHIBIT NO. 11

APPEAL NO.

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

APPEAL NO. 2 (COMMISSIONERS  
KRUER & WAN) (1 of 10)

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-1-MEN-07-028

DATE FILED:

7/25/07

DISTRICT:

North Coast

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

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

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

6. Date of local government's decision: June 21, 2007

7. Local government's file number (if any): CDU #6-2006

**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:

Jackson-Grube Family, Inc.  
Willard T. Jackson, President  
P.O. Box 430  
Middlebury, VT 05753

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

(1)

(2)

(3)

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2 of 10

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

See ATTACHMENT 2

3910

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 4

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

See Attachment 2

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

SECTION V. Certification

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

Signed: \_\_\_\_\_  
Appellant \_\_\_\_\_  
Signature on File \_\_\_\_\_

Date: July 25, 2007

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

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

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

4 of 10

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 5

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.)

See Attachment 2

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

SECTION V. Certification

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

Signed:      Signature on File       
Appellant or Agent     

Date: July 25, 2007

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

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

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

ATTACHMENT 1

SECTION I. Appellant(s)

1. Patrick Kruer  
The Monarch Group  
7727 Herschel Avenue  
LaJolla, CA 92037  
  
Phone: (858) 551-4390
  
2. Sara J. Wan  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
  
Phone: (415) 904-5201

## ATTACHMENT 2

### REASONS FOR APPEAL

The approval of Coastal Development Permit Application No. 6-2006 by Mendocino County is inconsistent with the certified Local Coastal Program (LCP), including LCP provisions regarding the protection of visual resources.

### VISUAL RESOURCES

The approval of the coastal development permit by Mendocino County encompasses property within a highly scenic area designation, and is in conflict with visual resource policies and standards contained in the Mendocino LCP, including, but not limited to, LUP Policies 3.5-1 and 3.5-3, and Coastal Zoning Ordinance Section 20.504.015(C)(3).

#### Policies

Policy 3.5-1 states in applicable part:

*"The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a protected resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting." (emphasis added)*

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. The entire coastal zone from the Ten Mile River estuary (including its wooded slopes, wetlands, dunes and ocean vistas visible from Highway 1) north to the Hardy Creek Bridge, except Westport Beach Subdivision which is a recognized subdivision... In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to the natural setting and minimize reflective surfaces..." (emphasis added)*

7 of 10

Coastal Zoning Ordinance Section 20.504.015 states in applicable part:

*(C) Development Criteria.*

- (1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.*
- (2) In highly scenic areas west of Highway 1 as identified on the Coastal Element land use plan maps, new development shall be limited to eighteen (18) feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.*
- (3) New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings."*

Discussion

The County of Mendocino approved Coastal Development Permit # 6-2006 for the construction of a 10-unit Inn in two Phases. Phase I consists of the demolition and reconstruction of the former Orca Inn into a main unit of 2,961 square feet (3 bedrooms / 3 bathrooms / downstairs area including kitchen, dining and reception rooms). The north end of the structure would include an upstairs unit of 1,089 square feet (2 bedrooms / 2 bathrooms / kitchen) and downstairs unit of 833 square feet (1 bathroom / kitchen). In addition, a 1,276-square-foot, two-story manager's unit (2 bedrooms / 3 bathroom / kitchen); 1,269-square-foot equipment barn; 648-square-foot maintenance shop; and a 240-square-foot generator/pump shed. Phase II would consist of the construction of 7 units with 3 added to the main building in two-story units of 954 square feet (1 bedroom / 1 bathroom / kitchen); 951 square feet (1 bedroom / 1 bathroom / kitchen); and 820 square feet (1 bedroom / 1 bathroom / kitchen); 2 units within a detached bunkhouse of 531 square feet (1 bedroom / 1 bathroom / kitchen) and 757 square feet (2 bedrooms / 1 bathroom / kitchen); and 2 separate cottages of 835 square feet (2 bedrooms / 1 bathroom) and 915 square feet (2 bedrooms / 1 bathroom), respectively. The project also involves the construction of a 778-square-foot spa, wells, septic system, roads and underground utilities.

The project site encompasses approximately 3.7 acres of an approximately 407-acre parcel located in a designated "highly scenic" area on the west side of Highway One, approximately four miles south of Westport. The parcel is planned and zoned Remote Residential-20 acre minimum with Planned Unit Development Combining District and \*1C (Visitor-serving Inn) designations (RMR 20:PD\*1C).

The subject site is located on a flat, open coastal terrace to the west of the highway vegetated with low-growing grasses and a single mature Cypress tree. The site is developed with a ranch

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house and several associated clustered structures bordered by a white fence that contrasts starkly against the surrounding undeveloped terrace. The land surrounding the existing fenced development is used for grazing cattle. Due to the flat terrain and lack of tall vegetation or varied topography, the project site is highly visible from Highway One in both directions. The views to and along the coast from this stretch of Highway One are sweeping and vast due to the largely undeveloped nature of the area. There is very little development located on either side of the highway for many miles in each direction with the exception of a few scattered residences on the east side of the highway, and a winery located approximately two miles north of the project site on the west side of the highway. The open coastal terrace to the west and steep, grassy hillsides to the east create the rural, agricultural character of the area.

The project as approved by the County in this designated highly scenic area is inconsistent with LUP Policies 3.5-1 and 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(C)(3) which require, in part, that new development be subordinate to the character of the natural setting.

The County's approval of CDU #6-2006 includes several special conditions intended, in part, to protect visual resources and require (1) submittal of a parking plan, (2) submittal of a revised lighting plan to remove upcast lighting, (3) deletion of units 4-6 from the development, (4) undergrounding of utility lines, and (5) use of exterior building materials of earthtone colors. However, the approximately 16,000 square feet of total new development would be significant and the conditions intended to protect visual resources would not effectively reduce the prominence of the approved development in a manner that would cause the development to be subordinate to the character of the highly scenic area as required by LUP Policies 3.5-1 and 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(C)(3). As noted above, the character of the area is largely defined by the very limited amount of development on either side of Highway One for many miles in each direction surrounding the project site.

The project as approved involves the construction of nine new buildings at the site totaling over 16,000 square feet including two project elements where the 18-foot-height standard required by Coastal Zoning Code Section 20.504.015(C)(2) would be exceeded, including the replacement of an existing 26'-5" structure with one of equal height, and the construction of an approximately 25-foot-high roof over a portion of the main structure. In addition, the approved project involves planting eight trees to screen the inn from Highway One as well as additional landscaping involving several hedgerows, gardens, grass fields, and rocks/boulders throughout the project area. The County's findings of approval state that although the development will include more structures and trees than what currently exists at the site, impacts to ocean views are considered to be insignificant because of the broad coastal terrace that the County indicates is large enough to accommodate the inn development without interfering with the public's ability to enjoy the coastal view beyond. However, the County's findings of approval do not include an analysis of the project's subordination to the character of the setting as required by LUP Policy 3.5-1 and 3.5-3 and Coastal Zoning Code Section 20.504.015(C)(3). As discussed above, the character of the area is defined by the vast expanse of undeveloped, grassy coastal terrace. Unlike forested or heavily vegetated areas of the Mendocino coast where new development can be sited and designed to be screened with existing or new vegetation and trees in a manner that enables the development to be subordinate to the character of its setting, at this site, the character of the area is largely defined by the lack of trees. The introduction of trees intended to partially screen

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portions of the nine proposed structures, and extensive manicured lawns and landscaping would not be subordinate to the expansive coastal terrace dominated by low-growing natural grasses.

Furthermore, in its approval of the project, the County included a special condition to set a maximum limit of 99 persons for any special event held at the approved inn without the need for a coastal development permit (CDP). The condition requires that special events involving between 100 and 1,000 persons shall require a CDP and events involving over 1,000 persons and/or eating and drinking establishments for on-premises consumption by non-paying guests of the inn shall require a use permit. While this special condition required by the County sets criteria for when additional permits are required for special events, the County's approval does not set any controls on the total number of special events allowable at the site, or on accessory development associated with such gatherings. Without specific controls on the number of special events and the manner in which they are conducted, development associated with these events would result in significant adverse visual impacts. For example, special events involving up to, or more than, 99 persons would introduce a significant number of cars parked at the site, thereby significantly increasing the intensity of use of the site. Such events would also involve placement of portable restrooms, signs, lighting, and tents and other temporary structures that would not be subordinate to the character of the open coastal terrace setting as required by LUP Policy 3.5-1 and 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(C)(3).

## CONCLUSION

The Commission finds that the project as approved by the County is inconsistent with, and raises substantial issues, with respect to its conformance with LCP standards and policies pertaining to visual resource protection.

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE

710 E STREET, SUITE 200

EUREKA, CA 95501

VOICE (707) 445-7833 FAX (707) 445-7877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Mendocino Group Sierra Club, &amp; Friends Of The Ten Mile

Mailing Address: 27401 Albion Ridge Rd. &amp; Box 1006

City: Albion &amp; Fort Bragg

Zip Code: 95410 &amp; 95410 Phone: 937-2709 &amp; 964-2742

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

Mendocino County Planning Dept.

2. Brief description of development being appealed:

**RECEIVED**

JUL 26 2007

CALIFORNIA  
COASTAL COMMISSION**EXHIBIT NO. 12****APPEAL NO.**

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

APPEAL NO. 3 (SIERRA CLUB &  
FRIENDS OF THE TEN MILE RIVER)  
(1 of 14)

The applicant is requesting approval of a Coastal Development Use Permit to establish a 10-unit Visitor Accommodations and Services (VAS) (with an additional manager's unit) in two phases on a portion of a 400± acre parcel approximately four miles south of Westport. Phase I would include the demolition and reconstruction of an existing two-story ranch house, operating in the past as the Orca Inn, into a main 2,961 square foot unit with three upstairs bedrooms, each with its own bathroom, and downstairs areas including a kitchen, dining and reception rooms. The roofline of the structure would extend north covering an enclosable 831 square foot "outdoor activity area," and continue to a 693 square foot conference room. Two additional guest units, 1,089 and 833 square feet, respectively, would be included at the north end of the building on separate floors, containing a single and a double bedroom design, one kitchen apiece and bathrooms. Also included in the Phase I proposal is a 255 square foot caterer's kitchen attached to the activities area, a 1,276 square foot, two-storied, two-bedroom, one kitchen and three-bathroom manager's unit, a 1,269 square foot equipment barn, a 648 square foot maintenance shop and a 240 square foot generator/pump shed. Total lot coverage for this phase would be 9,766 square feet.

Phase II of the project would add the final seven guest units as well as a 778 square foot spa. Three of the units would be attached in an "L" shape to the main building constructed in Phase I. These would consist of 954, 951 and 820 square foot units, each two storied with one bedroom, a kitchen and bathroom. An additional two units would be in the form of a detached bunkhouse consisting of one 531 square foot unit with a single bedroom, kitchen and bathroom and another 757 square foot facility with two bedrooms, one kitchen and a bathroom. The final two guest units are proposed as individual cottages of 915 and 778 square feet, each containing two bedrooms and one bathroom. The project will include the removal of various smaller structures such as an existing water tank, pumps and sheds. Total lot coverage for Phase II would be 7,420 square feet.

Fourteen parking spaces are proposed with an additional 22 spaces in an overflow area outside of the immediate resort grounds. Excluding the overflow parking lot, the overall resort region would be confined to an area approximately 277' x 335', surrounded by new fencing on three sides and a sunken wall "ha-ha" on the westernmost (as well as a portion of the southern) boundary. Access is to be taken from Highway One via a 20 foot wide, all weather surfaced driveway. Landscaping would consist of a view shielding line of trees as well as additional on site trees, hedges and grass areas.

[As presented above this project entails over 18,000 sq. ft. of building construction--nearly 4 acres. There is additional project coverage in parking, landscaping and a "ha-ha". The project footprint is twice as large as the original incarnation. During the Planning Commission Hearing 3 small units were deleted. But because we have no amended site plans we're unable to assess the visual or any other impacts of this change. Therefore all below comments & concerns are based on the original proposal.]

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 96501  
VOICE (707) 445-7833 FAX (707) 445-7877



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

Within the Coastal Zone, 4± miles south of Westport, 1± north of Abalobadiah Creek, approximately 700 feet west of Highway 1, located at 31502 North Highway 1; APNs 015-380-03, 015-380-04, 015-380-05, 015-330-13, 015-330-19, 015-330-27 and a portion of 015-330-28, 015-070-45, 015-070-49, 015-070-51, and portions of 015-070-47, and 015-070-52.

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

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

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

**TO BE COMPLETED BY COMMISSION:**APPEAL NO: A-1-MEN-07-028DATE FILED: 7/26/07DISTRICT: North Coast

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

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

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

6. Date of local government's decision: June 21, 2007

7. Local government's file number (if any): CDU 6-2006

**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:

WILLARD T. JACKSON, PRESIDENT  
JACKSON-GRUBE FAMILY, INC.  
P.O. BOX 430  
MIDDLEBURY, VT 05753

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) BUD KAMB  
101 BOATYARD DRIVE, STE. D  
FORT BRAGG, CA 95437

(2) MARK MASSARA  
Director Sierra Club Coastal Program  
85 Second Street, 2nd Floor \_San Francisco, CA 94105

(3)

(4)

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

SECTION IV. Reasons Supporting This Appeal

**PLEASE NOTE:**

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

This proposal conflicts with several provisions of the LCP:

LCP 3.5-1

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas... to be visually compatible with the character of surrounding areas....  
New development in highly scenic areas... shall be subordinate to the character of its setting.

LCP 3.5-3

Any development permitted in highly scenic areas [HSAs] shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points...  
[This area isn't just within a HSA, it is the heart of the HSA that stretches for nearly 12 miles from Ten Mile to Hardy Creek. The Coastal Commission has recently reviewed and denied two projects in this HSA primarily on the basis of visual impacts.]

LCP 3.5-4 Re: Buildings in HSAs

... Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists. [It is located on the west side of Highway One in the middle of a large open area, highly visible from Highway One and the Coastal Trail being developed in that area.]

LCP 3.5-5

Development on a parcel located partly within the HSA... shall be located on the portion outside the viewshed if feasible.

[While the entire parcel is located within the HSA, the developer also owns the land across the Highway. Relocating the project across the Highway and demolishing the existing buildings (as planned by the developer anyway), would enhance & restore an already degraded viewshed, satisfying LCP policy 3.5-1. CEQA requires an exploration of such project alternatives if a project has the potential to produce significant impacts as this one will according to the Environmental Checklist.]

LCP 3.9 / Coastal Act Sec. 30250 (a)

New... development... shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, in other areas where it will not have significant adverse effects... [This project is miles from anywhere, it's unreasonable to assume patrons will spend their time

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solely on site. How will multiple trips to service and commercial centers by patrons, participants in events, delivery vehicles, affect traffic? Will all this driving back & forth to this remote area add to Mendocino County's "carbon budget"? Does this project further the goals of the State to reduce our impact on global warming. ]

This project also violates the County Zoning Code as it is identified in the Staff Report as a "Resort" (PC pg. 3. "Resort" is a specific visitor accommodation service (VAS) zoning designation and is described on LCP pg. 21. It is classified by \*5 denoting the most intensive use of a VAS. \*1 is for VAS facilities with the least intensive use.

"Resort" is an apt description of this project. The project's scope and scale is massive, encompassing nearly 4 acres and 17,784 sq. ft.--nearly 4 acres of just building construction (now, with deletion of units 4-6, 15,059 square feet of construction.) There are thousands of additional square feet of landscaping and parking. Most of the buildings are two-story, violating the 1-story regulation. It is excessive--most of the "units" have multiple bedrooms for a total of 18 (now 15) bedrooms, each bedroom with its own bathroom. It includes a total of 21 (now 18 toilets, 9 (6) kitchens, several hot tubs, a spa, an event center consisting of a caterer's kitchen, conference room, and an outdoor activity area. With hundreds of acres for potential parking, and with Condition B 16, up to 1000 people could be using this 10 (7) unit country "inn". Where are the restrooms for event participants? Will they be using Porta-Potties? If so, what will be the visual impacts of bright blue porta-potties? What about visual impacts from over-flow parking? Glare from cars parked at McKerricher State Park are highly visible from Seaside Beach 6 miles north. Lights at night will eliminate one of the areas left on our precious coast where you can actually see the stars.

This project is to be advertised and promoted as an "Event Center". This is of deep concern. Condition B 16 would conceivably allow for "events" of 99 people any day of the year and between 100-1000 people 5 times a year. Is this an appropriate use in a highly scenic area? What is the precedent for such use in a highly scenic area? If there are none, would this not set the precedent for similar use in other highly scenic areas?

Re precedents: just what is an inn "unit"? The previous incarnation of this project had 1 bedroom per unit with no kitchens. This one, with a couple of units as big as or bigger than many local houses, seems to stretch any reasonable definition of "unit" beyond recognition. The Planning Commission had the opportunity to provide some sense to this issue, but chose not to. Instead, they approved the project and established a precedent for units of virtually unlimited size.

Of further concern is the developer's admission that there would be no on-site manager. The so-called "managers quarters" are reserved for the fellow caretaking the land. Who will be the responsible party in case of emergency? The closest emergency responders are the Westport Fire Dept. which is as yet barely functional. The nearest hospital is in Fort Bragg, 30 minutes or more south. While condition B12 requires the developer to submit a contract for service, no amount of compensation was required.

Re out-dated and inadequate environmental studies. County is relying on studies that are between 13 & 16 years old. The hydrologic study was done when the Coast experienced relatively "normal" rainfall patterns. We haven't had normal rainfall conditions for years and are in fact experiencing our 5th year of

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drought. Also, here on the Coast underground water circulation can change for no apparent reason. Without an updated study, it's impossible to determine if there is sufficient water for this excessively thirsty project.

The Planning Commission minutes reflect the developer was "encouraged" to agree to share water with the neighbors if their water was affected by his development. Commissioner Calvert recommended this be made a condition of approval. It wasn't. The LCP requires proof of water & forbids water resources to be negatively impacted by development.

The botanical study is also inadequate and outdated according to CNPS rare plant specialist, Teresa Sholars (see attached letter). Since the previous study was conducted, a plant listed in the survey has become classified as "Rare" requiring protection. Without a new botanical survey, to plot and perhaps locate additional rare plants species, it is impossible to even identify an acceptable building envelope.

See attached letter from Archeologist Thad Van Buren re inadequacies of the original archeological study.

The Traffic Study is from 1994. Future traffic impacts are assessed based only on full build-out of the area. As local residents, we have seen an enormous increase in traffic generated by visitors and people driving Highway One from one destination to another along the Coast. We've also seen an increase in bicycle traffic. This is a very narrow and winding road--designated as a bicycle route. What are the current rates of useage ? How will this project, with its potential for attracting possibly hundreds of more people to this remote area, affect auto and bicycle traffic safety?

Also of serious concern is the potential significant adverse cumulative effects from build out of the rest of the Jackson-Grube contiguous holdings. While this issue was touched on at the Planning Commission hearing, none of the County Planners seemed to know what the potential full build out was. CEQA requires a discussion of possible future projects to assess the potential for cumulative adverse effects. Given the sensitivity of the area, this discussion needs to happen before this project is approved. If, as he said, Mr. Jackson doesn't plan on building anything else, then perhaps a deed restriction formalizing such could be made as a further condition of approval--as was done with the "Ten Mile River Inn".

#### Visual Impacts:

County incorrectly alleges this project will have no significant adverse effects on the highly scenic visual resource area visual. In attempting to minimize patently significant impacts to a level of insignificance the planner makes several contentions that are misleading and unsupported by a documented visual analysis or even common sense. Among them are: "[v]isual impacts are expected to be reduced as a result of the units being clustered into fewer structures," "the façade of the development does not significantly exceed that which currently exists at the site in relation to the overall area views of the blufftops and ocean." And, "the project proposes to cluster the inn units into fewer structures than the previously approved version of the plan, which consisted of several detached cottages, making for a more 'compact' configuration overall." (PC pg. 8) "Visual impacts will be reduced compared to the previous plan; allowing reconstruction of the 26' roof-line and construction of an additional 26' structural element won't affect the view to the ocean or be out of character with surrounding structures (all of which, with the exception of the farm house, are low and of a single story); exceeding the 18' limitation will not block the view."

The 26 foot height of the existing farm house is already inconsistent with the 18 foot height limitation mandated by the Coastal Act. The visual resource is already appreciably degraded by the abandoned and unmaintained farm buildings. The developers plan to demolish and rebuild the farm house. This would

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provide an excellent opportunity to satisfy LCP 3.5-1 regarding restoring degraded coastal views and reduce the roof-line to be compatible with the 18 ft. rule.

The landscaping plan calls for several trees to be planted to obscure the visual impacts of the massive and continuous building facades. The facades (275 feet long approximately) themselves are blocking the coastal view and no amount of trees can conceal that impact. Besides, the trees themselves would block the ocean view.

LPC 3.5-5 Providing that trees will not block coastal views from public areas..., tree planting to screen buildings shall be encouraged...  
new development shall not allow trees to block ocean views.

Perhaps the most egregious contention is this: "Although the proposal will include more structures and trees than what currently exists at the site, when seen from Highway One, impacts on ocean views are still considered by staff to be insignificant. The vista along the broad coastal terrace is believed to be large enough to accommodate the inn development without greatly interfering with the public's ability to enjoy the vast seascape beyond. Aside from the existing buildings and lone Cypress tree, there is little along the terrace which would obscure the inn from public view."

What neither the developers, nor the Planners seem to understand is that it is because there is so little development on this coastal terrace that makes this area special and deserving of the highly scenic area designation. And it is not just the ocean view that is protected by the Coastal Act, but the coastal view as well. This is one of the very few areas remaining where people can experience a relatively unobstructed view of the coast and ocean. Saying this is like James Watt saying oil wells off the coast would be OK because you could them block them out of your view by holding up a dime.

However, all of these contentions are only speculation as the architect's drawings of the project submitted with the application are the only document we have on which to make an analysis of the potential visual impacts. Is this adequate for a CEQA review and the Staff determination that there will be no significant negative effects?

This project is nearly twice as big as the one previously approved; it has a 272' facade located 90' closer to Highway One & the Coastal Trail. It has been granted variances and exceptions re building heights. How can these changes possibly reduce the visual impacts? The original project never had a thorough visual analysis; neither does this one. Without such an analysis there is no way to determine if indeed the significant adverse visual impacts are reduced to a level of significance as required by CEQA.

Compounding the difficulties of assessing visual impacts is that 3 units have been deleted. Will this reduce or exacerbate the already significant visual impacts? How can we tell?

Such a massive development, with such intensive use is completely out of character in this remote and rural highly scenic area.

Re County's concerns that the project will be used to serve transient visitors only: In 2005 in a personal

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conversation with Mr. Jackson, he said the facility would also be used to house his family when they came for extended visits. That would explain why "unit" 1 is nearly 3000 sq. ft. and consists of 3 bedrooms, living room, dining room, 3 bathrooms and "Owner's Kitchen" --a whole house. (Sheet UD-1 of the site plan).

CEQA issues: The Environmental Checklist shows 6 issues that can potentially produce significant adverse environmental effects: Air, Water, Plant Life, Light & Glare, Land Use, Aesthetics. Many of the mitigations for these potentially significant effects are based on submission by developer of future plans, making it impossible to determine if, indeed, impacts are reduced to a level of insignificance before the project was approved. Many of the assertions there would be no significant effects are: 1) based on outdated studies (Plant Life, Water, Traffic, Cultural Resources; or, 2) highly debateable (as above, plus: Noise, Public Services--Fire, Police, Parks & Other Recreational Facility [Seaside Beach], Energy; or, 3) not supported by documentation (as above, plus: Water B., Plant Life A., C., Land Use, Utilities, Human Health--no DEH report at time of approval.)

Protecting the natural and highly scenic visual resources of this most scenic of areas is important enough to pursue either a boundary line adjustment or a General Plan Amendment to relocate the 1\*C designation to a less visible site on the East side of the Highway, also owned by the applicant. This would satisfy

LCP 3.5-1 ... where feasible, to restore and enhance visual quality in visually degraded areas.

This beautiful area would be much more visually spectacular devoid of the structures currently on that site. Since the applicant plans on demolishing the structures anyway, he wouldn't suffer from relocating the project. FOTTM would support scaling down the project to ten units of 1 bedroom per unit, eliminating the event center and relocating the project to the East side of Highway on land also owned by the applicant. Short of that, given the deficiencies of this proposal, a thorough EIR is appropriate.

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

**SECTION V. Certification**

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

Signature on File TM) Signature on File En  
Signature of Appellant(s) or Authorized Agent Sierra Club

Date: July 24, 2007

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

**Section VI. Agent Authorization**

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

\_\_\_\_\_  
Signature of Appellant(s)

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

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To: Judith Vidaver  
From: Thad M. Van Bueren  
Date: July 18, 2007

Re: Appeal of Mendocino County Planning Commission approval of CDU 6-2006 for the proposed Jackson-Grube development near Westport

#### General Issues

- 1) Zoning: The current zoning of the 34 acre property where development is proposed is RMR20PD. The baseline zoning (RMR) under the County's Coastal Zoning Code allows "major impact services" as a conditional use, although that term is not defined (Chapter 20.380). There is no specific allowance under the RMR zoning for a resort or major visitor-serving facility, but a bed and breakfast facility is allowed as a conditional use. The secondary zoning is Planned Unit Development Combining District (Chapter 20.428). Under that zoning "no permit shall be issued except in accord with an approved development plan" Sec. 20.428.010(A). The purpose of the plan for the entire ownership is to inform the design and siting of the development in a manner that avoids significant impacts to the environment and achieves among other objectives "maximum preservation of open space, protection of public views, . . . [and] resource protection" (Sec. 20.148.010(C)). No such plan has been developed for the 12 contiguous parcels totaling about 900 acres owned by the Jackson Grube Family, Inc. Instead, the proposed development considers only a single small parcel, ignoring the impacts that this major proposed change in land use will have on the rest of the property. There are strong reasons to question why the most visually and historically sensitive location within the Jackson Grube ownership is appropriate for this development.

#### Historical Resources

- 2) This proposed development has not given adequate consideration to significant adverse impacts to historical resources either within the 34 acre parcel where development is currently proposed, nor within the larger ±900 acre Jackson Grube ownership as a required element of the Development Plan mandated by the RMR20PD zoning discussed above. Consideration of impacts to historical resources is required under Section 21084.1 of the California Environmental Quality Act (CEQA), Section 3.5-10 of the Coastal Element of the Mendocino County General Plan, and the Mendocino County Archaeological Ordinance. Historical resources include archaeological sites and historical buildings, structures, objects, and districts as defined in the California Public Resources Code (Section 5024.1). The only study conducted to inform planning of the proposed development is an archaeological survey of the 34 acre parcel by Jay Flaherty (1990). That study is seriously flawed and inadequate to inform a decision about the potential impacts of the development on historical resources. Compounding that problem is the fact that absolutely no professional attention has been given to the presence of other types of historical resources such as historic buildings and structures. These deficiencies are detailed below.
  - a) Archaeology: The Flaherty survey is seriously flawed for several reasons. First, the survey methodology did not include routine inspection of historic maps and other historical information that is a standard component of a professional archaeological survey. Second, the field inspection methods are so poorly described it is unclear how intensively the parcel was inspected and whether that level of scrutiny was sufficient to discover archaeological resources that could be anticipated in this highly sensitive

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location. No information is provided concerning how closely transects were spaced. Third and most importantly, Flaherty's report acknowledges that the 34 acre parcel he surveyed was the site of the historic town of Newport, yet he did not record that site and he failed to specify that the town and archaeological deposits associated with the surviving nineteenth century farm need to be evaluated to determine if they qualify as historical resources for purposes of compliance with CEQA. A competent professional should be well aware that the lengthy historic use of this location first as a ship landing starting in the 1870s and later as a farm almost invariably imply the presence of buried deposits and features. Measures must be taken to identify the site Flaherty ignored and assess its status as a historical resource using the Criteria established in California PRC Section 5024.1. Lastly, no consideration has been given to the identification of archaeological resources on the other ±860 acres owned by Jackson Grube. That information is needed to inform the creation of the Development Plan, plan a more suitable location for the development, and ensure the intensified land use that is proposed will not adversely impact resources on the larger property.

- b) Historical Resources: No consideration has been given to the potential for the project to create significant adverse impacts to historical resources other than the flawed archaeological findings mentioned above. Historic buildings, structures, objects, and districts also require consideration pursuant to Section 21084.1 of CEQA. Those resources must be evaluated by a competent professional architectural historian or historian. The proposed development site contains buildings reflecting historic use of this location as Newport Landing and later use as a farm. The Newport Cemetery is also located on the larger Jackson Grube property and other resources also may be present. If those resources are determined to be historical resources under CEQA, the project must be designed to avoid adverse changes to the integrity of those resources as defined in Section 5020.1(q) of the California Public Resources Code. Again, the identification and evaluation of these other historical resources should be conducted for the entire Jackson Grube ownership, not merely the 34 acres where they currently propose development.

I suggest the appeal should mention the historical resource deficiencies noted above were brought to the attention of the Mendocino County Planning Commission, but ignored.

Sincerely,

Signature on File *era*

Thad M. Van Bueren, M.A.  
Registered Professional Archaeologist  
P.O. Box 326  
Westport, CA 95488

11 of 14

June 20, 2007

To: The Mendocino County Planning Commission ([thompsoa@co.mendocino.ca.us](mailto:thompsoa@co.mendocino.ca.us))

Re: CDV#6-2006 Jackson-Grube

From: Teresa Sholars  
Rare Plant Coordinator, DKY Chapter  
California Native Plant Society  
[tsholars@mcn.org](mailto:tsholars@mcn.org)  
PO Box 2340  
Mendocino, CA 95460

The 1991-2 Botanical Survey for the proposed project needs to be updated for 2 reasons.

1. It is too old (many new species have been added to the rare plant inventory since 1992; including some species present on the site [*Lotus formosissimus*; which is also the food plant for the federally listed Lotis Blue Butterfly (*Lycaeides argyrognomon lotis*)
2. The botanical survey itself was inadequate:
  - a. The plant list contains genera of rare taxa that were not identified to the species level; ie *Juncus* (*Juncus supiniformis* is a listed rare species)
  - b. The survey did not follow the California Dept. of Fish and Game guide lines in that: the list is not floristic; plant communities were not mapped, survey methodology was not described; copies of the CNDDDB forms were not included in the report and much more.
  - c. The Federally listed Behren's silverspot (*Speyeria zerene behrensi*) food plant *Viola adunca* was not addressed.
  - d. The survey did not mention that the site contains rare plant communities according to the California Department of Fish and Games natural plant community list: Coastal Terrace Prairie G2 S2.1; Northern Coastal Bluff Scrub G2 S2.2 (<http://www.dfg.ca.gov/whdab/pdfs/natcomlist.pdf>. Natural community list.)

Please require that a new botanical survey be done according to the current California Department of Fish and Game Guidelines for botanical surveys

Thank-you

Teresa Sholars

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July 25, 2007

Please include this video as part of  
the Sierra Club, Friends of The Ten Mile  
Appeal Re: Jackson-Grube resort

CDU 6-2006

RECEIVED

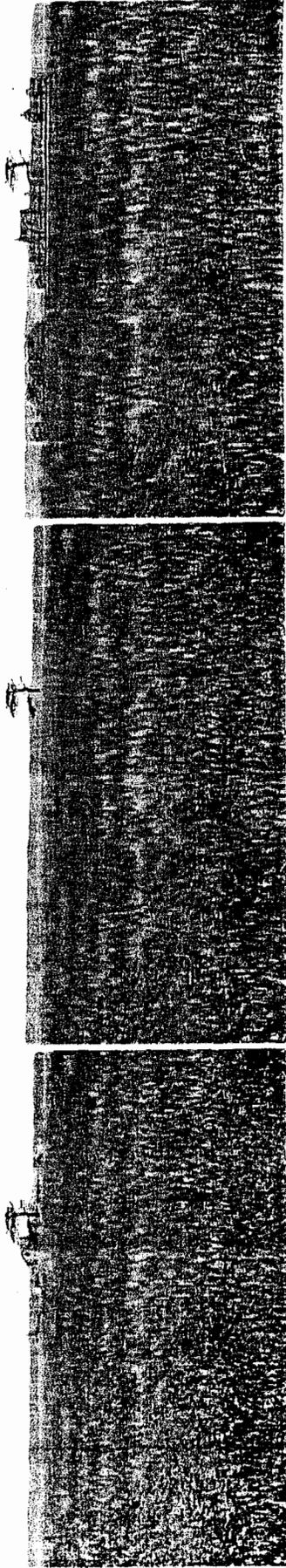
JUL 30 2007

CALIFORNIA  
COASTAL COMMISSION

Thanks

( Signature on File ↙  
✓

13414



**before**

**after**

VIEWED FROM ROUTE I  
LOOKING WEST

14 of 14

CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Deborah Cahn, trustee of Margery S. Cahn Trust, and  
Name: Judith Whiting, trustee of Whiting Family Revocable Trust  
Mailing Address: 444 North State Street  
City: Ukiah Zip Code: CA 95482 Phone: 707.462.6694

RECEIVED  
JUL 26 2007  
CALIFORNIA  
COASTAL COMMISSION

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Mendocino

2. Brief description of development being appealed:

CDU 6-2006; Approval of Coastal Development Use Permit to allow construction of an inn on property zoned RMR20:PD\*C1.

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

31502 North Highway 1; APNs 015-380-03, -04, -05; 015-330-13; 015-330-19; 015-330-27; 015-330-28; 015-070-45; 015-070-49; 015-070-51; 015-070-47; 015-070-52

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

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

EXHIBIT NO. 13  
APPEAL NO.  
A-1-MEN-07-028  
JACKSON-GRUBE FAMILY  
APPEAL NO. 4 (MARGERY S. CAHN TRUST & WHITING FAMILY TRUST) (1 of 42)

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

**TO BE COMPLETED BY COMMISSION:**  
APPEAL NO: A-1-MEN-07-028  
DATE FILED: 7/26/07  
DISTRICT: North Coast

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

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

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

6. Date of local government's decision:

June 21, 2007, but final permit &  
notice not issued until July 10, 2007  
(see Exhibit C hereto)

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

CDU 6-2006

**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:

Applicant: Willard Jackson  
P.O. Box 430  
Middlebury, VT 05753

Agent: Bud Kamb, Real Estate Service  
101 Boatyard Drive  
Fort Bragg, CA 95437

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) See attached Section 3 list.

(2)

(3)

(4)

RE: CDU -2006 – Appeal, Section III. Identification of Other Interested Persons

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the county hearing.

Spoke:

1. Judith Whiting, neighboring property owner
2. Steve Walker, neighbor
3. Deborah Cahn, trustee of Margery S. Cahn Trust
4. Judith Vidaver, Friends of Ten Mile; P.O. Box 1006, Fort Bragg, CA 95437

Sent in letter/email:

1. Judith Vidaver, Chief Environmental Officer, Friends of Ten Mile; P.O. Box 1006, Fort Bragg, CA 95437
2. Jill Lopate, [jlope@mcn.org](mailto:jlope@mcn.org) (no known address or ph#)
3. Henrietta Bensussen, [gardnrz2@mcn.org](mailto:gardnrz2@mcn.org) ; P.O. Box 2435, Fort Bragg, CA 95437
4. K. Rudin, [moxie@mcn.org](mailto:moxie@mcn.org); Westport, CA 95488. 707.962.0547
5. Irene D. Thomas, [idthomas@mcn.org](mailto:idthomas@mcn.org) ; 26200 Spruce Lane, Fort Bragg, CA 95437
6. Pilar Gray, [pgray@mcoe.us](mailto:pgray@mcoe.us) ; Resident of Cleone
7. Hyla Bolsta, [hylajack@mcn.org](mailto:hylajack@mcn.org) ; 27760 North Hwy 1, Fort Bragg, CA 95437
8. Linda Jupiter, [Jupiter@mcn.org](mailto:Jupiter@mcn.org) ; 30150 Sherwood Road, Fort Bragg, CA 95437, 707.964-8985
9. Elaine Kirkpatrick, [studioek@mcn.org](mailto:studioek@mcn.org) ; Mendocino coast resident
10. E. John Robinson, [hylajack@mcn.org](mailto:hylajack@mcn.org) ; (no known address or ph#)
11. Lorraine Buranzon, [Lorraine@mcn.org](mailto:Lorraine@mcn.org) ; (no known address or ph#)
12. Margery S. Chan, [margeryC@sonic.net](mailto:margeryC@sonic.net) ; 31400 Highway One, Fort Bragg, CA 95437
13. Rixanne Wehren, Sierra Club, Mendocino Group Trials Committee Chair, 27401 Albion Ridge Road, Albion, CA 95410
14. Judith G. Whiting, 31448 N. Hwy 1, Fort Bragg, CA 95437
15. Teresa Sholars, California Native Plant Society, Rare Plant Coordinator, DKY Chapter, [tsholars@mcn.org](mailto:tsholars@mcn.org) ; P.O. Box 2340, Mendocino, CA 95460
16. Thad M. Van Bueren, M.A., Registered Professional Archaeologist, P.O. Box 326, Westport, CA 95488.

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

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

See attached Section 4.

**Section 4 Reasons Supporting This Appeal:**  
**Re: CDU 6-2006**

In Summary:

1. Approval violates CEQA because:
  - a. The project was approved before a negative declaration was adopted, demonstrating the Planning Commission's lack of concern for environmental issues; and
  - b. Approval of a negative declaration for this project was a prejudicial abuse of discretion because:
    - i. No new hydrological study, required by County Guidelines of 1989, was done for this "Critical Water Area" even though the 13 year old hydrological study relied upon was deficient in many respects and was performed for a project with a maximum demand of 1,800 gpd whereas this project's maximum demand would be approximately 3,000 gpd. The "project" being studied was not accurately described.
    - ii. The record includes substantial evidence that this project will cause significant impacts to coastal views, traffic and water availability that have not been adequately mitigated. An EIR was required by the "fair argument" test.
2. The approved development does not comply with the Mendocino Certified Local Program for these same reasons and for the additional reasons that:
  - a. The project is inconsistent with the zoning of the property (RMR20:PD\*1C) and is not a permitted use within that zone.
  - b. The development may significantly alter existing natural land forms, that is, the existing natural recharge of the area's groundwater may be disrupted to the extent that existing wells are rendered inoperable. This potential significant adverse change should prompt a permit condition requiring the applicant to ensure that the appellants' water supplies are not lost, and if the appellants' wells go dry an alternate supply will be made available to them at no cost to them.
  - c. The development is not compatible with the established physical scale of the area, that is, developing a resort that features 15 bedrooms and as many bathrooms, 7 kitchens and a 733 square-foot spa and an "events center" that will serve 99 people is incompatible with the existing single-family homes in the area, as well as being inconsistent with the zoning. It's incompatibility in this respect is underscored by the County's designation of the area as a "Critical Water Area" in which water supplies are already stretched thin. Any approval of the resort must protect the existing uses; this can be accomplished by conditioning the permit on a water agreement that

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provides an alternate supply if existing wells are unable to provide water to their owners.

Discussion:

On June 21, 2007 the Mendocino Planning Commission approved project CDU6-2006, authorizing applicant Jackson-Grube Family Inc. to build a development, called an "Inn", on the property referenced above. As proposed the project encompassed 17 or 18 bedrooms, 18 bathrooms, 9 kitchens, 6 hot tubs, a plunge pool, and a spa. It also included a catering kitchen, an outdoor activity center and a large conference room (together apparently considered to be an "event center" that will accommodate at least 99 people). And, the project will create approximately 13,500 square feet of landscaping (about 1/3 of an acre). The project area is on land officially designated by Mendocino County as a "Critical Water Area". A hydrological study had been prepared for a similar, but much smaller, project on the same land in 1994; and over Appellants' and others' objections this hydrological study was relied upon for adoption of a negative declaration and for review and approval of this project, whose water demand is much greater, even though the County recognized that its own 1989 Coastal Groundwater Development Guidelines require a hydrological study for commercial projects that will use 1,500 gpd or more. CEQA requires the "project" being acted upon to be accurately described and its – not some smaller project's – impacts to be studied.

Appellants both attended the Mendocino Planning Commission's hearing on the project and objected to its approval without assurances that their water supplies, at adjoining homes they own, would be protected. They objected to the adequacy of the 13 year old hydrological study not only because of the passage of time and possible changes in surrounding circumstances but also because of the greatly increased size and scope of the proposed project from that contemplated in connection with the previous study. The same or similar concerns were also raised by other speakers: Steve Walker, another neighbor, and Judith Vidiver, speaking on behalf of the Friends of Ten Mile. Mrs. Cahn and Mrs. Whiting pointed out during the hearing that wells on single family home lots adjoining the proposed project area now sometimes go dry during the summer months, in dry years – i.e. Mrs. Whiting's well and Mr. Will Jackson's well – they said conditions would be exacerbated by this project.

Deficiencies in the old water study, attached as Exhibit A, include, but are not limited to, the facts that it was based only upon 72 hours of pumping, it contained several recognitions of its own deficiencies, and it contained no support for its bald assertion that operation of the project would not impact nearby wells. It contained no analysis of water supply and impacts in dry years, such as 2006-2007. Because the previous project was much smaller these and other deficiencies could perhaps be overlooked in 1994 or 1995. With a much bigger project and heightened awareness of water supply issues such lack of concern is now unacceptable.

The other major objections made to the project during the hearing centered around its excessive size and its overwhelming impact upon views from Highway 1 to the ocean in this pristine, undeveloped area. Consistently with the zoning of the parcel – RMR20:PD\*1C, which

allows development of a ten unit inn - the 1994 proposal called for "10 units", and a two bedroom manager's unit, which would authorize 10 rental "rooms". (See Exhibit A at page 3.) This proposed project, on the other hand, as mentioned, apparently<sup>1</sup> would have authorized 18 bedrooms and many other improvements, as mentioned above. Even as approved the project clearly has 14 or 15 "units". But, if this is not enough to prove its inconsistency with the definition of "inn-\*1" in section 20.332.015 of the Mendocino County Coastal Zoning Code, the inconsistency is established beyond doubt by the fact that the "event center", including the "catering kitchen", will serve meals to up to 99 guests. An "inn", authorized by the zoning, can serve meals only to "guests occupying the overnight accommodations."

Protestants asserted several other reasons why the development does not conform to the Mendocino LCP. This appeal adopts those objections.

Appellants left the meeting on June 21 thinking their water problem had been solved and that the size of the project had been reduced. The Minutes of the June 21 meeting accurately reflect Mr. Jackson testifying as follows:

Mr. Jackson came back to the podium and stated they would be willing to comprise and give up three units on the north side of the building. He noted he has assured the neighbors he will share water, . . . (Emphasis added.)<sup>2</sup>

They were surprised to learn on July 13, when they received the County's notice to the Coastal Commission, dated July 10, that the County, while adopting a condition to reduce the number of units by 3, did not require the developer to enter into a watersharing agreement. As approved by the Planning Commission, the proposed project is subject to an added condition, #13, which provides that:

The Commission encourages the applicant offer [sic] a watersharing agreement to the immediate neighbors to ensure long term availability. (Emphasis added.)

(The Minutes of the Planning Commission are attached hereto as Exhibit B); a Notice of Final Action dated July 10, 2007 is attached hereto as Exhibit C.)

Appellants did not appeal to the County within 10 days following June 21, because they thought their main issue - their water - had been taken care of. It is Appellants' position that if

<sup>1</sup> "Apparently" is used because the project descriptions in the published notice of the Planning Commission hearing, the Staff Report for the project, and the Notice of Final Action are so different as to preclude anyone from being able to understand them.

<sup>2</sup> In fact, no written agreement had at that time been offered. Since that time, Mr. Jackson has offered, through his agent, a written agreement that merely allows appellants to seek water on Jackson property if their wells become affected. In essence, this is a "hunting license" that would allow appellants to spend their own money to remedy a problem created by the Jackson resort, and to do so on land that would demonstrably have already been depleted of groundwater (otherwise, the recharge to appellants' wells would not already have been lost).

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they are denied the right of appeal to the Board of Supervisors by the Planning Commission's delay until July 10 in publishing a Notice of Final Decision, which reveals a decision different from what they reasonably thought had been made, and the County's publication of conflicting descriptions of the project; they have been denied due process of law.

Appellants intend to appeal to both the Board of Supervisors and to the Coastal Commission to protect their right to an appeal. They intend to raise all the issues available to them.

Appeal directly to the Commission within 10 working days of July 13, 2007, when the Commission received notice of the Planning Commission's action, is appropriate because the County imposes a fee for an appeal to the Board of Supervisors.

Appellants request that any hearing held on their appeal be held as near as possible to the site of the project.

8 of 42

ORIGINAL

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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

  
 \_\_\_\_\_  
 Signature on File  
 \_\_\_\_\_  
 Signature of Appellant(s) or Authorized Agent  
 Date: 7-24-07

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

Section VI. Agent Authorization

I/We hereby authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

 Carter, Vannucci & Homsen LLP

\_\_\_\_\_  
 Signature on File trustee of the  
 signature of Appellant(s) Margery S Caber Trust

Date: 7/17/07

9942

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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

\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

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

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

Section VI. Agent Authorization

I/We hereby  
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Carter, Vannucci & Tomson LLP

Signature on File *the Whiting Farm*  
*Rev. To*  
Signature of Appellant(s) *Margery S. Cahn Trust*

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

7/17/07

*10942*

# Clark Engineering & Hydrology

WATER TREATMENT    WATER DISTRIBUTION    HYDROLOGY    FEASIBILITY STUDIES    DESIGN/SPECIFICATIONS  
(707) 743 2821    (800) 200 0426

APRIL 3, 1995

Dave Paoli  
Paoli Professional Services  
P.O. Box 737  
Fort Bragg, CA 95437

Re: Hydrological Study - Jackson

Dear Mr. Paoli:

I have completed a hydrological study of Assessor Parcels 015 380 05, 015 070 45, and 015 070 51. In my opinion, there is an adequate supply of water for the proposed Inn facility. Pumping underlying groundwaters from the test well for your proposed Inn will not deplete adjacent groundwater supplies, nor will it cause an undesirable result.

Enclosed with this letter is the study report.

Very truly yours,



Donald Clark, PE



CLARK ENGINEERING & HYDROLOGY  
9470 MAIN  
PO BOX 10  
POTTER VALLEY, CALIFORNIA 95469

## HYDROLOGICAL STUDY

of

AP 015 380 05  
AP 015 070 45  
AP 015 070 50  
Mendocino County

31502 N. Highway 1  
Fort Bragg, CA 95437

for

Jackson-Grube Family, Inc.  
Willard Jackson, President  
P.O. Box 430  
Middlebury, VT 05753

OCTOBER 1994

RECEIVED  
JUN 18 1995

BY \_\_\_\_\_  
PLANNING & BUILDING SERVICES  
Ukiah, CA 95422

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## SUMMARY

This site-specific hydrologic study considers about 200 acres contained in 3 assessor parcels located north of Fort Bragg and along the ocean. The subject parcels will be developed as follows:

- \* AP 015 380 05, the ocean front parcel, will contain the Inn at Newport, a two-story old home that will be remodeled to contain two guest rooms, managers quarter, office and dining area. The complex will also contain 8 separate guest cottages, several outbuildings, and two water storage tanks.
- \* AP 015 070 45, east of Highway 1, is used for cattle grazing. Its function in this project is that a small section of pipeline from the well to the Inn complex will cross this parcel.
- \* AP 015 070 51, east of Highway 1, is also used for cattle grazing. The existing spring serving the present Inn facility is located here, and the new well and observation well that were used in this study are also located here.

All three parcels, as well as neighboring parcels, depend upon groundwater for their supply. They lie within an area defined by the State Department of Water Resources as a "Critical Water Resource."

This report considers impacts upon the groundwater resource by a planned increase in groundwater consumption. Most of the groundwater lying beneath the subject parcels comes from rain which falls upon the parcels and percolates downward to refresh substrata called aquifers. Soil strata at or near the surface yields most of the groundwaters being pumped.

A pump test at a well provided principal resource data for this study. Aquifer characteristics were computed or estimated from collected data observed at the test well and at an observation well. At the time of testing, well yield was about 6 gpm or 8,640 gpd. Long-term yields, estimated from test data, exceeds anticipated demands for the planned development.

13242

Well yields in the area of the study (Hydrological Unit) normally are very small, 200 to 600 gpd. Some will, however, have higher yields. The well pumped for this report has a yield that exceeds 8,000 gpd, which exceeds the peak requirement of 2,000 gpd.

For reasons explained in the report, withdrawing groundwater for the planned developments will not adversely affect groundwater supplies in the area of the project nor significantly impact the environment. A significant interference with any neighboring well because of groundwater pumping will not occur -- the nearest well is about 1/2 mile away.

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## INTRODUCTION

### *Project Location*

The project lies adjacent to Highway 1, about 10 miles north of the City of Fort Bragg and within Section 20, T. 20 N., R. 17 W., M.D.M.. Figure 1 shows the USGS topographic map for the project area.

### *Water Source*

Potable water supplies depend entirely upon groundwaters coming from wells and springs in the area of consideration. Development has been restricted to rural residential and ranching (livestock grazing). Subsurface disposal of domestic wastewater (domestic-strength sewage) influences water supplies local to the project.

The property lies within an area described by the State Department of Water Resources as Critical Water Resource or CWR.<sup>1</sup>

### *Groundwater Source*

The coastal zone sees recharge from rainfall generally from November through April. This rainfall, some of which infiltrates the surface soils and percolates downward, recharges the groundwater reservoir. After rainfall stops, water tables decline from evapotranspiration (ET), pumping, and drainage to the ocean. The higher elevation inland, away from land's end, see more decline than lower elevations near drainage ways, streams, or the ocean that are recharged from groundwaters originating, or recharged, at higher elevations. Aquifers tapped by domestic wells in the study area have a complex lithology. Homogeneity and isotropic conditions exist only over small areas. Near-surface groundwater depletion occurs by natural and artificial withdrawals and areal movement to surface water bodies.

One study that addresses<sup>2</sup> groundwater hydrology on the coast of Mendocino County states:

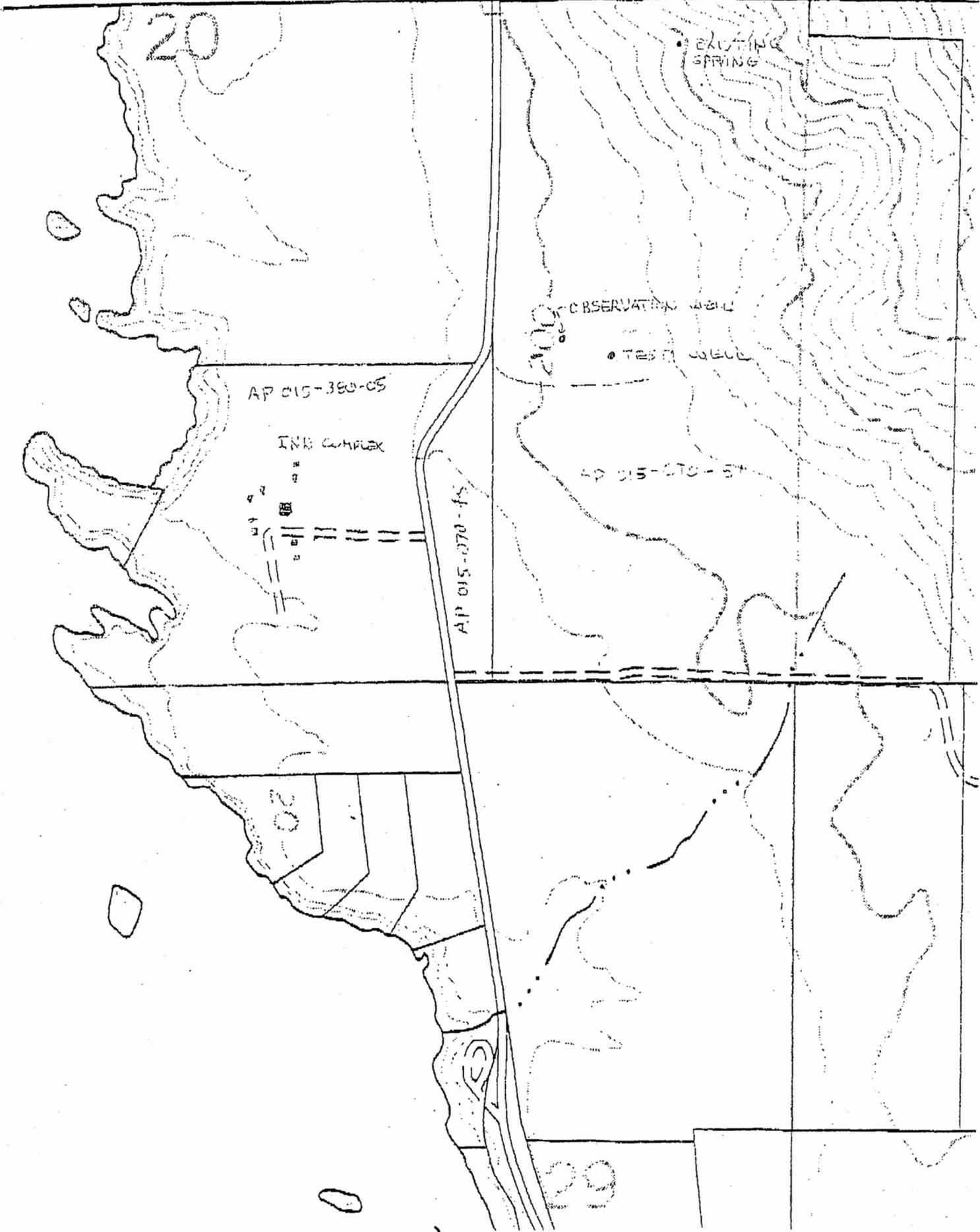
"Average annual precipitation along the Mendocino County coast is about 97 cm (38 in), occurring mostly from October to May. Estimated average annual ET for this climatic zone, which is vegetated with grass, brush, and forest, is about 40 cm

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<sup>1</sup> "Mendocino County Coastal Ground Water Study," State of California Department of Water Resources, June 1982

<sup>2</sup> *ibid.*, page 10.

15 of 42  
1



16 of 42

(16 in). Thus, about 57 cm (22 in) of precipitation is, in normal rainfall years, available for ground water recharge and surface runoff. Runoff is slow to medium because of the soil type and vegetation and is estimated to about 26 cm (10 in). The remaining 31 cm (12 in) is available for ground water recharge."

From the same reference on page 29:

"Analyses of all ground water level data collected over the term of this investigation, beginning in July 1979, indicate that the terrace deposit aquifers and fractured and weathered bedrock reservoirs are fully recharged with normal rainfall. The factor that will determine if and when water shortages will occur is the timing of the last significant rainfall of the season. In the absence of sufficient rainfall, ground water discharge will exceed recharge and the water table will decline. If rainfall for the months of April and May are significantly below normal (7.5 cm [2.96 in] and 3.3 cm [1.29 in], respectively), one should expect a greater occurrence of dry wells along the coast. Conversely, if spring rainfall is above normal, with June receiving normal (1.2 cm [0.48 in]) rainfall or above, water shortages should be minimal or nonexistent."

*Owner Needs*

Livestock are presently watered by live surface streams, and continuance of this practice is anticipated. Livestock water source and demand will remain unchanged by the planned Inn. The planned Inn will have 10 units. The demand will be based upon Mendocino County guidelines:

Table 1  
Maximum Day Demand

Use	Quantity	Rate	Maximum Day Demand (gallons)
Rooms	10	140 gpd/unit	1,400
2-bedroom Manager's Quarters	1	300 gpd	300
Miscellaneous			100
		Total	1,800

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If the entire year used the maximum day demand, a total of 657,000 gallons or 2.02 acre-feet would need to be pumped. This can be compared with the average annual demand, estimated by scaling back the maximum demands:

Table 2  
Average Annual Demand

Source	Volume (gallons)
Rooms @ 70% occupancy	358,000
Managers quarter @ 100% use	110,000
Miscellaneous @ 70%	26,000
Total	494,000 (1.51 acre-feet)

### PHYSIOGRAPHY

An old ocean terrace sloping gently west and northwest from elevation 240 feet along the base of the hills east of the subject well to elevations of 100 feet at the ocean bluff. Weakly developed surface drainages trend southwesterly toward the Pacific Ocean. Reconnaissance of the site did not reveal evidence of slope instability problems.

### GEOLOGY

Geology in the area of the project has been described as follows:

- The area east from the San Andreas Fault zone, located about 4 miles off the coast, is generally composed of Franciscan bedrock.
- Coastal Marine Terraces extending inland several miles in step like fashion. They evolved from a process of tectonic uplift and fluctuating sea levels interacting over geologic time.
- Coastal Marine Terrace deposits are composed of sands and gravel that overlie Franciscan bedrock.
- Shallow soils have developed on Terrace deposits.

Terrace deposits are reported to consist generally of well-sorted unconsolidated sands and sandy gravel, one and one-half to twenty feet thick. In and near the project, they have been cut down into minor swales by forces of erosion resulting from precipitation and surface runoff.

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## GEOHYDROLOGY

The aquifer, at least down to the depth of sea level, in the study area is nonhomogeneous and nonisotropic, with some exceptions over small areas. It is made up of lenses of different materials formed by geologic processes over many millenniums. Water occupies the interstices of diverse materials, composition, and structural makeup. It therefore seems that wells penetrate individual aquifers having separate pockets of water, whereas in general, they really don't. It also explains why well yields can abruptly change in a short distance.

Permeable and non-permeable layers of the subsurface are of varying thickness, and are not necessarily horizontal. It is not unusual for the groundwater to be forced to the land surface forming ponds, springs, etc.

## HYDROLOGY

### *Surface Water*

The nearest major "blue-line" streams to the parcels are Abalobadiah and Kibesillah Creek. Kibesillah is  $\pm 5,000$  feet to the north. Abalobadiah Creek, is some 4,000 feet to the south. Both perennial streams discharge to the Pacific Ocean.

A small perennial stream not shown as a blue line stream lies about 3,500 feet north of the subject well. This stream is the major source of water for the livestock. A small gulch about 2,500 feet from the subject well contains the developed spring presently serving the Inn complex. Yield from the spring was measured by David E. Paoli, P.E., in August of 1992 at 1,300 gpd.

### *Groundwater*

Groundwater quality and movement beneath the project relate intricately with subsurface geology. Because the underlying Franciscan Complex is largely impermeable to groundwater movement, the major water-producing aquifer is the overlying Terrace deposit. Groundwater recharge in the Terrace aquifer comes when a significant amount (about 10") of rainfall has fallen, and, to a limited extent, from surface streams during periods of high flow. Groundwater moves through the study parcels in a west by northwest direction to the ocean.

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5

Groundwater quality in the area of the study suffers from the presence of iron. Seawater intrusion is not a problem in the study area.

## WELL HYDROGEOLOGY

The pump test included observations of discharge with time and depths to water from the top of casing (TOC) at the test well. In addition, observations of depth to water were made at an observation well.

There are other wells in the project area. They were not monitored because they are a long distance (greater than 2,000 feet) from the tested wells. Test pumping probably would not draw down these wells.

Water Well Drillers Report for the test well shows clay to a depth of 20 feet, followed by gravel to a depth of 40 feet and then sandstone to 60 feet. For the observation well, clay occupies the top 22 feet which overlies gravel to a depth of 31 feet and then sandstone to 100 feet. Note that the observation well is deeper than the test well. Both wells were cased with 5 inch PVC, slotted at appropriate depths.

## PUMP TESTS

Duration of pumping for the test well was 72 hours. During each test, pumped groundwater was conveyed to a point 200 feet away from the well. A hydrological study requires test pumping to answer two questions: What is the yield of the well under dry hydrological conditions? What impacts upon surrounding water

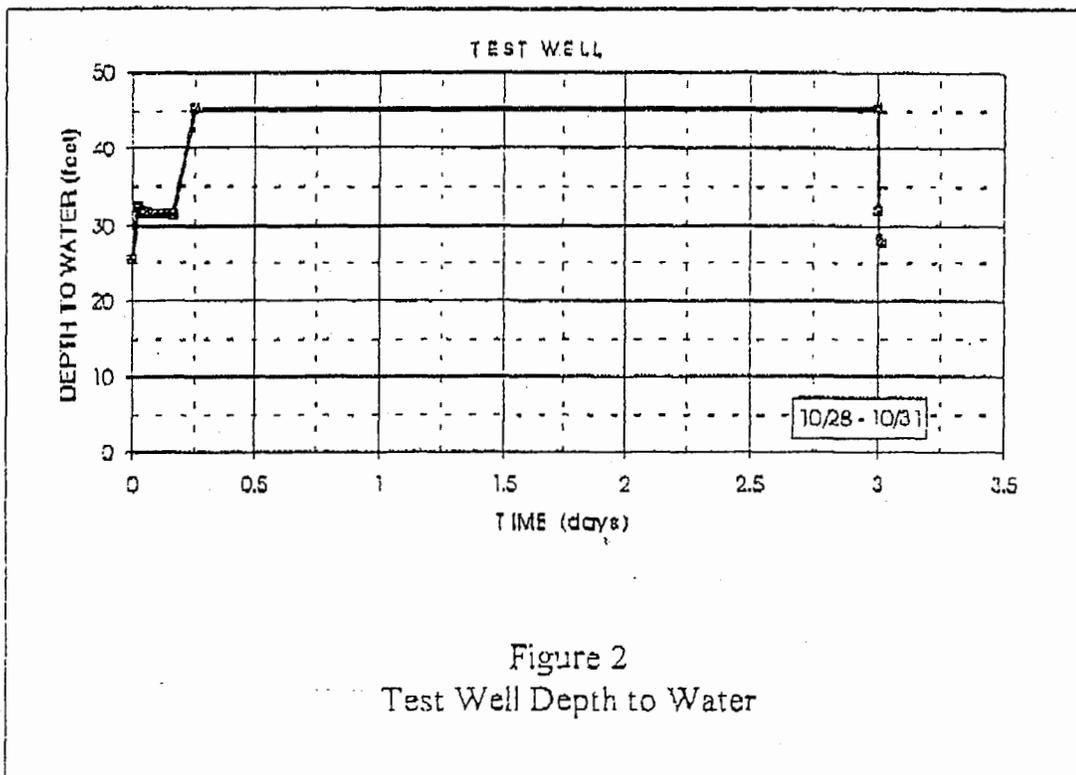


Figure 2  
Test Well Depth to Water

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resources would occur if groundwater, pumped from the subject well, supplied the planned improvements?

## FIELD OBSERVATIONS

### Test Well

Depths to water are shown in Figure 2. It shows the depth to water decreasing after an initial pumpdown, and then it finally increases to about

45 feet where it stabilizes at the pump setting. This unusual behavior resulted from an attempt to do a step-drawdown pump test. Because the pumping rate was not constant, there are no drawdown data for computing transmissivity.

Figure 3 shows that during recovery 3 data points were obtained which can be analyzed for transmissivity and the ratio of storage during recovery to storage during drawdown. The derived value of transmissivity is comparable to that obtained from the observation well during drawdown. The

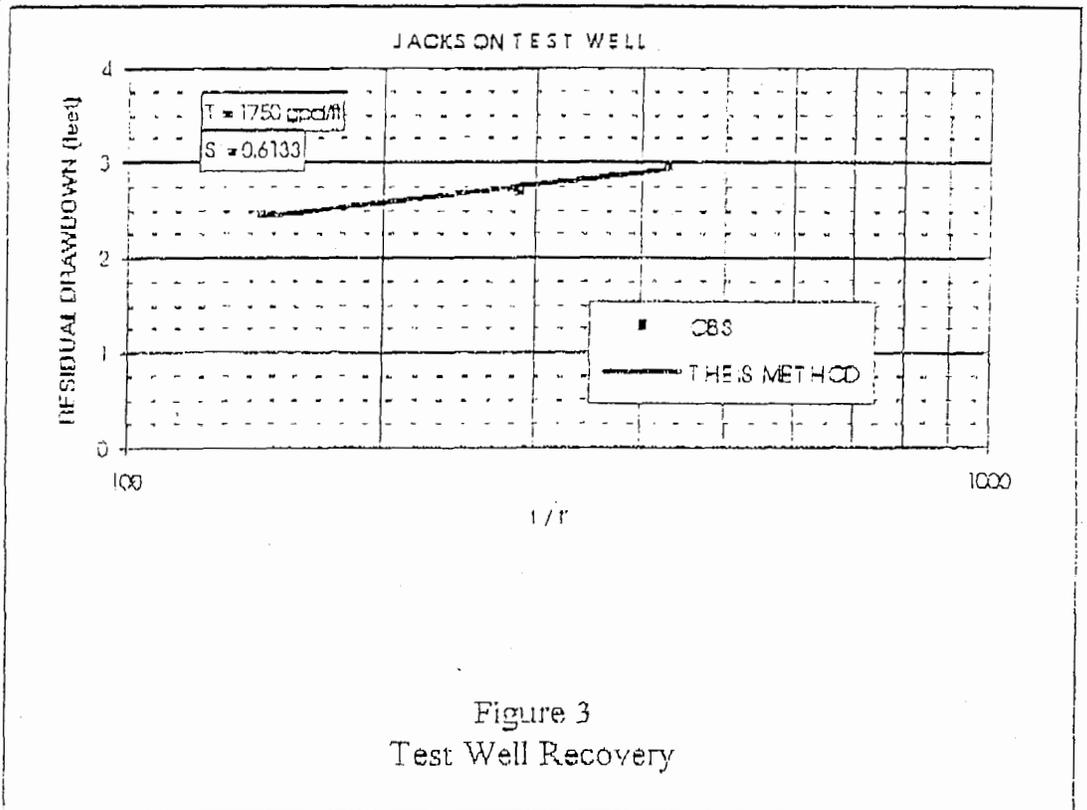


Figure 3  
Test Well Recovery

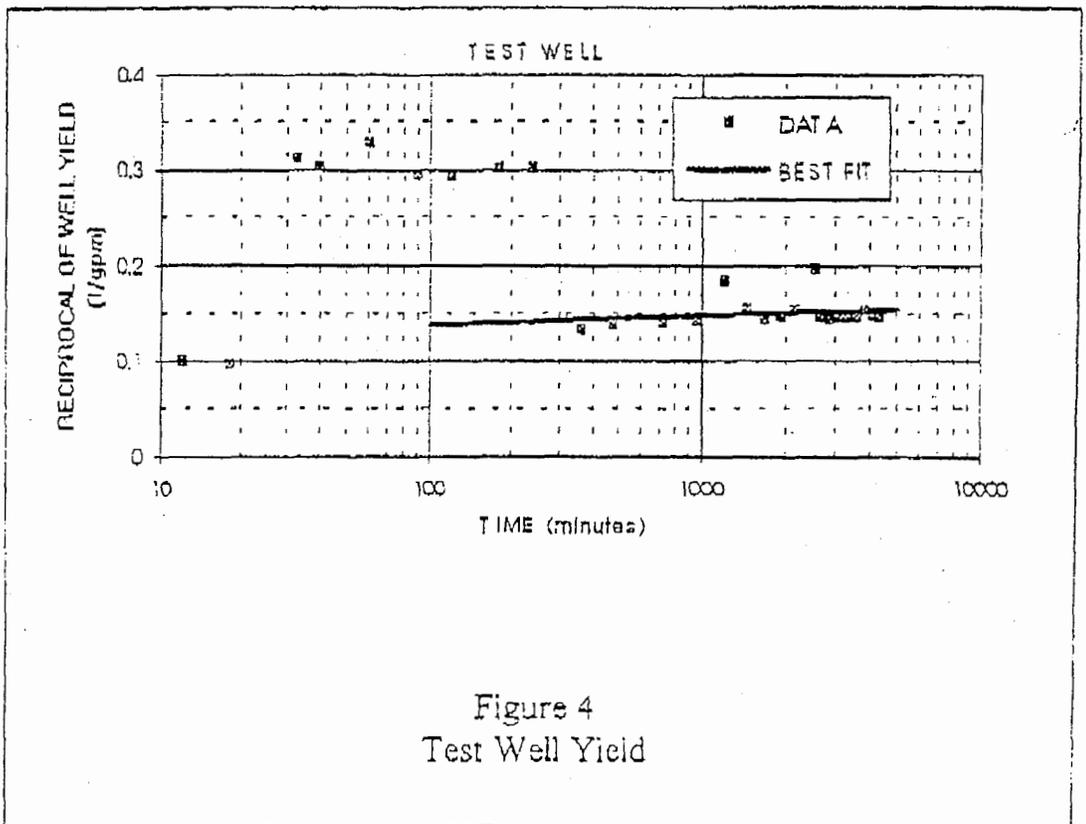


Figure 4  
Test Well Yield

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analytical conclusions for only 3 data points cannot be considered as reliable, but it does reinforce the conclusions from analyzing other data.

Figure 4 shows how the yield of the well varied with time. The graph is typical of wells. The hydraulic grade line slope decreases with time and thus the yield decreases.

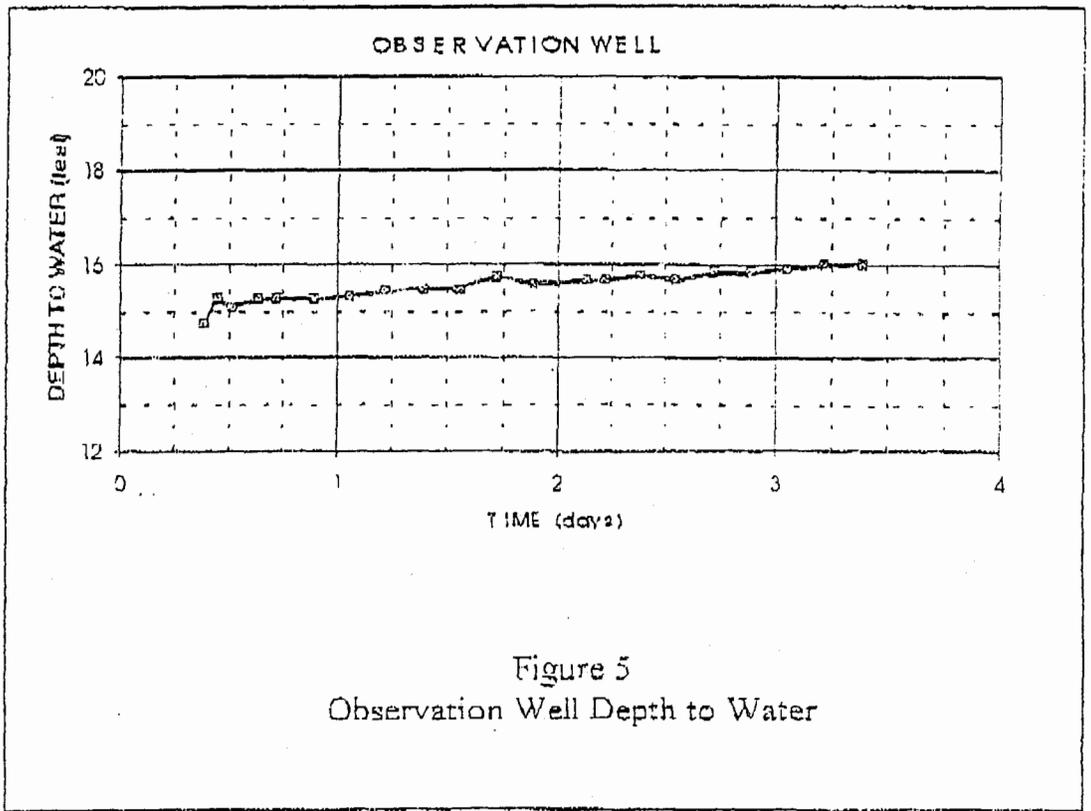


Figure 5  
Observation Well Depth to Water

The data significantly changes after the first 300 minutes due to a change in equipment setting. The majority of the data, after 300 minutes, represents a time span of about 4,000 minutes, and it is consistent. It was therefore decided to use the data after 300 minutes to derive the yield of the well.

The apparent yield of the well depends upon the

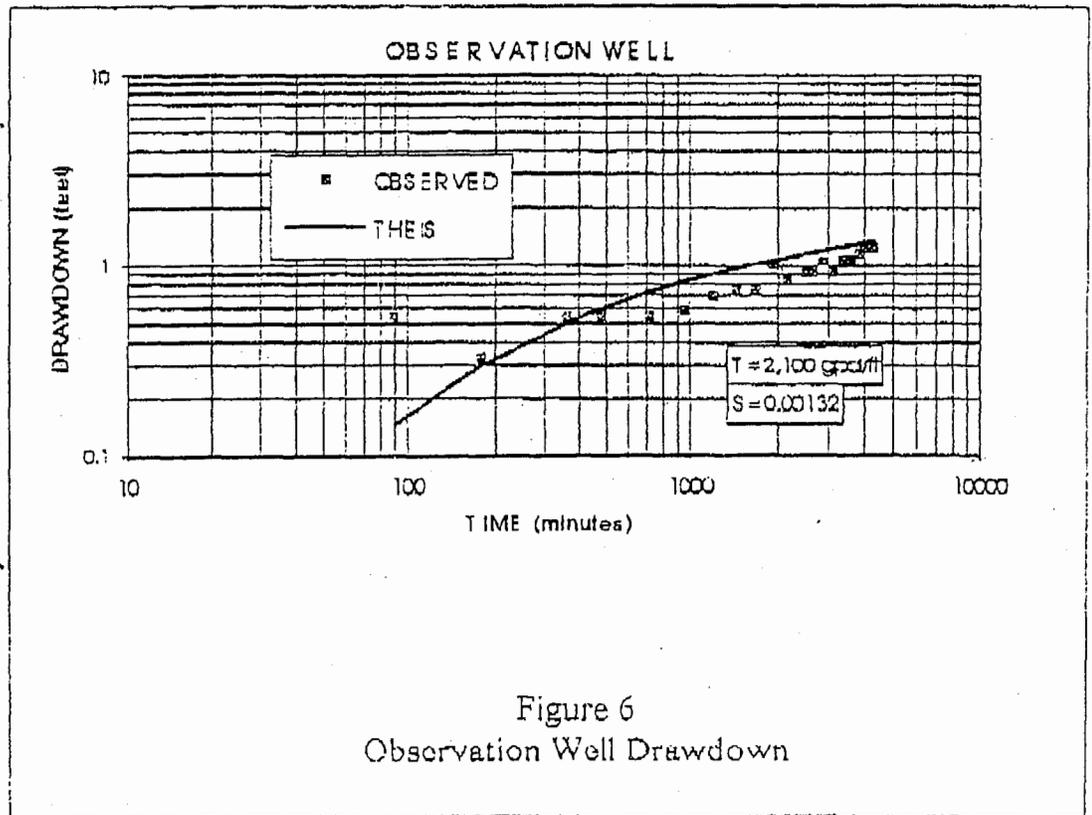


Figure 6  
Observation Well Drawdown

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8

amount of pumpdown. In this case, the pump was set near the well bottom which would maximize the well yield.

*Observation Well*

Figure 5 shows the depth to water for the observation well. The depth began increasing almost immediately after pumping began, indicating that the test and observation wells share a confined aquifer. The total change in depth to water is about 1 foot. The deviation from a straight line are due to errors in measurement. The individual errors tend to cancel each other out and the overall analysis or "big picture" provides a reliable conclusion.

Figure 6 shows the drawdowns computed from the observations of depth to water. Recovery data was not collected.

**DERIVED CHARACTERISTICS**

Transmissivity was derived from the test well recovery data, from the well yield, and from drawdown data measured at the observation well. These derivations are based upon the Theis equation which assumes ideal aquifer conditions. The storage coefficient or storativity was derived from the drawdown data observed at the observation well.

Well yield derived by observing the pumping rate with time as the pumpdown within the well was kept at a nearly constant level.

Table 3  
Derived Aquifer Characteristics

		Transmissivity (gpd/ft)	Storage Coefficient
Test Well	Recovery	1,750	--
Test Well	Yield	1,300	--
Observation Well	Drawdown	2,100	0.00132

Table 4  
Estimated Well Yield

Well Yield

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9

Time After Pumping Begins (days)	(gpm)	(acre-foot/year)
End of Test	6.5	10.49
30	6.1	9.85
60	5.99	9.67
90	5.93	9.57
180	5.82	9.39

## WATER BUDGET

A water budget accounts for water flowing into and out of a chosen area or volume of study. It offers a look at how a new well may affect existing water availability. A groundwater budget should consider at least the following factors:

Discharge	Recharge
<ul style="list-style-type: none"> <li>• Pumping</li> <li>• Diffuse groundwater flow</li> <li>• Evapotranspiration</li> <li>• Evaporation</li> <li>• Springs</li> </ul>	<ul style="list-style-type: none"> <li>• Deep percolation from precipitation</li> <li>• Diffuse groundwater flow</li> <li>• Irrigation</li> <li>• Septic leach fields</li> </ul>

In an unchanging, or static, environment, groundwater storage will change very little over a prolonged period, e.g., 10 years. The average level of the groundwater table thus will remain nearly constant. A change in any of the above inflows/outflows will cause an imbalance and subsequent change of storage or groundwater level until a new equilibrium occurs.

The test well has demonstrated adequate yield. The recovery rate being somewhat slow indicates the aquifer area within which the relatively high transmissivity was measured may be somewhat limited.

### *Demand*

As discussed previously, the average demand will be about 1.5 acre-feet.

10  
24 of 42

### *Recharge*

According to the reference discussed previously, about 32% of rainfall may be expected to become deep percolation and reach the water table. The area needed to recharge the average demand can be computed:

$$\frac{2.02 \text{ acre-feet}}{32\% \cdot 38''} \implies 1.99 \text{ acres}$$

Thus, only a relatively small area is needed to actively recharge the cone of influence. This supports the opinion the well can provide the average demand over a prolonged period, including droughts, as a much larger area probably will be drawn upon by the well.

### *Aquifer Volume*

The volume of groundwater storage available to the well for the above area can be computed:

$$20\text{ft saturated thickness} \cdot 5\% \text{ effective porosity} \cdot 1.99 \text{ acres} \implies 1.99 \text{ acre-feet}$$

This would be the minimal storage available as the influence of the well can be expected to extend beyond the minimally needed area

## CONCLUSIONS AND RECOMMENDATIONS

### *Hydrological Studies*

Other studies in the project area show conditions very similar to those at the subject parcel.

### *Water Source*

Potable water comes from subsurface deposits known as aquifers. Rainfall replenishes (recharges) the aquifers each year. The amount of recharge depends upon the amount of rainfall and when precipitation occurs. Late spring rains are particularly beneficial in keeping water tables up during late summer and fall when their maximum decline occurs. Terrace deposits are the principal water-bearing strata, or aquifer. Some wells, however, depend upon rock for their source, and invariably they have small yields.

In the area studied, pumped groundwater frequently comes from shallow, dug wells. The newer wells, constructed by drilling, are deeper, and they usually are 60 feet or more in depth.

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## Water Quality

Although water quality is not an issue, the presence of iron does irritate home owners. Taste can be a problem as well as stains on plumbing fixtures.

## Derived Characteristics

The derived transmissivity is in the range of 1,500 to 2,000 gpd/ft, an excellent value. Storage is also very good

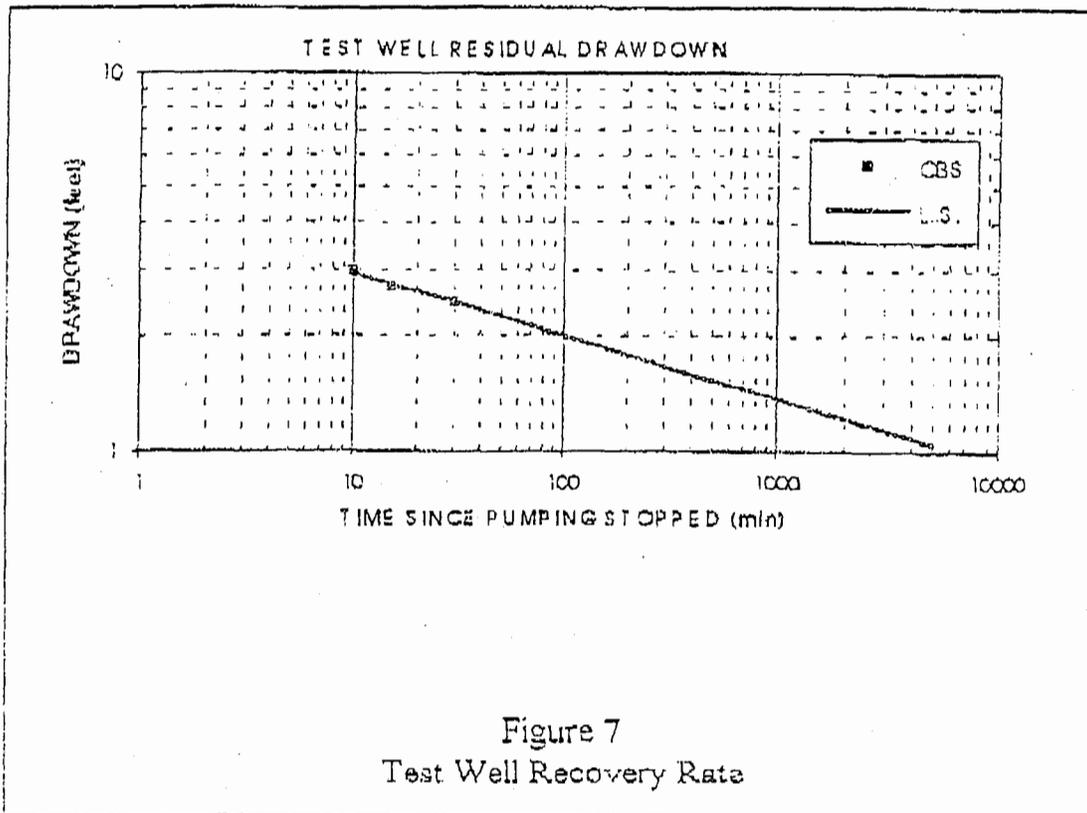


Figure 7  
Test Well Recovery Rate

at 0.00132. These values do not correlate well with the slow recovery rate. According to Figure 7, about 6 days would be needed to recover to a residual drawdown of 1 foot. The observation well would recover slowly, also. Since the recovery well drawdown was small, its recovery would be small -- and initial valves were within the accuracy of the observation measurements.

## Owner Needs

The demand for an Inn planned for development will require 1.51 acre-feet/year.

## Water Budget

Demand- 1.51 acre-feet/yr

Test well yield- at least 10 acre-feet/yr

Groundwater storage- 1.99 acre-feet

## Impacts

Surface water runoffs do not pose a hazard at the project. Storing and using surface water to supply the planned Inn is feasible, but this would require treatment.

Developing groundwater removal for the planned development will not impact neighbors who also pump groundwater. Demands are small and distances and geohydrological conditions are such that neighboring wells will not be impacted.

27042

ORIGINAL  
File with DWR

STATE OF CALIFORNIA  
**WELL COMPLETION REPORT**  
Refer to Instruction Pamphlet

DWR USE ONLY - DO NOT FILL IN

STATE WELL NO./STATION NO.

LATITUDE \_\_\_\_\_ LONGITUDE \_\_\_\_\_

APN - TRACT - OTHER \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

Owner's Well No. \_\_\_\_\_

Date Work Began 25 Oct 94 Ended 25 Oct 94 No. 419973

Local Permit Agency Health Dept

Permit No. 10700 Permit Date 24 Oct 94

DEPTH FROM SURFACE		DESCRIPTION <small>Describe material, grain size, color, etc.</small>
ft.	ft.	
0	3	Brown sandy top soil
3	8	Brown sandy clay
8	14	Tan clay
14	20	Gray clay & gravel
20	26	Light clay and gravel
26	31	Gray gravel
31	100	Gray sandstone

**WELL OWNER**  
Name Will Jackson

Mailing Address Bx 430  
Market Inn City CA STATE 0575

**WELL LOCATION**  
Address 31889 N. Hwy 1  
City Ft. Bragg  
County Maricopa  
APN Book 015 Page 070 Parcel 51  
Township 20N Range 17W Section 20  
Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

**LOCATION SKETCH**  
NORTH \_\_\_\_\_ SOUTH \_\_\_\_\_

Illustrate or Describe Distance of Well from Landmarks such as Roads, Buildings, Fences, Rivers, etc. PLEASE BE ACCURATE & COMPLETE.

DRILLING METHOD Rotary FLUID air

WATER LEVEL & YIELD OF COMPLETED WELL  
DEPTH OF STATIC WATER LEVEL 15 (ft.) & DATE MEASURED 26 Oct 94  
ESTIMATED YIELD 7 (GPM) & TEST TYPE Beil  
TEST LENGTH 1 (Hrs.) TOTAL DRAWDOWN 70 (ft.)

\* May not be representative of a well's long-term yield.

DEPTH FROM SURFACE ft. to ft.	BORE-HOLE DIA. (Inches)	CASING(S)						DEPTH FROM SURFACE ft. to ft.	ANNULAR MATERIAL TYPE			
		TYPE (Z)	MATERIAL/ GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	CE-MENT (Z)		BEN-TONITE (Z)	FILL (Z)	FILTER PACK (TYPE/SIZE)	
0 - 20	9 1/2	X	P4780	5	5/8 x 21	—	0 - 20	X				
20 - 99	7 1/2	X	"	"	"	0.035	20 - 40			X	8 1/2 x 20	
							40 - 99			X	gravel	

- ATTACHMENTS (Z)**
- Geologic Log
  - Well Construction Diagram
  - Geophysical Log(s)
  - Soil/Water Chemical Analysis
  - Other \_\_\_\_\_
- ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

**CERTIFICATION STATEMENT**

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Kellen Pump & Drilling  
(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)

ADDRESS Bx 272 City Ft. Bragg CA STATE CA ZIP 95432

Signed [Signature] DATE SIGNED 28 Oct 94 325572  
WELL DRILLER/AUTHORIZED REPRESENTATIVE

28442

ORIGINAL  
File with DWR

STATE OF CALIFORNIA  
WELL COMPLETION REPORT  
*Refer to Introduction Pamphlet*

249 USE ONLY - DO NOT FILL IN

STATE WELL NO./STATION NO.

LATITUDE LONGITUDE

APN/TRE/OTHR

Page      of       
 Owner's Well No.       
 Date Work Began 26 Oct 94 Ended 26 Oct 94 No. 419974  
 Local Permit Agency Health Dept  
 Permit No. 1021 Permit Date 24 Oct 94

GEOLOGIC LOG

ORIENTATION (Z)		VERTICAL	HORIZONTAL	ANGLE	(SPECIFY)
DEPTH TO FIRST WATER (F) BELOW SURFACE		DESCRIPTION			
Describe material, grain size, color, etc.					
DEPTH FROM SURFACE	FI.	TO	FI.		
0	2			Brown sandy topsoil	
2	8			Brown clay	
8	10			Tan clay	
10	12			Gray clay	
12	14			Gray clay and gravel	
14	22			Brown clay	
22	40			Gray gravel	
40	60			Gray sandstone	

WELL OWNER

Name Will Jackson  
 Mailing Address Bx 430  
Middlebury VT. 05753  
 CITY STATE ZIP

WELL LOCATION

Address 31858 N. Hwy 1  
 City Ft. Bragg  
 Country Montana  
 APN Book 015 Page 070 Parcel 51  
 Township 20N Range 74W Section 20  
 Latitude 46° 07' N Longitude 108° 07' W

LOCATION SKETCH

NORTH

WEST

EAST

SOUTH

Illustrate or Describe Distance of Well from Landmarks such as Roads, Buildings, Fences, Rivers, etc. PLEASE BE ACCURATE & COMPLETE.

ACTIVITY (Z)

NEW WELL

MODIFICATION/REPAIR

Deepen

Other (Specify)

DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")

PLANNED USE(S) (Z)

MONITORING

WATER SUPPLY

Domestic

Public

Irrigation

Industrial

"TEST WELL"

CATHODIC PROTECTION

Other (Specify)

Test Well

DRILLING METHOD Rotary FLUID MUD

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH OF STATIC WATER LEVEL 20 (Ft.) & DATE MEASURED 26 Oct 94

ESTIMATED YIELD 5 (GPM) & TEST TYPE Bar

TEST LENGTH 1 (Hrs.) TOTAL DRAWDOWN 20 (Ft.)

\* May not be representative of a well's long-term yield.

TOTAL DEPTH OF BORING 60 (Feet)  
 TOTAL DEPTH OF COMPLETED WELL 60 (Feet)

DEPTH FROM SURFACE	BORE-HOLE DIA. (Inches)	CASING(S)						DEPTH FROM SURFACE	ANNULAR MATERIAL					
		TYPE (Z)				MATERIAL/ GRADE	INTERNAL DIAMETER (Inches)		GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	TYPE			
FI.	TO	FI.	TYPE	TYPE	TYPE			TYPE			FI.	TO	FI.	CE- MENT (Z)
0	20	9 1/8	X		F480	5	S0R21		0	20	X			
20	40	"	X		"	"	"	0.032	20	60		X	8x16 mesh	
40	60	"	X		"	"	"	0.035						

ATTACHMENTS (Z)

Geologic Log

Well Construction Diagram

Geophysical Log(s)

Soil/Water Chemical Analyses

Other

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Kelly Pump & Well Drilling  
 (PERSON, FIRM, OR CORPORATION) (TYPE OR PRINTED)

ADDRESS Bx 222 Ft. Bragg MT 59437  
 CITY STATE ZIP

Signed [Signature] DATE SIGNED 28 Oct 94 C-57 LICENSE NUMBER 3255-12

29442

associated with the required inspection(s). Prior to performing any work in the County right-of-way, an encroachment permit shall be secured from the Department of Transportation.

20. In the event 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.
- \*\*21. The subdivider shall comply with the recommendations in the California Department of Forestry and the Fort Bragg Rural Fire Department of February 3, 2005 or other alternatives as acceptable to the Department of Forestry (CDFA 971-05) and the Fort Bragg Fire District. Written verification shall be submitted from the Department of Forestry and the Fort Bragg Fire District to the department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry and the Fort Bragg Fire District.

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

ATTENDEES: Little, Calvert, Bailey, Moser, Edwards, Nelson, and Warner  
NOES: None  
ABSENT: None

Sec 5d. **CASE#: CDU 6-2006**

DATE FILED: 3/23/2006

OWNER: JACKSON-GRUBE FAMILY, INC.

AGENT: BUD KAMB REAL ESTATE SERVICES

REQUEST: Coastal Development Use Permit to build a 10-unit inn in 2 phases. Phase I to consist of the demolition and reconstruction of the former Orca Inn into a main unit of 2,961 square feet (3 bedroom /3 bathroom/downstairs area including kitchen, dining and reception rooms). The north end of the structure would include an upstairs unit of 1,089 square feet (2 bedroom/2 bathroom/kitchen) and downstairs unit of 833 square feet (1 bedroom/1 bathroom/kitchen). In addition, a 1,276 square foot two floored managers unit (2 bedroom/3 bathroom/kitchen); 1,269 square foot equipment barn; 648 square foot maintenance shop; and a 240 square foot generator/pump shed are proposed as part of the first phase. Phase II would consist of 7 units with 3 added to the main building in two storied units of 954 square feet (1 bedroom/1 bathroom/kitchen); 951 square feet (1 bedroom/1 bathroom/kitchen); and 820 square feet (1 bedroom/1 bathroom/kitchen); 2 units within a detached bunkhouse of 531 square feet (1 bedroom/1 bathroom/kitchen) and 757 square feet (2 bedroom/1 bathroom/kitchen); and 2 separate cottages of 835 square feet (2 bedroom/1 bathroom) and 915 square feet (2 bedroom/1 bathroom), respectively. A 778 square foot spa, wells, septic systems, roads and underground utilities are also proposed within the approximate 3.7-acre area of development.

LOCATION: Within the Coastal Zone, 4± miles south of Westport, 1± north of Abalobadiah Creek, approximately 700 feet west of Highway 1, located at 31502 North Highway 1; APNs 015-380-03, 015-380-04, 015-380-05, 015-330-13, 015-330-19, 015-330-27 and a portion of 015-330-28, 015-070-45, 015-070-49, 015-070-51, and portions of 015-070-47, and 015-070-52.

PROJECT COORDINATOR: JOHN SPEKA

Mr. John Speka, project coordinator, reviewed the staff report. He noted the dozen plus emails received from residents concerned with the size of the project, location in a scenic area, traffic impacts, inadequate hydro study and additional letters from a botanist and archaeologist, which stated the botanical survey and archaeological review were inadequate. Also noted was the memo dated June 15, 2007, which clarified condition #A8, the date of CDF letter, condition #B3 regarding the Air Quality Management District regulations to review and approve all wood burning appliances, and an additional condition to limit large gatherings to 99 persons, with anything larger requiring an additional permit. One final condition was also recommended to ensure that the recent recycle reuse ordinance is followed. Further introduced into the record was a revised encroachment approach concept currently under review by Caltrans.

Commissioner Bailey asked Mr. Speka to describe CDU 9-95 and the total buildout of the Orca Inn.

Mr. Speka noted the building was an old historical inn and once the previous use permit was approved only minor improvements were done. He noted the applicant desired additional changes over the next few years and it was determined he needed to apply for a new use permit, hence this application.

30442

MENDOCINO COUNTY PLANNING COMMISSION  
MINUTES

JUNE 21, 2007  
PAGE 10 OF 29

Commissioner Warner provided some background on the inn, which originally was an old farm house called Hemingway Ranch. She noted the property was not called the Orca Inn until after the general plan was completed.

Commissioner Bailey asked if the easement for public access had been recorded.

Chairman Little noted the settlement agreement on page PC 2 and the deed conveying title for a 1-acre portion to the county plus \$25,000, but he did not see any 1-acre parcel on the zoning map contained in the staff report.

Mr. Speka was not sure which acre had been deeded, however he noted the process had been completed.

Mr. Lynch stated he believed the 1-acre parcel was a parallel strip along the highway deeded for a trail.

**Bud Kamb**, agent for the applicant, noted Mr. Sellers, Mr. Sanford and Mr. Baker, had come from Vermont for the project. He gave a detailed history of the original case and lawsuit, denial by the Coastal Commission and the 1-acre given to the county with \$25,000 for deeded access. He felt through all the changes the applicants had created a better designed project.

Commissioner Edwards asked if Mr. Kamb had any comments on the age of the botanical survey and the archaeological review.

Mr. Kamb stated that the Archaeological Commission had accepted the previous report.

Mr. Lynch stated that the Archaeological Commission on January 18, 2007 accepted the previous survey with no further survey required.

**Willard Jackson**, owner, showed the Commission a picture from a book titled "Over California", text by Kevin Starr, photography by Reg Morrison, as the companion to the California Public Television Program, found on page 121. Mr. Jackson discussed when he had purchased the property and the work he and his family had done to repair/maintain the ranch comprising of 1,450 acres. He stated his family wanted to develop a program for cash flow for insurance, maintenance, property taxes, etc. so they could continue to own the property without a financial burden. He discussed the concern with water and his conversation to share with the 2 neighbors that had contacted him about a water shortage. He found the 26 conditions in the staff report acceptable and was willing to place a deed restriction on the property to ensure that it could not be split and developed with individual homes.

**Dave Sellers**, Architect of Record, discussed his qualifications and the kind of work the firm typically does. He felt this project was a good example of how to change the use of a building and keep the historical value and was a typical California coastal development.

Commissioner Edwards asked if there was a formal offer for a conservation easement since the Architect had discussed preservation.

Mr. Jackson noted there was no formal restriction on development, but he had put a majority of the acreage into agricultural preserve and there was a dedicated trail along Hwy 1 and he had given the county \$25,000 to improve access.

Commissioner Edwards noted the public comments regarding the destruction of views and asked how Mr. Jackson intended to preserve the highly scenic area.

Mr. Jackson stated they did not intend to build anything more in the area.

Chairman Little asked how the facility would be managed and who Mr. Jackson thought would be utilizing the inn, a group or individuals.

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Mr. Jackson stated he hired Mendocino Coast Reservations to manage the inn, which means there will not be an onsite manager and he hoped to have small events such as weddings and conferences at the facility as well as individual rentals of the units.

Commissioner Warner asked why there was a managers unit on the plans if there was to be no onsite manager and what the ranch activities were.

Mr. Jackson stated he would have a caretaker present, but that person does not have the responsibility to rent/manage the units. He noted there were numerous hiking trails, old logging roads for individuals to explore and a leased cattle operation on a portion of the property.

Scott Baker, Project Manager, stated that on condition #A8 the date on the CDF reports should be April 17, 2007; the April 14, 2006 was superseded. On condition #B10 in the staff report it was stated to remove all utility poles and bury the lines, but they would like to keep the first pole, which receives transmission lines from across the ranch. Also, the encroachment approach on the concept sketch was based upon recommendation of Caltrans, however the design would need updating to allow for a greater turning radius for fire trucks.

Chairman Little asked if the applicant knew who provided the fire protection for the area and noted that there is no fire district in the area. He stated there was no means to fund the district currently, but there was a group of volunteers. He also noted that applied to EMS as well. The property is located within the service area of Westport, but not within the district. He was worried about occupants in the inn and if the need should arise for emergency medical service, so he would like to see how a proposal from the applicant to help support the district to ensure there is emergency medical and fire services.

Mr. Baker noted that was a condition CalFire had imposed.

The public hearing was declared open.

Judy Whiting, neighboring property owner, asked why there are 12 parcels numbers listed on the permit. She was concerned that the water was coming from another parcel under the highway and how that would affect her water. She also stated neighbor, Margery Cahn was concerned with water. She felt the change between the original project, which did not have kitchens, and the new design was a considerably larger development. She was also concerned with the possible buildout if parcels were split in the future.

Mr. Lynch noted the 400+ acre parcel was recognized by a Certificate of Compliance and has multiple parcel numbers.

Steve Walker, neighbor, had two issues: (1) Would he be affected by the water, or lack there of water, and (2) The Westport Volunteer Fire Department is stretched very thin and that should be addressed before any construction is started.

Debra Cahn, owner of Navarro Vineyards and representing Margery Cahn, was concerned with the size of the units and did not understand how multiple bedrooms could be called a single unit. She felt that the Orca Inn was not actually an inn, but rather a farmhouse that would illegally rent out rooms and the Commission should not treat it as a historical precedent. She was concerned that there would be no onsite innkeeper, felt the zoning did not match and the special events would cause too much traffic for the area. While she appreciated that Mr. Jackson was thinking about the water issue, she felt the hydro study from 13 years ago was too old and the wells unpredictable.

[Lunch 12:02-1:19pm]

Judith Vidaver, Friends of Ten Mile, was concerned that the project is located in the heart of the highly scenic area where there is little development. She noted staff called the project a resort on page PC 8, not an inn, which is what the project is and should warrant an EIR. She felt the project needed updated archaeological, hydro, and botanical studies and had a serious concern with the lack

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of EMS and Fire services. She summarized her concerns to protect natural resources, contain sprawl, cumulative effects of potential full buildout and lack of an onsite manager.

The public hearing was declared closed.

Mr. Jackson responded to public comment that his family was concerned with conserving the property, but if they were forced to sell, another property owner might not care about the area and they could subdivide and buildout completely. He noted that eventually something would be developed on the \*1C zoning. He stated he was concerned with the water and had proposed a water sharing agreement with Judy Whiting and Debra & Margery Cahn.

Commissioner Bailey asked if Mr. Jackson had contacted the Mendocino Land Trust about a conservation easement.

Mr. Jackson stated his children actually own the property, but he had given them the phone number. However, he felt it would be asking them to give up all rights to the property and that was not appropriate.

Commissioner Warner was confused about the deeded access and if it went to the ocean and where the \$25,000 went.

Mr. Jackson noted there was no access to the ocean, but the Coastal Commission, for 1-acre of land and \$25,000 had allowed them to move the trail from the shoreline to along the hwy.

Mr. Zotter stated the \$25,000 was paid to the county and the 1-acre parcel is located to the south, designated as Open Space, as depicted on page PC 17. He did not know the status of \$25,000 or the deeded access.

Commissioner Warner asked if an attempt had been made to preserve the historic farmhouse.

Mr. Sellers noted the farmhouse was in poor condition, but some parts were worth saving and it had been preserved in the center of the new structure.

Commissioner Nelson asked how many homes could be built in the area if the property were split.

Bud Kamb thought there could be one house per every 160-acres, but he was not positive.

Commissioner Nelson noted a worst-case scenario of at least 10 houses in the area, or more for the parcels, which are zoned RMR 20.

Commissioner Bailey asked why on the draft negative declaration #8, regarding land use, was checked yes significant unless mitigated.

Mr. Speka stated that he checked significant unless mitigated as precaution to future uses of the \*1C designation.

Commissioner Edwards asked for clarification on the definition of a unit as it pertains to the \*1C zoning.

Mr. Speka noted there was not a specific definition for units, but an inn is defined as 5-10 bedrooms or suites.

Commissioner Edwards asked if the 400 plus acres zoned Ag Preserve could be split into 20-acre parcels.

Mr. Lynch said it would be possible, but the RMR 20 zoning was across the Highway.

Commissioner Edwards noted there was no guarantee that more buildings would not follow this project and the coastline could be covered with houses.

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Mr. Lynch noted the RMR 20 is PD area and would require a master plan for development.

Commissioner Nelson echoed the concern with possible buildout, but he was sympathetic about the farmland.

Commissioner Warner added a final sentiment to the RMR 20 zoning that it should have more attention placed on it since it is within the view shed. She felt the project size was not appropriate for the coastline and she could not support the project in its current form. She thought she could support the project if they received updated reports, eliminated design features and limited the special events.

Commissioner Moser noted, on the positive side, he liked the clustering and the preservation of the footprint. He thought it would lower impact to the highly scenic area.

Commissioner Calvert agreed with the positive information from Commissioner Moser, but she also echoed the sentiment that a formalized EMS and Fire services agreement with Westport would be needed. She thought a condition should be made to formalize the water agreement with the neighbors and the upcast lighting should be eliminated.

Commissioner Bailey was surprised at the use of an old botanical study and deeply concerned with the interpretation of a unit.

Commissioner Warner suggested to continue the project to a later date to allow the applicant to redesign project and answer some of the outstanding questions.

Bud Kamb asked for a short break to discuss the project with the applicant.

Commissioner Moser asked if the Commission could discuss the redesign for the applicant to better understand what would be an approvable project.

Commissioner Warner stated the solidness of the clustering, the large main building too big, the view from Hwy 1 is too much like a wall and stone was not appropriate for the coastline. However, she did note that the 10-units should not be separated to prevent clustering.

[Break 2:26 pm-2:42 pm]

The Commission moved to the next agenda item to allow for the applicant and agent to discuss their case.

5d. 5e. **CASE#: UM 8-2000/2007**

**DATE FILED:** 8/15/2007

**OWNER:** CHRISTOPHER & MELINDA WALLS

**APPLICANT:** VERIZON WIRELESS-CRYSTAL WILLIS

**AGENT:** ON AIR, LLC PETER HILLIARD

**REQUEST:** Use Permit Modification to allow for the addition of a microwave dish (4-foot diameter) to an existing 55-foot high monopole.

**LOCATION:** 1.5+/- miles southwest of Ukiah, lying at the terminus of Oak Knoll Road (CR# 252), and at the summit of Cleland Mountain, located at 1880 Oak Knoll Road; APN 157-130-05.

**PROJECT COORDINATOR:** DUSTY DULEY

Mr. Dusty Duley, project coordinator, reviewed the staff report and the addition of the microwave dish. He noted the new condition regarding pre-assessment of the road to provide baseline data and that Verizon is to fix any damage done to the road after construction.

Peter Hilliard, agent for Verizon Wireless, stated he has reviewed the staff report and conditions of approval and is satisfied with the outcome.

Commissioner Warner asked how Verizon would sort out which damage was done by their company versus other cell companies that used the road.

STOP

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- b. That one or more of the conditions upon which the permit was granted have been violated.
- c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

Any revocation shall proceed as specified in Title 22 of the Mendocino County Code.

- 17. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 18. This permit is issued for a period of ten years and shall expire on June 21, 2017. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
- 19. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.

AYES: Little, Calvert, Bailey, Moser, Nelson, and Warner  
 NOES: None  
 ABSTAIN: Edwards

(Continued from earlier- CASE#: CDU 6-2006)

Start

Mr. Jackson came back to the podium and stated they would be willing to compromise and give up 3 units on the north side of the building. He noted he has assured the neighbors he will share water, he just learned of the botanical survey at the meeting, and they would do a new archaeological survey if it were deemed necessary.

Mr. Sanford hoped the compromise would not remove the ability for the property to be self-sustaining. He noted removing 3 units on the north side would create more visual lanes through the project and may help the view shed.

Commissioner Moser asked if they had considered removing the outdoor facility.

Mr. Sanford stated the outdoor area is an architectural feature and was the heart of project and the fireplaces are reinforced concrete chimneys not stone.

Chairman Little asked if Mr. Jackson would have a problem with a condition that would require a contract for service from the Westport Fire Department. He noted it would be an agreement for consideration to provide service to the extent the Department could and Mr. Jackson would help fund, to a reasonable extent that would show there would be proper emergency services to the facility.

Jan Walker noted she had received a letter from Westport Fire Dept. asking for \$100 donation per acre parcel.

Mr. Jackson noted they have 12,000-gallon water tank for fire protection.

Commissioner Bailey asked if the applicants had an opportunity to discuss price ranges for per unit and stated that the units that were deleted from the plans may have been the most affordable.

Mr. Jackson noted the most affordable units would be in the bunkhouse and the units they removed had a desirable view north, facing the water.

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\*  
Judith Vidaver, made the final comment that the Commission's decision would set a precedent in the highly scenic area and what constitutes a unit.

Commissioner Warner made a motion to deny CDU 6-2006 due to lack of mitigation for special events, activity located in an area without fire protection, the botanical study was outdated, and the applicants should submit a recent full analysis of archaeological history. The motion did not receive a second and did not carry.

Upon motion by Commissioner Moser, seconded by Commissioner Calvert and carried by the following roll call vote, IT IS ORDERED to approve CDU 6-2006 per the findings and conditions of approval contained in the staff report including Conditions of Approval #A1-15 and #B1-16 with the addition of #A12 prior to construction a contact for service with Westport Volunteer Fire Department shall be submitted to Planning and Building Services, #B16 memo dated June 15<sup>th</sup>, special event at the facility shall be limited to 99 persons gatherings between 100 or more shall be subject to permit. #A13 The Commission suggests the applicant offer a water sharing agreement to the immediate neighbors to ensure long term availability, change the date of the California Department of Forestry letter on #A8 to April 17, 2007, #A15 the project approved shall be Accepted to be modified as offered by applicant to delete units 4-6 as provided on page A1, #A14 The applicant shall submit a revised lighting plan to the Department of Planning & Building Services for review to ensure that all upcast lighting has been removed, and amend #B3 to include information from the memo dated June 15, 2007 regarding Air Quality Management District regulations:

**General Plan Consistency Finding:** The proposed project is consistent with applicable goals and policies of the Coastal Element of the General Plan as subject to the conditions being recommended by staff.

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

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

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

**Project Findings:** The Planning Commission, making the above findings, approves #CDU 6-2006 subject to the following conditions of approval recommended by staff.

RECOMMENDED CONDITIONS:

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A. Conditions which must be met prior to use and/or occupancy:

- \*\*1. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices":
  - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
  - d. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
  - e. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
  - f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year.
  - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
    2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage.
- \*\*2. The application, supplemental exhibits and related material, including locations, sizes, materials and colors of structures shall be considered elements of this entitlement and compliance therewith shall be mandatory, except for changes or conditions approved by the Planning Commission.
- \*\*3. The applicant shall submit a revised landscaping plan providing details as to the square footage, type, sizes and locations of all plantings and irrigated areas of the project site. Any and all such documentation must be provided to the satisfaction of Planning and Building Services. The revised plan shall include native and drought tolerant vegetation. Should the total irrigated area exceed 2,500 square feet, a Landscape Documentation Packet and appropriate fees shall be submitted pursuant to the County Water Efficient Landscape Ordinance.
4. Prior to commencement of operations the applicant shall submit a copy of a current Mendocino County Business License to the Department of Planning and Building Services. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the use permit and business will automatically expire.
5. A deed restriction shall be placed on the property prohibiting the individual sale of any of the visitor serving (or caretaker) units constructed for the project. The restriction shall be prepared to the satisfaction of Planning and Building Services and County Counsel, and shall include language that the 10-unit development is intended to be used for commercial transient occupancy purposes only

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and also that any future residential uses of the development will not be pursued. When and if the property ceases to be used as a Visitor Serving Facility (VSF), a coastal permit amendment shall be submitted to convert all the VSF units to legal accessory buildings per Section 20.308.015(F) of the Coastal Zoning Code. Specifically, all sleeping quarters and kitchen facilities shall be removed and all bathrooms shall be converted to ½ baths devoid of bathing facilities. The property shall not exceed the maximum number of residences allowed under the base zoning or the coastal zoning codes allowance for accessory living units per Section 20.456.005 of the Coastal Zoning Code.

- \*\*6. The encroachment onto Highway One shall provide adequate sight distance and turning geometrics acceptable to the California Department of Transportation (Caltrans). The applicant shall secure from Caltrans, an encroachment permit for all work to be conducted within State Highway right-of-way.
- 7. The applicant shall submit a parking plan acceptable to Planning and Building Services providing details as to the size and locations of all parking areas to be used for the project. The plan shall include provisions for handicapped parking and shall comply with all requirements found in Section 20.472.010 of the County Coastal Zoning Code. The plan shall also include details of the area designated as an "overflow" parking lot which will ensure that development is held to a minimum with respect to visual resources (i.e. left in its original grass vegetated state, no lighting, etc.). Any additional plantings for the lot, such as hedgerows for screening purposes, shall be native and drought resistant.
- \*\*8. The applicant shall comply with those recommendations in the letter of ~~April 14, 2007~~ April 17, 2007 or other alternatives as acceptable to the Department of Forestry (CDF# 120-06). Written verification shall be submitted from Cal-Fire to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry and Fire Protection. Prior to the development of Phase II of the project, a clearance letter shall be submitted to Cal-Fire with any conditions being set also becoming conditions of this permit.
- \*\*9. Valid building and health permits must be obtained prior to commencing construction of the inn development. Written verification shall be submitted from the County Division of Environmental Health to Planning and Building Services that all necessary approvals have been obtained, including, but not limited to, those regarding consumer protection.
- 10. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the 10 working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
- 11. 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 \$1,850.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to July 6, 2007. Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.
- 12. Prior to construction a contract for service with Westport Volunteer Fire Department shall be submitted to the Department of Planning & Building Services.

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13. The Commission encourages the applicant offer a water sharing agreement to the immediate neighbors to ensure long term availability.
14. The applicant shall submit a revised lighting plan to the Department of Planning & Building Services for review to ensure that all upcast lighting has been removed.
15. The project approved shall be accepted to be modified as offered by the applicant to delete units 4-6 as provided on page A1.

**B. Conditions which must be complied with for the duration of this permit:**

- \*\*1. Water efficient fixtures (e.g. low flow showerheads, toilets, etc.) and landscaping (e.g. rain barrels, diversion of stormwater to vegetated areas, etc.) shall be utilized throughout the project area. In addition, all parking areas shall be surfaced either with permeable materials or vegetation.
- \*\*2. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
- ~~\*\*3. Except for the replacement of existing wood burning stoves, new wood burning devices shall be prohibited pursuant to District Regulation 4.1 adopted December 5, 2006, by the Mendocino County Air Quality Management Board. Replacement woodstoves must be EPA certified and installed in a manner to ensure proper operation. All other heat sources must be fueled by propane or natural gas.~~
- \*\*3. The applicant shall demonstrate to the satisfaction of the County Air Quality Management District (AQMD), compliance with all rules and regulations of the District, including but not limited to, District Regulation 4.1 adopted December 5, 2006, by the Mendocino County Air Quality Management Board. Replacement woodstoves must be EPA certified and installed in a manner to ensure proper operation. Written verification shall be submitted from AQMD to the Department of Planning & Building Services that this condition has been met to the satisfaction of AQMD.
- \*\*4. Prior to obtaining a demolition permit for the former Orca Inn, National Emissions Standards for Hazardous Air Pollutants (NESHAP) clearance shall be issued by the County Air Quality Management District.
- \*\*5. Any stationary onsite internal combustion engines over 50 horsepower (i.e. large power generator or pumps) may require a permit from the District, depending on fuel source and level of operation.
- \*\*6. All grading activities shall comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.
- \*\*7. All roads shall be covered with an impermeable sealant or rocked at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with Regulations regarding asbestos content.
- ~~\*\*8. Lighting for the project shall adhere to the Landscaping and Lighting Plan plans dated March 7, 2007, on file at the Department of Planning and Building Services. All external lighting associated with the proposed development site and parking area shall be shielded and downcast to prohibit light from being cast beyond the property boundaries.~~
- \*\*8. The applicant shall demonstrate continuous use of the property as a visitor serving facility. Documentation of applicable Transient Occupancy Tax (TOT) payable to the Mendocino County Tax Collector upon rental of the inn as a whole or portion thereof will be required on a yearly basis. Any and all such documentation must be provided to the satisfaction of PBS. Full-time (greater than 30 consecutive days) residential occupancies of any of the units (except for that of the designated caretaker unit) shall not be allowed.
- \*\*9. All utility lines on the site, including the existing overhead utility lines from the east side of Highway One to the inn site, shall be placed underground, and existing poles removed.

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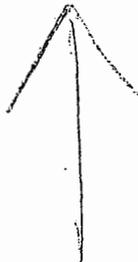
- \*\* 10. All exterior building materials, colors and finishes shall be of earth tones and blend with the natural surroundings. Color samples shall be submitted to the Department of Planning and Building Services and approved by the Coastal Permit Administrator prior to approval of building permits. Windows shall be made of non-reflective glass. Any change in approved colors or materials shall be subject to the review and approval of the Department of Planning and Building Services for the life of the project.
- \*\* 11. In the event that archaeological resources are encountered during development of 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. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of Mendocino County Code unless modified by conditions of the use permit.
- 13. The application is subject to the securing of all necessary permits for the proposed development and eventual use from County, State, and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
- 14. 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

- 15. 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, shape or parcels within the permit described boundaries are different that that which is legally required by this permit, this permit shall become null and void.
- 16. Special events at the facility shall be limited to a maximum of 99 persons. Gatherings totaling between 100 and 1,000 persons shall require a Coastal Development Permit and those over 1,000 persons shall require a Coastal Development Use Permit per Section 20.460.020 of the Coastal Zoning Code. Eating and drinking Establishments for on premises consumption by non-paying guests of the facility shall require a Coastal Development Use Permit separate than that issued for this project.

AYES: Little, Calvert, Moser, Edwards, Nelson  
 NOES: Bailey, Warner  
 ABSENT: None

STOP



5e. 5f. CASE#: UM 13-2005/2007

DATE FILED: 5/2/2007  
 OWNER: JOHN KOLBERG  
 APPLICANT: TOM MILLER & CALCOM SYSTEMS  
 AGENT: TOM MILLER & CALCOM SYSTEMS  
 REQUEST: Modification of Use Permit # U 13-2005 to allow for an extension of time to complete Condition Number 14, which requires the property owner to bring the subject property into compliance with applicable sections of Chapter 20 of the Mendocino County Code including, removal of all trash and old vehicles, and legalization of all existing structures by obtaining all proper building and septic permits.  
 LOCATION: 10+/- miles north of Willits, in the vicinity of the community of Longvale, lying southeast of the intersection of Highway 101 and 162, via a private road which connects to Highway 162, located at 36121 Covelo Road; AP# 036-110-17.  
 PROJECT COORDINATOR: DUSTY DULEY

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

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RECEIVED

JULY 10, 2007

JUL 13 2007

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#: CDU 6-2006  
DATE FILED: 3/23/2006  
OWNER: JACKSON-GRUBE FAMILY, INC.  
AGENT: BUD KAMB REAL ESTATE SERVICES

REQUEST: Coastal Development Use Permit to build a 10-unit inn in 2 phases. Phase I to consist of the demolition and reconstruction of the former Orca Inn into a main unit of 2,961 square feet (3 bedroom /3 bathroom/downstairs area including kitchen, dining and reception rooms). The north end of the structure would include an upstairs unit of 1,089 square feet (2 bedroom/2 bathroom/kitchen) and downstairs unit of 833 square feet (1 bedroom/1 bathroom/kitchen). In addition, a 1,276 square foot two floored managers unit (2 bedroom/3 bathroom/kitchen); 1,269 square foot equipment barn; 648 square foot maintenance shop; and a 240 square foot generator/pump shed are proposed as part of the first phase. Phase II would consist of 7 units with 3 added to the main building in two storied units of 954 square feet (1 bedroom/1 bathroom/kitchen); 951 square feet (1 bedroom/1 bathroom/kitchen); and 820 square feet (1 bedroom/1 bathroom/kitchen); 2 units within a detached bunkhouse of 531 square feet (1 bedroom/1 bathroom/kitchen) and 757 square feet (2 bedroom/1 bathroom/kitchen); and 2 separate cottages of 835 square feet (2 bedroom/1 bathroom) and 915 square feet (2 bedroom/1 bathroom), respectively. A 778 square foot spa, wells, septic systems, roads and underground utilities are also proposed within the approximate 3.7-acre area of development.

LOCATION: Within the Coastal Zone, 4± miles south of Westport, 1± north of Abalobadiah Creek, approximately 700 feet west of Highway 1, located at 31502 North Highway 1; APNs 015-380-03, 015-380-04, 015-380-05, 015-330-13, 015-330-19, 015-330-27 and a portion of 015-330-28, 015-070-45, 015-070-49, 015-070-51, and portions of 015-070-47, and 015-070-52.

PROJECT COORDINATOR: JOHN SPEKA

ACTION TAKEN:

The Planning Commission, on June 21, 2007, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

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

Attachments

cc:  
COASTAL COMMISSION  
ASSESSOR

41442

210-100





COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

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RECEIVED

JUL 13 2007

CALIFORNIA  
COASTAL COMMISSION

JULY 10, 2007

NOTICE OF FINAL ACTION

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

**CASE#:** CDU 6-2006

**DATE FILED:** 3/23/2006

**OWNER:** JACKSON-GRUBE FAMILY, INC.

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**LOCATION:** Within the Coastal Zone, 4± miles south of Westport, 1± north of Abalobadiah Creek, approximately 700 feet west of Highway 1, located at 31502 North Highway 1; APNs 015-380-03, 015-380-04, 015-380-05, 015-330-13, 015-330-19, 015-330-27 and a portion of 015-330-28, 015-070-45, 015-070-49, 015-070-51, and portions of 015-070-47, and 015-070-52.

**PROJECT COORDINATOR:** JOHN SPEKA

**ACTION TAKEN:**

The Planning Commission, on June 21, 2007, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

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

Attachments

cc:

COASTAL COMMISSION  
ASSESSOR

EXHIBIT NO. 14

APPEAL NO.

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

NOTICE OF FINAL LOCAL  
ACTION (1 of 44)

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

**I. DESCRIPTION OF PROJECT.**

DATE: July 10, 2007

**CASE#:** CDU 6-2006

**DATE FILED:** 3/23/2006

**OWNER:** JACKSON-GRUBE FAMILY, INC.

**AGENT:** BUD KAMB REAL ESTATE SERVICES

**REQUEST:** Coastal Development Use Permit to build a 10-unit inn in 2 phases. Phase I to consist of the demolition and reconstruction of the former Orca Inn into a main unit of 2,961 square feet (3 bedroom /3 bathroom/downstairs area including kitchen, dining and reception rooms). The north end of the structure would include an upstairs unit of 1,089 square feet (2 bedroom/2 bathroom/kitchen) and downstairs unit of 833 square feet (1 bedroom/1 bathroom/kitchen). In addition, a 1,276 square foot two floored managers unit (2 bedroom/3 bathroom/kitchen); 1,269 square foot equipment barn; 648 square foot maintenance shop; and a 240 square foot generator/pump shed are proposed as part of the first phase. Phase II would consist of 7 units with 3 added to the main building in two storied units of 954 square feet (1 bedroom/1 bathroom/kitchen); 951 square feet (1 bedroom/1 bathroom/kitchen); and 820 square feet (1 bedroom/1 bathroom/kitchen); 2 units within a detached bunkhouse of 531 square feet (1 bedroom/1 bathroom/kitchen) and 757 square feet (2 bedroom/1 bathroom/kitchen); and 2 separate cottages of 835 square feet (2 bedroom/1 bathroom) and 915 square feet (2 bedroom/1 bathroom), respectively. A 778 square foot spa, wells, septic systems, roads and underground utilities are also proposed within the approximate 3.7-acre area of development.

**LOCATION:** Within the Coastal Zone, 4± miles south of Westport, 1± north of Abalobadiah Creek, approximately 700 feet west of Highway 1, located at 31502 North Highway 1; APNs 015-380-03, 015-380-04, 015-380-05, 015-330-13, 015-330-19, 015-330-27 and a portion of 015-330-28, 015-070-45, 015-070-49, 015-070-51, and portions of 015-070-47, and 015-070-52.

**PROJECT COORDINATOR:** JOHN SPEKA

**II. DETERMINATION.**

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

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

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



FINAL FINDINGS AND CONDITIONS OF APPROVAL  
CDU 6-2006- JACKSON-GRUBE  
JUNE 21, 2007

The Planning Commission approves #CDU 6-2006 subject to the following findings and conditions of approval recommended by staff.

**CONDITIONS OF APPROVAL:**

**A. Conditions which must be met prior to use and/or occupancy:**

- \*\*1. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices":
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
  - d. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
  - e. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
  - f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year.
  - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
    2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage.
- \*\*2. The application, supplemental exhibits and related material, including locations, sizes, materials and colors of structures shall be considered elements of this entitlement and compliance therewith shall be mandatory, except for changes or conditions approved by the Planning Commission.

- \*\*3. The applicant shall submit a revised landscaping plan providing details as to the square footage, type, sizes and locations of all plantings and irrigated areas of the project site. Any and all such documentation must be provided to the satisfaction of Planning and Building Services. The revised plan shall include native and drought tolerant vegetation. Should the total irrigated area exceed 2,500 square feet, a Landscape Documentation Packet and appropriate fees shall be submitted pursuant to the County Water Efficient Landscape Ordinance.
4. Prior to commencement of operations the applicant shall submit a copy of a current Mendocino County Business License to the Department of Planning and Building Services. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the use permit and business will automatically expire.
5. A deed restriction shall be placed on the property prohibiting the individual sale of any of the visitor serving (or caretaker) units constructed for the project. The restriction shall be prepared to the satisfaction of Planning and Building Services and County Counsel, and shall include language that the 10-unit development is intended to be used for commercial transient occupancy purposes only and also that any future residential uses of the development will not be pursued. When and if the property ceases to be used as a Visitor Serving Facility (VSF), a coastal permit amendment shall be submitted to convert all the VSF units to legal accessory buildings per Section 20.308.015(F) of the Coastal Zoning Code. Specifically, all sleeping quarters and kitchen facilities shall be removed and all bathrooms shall be converted to ½ baths devoid of bathing facilities. The property shall not exceed the maximum number of residences allowed under the base zoning or the coastal zoning codes allowance for accessory living units per Section 20.456.005 of the Coastal Zoning Code.
- \*\*6. The encroachment onto Highway One shall provide adequate sight distance and turning geometrics acceptable to the California Department of Transportation (Caltrans). The applicant shall secure from Caltrans, an encroachment permit for all work to be conducted within State Highway right-of-way.
- ⑦ The applicant shall submit a parking plan acceptable to Planning and Building Services providing details as to the size and locations of all parking areas to be used for the project. The plan shall include provisions for handicapped parking and shall comply with all requirements found in Section 20.472.010 of the County Coastal Zoning Code. The plan shall also include details of the area designated as an "overflow" parking lot which will ensure that development is held to a minimum with respect to visual resources (i.e. left in its original grass vegetated state, no lighting, etc.). Any additional plantings for the lot, such as hedgerows for screening purposes, shall be native and drought resistant.
- \*\*8. The applicant shall comply with those recommendations in the letter of April 17, 2007 or other alternatives as acceptable to the Department of Forestry (CDF# 120-06). Written verification shall be submitted from Cal-Fire to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry and Fire Protection. Prior to the development of Phase II of the project, a clearance letter shall be submitted to Cal-Fire with any conditions being set also becoming conditions of this permit.
- \*\*9. Valid building and health permits must be obtained prior to commencing construction of the inn development. Written verification shall be submitted from the County Division of Environmental Health to Planning and Building Services that all necessary approvals have been obtained, including, but not limited to, those regarding consumer protection.
10. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the 10 working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
11. 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 \$1,850.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to July 6, 2007. Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.

12. Prior to construction a contract for service with Westport Volunteer Fire Department shall be submitted to the Department of Planning & Building Services.
13. The Commission encourages the applicant offer a water sharing agreement to the immediate neighbors to ensure long term availability.
14. The applicant shall submit a revised lighting plan to the Department of Planning & Building Services for review to ensure that all upcast lighting has been removed.
15. The project approved shall be accepted to be modified as offered by the applicant to delete units 4-6 as provided on page A1.

**B. Conditions which must be complied with for the duration of this permit:**

- \*\*1. Water efficient fixtures (e.g. low flow showerheads, toilets, etc.) and landscaping (e.g. rain barrels, diversion of stormwater to vegetated areas, etc.) shall be utilized throughout the project area. In addition, all parking areas shall be surfaced either with permeable materials or vegetation.
- \*\*2. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
- \*\*3. The applicant shall demonstrate to the satisfaction of the County Air Quality Management District (AQMD), compliance with all rules and regulations of the District, including but not limited to, District Regulation 4.1 adopted December 5, 2006, by the Mendocino County Air Quality Management Board. Replacement woodstoves must be EPA certified and installed in a manner to ensure proper operation. Written verification shall be submitted from AQMD to the Department of Planning & Building Services that this condition has been met to the satisfaction of AQMD.
- \*\*4. Prior to obtaining a demolition permit for the former Orca Inn, National Emissions Standards for Hazardous Air Pollutants (NESHAP) clearance shall be issued by the County Air Quality Management District.
- \*\*5. Any stationary onsite internal combustion engines over 50 horsepower (i.e. large power generator or pumps) may require a permit from the District, depending on fuel source and level of operation.
- \*\*6. All grading activities shall comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.
- \*\*7. All roads shall be covered with an impermeable sealant or rocked at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with Regulations regarding asbestos content.
- \*\*8. The applicant shall demonstrate continuous use of the property as a visitor serving facility. Documentation of applicable Transient Occupancy Tax (TOT) payable to the Mendocino County Tax Collector upon rental of the inn as a whole or portion thereof will be required on a yearly basis. Any and all such documentation must be provided to the satisfaction of PBS. Full-time (greater than 30 consecutive days) residential occupancies of any of the units (except for that of the designated caretaker unit) shall not be allowed.
- \*\*9. All utility lines on the site, including the existing overhead utility lines from the east side of Highway One to the inn site, shall be placed underground, and existing poles removed.

10.

All exterior building materials, colors and finishes shall be of earth tones and blend with the natural surroundings. Color samples shall be submitted to the Department of Planning and Building Services and approved by the Coastal Permit Administrator prior to approval of building permits. Windows shall be made of non-reflective glass. Any change in approved colors or materials shall be subject to the review and approval of the Department of Planning and Building Services for the life of the project.

11.

In the event that archaeological resources are encountered during development of 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.

The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of Mendocino County Code unless modified by conditions of the use permit.

13.

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

14.

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

15.

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, shape or parcels within the permit described boundaries are different that that which is legally required by this permit, this permit shall become null and void.

16.

Special events at the facility shall be limited to a maximum of 99 persons. Gatherings totaling between 100 and 1,000 persons shall require a Coastal Development Permit and those over 1,000 persons shall require a Coastal Development Use Permit per Section 20.460.020 of the Coastal Zoning Code. Eating and drinking Establishments for on premises consumption by non-paying guests of the facility shall require a Coastal Development Use Permit separate than that issued for this project.

associated with the required inspection(s). Prior to performing any work in the County right-of-way, an encroachment permit shall be secured from the Department of Transportation.

20. 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.
- \*\*21. The subdivider shall comply with those recommendations in the California Department of Forestry and the Fort Bragg Rural Fire District letter of February 3, 2005 or other alternatives as acceptable to the Department of Forestry (CDF # 21-05) and the Fort Bragg Fire District. Written verification shall be submitted from the Department of Forestry and the Fort Bragg Fire District to the department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry and the Fort Bragg Fire District.

\*\*\*\*\*

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

AYES: Little, Calvert, Bailey, Moser, Edwards, Nelson, and Warner  
NOES: None  
ABSENT: None

**5c- 5d. CASE#: CDU 6-2006**

DATE FILED: 3/23/2006

OWNER: JACKSON-GRUBE FAMILY, INC.

AGENT: BUD KAMB REAL ESTATE SERVICES

REQUEST: Coastal Development Use Permit to build a 10-unit inn in 2 phases. Phase I to consist of the demolition and reconstruction of the former Orca Inn into a main unit of 2,961 square feet (3 bedroom /3 bathroom/downstairs area including kitchen, dining and reception rooms). The north end of the structure would include an upstairs unit of 1,089 square feet (2 bedroom/2 bathroom/kitchen) and downstairs unit of 833 square feet (1 bedroom/1 bathroom/kitchen). In addition, a 1,276 square foot two floored managers unit (2 bedroom/3 bathroom/kitchen); 1,269 square foot equipment barn; 648 square foot maintenance shop; and a 240 square foot generator/pump shed are proposed as part of the first phase. Phase II would consist of 7 units with 3 added to the main building in two storied units of 954 square feet (1 bedroom/1 bathroom/kitchen); 951 square feet (1 bedroom/1 bathroom/kitchen); and 820 square feet (1 bedroom/1 bathroom/kitchen); 2 units within a detached bunkhouse of 531 square feet (1 bedroom/1 bathroom/kitchen) and 757 square feet (2 bedroom/1 bathroom/kitchen); and 2 separate cottages of 835 square feet (2 bedroom/1 bathroom) and 915 square feet (2 bedroom/1 bathroom), respectively. A 778 square foot spa, wells, septic systems, roads and underground utilities are also proposed within the approximate 3.7-acre area of development.

LOCATION: Within the Coastal Zone, 4± miles south of Westport, 1± north of Abalobadiah Creek, approximately 700 feet west of Highway 1, located at 31502 North Highway 1; APNs 015-380-03, 015-380-04, 015-380-05, 015-330-13, 015-330-19, 015-330-27 and a portion of 015-330-28, 015-070-45, 015-070-49, 015-070-51, and portions of 015-070-47, and 015-070-52.

PROJECT COORDINATOR: JOHN SPEKA

Mr. John Speka, project coordinator, reviewed the staff report. He noted the dozen plus emails received from residents concerned with the size of the project, location in a scenic area, traffic impacts, inadequate hydro study and additional letters from a botanist and archaeologist, which stated the botanical survey and archaeological review were inadequate. Also noted was the memo dated June 15, 2007, which clarified condition #A8, the date of CDF letter, condition #B3 regarding the Air Quality Management District regulations to review and approve all wood burning appliances, and an additional condition to limit large gatherings to 99 persons, with anything larger requiring an additional permit. One final condition was also recommended to ensure that the recent recycle reuse ordinance is followed. Further introduced into the record was a revised encroachment approach concept currently under review by Caltrans.

Commissioner Bailey asked Mr. Speka to describe CDU 9-95 and the total buildout of the Orca Inn.

Mr. Speka noted the building was an old historical inn and once the previous use permit was approved only minor improvements were done. He noted the applicant desired additional changes over the next few years and it was determined he needed to apply for a new use permit, hence this application.

Commissioner Warner provided some background on the inn, which originally was an old farm house called Hemingway Ranch. She noted the property was not called the Orca Inn until after the general plan was completed.

Commissioner Bailey asked if the easement for public access had been recorded.

Chairman Little noted the settlement agreement on page PC 2 and the deed conveying title for a 1-acre portion to the county plus \$25,000, but he did not see any 1-acre parcel on the zoning map contained in the staff report.

Mr. Speka was not sure which acre had been deeded, however he noted the process had been completed.

Mr. Lynch stated he believed the 1-acre parcel was a parallel strip along the highway deeded for a trail.

**Bud Kamb**, agent for the applicant, noted Mr. Sellers, Mr. Sanford and Mr. Baker, had come from Vermont for the project. He gave a detailed history of the original case and lawsuit, denial by the Coastal Commission and the 1-acre given to the county with \$25,000 for deeded access. He felt through all the changes the applicants had created a better designed project.

Commissioner Edwards asked if Mr. Kamb had any comments on the age of the botanical survey and the archaeological review.

Mr. Kamb stated that the Archaeological Commission had accepted the previous report.

Mr. Lynch stated that the Archaeological Commission on January 18, 2007 accepted the previous survey with no further survey required.

**Willard Jackson**, owner, showed the Commission a picture from a book titled "Over California", text by Kevin Starr, photography by Reg Morrison, as the companion to the California Public Television Program, found on page 121. Mr. Jackson discussed when he had purchased the property and the work he and his family had done to repair/maintain the ranch comprising of 1,450 acres. He stated his family wanted to develop a program for cash flow for insurance, maintenance, property taxes, etc. so they could continue to own the property without a financial burden. He discussed the concern with water and his conversation to share with the 2 neighbors that had contacted him about a water shortage. He found the 26 conditions in the staff report acceptable and was willing to place a deed restriction on the property to ensure that it could not be split and developed with individual homes.

**Dave Sellers**, Architect of Record, discussed his qualifications and the kind of work the firm typically does. He felt this project was a good example of how to change the use of a building and keep the historical value and was a typical California coastal development.

Commissioner Edwards asked if there was a formal offer for a conservation easement since the Architect had discussed preservation.

Mr. Jackson noted there was no formal restriction on development, but he had put a majority of the acreage into agricultural preserve and there was a dedicated trail along Hwy 1 and he had given the county \$25,000 to improve access.

Commissioner Edwards noted the public comments regarding the destruction of views and asked how Mr. Jackson intended to preserve the highly scenic area.

Mr. Jackson stated they did not intend to build anything more in the area.

Chairman Little asked how the facility would be managed and who Mr. Jackson thought would be utilizing the inn, a group or individuals.

Mr. Jackson stated he hired Mendocino Coast Reservations to manage the inn, which means there will not be an onsite manager and he hoped to have small events such as weddings and conferences at the facility as well as individual rentals of the units.

Commissioner Warner asked why there was a managers unit on the plans if there was to be no onsite manager and what the ranch activities were.

Mr. Jackson stated he would have a caretaker present, but that person does not have the responsibility to rent/manage the units. He noted there were numerous hiking trails, old logging roads for individuals to explore and a leased cattle operation on a portion of the property.

**Scott Baker**, Project Manager, stated that on condition #A8 the date on the CDF reports should be April 17, 2007; the April 14, 2006 was superseded. On condition #B10 in the staff report it was stated to remove all utility poles and bury the lines, but they would like to keep the first pole, which receives transmission lines from across the ranch. Also, the encroachment approach on the concept sketch was based upon recommendation of Caltrans, however the design would need updating to allow for a greater turning radius for fire trucks.

Chairman Little asked if the applicant knew who provided the fire protection for the area and noted that there is no fire district in the area. He stated there was no means to fund the district currently, but there was a group of volunteers. He also noted that applied to EMS as well. The property is located within the service area of Westport, but not within the district. He was worried about occupants in the inn and if the need should arise for emergency medical service, so he would like to see how a proposal from the applicant to help support the district to ensure there is emergency medical and fire services.

Mr. Baker noted that was a condition CalFire had imposed.

The public hearing was declared open.

**Judy Whiting**, neighboring property owner, asked why there are 12 parcels numbers listed on the permit. She was concerned that the water was coming from another parcel under the highway and how that would affect her water. She also stated neighbor, Margery Cahn was concerned with water. She felt the change between the original project, which did not have kitchens, and the new design was a considerably larger development. She was also concerned with the possible buildout if parcels were split in the future.

Mr. Lynch noted the 400+ acre parcel was recognized by a Certificate of Compliance and has multiple parcel numbers.

**Steve Walker**, neighbor, had two issues: (1) Would he be affected by the water, or lack there of water, and (2) The Westport Volunteer Fire Department is stretched very thin and that should be addressed before any construction is started.

**Debra Cahn**, owner of Navarro Vineyards and representing Margery Cahn, was concerned with the size of the units and did not understand how multiple bedrooms could be called a single unit. She felt that the Orca Inn was not actually an inn, but rather a farmhouse that would illegally rent out rooms and the Commission should not treat it as a historical precedent. She was concerned that there would be no onsite innkeeper, felt the zoning did not match and the special events would cause too much traffic for the area. While she appreciated that Mr. Jackson was thinking about the water issue, she felt the hydro study from 13 years ago was too old and the wells unpredictable.

[Lunch 12:02-1:19pm]

**Judith Vidaver**, Friends of Ten Mile, was concerned that the project is located in the heart of the highly scenic area where there is little development. She noted staff called the project a resort on page PC 8, not an inn, which is what the project is and should warrant an EIR. She felt the project needed updated archaeological, hydro, and botanical studies and had a serious concern with the lack

of EMS and Fire services. She summarized her concerns to protect natural resources, contain sprawl, cumulative effects of potential full buildout and lack of an onsite manager.

The public hearing was declared closed.

Mr. Jackson responded to public comment that his family was concerned with conserving the property, but if they were forced to sell, another property owner might not care about the area and they could subdivide and buildout completely. He noted that eventually something would be developed on the \*1C zoning. He stated he was concerned with the water and had proposed a water sharing agreement with Judy Whiting and Debra & Margery Cahn.

Commissioner Bailey asked if Mr. Jackson had contacted the Mendocino Land Trust about a conservation easement.

Mr. Jackson stated his children actually own the property, but he had given them the phone number. However, he felt it would be asking them to give up all rights to the property and that was not appropriate.

Commissioner Warner was confused about the deeded access and if it went to the ocean and where the \$25,000 went.

Mr. Jackson noted there was no access to the ocean, but the Coastal Commission, for 1-acre of land and \$25,000 had allowed them to move the trail from the shoreline to along the hwy.

Mr. Zotter stated the \$25,000 was paid to the county and the 1-acre parcel is located to the south, designated as Open Space, as depicted on page PC 17. He did not know the status of \$25,000 or the deeded access.

Commissioner Warner asked if an attempt had been made to preserve the historic farmhouse.

Mr. Sellers noted the farmhouse was in poor condition, but some parts were worth saving and it had been preserved in the center of the new structure.

Commissioner Nelson asked how many homes could be built in the area if the property were split.

Bud Kamb thought there could be one house per every 160-acres, but he was not positive.

Commissioner Nelson noted a worst-case scenario of at least 10 houses in the area, or more for the parcels, which are zoned RMR 20.

Commissioner Bailey asked why on the draft negative declaration #8, regarding land use, was checked yes significant unless mitigated.

Mr. Speka stated that he checked significant unless mitigated as precaution to future uses of the \*1C designation.

Commissioner Edwards asked for clarification on the definition of a unit as it pertains to the \*1C zoning.

Mr. Speka noted there was not a specific definition for units, but an inn is defined as 5-10 bedrooms or suites.

Commissioner Edwards asked if the 400 plus acres zoned Ag Preserve could be split into 20-acre parcels.

Mr. Lynch said it would be possible, but the RMR 20 zoning was across the Highway.

Commissioner Edwards noted there was no guarantee that more buildings would not follow this project and the coastline could be covered with houses.

Mr. Lynch noted the RMR 20 is PD area and would require a master plan for development.

Commissioner Nelson echoed the concern with possible buildout, but he was sympathetic about the farmland.

Commissioner Warner added a final sentiment to the RMR 20 zoning that it should have more attention placed on it since it is within the view shed. She felt the project size was not appropriate for the coastline and she could not support the project in its current form. She thought she could support the project if they received updated reports, eliminated design features and limited the special events.

Commissioner Moser noted, on the positive side, he liked the clustering and the preservation of the footprint. He thought it would lower impact to the highly scenic area.

Commissioner Calvert agreed with the positive information from Commissioner Moser, but she also echoed the sentiment that a formalized EMS and Fire services agreement with Westport would be needed. She thought a condition should be made to formalize the water agreement with the neighbors and the upcast lighting should be eliminated.

Commissioner Bailey was surprised at the use of an old botanical study and deeply concerned with the interpretation of a unit.

Commissioner Warner suggested to continue the project to a later date to allow the applicant to redesign project and answer some of the outstanding questions.

Bud Kamb asked for a short break to discuss the project with the applicant.

Commissioner Moser asked if the Commission could discuss the redesign for the applicant to better understand what would be an approvable project.

Commissioner Warner stated the solidness of the clustering, the large main building too big, the view from Hwy 1 is too much like a wall and stone was not appropriate for the coastline. However, she did note that the 10-units should not be separated to prevent clustering.

[Break 2:26 pm-2:42 pm]

The Commission moved to the next agenda item to allow for the applicant and agent to discuss their case.

**5d. 5e. CASE#: UM 8-2000/2007**

DATE FILED: 3/15/2007

OWNER: CHRISTOPHER & MELINDA WALLS

APPLICANT: VERIZON WIRELESS-CRYSTAL WILLIS

AGENT: ON AIR, LLC-PETER HILLIARD

REQUEST: Use Permit Modification to allow for the addition of a microwave dish (4-foot diameter) to an existing 55-foot high monopole.

LOCATION: 1.5+/- miles southwest of Ukiah, lying at the terminus of Oak Knoll Road (CR# 252), and at the summit of Cleland Mountain, located at 1880 Oak Knoll Road; APN 157-130-05.

PROJECT COORDINATOR: DUSTY DULEY

Mr. Dusty Duley, project coordinator, reviewed the staff report and the addition of the microwave dish. He noted the new condition regarding pre-assessment of the road to provide baseline data and that Verizon is to fix any damage done to the road after construction.

**Peter Hilliard**, agent for Verizon Wireless, stated he has reviewed the staff report and conditions of approval and is satisfied with the outcome.

Commissioner Warner asked how Verizon would sort out which damage was done by their company versus other cell companies that used the road.

- b. That one or more of the conditions upon which the permit was granted have been violated.
- c. That the use for which the permit was granted is conducted in a manner detrimental to the public health, welfare or safety, or is a nuisance.

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

- 17. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 18. This permit is issued for a period of ten years, and shall expire on June 21, 2017. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
- 19. This permit shall become effective after all applicable appeal periods have expired or appeal processes have been exhausted. Failure of the applicant to make use of this permit within two years shall result in the automatic expiration of this permit.

AYES: Little, Calvert, Bailey, Moser, Nelson, and Warner  
NOES: None  
ABSTAIN: Edwards

**(Continued from earlier- CASE#: CDU 6-2006)**

Mr. Jackson came back to the podium and stated they would be willing to compromise and give up 3 units on the north side of the building. He noted he has assured the neighbors he will share water, he just learned of the botanical survey at the meeting, and they would do a new archaeological survey if it were deemed necessary.

Mr. Sanford hoped the compromise would not remove the ability for the property to be self-sustaining. He noted removing 3 units on the north side would create more visual lanes through the project and may help the view shed.

Commissioner Moser asked if they had considered removing the outdoor facility.

Mr. Sanford stated the outdoor area is an architectural feature and was the heart of project and the fireplaces are reinforced concrete chimneys not stone.

Chairman Little asked if Mr. Jackson would have a problem with a condition that would require a contract for service from the Westport Fire Department. He noted it would be an agreement for consideration to provide service to the extent the Department could and Mr. Jackson would help fund, to a reasonable extent that would show there would be proper emergency services to the facility.

**Jan Walker** noted she had received a letter from Westport Fire Dept. asking for \$100 donation per acre parcel.

Mr. Jackson noted they have 12,000-gallon water tank for fire protection.

Commissioner Bailey asked if the applicants had an opportunity to discuss price ranges for per unit and stated that the units that were deleted from the plans may have been the most affordable.

Mr. Jackson noted the most affordable units would be in the bunkhouse and the units they removed had a desirable view north, facing the water.

**Judith Vidaver**, made the final comment that the Commission's decision would set a precedent in the highly scenic area and what constitutes a unit.

Commissioner Warner made a motion to deny CDU 6-2006 due to lack of mitigation for special events, activity located in an area without fire protection, the botanical study was outdated, and the applicants should submit a recent full analysis of archaeological history. The motion did not receive a second and did not carry.

Upon motion by Commissioner Moser, seconded by Commissioner Calvert and carried by the following roll call vote, IT IS ORDERED to approve CDU 6-2006 per the findings and conditions of approval contained in the staff report including Conditions of Approval #A1-15 and #B1-16 with the addition of #A12 prior to construction a contact for service with Westport Volunteer Fire Department shall be submitted to Planning and Building Services, #B16 memo dated June 15<sup>th</sup>, special event at the facility shall be limited to 99 persons gatherings between 100 or more shall be subject to permit. #A13 The Commission suggests the applicant offer a water sharing agreement to the immediate neighbors to ensure long term availability, change the date of the California Department of Forestry letter on #A8 to April 17, 2007, #A15 the project approved shall be Accepted to be modified as offered by applicant to delete units 4-6 as provided on page A1, #A14 The applicant shall submit a revised lighting plan to the Department of Planning & Building Services for review to ensure that all upcast lighting has been removed, and amend #B3 to include information from the memo dated June 15, 2007 regarding Air Quality Management District regulations:

**General Plan Consistency Finding:** The proposed project is consistent with applicable goals and policies of the Coastal Element of the General Plan as subject to the conditions being recommended by staff.

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

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

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

**Project Findings:** The Planning Commission, making the above findings, approves #CDU 6-2006 subject to the following conditions of approval recommended by staff.

**RECOMMENDED CONDITIONS:**

**A. Conditions which must be met prior to use and/or occupancy:**

- \*\*1.** All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices":
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
  - d. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
  - e. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
  - f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year.
  - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    1. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1.5 units horizontal (66.7% slope).
    2. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage.
- \*\*2.** The application, supplemental exhibits and related material, including locations, sizes, materials and colors of structures shall be considered elements of this entitlement and compliance therewith shall be mandatory, except for changes or conditions approved by the Planning Commission.
- \*\*3.** The applicant shall submit a revised landscaping plan providing details as to the square footage, type, sizes and locations of all plantings and irrigated areas of the project site. Any and all such documentation must be provided to the satisfaction of Planning and Building Services. The revised plan shall include native and drought tolerant vegetation. Should the total irrigated area exceed 2,500 square feet, a Landscape Documentation Packet and appropriate fees shall be submitted pursuant to the County Water Efficient Landscape Ordinance.
4. Prior to commencement of operations the applicant shall submit a copy of a current Mendocino County Business License to the Department of Planning and Building Services. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the use permit and business will automatically expire.
  5. A deed restriction shall be placed on the property prohibiting the individual sale of any of the visitor serving (or caretaker) units constructed for the project. The restriction shall be prepared to the satisfaction of Planning and Building Services and County Counsel, and shall include language that the 10-unit development is intended to be used for commercial transient occupancy purposes only

and also that any future residential uses of the development will not be pursued. When and if the property ceases to be used as a Visitor Serving Facility (VSF), a coastal permit amendment shall be submitted to convert all the VSF units to legal accessory buildings per Section 20.308.015(F) of the Coastal Zoning Code. Specifically, all sleeping quarters and kitchen facilities shall be removed and all bathrooms shall be converted to ½ baths devoid of bathing facilities. The property shall not exceed the maximum number of residences allowed under the base zoning or the coastal zoning codes allowance for accessory living units per Section 20.456.005 of the Coastal Zoning Code.

- \*\*6. The encroachment onto Highway One shall provide adequate sight distance and turning geometrics acceptable to the California Department of Transportation (Caltrans). The applicant shall secure from Caltrans, an encroachment permit for all work to be conducted within State Highway right-of-way.
7. The applicant shall submit a parking plan acceptable to Planning and Building Services providing details as to the size and locations of all parking areas to be used for the project. The plan shall include provisions for handicapped parking and shall comply with all requirements found in Section 20.472.010 of the County Coastal Zoning Code. The plan shall also include details of the area designated as an "overflow" parking lot which will ensure that development is held to a minimum with respect to visual resources (i.e. left in its original grass vegetated state, no lighting, etc.). Any additional plantings for the lot, such as hedgerows for screening purposes, shall be native and drought resistant.
- \*\*8. The applicant shall comply with those recommendations in the letter of ~~April 14, 2007~~ April 17, 2007 or other alternatives as acceptable to the Department of Forestry (CDF# 120-06). Written verification shall be submitted from Cal-Fire to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry and Fire Protection. Prior to the development of Phase II of the project, a clearance letter shall be submitted to Cal-Fire with any conditions being set also becoming conditions of this permit.
- \*\*9. Valid building and health permits must be obtained prior to commencing construction of the inn development. Written verification shall be submitted from the County Division of Environmental Health to Planning and Building Services that all necessary approvals have been obtained, including, but not limited to, those regarding consumer protection.
10. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the 10 working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
11. 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 \$1,850.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to July 6, 2007. Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.
12. Prior to construction a contract for service with Westport Volunteer Fire Department shall be submitted to the Department of Planning & Building Services.

13. The Commission encourages the applicant offer a water sharing agreement to the immediate neighbors to ensure long term availability.
14. The applicant shall submit a revised lighting plan to the Department of Planning & Building Services for review to ensure that all upcast lighting has been removed.
15. The project approved shall be accepted to be modified as offered by the applicant to delete units 4-6 as provided on page A1.

**B. Conditions which must be complied with for the duration of this permit:**

- \*\*1. Water efficient fixtures (e.g. low flow showerheads, toilets, etc.) and landscaping (e.g. rain barrels, diversion of stormwater to vegetated areas, etc.) shall be utilized throughout the project area. In addition, all parking areas shall be surfaced either with permeable materials or vegetation.
- \*\*2. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
- ~~\*\*3. Except for the replacement of existing wood burning stoves, new wood burning devices shall be prohibited pursuant to District Regulation 4.1 adopted December 5, 2006, by the Mendocino County Air Quality Management Board. Replacement woodstoves must be EPA certified and installed in a manner to ensure proper operation. All other heat sources must be fueled by propane or natural gas.~~
- \*\*3. The applicant shall demonstrate to the satisfaction of the County Air Quality Management District (AQMD), compliance with all rules and regulations of the District, including but not limited to, District Regulation 4.1 adopted December 5, 2006, by the Mendocino County Air Quality Management Board. Replacement woodstoves must be EPA certified and installed in a manner to ensure proper operation. Written verification shall be submitted from AQMD to the Department of Planning & Building Services that this condition has been met to the satisfaction of AQMD.
- \*\*4. Prior to obtaining a demolition permit for the former Orca Inn, National Emissions Standards for Hazardous Air Pollutants (NESHAP) clearance shall be issued by the County Air Quality Management District.
- \*\*5. Any stationary onsite internal combustion engines over 50 horsepower (i.e. large power generator or pumps) may require a permit from the District, depending on fuel source and level of operation.
- \*\*6. All grading activities shall comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.
- \*\*7. All roads shall be covered with an impermeable sealant or rocked at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with Regulations regarding asbestos content.
- ~~\*\*8. Lighting for the project shall adhere to the Landscaping and Lighting Plan plans dated March 7, 2007, on file at the Department of Planning and Building Services. All external lighting associated with the proposed development site and parking area shall be shielded and downcast to prohibit light from being cast beyond the property boundaries.~~
- \*\*8. The applicant shall demonstrate continuous use of the property as a visitor serving facility. Documentation of applicable Transient Occupancy Tax (TOT) payable to the Mendocino County Tax Collector upon rental of the inn as a whole or portion thereof will be required on a yearly basis. Any and all such documentation must be provided to the satisfaction of PBS. Full-time (greater than 30 consecutive days) residential occupancies of any of the units (except for that of the designated caretaker unit) shall not be allowed.
- \*\*9. All utility lines on the site, including the existing overhead utility lines from the east side of Highway One to the inn site, shall be placed underground, and existing poles removed.

- \*\*10. All exterior building materials, colors and finishes shall be of earth tones and blend with the natural surroundings. Color samples shall be submitted to the Department of Planning and Building Services and approved by the Coastal Permit Administrator prior to approval of building permits. Windows shall be made of non-reflective glass. Any change in approved colors or materials shall be subject to the review and approval of the Department of Planning and Building Services for the life of the project.
- \*\*11. In the event that archaeological resources are encountered during development of 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. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of Mendocino County Code unless modified by conditions of the use permit.
- 13. The application is subject to the securing of all necessary permits for the proposed development and eventual use from County, State, and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
- 14. 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

- 15. 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, shape or parcels within the permit described boundaries are different that that which is legally required by this permit, this permit shall become null and void.
- 16. Special events at the facility shall be limited to a maximum of 99 persons. Gatherings totaling between 100 and 1,000 persons shall require a Coastal Development Permit and those over 1,000 persons shall require a Coastal Development Use Permit per Section 20.460.020 of the Coastal Zoning Code. Eating and drinking Establishments for on premises consumption by non-paying guests of the facility shall require a Coastal Development Use Permit separate than that issued for this project.

AYES: Little, Calvert, Moser, Edwards, Nelson  
NOES: Bailey, Warner  
ABSENT: None

5e. 5f. **CASE#: UM 13-2005/2007**

DATE FILED: 5/2/2007

OWNER: JOHN KOLBERG

APPLICANT: TOM MILLER & CALCOM SYSTEMS

AGENT: TOM MILLER & CALCOM SYSTEMS

REQUEST: Modification of Use Permit # U 13-2005 to allow for an extension of time to complete Condition Number 14, which requires the property owner to bring the subject property into compliance with applicable sections of Chapter 20 of the Mendocino County Code including, removal of all trash and old vehicles, and legalization of all existing structures by obtaining all proper building and septic permits.

LOCATION: 10+/- miles north of Willits, in the vicinity of the community of Longvale, lying southeast of the intersection of Highway 101 and 162, via a private road which connects to Highway 162, located at 36121 Covelo Road; AP# 036-110-17.

PROJECT COORDINATOR: DUSTY DULEY