



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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**RECEIVED**

JUL 13 2007

JULY 10, 2007

**NOTICE OF FINAL ACTION**

**CALIFORNIA  
 COASTAL COMMISSION**

810-12-018

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

<b>EXHIBIT NO. 14</b>
<b>APPEAL NO.</b>
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.

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**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.
- ⑯ 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 than 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.

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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

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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 (AMQD), 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

**OWNER/APPLICANT:** WILLARD T. JACKSON, PRESIDENT  
JACKSON-GRUBE FAMILY, INC.  
P.O. BOX 430  
MIDDLEBURY, VT 05753

**AGENT:** BUD KAMB  
101 BOATYARD DRIVE, STE. D  
FORT BRAGG, CA 95437

**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 areas including a 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 manager 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 (1bedroom/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; AP#'s 015-380-03; -04; -05; 015-330-13; -19; -27 and a portion of -28, 015-070-45; -49; -51; and portions of -47; -52.

**TOTAL ACREAGE:** 3.7± acres of a 407± acre parcel

**ZONING:** Remote Residential- 20 acre minimum: Planned Unit Development Combining District (RMR 20:PD \*1C)

**ADJACENT ZONING:** North: Remote Residential- 20 acre minimum: Planned Unit Development Combining District, Range Land- 160 acre minimum, Timber Preserve- 160 acre minimum (RMR 20:PD, RL 160, TP 160)  
East: Range Land- 160 acre minimum, Forest Land- 160 acre minimum, Timber Preserve- 160 acre minimum (RL 160, FL 160, TP 160)  
South: Rural Residential- 5 acre minimum, Open Space, Range Land- 160 acre minimum (RR 5 (RR 2), OS, RL 160)  
West: Remote Residential- 20 acre minimum: Planned Unit Development Combining District & Ocean (RMR 20:PD & Ocean)

**GENERAL PLAN:** Remote Residential- 20 acre minimum: Planned Unit Development  
Combining District, Range Land

**EXISTING USES:** Former Residence/Inn, not currently in use, and grazing

**SURROUNDING LAND USES:** North: Rangeland and Timberland  
East: Rangeland and Timberland  
South: Residential  
West: Vacant and Ocean

**SURROUNDING LOT SIZES:** North: 300+ acres  
East: 160+ acres  
South: 2-300+ acres  
West: 1± acre & Ocean

**SUPERVISORIAL DISTRICT:** 4

**OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA:** Use Permit #U 124-81 requesting approval of an inn and recreational vehicle park was continued indefinitely by the Planning Commission in February 1982, and has since expired.

Preliminary Approval #PA 84-48 was granted in June of 1984 for use of an existing single family residence as a four unit bed and breakfast inn, subject to approval of a use permit.

In September 1984, the California Coastal Commission approved an application for conversion of a single-family residence into a four-unit bed and breakfast inn, subject to conditions including an offer of dedication of coastal access. Conditions were never met and the permit was never issued.

Certificate of Compliance #CC 39-90 resulted in certificates for four parcels of approximately 120, 160, 160 and 400 acres recorded in April 1995, on the Jackson-Grube Family property. The site of this application is on the 400± acre parcel.

On February 1, 1996, the Planning Commission approved Coastal Development Use Permit #CDU 9-95, allowing for a 10 unit inn including a remodel of the former Orca Inn into two guest units and the construction of eight new individual guest cottages. The project was subsequently appealed and ultimately approved by the Board of Supervisors on May 13, 1996.

Coastal Development Permit #CDP 101-99, for storm damage repair on Highway One, was approved by the Coastal Permit Administrator on May 25, 2000. The permit was a follow-up to Emergency Permit #EM 05-98, which was granted to allow Caltrans to relocate the highway easterly due to erosion and subsidence on the bluff.

On August 3, 2000, Coastal Development Use Permit Modification #CDUM 9-95/2000 was approved by the Planning Commission as a means of implementing the terms of a settlement agreement between the County and Jackson-Grube Family. In essence, the approval by the Board of Supervisors of #CDU 9-95 was challenged in court over a condition requiring coastal access on the ground that it violated the nexus requirement of *Nolan v. Coastal Commission*. A settlement was reached where the condition requiring an offer of dedication was dropped in exchange for the following: (1) The Jackson-Grube Family was to execute a deed conveying fee title to the County of a one acre portion of the 400± acre property (AP# 015-330-05) and (2) The Jackson-Grube family was to pay the County the sum of \$25,000.00 toward the development of coastal access in the area. A condition was also added requiring an offer to dedicate an easement for public access through the property along a 15 foot strip on the west side of the Caltrans right-of-way of Highway One.

**BACKGROUND INFORMATION:** The above referenced approval of Coastal Development Use Permit #CDU 9-95 allowed for the development of 10 visitor serving units on the site which featured ~~the remodeling of the former~~ Orca Inn into two guest units and a manager's quarters and the construction of eight individual guest cottages. Substantial modification of the approved design was proposed by the applicant prior to the start of construction on the approved project. As a result of the significant alterations to both the site layout and interior design concepts,

it was determined by the Department of Planning and Building Services that an entirely new application would be required for the project.

**PROJECT DESCRIPTION:** 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<sup>1</sup>. 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.

Water would be supplied from wells located on the same parcel east of Highway One. A septic system has been designed utilizing the area between the inn and the highway, north of the entrance driveway, as a leach field.

**ENVIRONMENTAL REVIEW:** The following issues were identified in the Initial Study Environmental Checklist:

Earth and Water (Items 1B, 3B, 3F and 3G): The proposed Visitor Accommodations and Services (VAS) facilities are not expected to result in significant amounts of soil disruption during or after the construction of new structures and related landscaping. The site is comprised of mildly sloping terrain (approximately 3-5% grade) and few issues related to surface erosion are anticipated.

Section 20.500.020(B)(1) of the County Coastal Zoning Code states, in part, that, "[n]ew structures shall be setback a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (seventy-five (75) years)." The closest proposed structure to the bluff on the property (a spa to be developed in Phase II) is 170± feet. This is approximately the same distance as the closest structure proposed for the formerly approved project which was found to be "more than adequate" in a letter provided for the original project by the engineer who prepared the plans. Staff believes that this assessment can be applied to the current project as well. It is recommended, overall, that standard Best Management Practices (BMPs) be employed to ensure that potential impacts related to erosion or other earth moving activities are held to a less than significant level (see Condition Number A-1).

Policy Number 3.8-9 of the General Plan's Coastal Element states in part that, "[c]ommercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be

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<sup>1</sup> A "ha-ha," according to *The American Heritage* dictionary, is defined as "a walled ditch or sunken obstacle, such as a hedge, serving especially as a barrier to livestock without impairing the view or scenic appeal."

required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies." Furthermore, the project is shown to lie within an area containing Critical Water Resources (CWR) as designated by the 1982 County Coastal Ground Water Study, which, when combined with Coastal Groundwater Development Guidelines adopted by the County in 1989 requires a hydrological study for commercial projects proposing 1,500 gallons per day (gpd) or more.

While the current project estimates a maximum demand of approximately 2,600 gpd, it was determined that a new hydrological study would not be necessary based on the conclusions of a study prepared in 1994 by Clark Engineering and Hydrology for the previously approved version of the project. The study estimated well yield in the area to be more than 8,000 gpd, significantly exceeding the proposed water demand for the inn. Comments received from the County Water Agency (CWA) concurred with staff's determination noting that, "[i]n many areas of the County, the results from a 12-year old Hydrological Study would be obsolete; however, [CWA staff was] not aware of any significant change in groundwater use in the area," and, as a result, felt the study to be valid for the purposes of the current project. Additional comments from CWA recommended that appropriate water conservation techniques and stormwater retention features be incorporated into the overall design of the project. Conditions Number A-1 and B-1 are recommended to ensure that these and other erosion related concerns are held to a less than significant level.

Air (Item 2A): Construction and grading involved with the project has the potential to impact air quality in the region. The demolition of an existing commercial structure (former Orca Inn) will require a demolition permit which, according to comments received by the County Air Quality Management District (AQMD), must first obtain clearance from the District to address asbestos and other dust related matters. Additional impacts on air quality could result from the use of pumps or generators on site, which may also require permits from AQMD, depending on the size or horsepower of the individual pieces of equipment.

A final item that must be considered concerns the implementation of the recently adopted particulate emissions reduction measures, known as Regulation 4 (adopted December 5, 2006). According to regulation language, the purpose of the ordinance is to "reduce the impact of particulate emissions from wood burning appliances on public health and air quality in the Mendocino County Air Quality Management District." Rule 4.1-400 states, in part, that:

- (a) *No person shall install an open wood burning fireplace in any new residential, commercial or public building or accessory building, or as part of a renovation of any residential, commercial or public building or accessory building.*
- (b) *No person shall install a wood-fired outdoor boiler to provide heat for any residential, commercial or public building or accessory building.*
- (c) *No person shall install wood burning appliances in any new, remodeled or renovated multifamily residence, commercial or public building or accessory building, except as a replacement for an existing wood burning appliance.*

The project as proposed includes wood burning appliances. Replacement of a woodstove removed from the demolition of the former Orca Inn would be allowed under the new rules. All other fireplaces would be required to be fueled by natural gas. Conditions Number B-3 through B-7 are recommended to ensure compliance with the newly adopted regulations as well as to hold other potential air quality impacts to a less than significant level.

Plant Life (Item 4A, 4B and 4C): No species of interest were noted in the California Natural Diversity Database as occurring on the project site and comments were not received from either the Department of Fish and Game or the California Native Plant Society regarding the project. A botanical survey dated June 8, 1991 (prepared by Gordon McBride) was used for the previously approved version of the inn which did identify the existence of rare and endangered Mendocino Paintbrush along the top and face of the ocean bluffs with one plant located about 50 feet from the edge of the bluff. A supplemental study was also prepared in September 1992 focusing on areas west of the former project site. Each survey noted that the blufftop setbacks were sufficient buffers for the former project to protect against potential impacts in this area. Small, seasonal watercourses were alluded to in the surrounding region outside of the project envelope, although they were found to lack the "botanical characteristics" of a wetland or a watercourse due to a lack of riparian vegetation associated with them. ?

The property has been used as a working ranch for several decades, with the area around the currently proposed inn site having itself been thoroughly disturbed during its existence as a ranch house and inn. Furthermore, the current proposal is a more compact version of the originally approved site design with the envelope of development moved further east by 50 to 100 feet, increasing the buffer area typically associated with Mendocino Paintbrush habitat. As a result, staff did not feel that additional botanical studies would be necessary for the current project.

Landscaping and Lighting Plans dated March 7, 2007 prepared by Sellers & Company Architects and Sanford/Strauss Architects were submitted providing details as to the sizes and locations of various plantings proposed for the site. The plan was intended primarily to illustrate the extent of landscaping for the project, especially with respect to potential visual impacts from public vantage points. According to the plans, approximately eight trees (species to be determined) of 12-14 feet are to be planted as a means of screening public views of the inn from Highway One with an additional four trees of the same height to be planted within the project boundaries. Four trees (species to be determined) of 8-10 feet are also proposed to supplement the east-facing tree line. An existing Cypress of approximately 35 feet in height will remain on site. Several hedgerow plantings, gardens, grass fields and rocks/boulders are planned throughout the project area and along the perimeter rounding out the landscaping design.

The application packet listed the landscaped area as 1,500 square feet. However, the March 7 landscaping plan revised the area to be irrigated to include quite a bit of additional square footage. The plan shows approximately 1,908 square feet of sprinklered landscaping directly west and adjacent to the activities area of the project's main structure. Other proposed landscaping includes approximately 10,900 square feet in sprinkler-covered area with 600± more in various plantings around buildings to be watered by hand. The County Water Efficient Landscape Ordinance requires commercial projects with over 2,500 square feet of landscaping to submit a documentation packet detailing the irrigation methods used to ensure efficiency in this area. When informed of the required documentation, project architects chose to scale back the amount of landscaped area to include only the region adjacent to the main building and the miscellaneous plantings. Staff will recommend that proper landscaping documentation and fees be provided for any irrigation over the 2,500 square foot threshold that would trigger a landscape documentation plan and also that the use of native and drought tolerant vegetation be used.

Overall impacts resulting from the development are not expected to be significant. Conditions Number A-2, A-3, B-1 and B-2 are recommended to ensure that the project boundaries are maintained as well as to ensure that the above noted landscaping criteria have been met.

Noise (Item 6A): The location is relatively remote and is expected to have few impacts with respect to noise in the sparsely populated region of the coast. Although an increase in noise levels will most likely result from the grading, driveway construction and construction phases of the inn development itself, overall, staff does not believe they will approach a level of significance in this area. No mitigation is required.

Light and Glare (Item 7A): As mentioned above, a Landscaping and Lighting Plan dated March 7, 2007, was submitted along with the project materials. The plan consists of various lighting fixtures including solar luminaries along the onsite parking borders, recessed and directional downlights surrounding most of the project structures with the exception of the east (Highway One) facing building sides, and fence mounted rope lights separating the ranch manager unit from the rest of the accommodation facilities. Two "upward" shining lights are also proposed. One will spotlight the existing onsite Cypress tree in the courtyard of the main visitor units and the other is to highlight an "archaeological item" described as a centerpiece reflecting the area's agricultural history.

Policy 3.5-15 of the Coastal Element states, in part, that "no lights shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible." The lighting as proposed in the Landscaping and Lighting Plan would appear to meet these standards, as the "upward" lights will be mostly shielded by project structures and trees. Condition Number B-8 is recommended to ensure adherence to the proposed lighting design keeping light and glare impacts to a minimum.

Land Use (Item 8A): Chapter 4.2 of the Coastal Element has designated the site of the proposed project as one to be used as a conditional visitor serving facility within the Rockport to Little Valley Road Planning Area. Section 20.436.015(B)(1) of the County Coastal Zoning Code permits certain types of Visitor Accommodations and Services (VAS) facilities subject to a coastal development use permit. Parcels designated for such use are noted on the Land Use Maps and Coastal Zoning Maps with certain asterisk and number symbols specifying the types

of accommodations and services allowed. In the case of this project, an \*1C has been noted on the parcel, which allows for a 10-unit inn. This is defined under Section 20.332.015 of the code as:

*Any building or portion thereof or group of buildings containing five (5) but no more than ten (10) 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 to guests occupying the overnight accommodations. Provision of regular meals to other than transient occupants of the facility shall require a coastal development use permit.*

The nature of the project proposal (e.g. multiple-roomed units, potential use as a non-compensating "private retreat," etc.) raises concerns in three discrete areas with respect to permitted land uses in the Coastal Zoning Code and Coastal Element of the General Plan. The first involves the number of "units" allowed in a combining district carrying an \*1C designation. Secondly, the matter of "compensation" should be properly addressed to ensure that the intent of a VAS Combining District is being met. Finally, explicit disclosure will need to be made regarding allowances in the combining district so that proposals for future uses are not substituted which conflict with current policies of the General Plan. The following discussion will focus on each of the three issues individually.

Maximum Allowed Units under an \*1C Designation- As proposed, the project is comprised of 10 units and an additional caretaker unit provided for in Chapter 2.2 of the Coastal Land Use Element. The sizes or number of bedrooms allowed per "unit" is not specified under County polices regarding visitor serving uses. In any case, four of the units contain two bedrooms and the main facility proposes three bedrooms and three bathrooms. Initial discussions with the applicant raised the question as to the potential for renting separate individual rooms within units, which would, of course, run counter to the allowed uses in an \*1C Combining District. A "Unit Designation Plan" dated April 13, 2007 partially addressed these concerns with a note stating that "[a]ll units with multiple bedrooms provide entrance through respective common living areas" and consequently act as "suite[s] to be rented as... single unit[s]." However, staff feels that further assurances are necessary to ensure that no more than 10 units can be considered when rental arrangements are made. Documentation by means of requiring annual Transient Occupancy Tax (TOT) records is recommended to determine the number of units rented out in a given time period (see Conditions Number A-4 and B-9). *- to ensure no more than 10 units*

Assurances that the Inn will be Utilized by "Transient Guests for Compensation or Profit"- Coastal Element narrative describes the development of Visitor Serving Facilities as a "priority use," especially those made available to the public at a low cost. Chapter 3.7-5 of the Coastal Element states that:

*The locations designated and types of use permitted are intended to result in accommodations of all price ranges, including lower cost ones such as campgrounds and hostels. Lower-cost visitor and recreational facilities for persons and families of low and moderate income shall be protected, encouraged and, where feasible, provided...*

While the rental costs associated with the project units are not expected to appear on the "lower end" of the scale, the development does provide amenities within the Rockport to Little Valley Road Planning Area which is, otherwise, virtually devoid of such services. However, once developed there should be some type of guarantee that the facilities will not be used as a "private retreat," which excludes the public and runs counter to the intended purpose of the VAS Combining District. Conditions Number A-4 and B-9, as recommended above, would similarly act to provide the documentation needed to ensure that compensation for use of the accommodations has been received.

Potentially Inappropriate Future Uses of the Inn Development- Viewed from a "long range" perspective, the potential for failure of the inn development as a viable commercial operation must be considered within the realm of possibility. The current zoning of the property already restricts uses more intense than Visitor Serving Facilities or single-family residential development. However, what could potentially become of a vacant 10-unit Inn may be open to debate. For example, because the project proposes a design which will essentially create several self contained units (1-3 bedrooms apiece, bathrooms, kitchen units, etc.), enterprising individuals could feasibly see an opportunity to subdivide the "airspace" of the facilities into a complex of condominiums. Such designs would, of course, entail substantial amendments to the LCP which is highly unlikely in this remote and scenic region of the County. However unlikely this or other scenarios may be, it should be made explicitly clear prior to the development of the project that uses not furthering the intent of the Visitor Accommodation and Services

Combining District will be allowed. Staff recommends Condition Number A-5 putting a deed restriction on the parcel that would preclude potential misuses of the property.

Transportation/Circulation (Items 12B, 12C and 12F): The project takes access directly from Highway One along a driveway of approximately 340 feet. The California Department of Transportation (Caltrans) provided comments calling for the existing highway access to be upgraded to current standards and also noting that work within the State right-of-way would require an encroachment permit. The County Department of Transportation (DOT) had no comment to make while recommending approval of the project. Condition Number A-6 is recommended to ensure compliance with the permitting requirements of Caltrans.

A State Route One Corridor Study was prepared in 1994 by TJKM Consultants to address issues of traffic carrying capacity from the buildout of the County Coastal Element of the General Plan along Highway One. The road segment relevant to this project was evaluated using the 75/50 development scenario which includes an estimated time horizon through the Year 2020 and projects "existing development + development on 75% of existing vacant parcels + development on 50% of potential new parcels + 75% of commercial, industrial, and visitor-serving facility buildout potential." Estimated peak hour trips generated for the project are 6.48 on summer weekdays and 12.42 during summer weekends. As the estimates fall below the threshold of 25 peak hour trips for this segment of the highway, further traffic studies are not required according to the Corridor Study. Therefore, no significant impacts are expected in this area.

With respect to parking for the project, 14 spaces have been provided for within the main boundaries of the development. Approximately 22 additional spaces are proposed in an "overflow" lot outside of the main project site adjacent to the south side of the entrance driveway and the east face of the Ranch Manager's Unit. Section 20.472.010 of the Coastal Zoning Code describes the required surface types, sizes and allotments for handicap parking of projects involving commercial uses. Section 20.472.020(H) further specifies that one parking space per room must be provided with two additional spaces for a manager unit within the development. In all, 36 spaces (each approximately 9 x 20 feet) are proposed. While this appears to meet the requirements in size and number for standard spaces (one for each of the 16 rooms plus two for the Manager Unit), there does not appear to be the minimum one designated space for handicap parking (14 x 20 feet) as required under this portion of the code. Staff recommends Condition Number A-7 which would require a revised "Parking Plan" to show that standard parking criteria of the Coastal Code have been met.

Public Services (Item 13A): The property is located within a moderate fire hazard area and lies within the California Department of Forestry and Fire Protection (Cal-Fire) service district. A copy of the Preliminary Clearance requirements from Cal-Fire, dated April 14, 2006 (file #120-06), was submitted by the applicant along with the rest of the application materials. A list of minimum standards were required to be met regarding addressing, roads, driveways, emergency water supply and defensible space, prior to "final clearance" and "approval of occupancy" from that agency. Comments from the April 14 clearance letter also stated that the "project is approved for phase one only" and that "phase two must make a separate application to receive a final." In addition, a copy of a letter from Cal-Fire to the applicant was provided, dated June 8, 2006, which clarifies comments made in the original clearance letter. Condition Number A-8 is recommended as a means of ensuring the conditions from each of the submitted documents are met to the satisfaction of Cal-Fire. No other mitigation is required.

Utilities (Item 15A): As stated in an earlier portion of this report, water is to be provided from wells located on the same parcel, east of Highway One. Also discussed under the Earth and Water section above is the topic of water availability in which the County Water Agency has determined that adequate supplies exist in the area for the purposes of the project. A septic system design has been submitted to the County Division of Environmental Health (DEH), which, as of the writing of this report, has yet to comment on. Policy 3.8-7 of the Coastal Plan partially states that, "[I]each field approval shall require satisfactory completion of a site evaluation on the site of each proposed septic system." While DEH has not yet given approval of the septic design, it is anticipated that a review will have been completed by the time the Planning Commission hears the subject case. Condition Number A-9 is recommended to ensure DEH approval of the septic plans and subsequent inspections have been obtained prior to occupancy of the inn development. No other mitigation measures are required.

Human Health (Item 16A): The project proposes catering kitchens and spas which may be subject to permits from the Consumer Protection (CP) program of Division of Environmental Health. In addition, the water system proposed may require a state small permit from CP or other permits from the State with respect to Non-

Community systems. Condition Number A-9 would require that all permits from interested agencies be adhered to as an overall condition of the project. As such, potential impacts to human health are not expected to be significant.

Aesthetics (Item 17A): The project site is located within an area designated "highly scenic" and is subject to the policies within the Coastal Element relating to visual resources. Policy 3.5-1 requires that development within highly scenic regions of the coast be "sited and designed to protect views to and along the ocean and scenic coastal areas," and also be "...visually compatible with the character of surrounding areas." Policy 3.5-3 goes further to include that "new development shall be subordinate to the character of its setting" and "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." Other relevant policies in the Coastal Element addressing visual impacts include Policy 3.5-4, which establishes criteria for development within "highly scenic areas"; Policy 3.5-5, encouraging tree planting to screen buildings provided that coastal views from public areas are not blocked as a result; and Policy 3.5-8, requiring the non-obtrusive location of power lines.

The blufftop expanse on which the project has been proposed is highly visible from Highway One in both directions. Vegetation on the project site is comprised of a single Cypress tree combined with plush coastal grasses. The site has remained semi-defined over the years by a cluster of structures bordered by a white board fence, which was formerly used as the "Orca Inn." An existing driveway to the complex is lined by the same fencing as well as by an overhead utility line extending to the highway.

Considerable revisions were made to the design of the project between the time of the original approval in February 1996 and the current application. The primary change was seen in the project layout. The original plan consisted of the remodeling of the former Orca Inn into two guest units and the construction of eight individual guest cottages, whereas the current proposal is a reduction in terms of total visitor serving structures. In this version, eight units would be contained in two main buildings and two other units would be in the form of individual cottages. The new version would also shift much of the development envelope away from the blufftop side of the Orca Inn and have it placed closer to Highway One by approximately 90 feet. Visual impacts are expected to be reduced as a result of the units being clustered into fewer structures.

Existing structures to be removed include a garage, two sheds, an existing water tank and a pump. The rest of the project will entail the demolition and replacement of an existing ranch house with additional units attached in a main "L" shaped structure and others constructed into detached bunkhouses and individual cottages. Building heights proposed for most of the structures are held at or below the 18-foot limit allowed for in a highly scenic area under Section 20.504.015(C)(2) of the Coastal Zoning Code. Exceptions to the height standard are allowed for in cases where public views to the ocean aren't affected or where the additional height would not "be out of character with surrounding structures." The two areas where the 18-foot standard would be exceeded for this project are the replacement of an existing 26-foot, 5-inch structure with one of equal height, and the construction of an approximately 25-foot ventilation-enclosing roof over a bedroom unit of 13 feet in width at the "knuckle" portion of the "L" shaped structure.

? The replacement of a non-conforming structure does not conflict with current allowances under the Coastal Element. Thus, the proposed height of the project's main unit should not be an issue in terms of the 18-foot height allowance. As for the second area exceeding the limit, the project architects contend that the height of the 25-foot "knuckle" portion of the structure is necessary as a balance to the non-conforming height of the main replacement unit on the south end of the structure, essentially serving an aesthetic function. Staff believes the proposed design to be consistent with applicable code in this area with the height exception remaining "in character with [its] surrounding structures." Allowing the additional height for the knuckle portion of a larger contiguous structure would provide for architectural harmony within the development area and should not significantly impact visual resources as a result.

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. A row of trees is proposed to shield many of the structures immediately visible from the highway which is encouraged in the above referenced

if trees  
don't block coastal  
views

Coastal policy. However, 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 bluffs and ocean.

The design of the development would have several of the units consisting of two stories. Development criteria found in Section 20.504.015(C)(3) of the Coastal Zoning Code states that "[n]ew development shall be subordinate to the natural setting and minimize reflective surfaces." Section 20.504.015(C)(8) speaks of minimizing the visual impacts of development "on ridges" within a Highly Scenic Area (HSA). The same section further states that "development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation." While two story units are proposed as part of the project, they are for the most part contained within an 18-foot structure (see discussion above regarding the noted exceptions). Impacts resulting from second stories (e.g. additional reflective window surfaces) would be largely shielded upon completion of Phase II with the construction of the east-facing bunkhouse. The bunkhouse itself was initially proposed to contain a second story. However, to partially address the concerns of staff in this area, the applicant volunteered revisions to the initial design of the east-facing bunkhouse which removed the manager's quarters from the structure and substantially reduced the amount of reflective surfacing visible from the highway. Section 20.504.015(C)(7)(b) calls for development on terraces to "[m]inimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms." 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. In addition, artificial berms have been proposed to lessen many of the publicly visible portions of the structures, essentially "sinking" the base elevations and blending them into the natural contours of the coastal terrace.

Additional aesthetic issues concern existing utility lines and poles, proposed signage, the "overflow" parking area and appropriate surface materials and colors to be used for the project. The first issue has been addressed by the applicant through a proposal to bury existing overhead utility lines, as was the case for the previously approved project, with any new lines also to be placed underground to the east side of Highway One. Existing utility poles are to be removed within the project site and along the entrance driveway. Condition Number B-10 is recommended to ensure adherence to this proposal.

As for signage, a plan was submitted dated May 3, 2007, which proposes signs displayed on two slabs of Douglas Fir (each two feet in width, six feet in height), to be located on either side of a proposed 24-foot entrance gate to the site. The signs would be situated between wooden driveway fence posts and larger stone pillars approximately two feet wide and 15 feet high on either side of the proposed entrance gate. Carved into one of the sign faces would be the wording, "Newport Chute Ranch," and "Accommodations and Events by Reservation," along with an informational phone number. The opposite sign would consist of the logo for the inn. Setback requirements of the RMR zoning (90 feet from centerline of Highway One) would be met for the display as required by Section 20.476.025(i) of the Coastal Zoning Code.

With respect to the overflow parking area proposed for the project (as noted above under the Transportation/Circulation section of this report), staff did not feel that it would be used frequently enough to be considered a significant visual concern. However, "improvements" of this region should be kept to a minimum to avoid it becoming an issue. Condition Number A-7 (requiring revisions to the parking plan) is recommended to address potential visual impacts from the overflow lot as well.

Finally, Section 20.504.015(C)(3) of the Coastal Zoning Code states, in part, that "[i]n highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings." As specific details have not been provided with respect to color schemes or materials for the project, staff will recommend that prior to issuance of a building permit, appropriate standards be met to the satisfaction of the Coastal Permit Administrator (see Condition Number B-11).

It should be noted that, with respect to visual resources for the project, Planning staff has requested and received several revisions to the submitted plans throughout the various stages of processing the application. The applicant has consistently demonstrated a willingness to cooperate with County staff by incorporating many changes to the design where warranted and making concerted efforts to improve upon the plans' overall visual impacts. As a result of the evolving design (and despite the project's wide open location), staff believes that the structural layout of the project has been improved upon to a point where potential visual impacts will remain less than significant.

Recreation (Item 18A): The project site is located within an area designated as a coastal access point in Chapter 4.2 of the Coastal Plan. Coastal Policies relevant to coastal access for this project include 3.6-5, 3.6-6, 3.6-9, 3.6-11 and 3.6-28, each specifying various details and methods on requirements for obtaining access through Visitor Accommodations and Services development permits.

As mentioned above under the Other Related Applications section, an agreement between the County and the Jackson-Grube Family was reached in which the condition requiring coastal access for the previously approved Coastal Development Use Permit #CDU 9-95 was relinquished. (The settlement agreement was implemented through the approval of Coastal Development Use Permit Modification #CDUM 9-95/2000). In return for dropping the condition, the Jackson-Grube Family conveyed fee title to a one-acre portion of the 400± acre property and also forfeited \$25,000.00 for coastal access development in the area. A condition was included for approval of CDUM 9-95/2000 requiring an offer to dedicate an easement for public access through the property along a 15 foot strip on the west side of the Caltrans right-of-way of Highway One.

Staff considers the settlement agreement to be applicable to the current project where coastal access is concerned and, as a result, satisfies the requirements of the above referenced Coastal Element policies. No other mitigation is required.

Cultural Resources (Items 19A and 19C): Coastal Element Policy 3.5-10 states, in part, that "[t]he County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources." An archaeological survey prepared in December 1990 by Jay Flaherty and used for the previously approved project site was accepted by the County Archaeological Commission for the currently proposed inn development. While no archaeological resources were discovered as result of the survey, the Commission cautioned the project agent that any construction work at the site must cease immediately should "any signs of resources [be] found" during this phase. Condition Number B-12 (Discovery Clause) is recommended to ensure adherence to Chapter 22.12 of the County Code with respect to archaeological resources.

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

**GENERAL PLAN CONSISTENCY RECOMMENDATION:** Facilities for visitors are a priority use in the County's Coastal Plan as required by the Coastal Act. Coastal Act Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agricultural or coastal-dependent industry.

The County's Coastal Plan (Policies 3.7-1 and 3.7-4) has designated sites for visitor-serving facilities, of which the Newport Ranch site is one, and restricts other use of the site to development no more intense than a single family residence, and then only if a visitor-serving facility may still be placed on the site.

The site has been reserved by the Coastal Plan for development of a visitor-serving facility of up to 10 units. The site is not appropriate for coastal-dependent industrial use, but the land around the existing buildings has been used for cattle grazing. Development of the proposed visitor facility would reduce the area used for grazing. However, the change of use would not be inconsistent with the agricultural priority policies because the site is zoned Remote Residential, not Rangeland or Agricultural.

The proposed project is consistent with applicable goals and policies of the Coastal Element of the General Plan subject to the recommended conditions.

**RECOMMENDED MOTION:**

**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 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.

**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.
- \*\*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.
- \*\*9. 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.
- \*\*10. 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.
- \*\*11. 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.
- \*\*12. 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.
- 13. 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.
- 14. 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.
- 15. 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

16. 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.

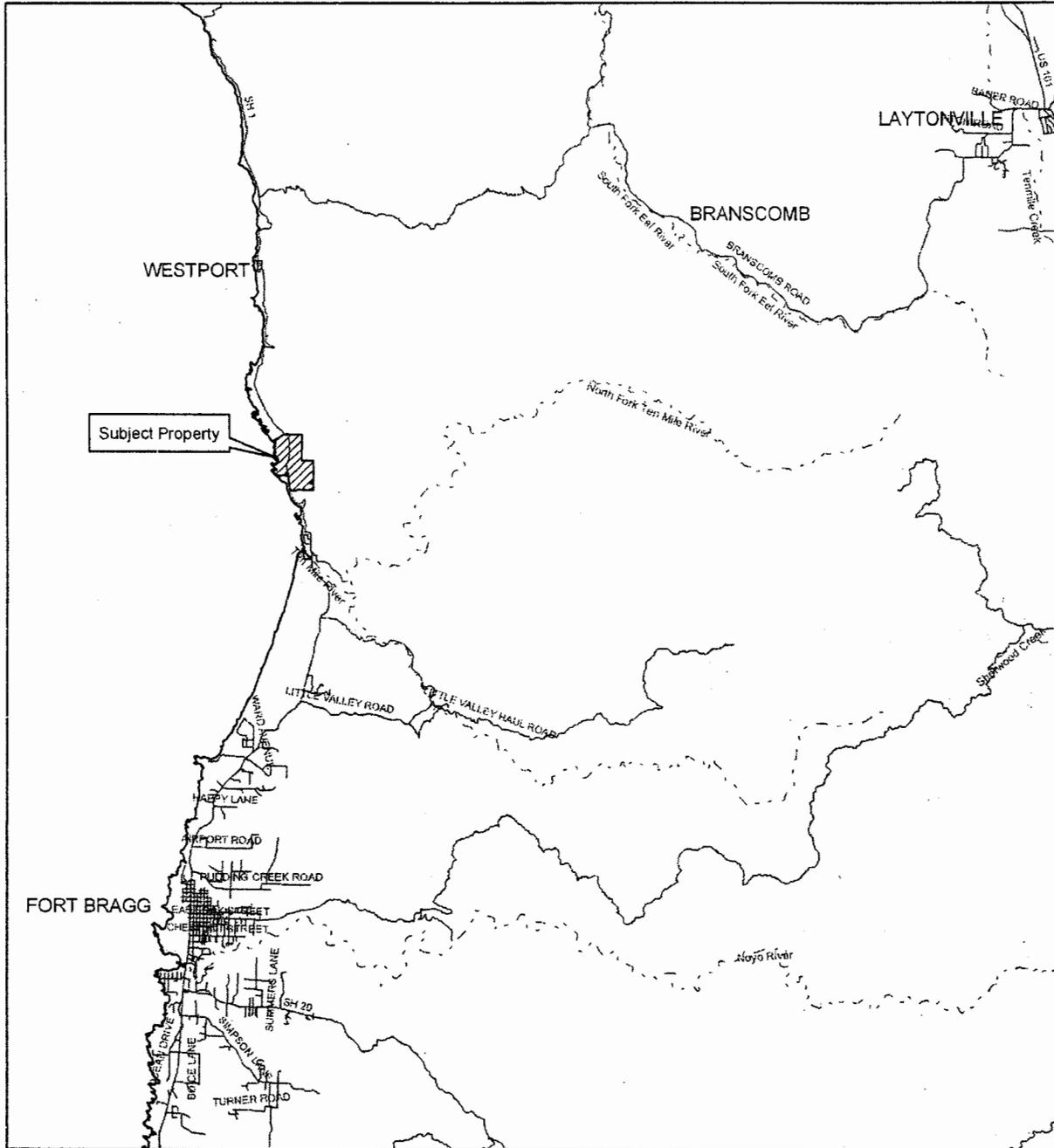
5/18/07  
DATE

  
JOHN SPEKA  
PLANNER II

JS:at  
May 16, 2007

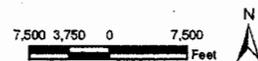
Negative Declaration  
Appeal Fee - \$840.00  
Appeal Period - 10 days

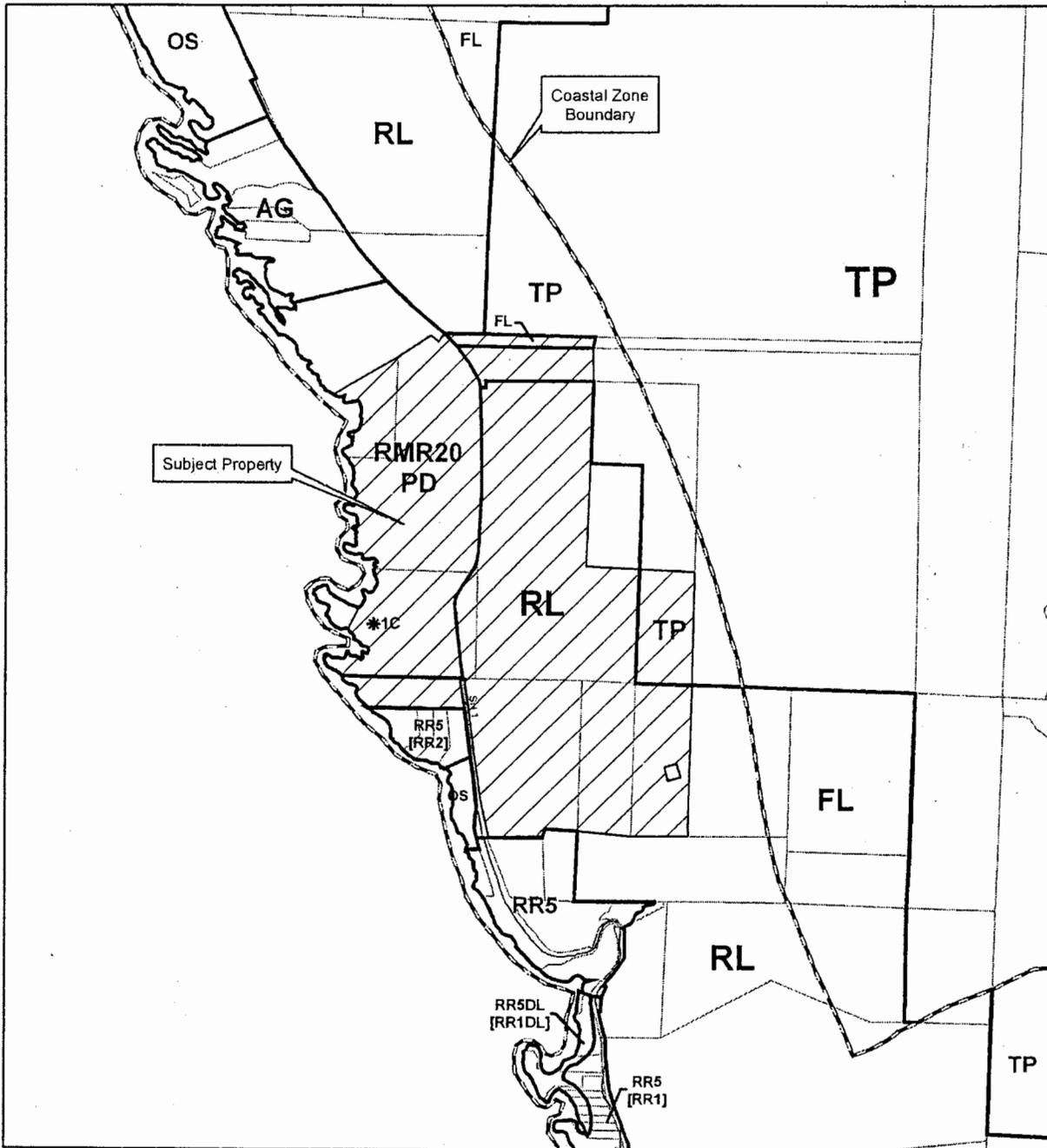
REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Planning- FB			X
Department of Transportation		X	
Environmental Health			X
Building Inspection- UK		X	
Agricultural Commissioner	X		
Trails Advisory Committee	X		
Native Plant Society	X		
Caltrans			X
Department of Forestry	X		
Department of Fish and Game	X		
Coastal Commission	X		
RWQCB	X		
County Counsel	X		
Westport Fire District	X		
Sonoma State University			X
Archaeological Commission			X
County Water Agency			X
Air Quality Management District			X



OWNER: JACKSON-GRUBE FAMILY, Inc.  
APPLICANT: JACKSON, Willard  
AGENT: KAMB, Bud  
CASE #: CDU 6-2006  
APN: 015-070-45, 015-070-49, 015-070-51, 015-330-13, 015-330-19, 015-330-27,  
015-380-03, 015-380-04, 015-380-05,  
and portions of 015-070-47, 015-070-52, & 015-330-28

LOCATION MAP

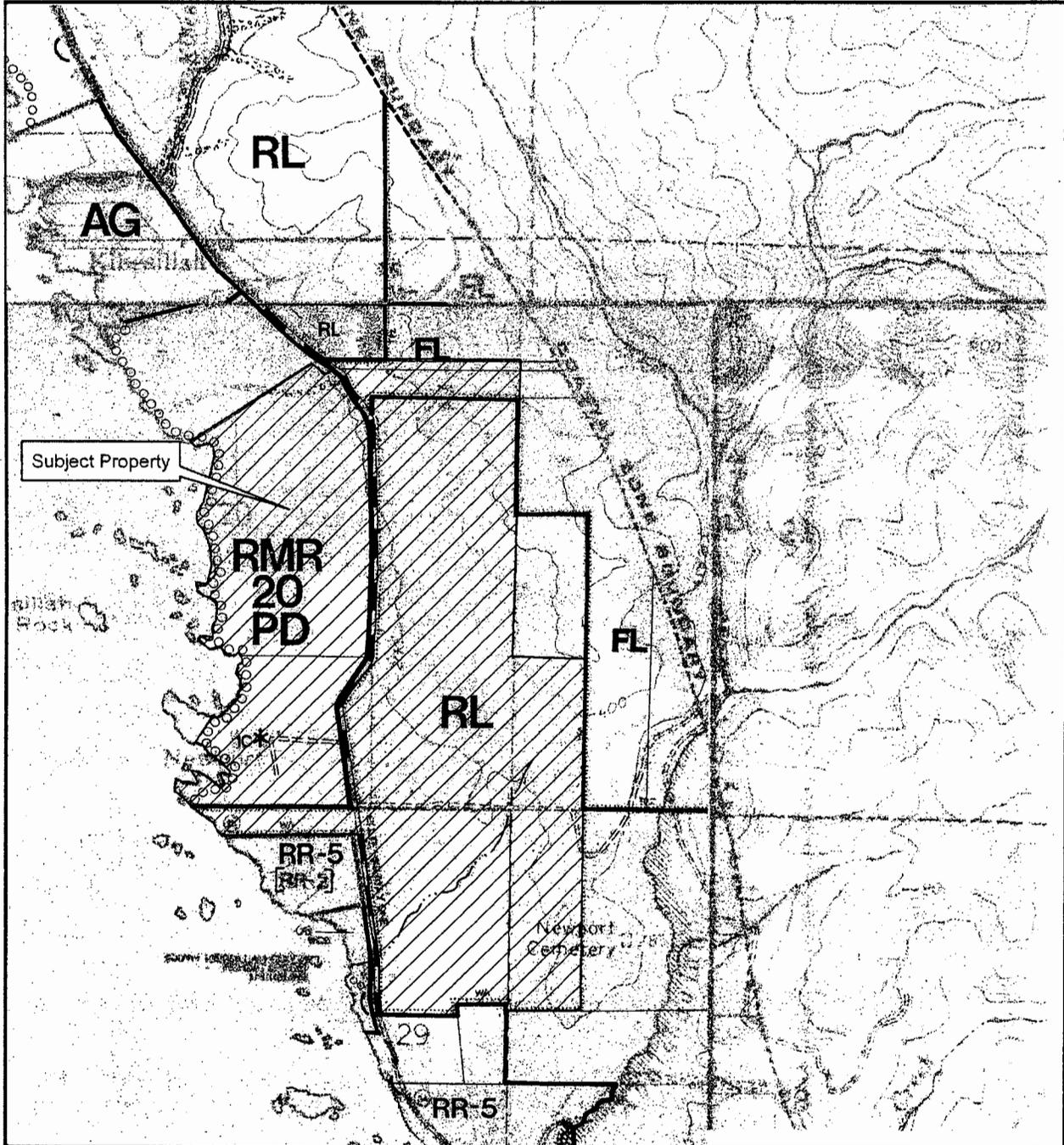




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015-380-03, 015-380-04, 015-380-05,  
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ZONING DISPLAY MAP

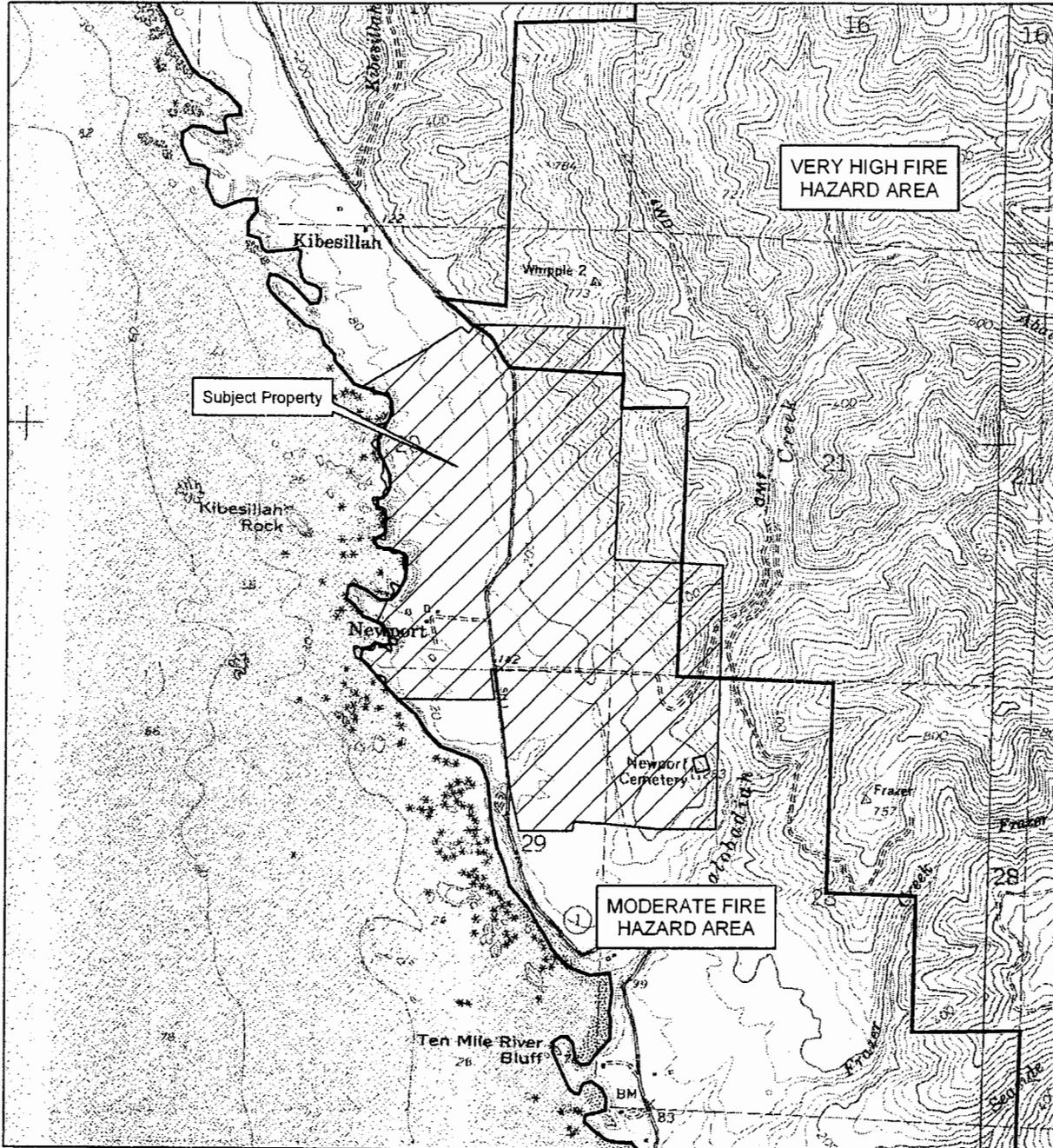




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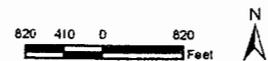
**COASTAL PLAN LAND USE MAP No. 8, 9 & 10**

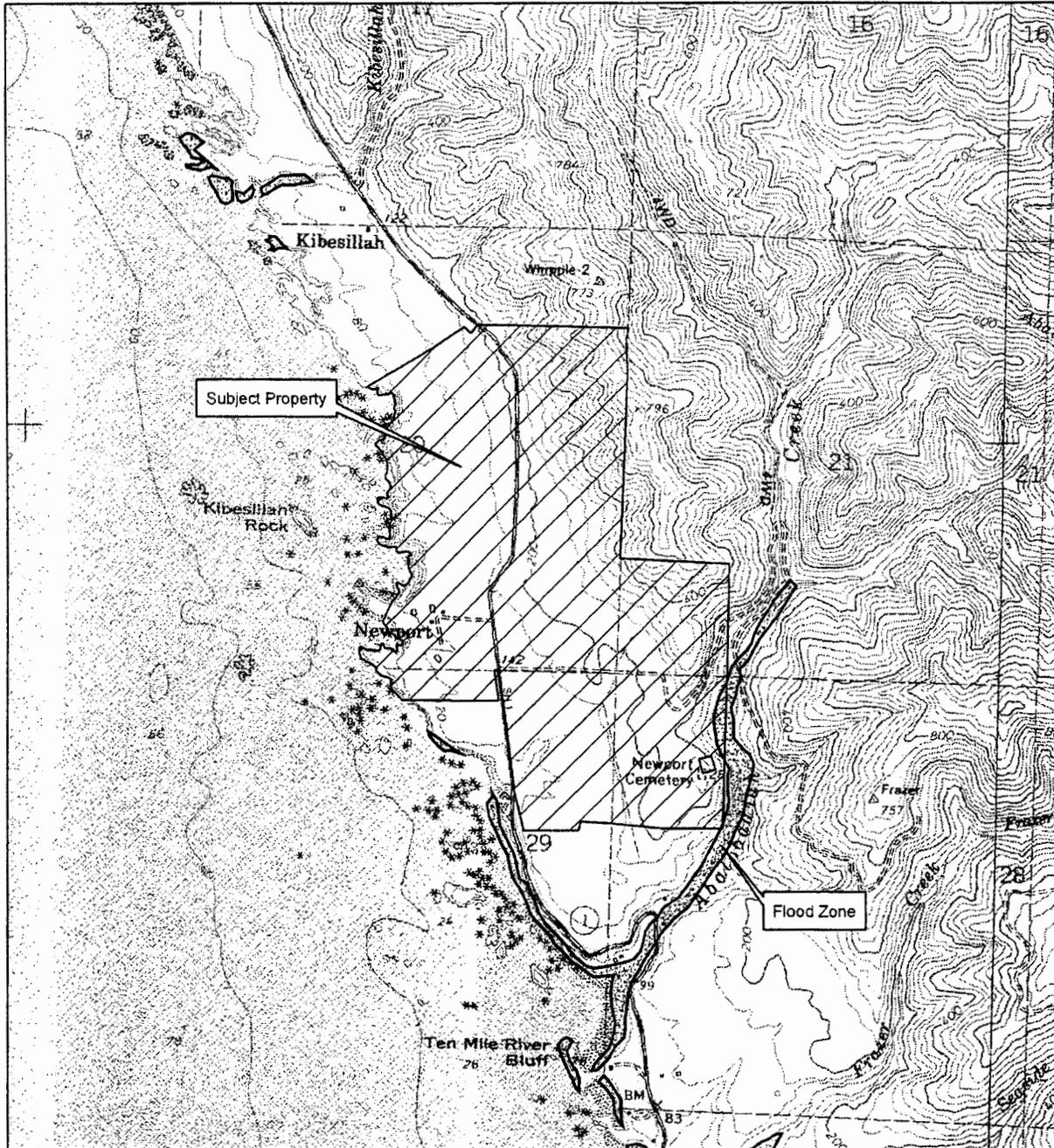
Not To Scale 



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CASE #: CDU 6-2006  
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and portions of 015-070-47, 015-070-52, & 015-330-28

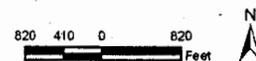
**FIRE HAZARD SEVERITY ZONES**  
CDF FIRE PROTECTION AREA





OWNER: JACKSON-GRUBE FAMILY, Inc.  
APPLICANT: JACKSON, Willard  
AGENT: KAMB, Bud  
CASE #: CDU 6-2006  
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015-380-03, 015-380-04, 015-380-05,  
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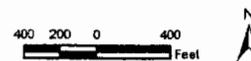
100 YEAR FLOOD ZONE





OWNER: JACKSON-GRUBE FAMILY, Inc.  
APPLICANT: JACKSON, Willard  
AGENT: KAMB, Bud  
CASE #: CDU 6-2006  
APN: 015-070-45, 015-070-49, 015-070-51, 015-330-13, 015-330-19, 015-330-27,  
015-380-03, 015-380-04, 015-380-05,  
and portions of 015-070-47, 015-070-52, & 015-330-28

ORTHOPHOTO - 2005



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

**I. DESCRIPTION OF PROJECT.****DATE:** May 17, 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, it is recommended that a NEGATIVE DECLARATION be adopted.

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

**MENDOCINO COUNTY  
ENVIRONMENTAL REVIEW GUIDELINES  
INITIAL STUDY**

**Section I Description Of Project.**

**DATE:** May 14, 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/1bathroom/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.

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**PROJECT COORDINATOR:** JOHN SPEKA

**Section II Environmental Checklist.**

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).

Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.

Will the project result in the following environmental effects	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
<b>1. EARTH:</b>					
A. Unstable earth conditions or changes in geologic substructures?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Disruptions, displacements, compaction, or overcovering of the soil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Change in topography or ground surface relief features?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Destruction, covering, or modification of any unique geologic or physical features?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Any increase in wind or water erosion of soils, either on or off the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F. Changes in deposition or erosion of beach sands, or changes in siltation, deposition, or erosion that may modify a river channel, stream, inlet, or bay?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Exposure of people or property to geologic hazards such as earthquakes, ground failure, or other hazards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
<b>2. AIR:</b>					
A. Substantial air emissions or deterioration of ambient air quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Creation of objectionable odors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. WATER:</b>					
A. Changes in currents, or the course of water movements, in either fresh or marine waters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alterations to the course of flow of flood waters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Change in the amount of surface water in any water body?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Discharge into surface waters, or any alteration of surface water quality, such as temperature, dissolved oxygen or turbidity?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Alteration of the direction or rate of flow of ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Substantial reduction in the amount of water otherwise available for public water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Exposure of people or property to water related hazards such as flooding or tsunamis?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. PLANT LIFE:</b>					
A. Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Introduction of a new plant species into an area, or creation of a barrier to the normal replenishment of existing species.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Reduction in acreage of any agricultural crop?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>5. ANIMAL LIFE:</b>					
A. Change in the diversity of species, or number of any species of animals including birds, land animals, reptiles, fish, shellfish, insects, and benthic organisms?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction in the number of any unique, rare, or endangered species of animals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant-No Apparent Mitigation	Cumulative
C. Introduction of new species of animals into an area, or in a barrier to the migration or movement of animals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Deterioration of fish or wildlife habitat?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. NOISE:</b>					
A. Increases in existing noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to severe noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7. LIGHT AND GLARE:</b>					
A. Production of new light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. LAND USE:</b>					
A. Substantial alteration of the present or planned land use of the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. NATURAL RESOURCES:</b>					
A. Increased rate of use of any natural resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. POPULATION:</b>					
A. Alterations to the location, distribution, density, or growth rate of human populations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. HOUSING:</b>					
A. Will the proposal affect existing housing or create a demand for new housing?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. TRANSPORTATION/ CIRCULATION:</b>					
A. Generation of substantial additional vehicular movement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Effects on existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Substantial impact upon existing transportation systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Alterations to present patterns of circulation or movement of people and/or goods?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Alterations to waterborne, rail, or air traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>13. PUBLIC SERVICES:</b>					

A. Will the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:					
Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and other recreational facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
Maintenance of public facilities, and roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other governmental services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>14. ENERGY:</b>					
A. Use of substantial amounts of fuel or energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Substantial increase in demand upon existing sources of energy, or require development of new energy sources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15. UTILITIES:</b>					
A. Will the project result in a need for new systems or substantial alterations to the following:					
Potable water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy or information transmission lines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. HUMAN HEALTH:</b>					
A. Creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to any existing health hazards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Risk of explosion or release of hazardous substances (i.e. pesticides, chemicals, oil, radiation) in the event of an accident or unusual conditions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Possible interference with emergency response plan or evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>17. AESTHETICS:</b>					
A. Obstruction of any scenic vista or view open to the public, or create an aesthetically offensive site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>18. RECREATION:</b>					
A. Impact upon the quality or quantity of existing recreational opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>19. CULTURAL RESOURCES:</b>					
A. Alteration or destruction of a prehistoric or historic archaeological site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. Adverse physical or aesthetic effects to a prehistoric or historic building or structure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Cause a physical change that would affect the unique ethnic cultural values?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Restrict existing religious or sacred uses within the potential impact area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Section III Responses to Environmental Checklist.**

For a discussion of each of the environmental effects listed in the Environmental Checklist along with related goals and policies of the General Plan, see the Environmental Review section of the attached staff report.

**Section IV Mandatory Findings of Significance.**

A. As discussed in the preceding sections, the project ~~does~~ does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric sites.

B. As discussed in the preceding sections, both short-term and long-term environmental effects associated with the project will be less than significant ~~significant~~.

C. When impacts associated with the project are considered alone or in combination with other impacts, the project-related impacts are insignificant ~~significant~~.

D. The above discussions do not identify any substantial adverse impacts to people as a result of the project.

**Section V Determination.**

On the basis of this initial evaluation, it has been determined that:

The proposed project will not have a significant effect on the environment, and it is recommended that a NEGATIVE DECLARATION be adopted.

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

The proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

5/31/07  
DATE

John Speka  
JOHN SPEKA  
PLANNER II

ENGINEERING GEOLOGIC RECONNAISSANCE

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January 10, 2008

<b>EXHIBIT NO. 15</b>
<b>APPEAL NO.</b> A-1-MEN-07-028
JACKSON-GRUBE FAMILY
GEOLOGIC REPORT (EXCERPTS) (1 of 13)



Sarah C. Lockwood  
Staff Geologist



Erik E. Olsborg  
Engineering Geologist - 1072



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## 1.0 INTRODUCTION

This report presents the results of the Engineering Geologic Reconnaissance that BACE Geotechnical (BACE), a division of Brunsing Associates, Inc., performed for the planned Inn at Newport Ranch at 31502 North Highway One, Westport, Mendocino County, California (APN 015-380-05). The site, an area referred to as Newport, is located on an ocean bluff west of Highway One, approximately one and one-half miles north of the mouth of the Ten Mile River, as shown on the Vicinity Map, Plate 1. A Site Plan showing the property and sketch of planned new structures is presented on Plate 2.

The purpose of our services was to evaluate the geologic hazards at the site, primarily bluff stability and retreat (erosion) rate, in order to determine the potential impact of the proposed development on the stability of the site. Our scope of services, as outlined in our Service Agreement dated October 1, 2007, consisted of researching published geologic maps, aerial photograph study, field reconnaissance, engineering geologic analysis, consultation, and the preparation of this report. Our data, conclusions and recommendations presented in this report are intended to satisfy Item 4 "Updated Geotechnical Analysis" of the "Information Needed for De Novo Review of Application" on Page 42 of the August 24, 2007 California Coastal Commission Staff Report.

## 2.0 INVESTIGATION

### 2.1 Published Map Research

As part of our reconnaissance, we initially reviewed the following published geologic maps and references:

- Geology and Geomorphic Features Related to Landsliding, Inglenook 7.5 Minute Quadrangle, Mendocino County, California, 1983, Open File Report 83-31 SF, California Division of Mines and Geology (CDMG).
- Ukiah Sheet, Geologic Map Series of California, 1960, CDMG.
- Active Fault Near-Source Zones in California and Adjacent Portions of Nevada, 1997, CDMG.

### 2.2 Aerial Photograph Studies

Our reconnaissance was augmented by studying vertical aerial photographs dated June 28, 1964, June 24, 1981, and April 1, 2000. For our analysis, we utilized methods described by Mark Johnsson, California Coastal Commission Staff Geologist, in his manuscript entitled "Establishing Development Setbacks from Coastal Bluffs".<sup>1</sup> The photographs were each enlarged from the vendors' negatives, to an approximate scale of one inch equals 200 feet. During our study, BACE determined relatively accurate photograph scales by comparing field survey measurements between various physical features in the site vicinity (such as house corner to house corner, and the interior property fenceline to the Highway One centerline along the gravel driveway) that are also

<sup>1</sup> Johnsson, Mark J. Establishing Development Setbacks from Coastal Bluffs. Proc. Of California and the World Ocean '02. Santa Barbara, 2002.

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shown on the photographs. BACE then compared the field measurements with scaled distances of the same physical features on the photographs in order to calculate the photograph scales. The field-measured distance between stationary points and unique points on the bluff edge were then quantitatively compared with the same calculated distances on the photographs, in order to trace the position of the bluff edge between 1964 and 2007. The results of our photograph studies are presented below.

In addition to reviewing vertical aerial photographs, we also obtained oblique-angle aerial photographs from the California Coastal Records Project ([www.californiacoastline.org](http://www.californiacoastline.org)). We qualitatively compared photographs of the site from 1972, 1979, 1987, 2002, and 2005. A composite of two photographs taken in 2005 is presented herein as our Coastal Oblique Aerial Photograph on Plate 3. The vertical aerial photograph from the year 2000 is presented on Plate 4.

### 2.3 Field Reconnaissance

BACE's Principal Engineering Geologist made an initial site visit on September 19, 2007. Our Staff Geologist performed the field reconnaissance on October 22, 2007. Our field reconnaissance consisted of examination of bedrock and soil exposed on the bluff face, and interpretation of geomorphic expressions on the terrace top and bluffs, as viewed from various bluff-top vantage points, within the property and vicinity. We also observed existing drainage patterns/conditions as well as staking related to the proposed development.

Site Photographs A through K on Plates 5 through 15, respectively, show the property from several locations. Site Photograph locations are indicated on the Site Plan/Geomorphic Map, Plate 2.

### 3.0 SITE CONDITIONS

The property is situated on a near-level, elevated marine terrace on the west side of Highway One. The terrace was formed during the Pleistocene Epoch, when periods of glaciation caused sea level fluctuations, which created a series of steps, or terraces, cut into the coastal bedrock by wave erosion. The property occupies 34 acres extending west from Highway One across the terrace level to the ocean bluff. The existing buildings are accessed by a long gravel driveway that extends west from the highway. The buildings are surrounded by a white wooden fence, as shown in Site Photograph A (Plate 5). The eastern fenceline is approximately 570 feet from the highway. The existing buildings are generally in poor to dilapidated condition. The northwest corner of the existing wooden fence was measured at approximately 148 feet landward (southeast) of the bluff edge at the closest point.

Story poles and some staking for the planned new development were observed within the field to the north of the existing driveway, as shown in Site Photograph B (Plate 6). According to the preliminary site sketch we reviewed, the planned new development will begin approximately 340 feet west of the highway, and will include several buildings

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within a footprint area approximately 277 feet east-west by 335 feet north-south. According to the above-mentioned plans, the northwest corner of the building envelope (closest to the bluff edge) will be located approximately 150 feet from the bluff edge.

Slope gradients on the terrace are very gentle to nearly level to the east, north, and immediate west of the existing/planned development area. Portions of the terrace to the south and further west of the building envelope have gentle slopes on the order of five to ten feet horizontal to one foot vertical (5H:1V to 10H:1V).

The ocean bluffs along the property are approximately 80 to 120 feet in vertical height, and form two prominent, northwest-trending peninsulas. According to the parcel map, only the easternmost portions of the peninsulas themselves are within the subject property. Slope gradients on the upper bluff faces are very steep, generally on the order of 1H:1V, with local areas that are near vertical. In most areas, the rock at the toe of the bluffs forms a gently sloping shelf near the water level. The bluffs along both peninsulas and the small cove between them are sheer to the ocean with no beach at the toe. North of the northernmost peninsula, a few small boulder-beaches are notched into the bluff toe. Site Photographs C and D on Plates 7 and 8, respectively, show many of these features. The falling tide level during our reconnaissance ranged between approximately 3.7 feet to 1.7 feet above Mean Lower Low Water (MLLW).

Several sea caves and one through-going arch were observed within the bodies of the peninsulas, as shown in Site Photographs C and E, Plates 7 and 9, respectively. No sea caves were observed trending toward the mainland. Exploring the sea caves via ropes or ocean kayak did not appear warranted and would have been difficult.

The northernmost peninsula has two prominent step-like geomorphic features aligned with the long dimension of the peninsular arm. These gently- to moderately-sloping undulations taper out at each end, and appear to be a result of historic grading or livestock activity that now blends with the existing, gently-sloping topography. They do not appear to be related to underlying geologic structure.

Near the end of the northernmost peninsula, we observed the "Newport" monument, part of the National Geodetic Survey (NGS) of 1929 (Plate 1). It is currently 16.7 feet from the closest bluff edge (due west, along a bearing of 270°). We researched the online NGS observation records for the Newport monument<sup>2</sup> to compare our bluff-edge measurement with historic data. An old wooden witness post was observed along the bluff edge southwest of the monument, which is also described in the NGS reports. This area is pictured in Site Photograph F on Plate 10.

A prominent drainage channel was observed in the southern portion of the property. Standing and/or slowly draining water was observed throughout the length of the channel. The channel is visible descending the hills on the east side of Highway One. Drainage water enters the property through a culvert approximately 15 feet south of the

<sup>2</sup> National Geodetic Survey Datasheets Page. 1 November 2007.  
<[http://www.ngs.noaa.gov/cgi-bin/ds\\_desig.prl](http://www.ngs.noaa.gov/cgi-bin/ds_desig.prl)>



driveway entrance, as shown in Site Photograph G on Plate 11. The channel from the culvert runs generally west-southwest across the property and empties into the ocean at a prominent notch in the bluff edge, at the head of the cove between the two peninsulas. The channel ranges between approximately 2 and 6 feet in depth. Some areas of the channel have been extensively trampled and widened by livestock, other, generally more heavily vegetated sections remain steep-sided and are more deeply incised. Near the bluff edge, a road has been graded across the channel, and the drainage passes beneath the road fill through a culvert. The culvert empties into a flat, marshy pond area, several feet wide and approximately 5 feet deep, at the bluff edge. This area is pictured in Site Photographs H and I on Plates 12 and 13, respectively.

A subtle drainage swale was observed extending westward from a low-lying area within the northwestern corner of the existing white wooden fence. The drainage passes beneath a small graded road through a culvert, and the subtle swale continues westerly to the bluff edge.

Just to the northeast along the bluff from the above-mentioned swale, the remains of a small, dilapidated house are spread along the edge of the terrace, as shown in Site Photograph J on Plate 14. The house and another, northerly-adjacent out-building are visible at the bluff edge in the 1964 and 1981 aerial photographs that we studied. Some of the structure remains partially standing, and much has fallen down the face of the cliff. A prominent, 1 to 2 foot vertical scarp is present in this area, encompassing a roughly double-crescent-shaped area up to approximately 15-20+ feet wide along the bluff edge, as shown in Site Photograph K on Plate 15. Judging from comparison of the various vertical and oblique aerial photographs, it appears that the bulk of the damage to the structure happened between 2002 and 2005. However, the freshness of the scarp indicates that significant slide movement may be more recent, and likely ongoing.

Two modestly defined swales are also present within the existing fenced area, trending generally south and west, respectively, away from the buildings (Plates 2 and 5). Surface water was not observed in these swales at the time of our October 2007 reconnaissance.

Between the existing structures and Highway One, we observed multiple areas that appear to be filled-in test pits, as well as several shallow perforated pipes. We presume these are part of an ongoing soil testing program for siting of the leach fields. We observed a few marshy areas in this field as well.

Vegetation at the site consists of a thick cover of tall seasonal grasses to the north, east, and south of the existing buildings. The prominent drainage swale and other low, moist areas support marsh grass and occasional brambles. West of the existing buildings, long grasses give way to shorter varieties toward the bluff edges. Well-established vegetation within the topsoil and terrace deposits along the bluff edges is common. Within the existing wooden fence, the ground is mostly covered with short, lawn-type grass. The cliff faces are mostly bare soil and rock, with occasional clumps of vegetation in the uppermost approximately 10 to 15 feet.



## 4.0 SITE GEOLOGY AND SOIL CONDITIONS

### 4.1 Regional Geologic and Seismic Setting

This part of the Mendocino County coastal area, east of the San Andreas Fault, is comprised of sedimentary rocks of the Tertiary-Cretaceous Period Coastal Belt Franciscan Complex. These rocks consist of well-consolidated sandstone and minor shale and conglomerate, with occasional greenstone.

The coastal bedrock has been carved into a series of steps, or terraces, during the Pleistocene Epoch when sea level fluctuations were caused by periods of glaciation. Shallow marine sediments (Pleistocene terrace deposits) were deposited on the wave-cut, bedrock platforms while they were submerged beneath the ocean during interglacial sea-level high stands. Some of these marine deposits have been locally eroded as the terraces began to emerge from the ocean due to uplift associated with the San Andreas Fault Zone during the middle and late Pleistocene. Present sea levels were achieved about 5,000 to 7,000 years ago. Sediments, comprised mostly of sand and silt, with some gravel and clay, were deposited on the generally flat wave-cut platforms (terrace surfaces) while they were submerged by the elevated sea levels. Terrace deposits typically mantle the bedrock along the coast in this area.

The seismicity and tectonics of the Mendocino Coastal region are controlled by a network of generally northwest-trending strike-slip faults of the San Andreas Fault system. The active San Andreas Fault (north coast segment) is located offshore, approximately 10.3 miles (16.6 km) southwest of the property. The active Maacama fault (north segment) is located approximately 15.5 miles (25 km) northeast of the property. Future, large magnitude earthquakes originating on these, or other nearby faults are expected to cause strong ground shaking at the site. The intensity of ground shaking will depend on the distance to the causative earthquake epicenter, the magnitude of the shock, and the response characteristics of the materials underlying the site.

### 4.2 Site Soil and Geologic Conditions

The geologic conditions we observed at the site correlate well with those indicated on the published maps and references we reviewed for this report. The dark gray sandstone exposed on the lower bluffs is, in general, crushed, hard, and little to moderately weathered. Some areas are intensely sheared and deformed. The rocks within the upper 15 to 20 feet of the bluff are crushed, low in hardness, and deeply weathered to a light brownish orange color. Where discernable, bedding orientation appears to have a northwestern strike with a moderately steep dip, approximately 60 degrees from horizontal, to the northeast. The general northwestern trend of the peninsulas and headlands in the area reflects the northwesterly strike typical of the sedimentary rocks in this region. Cobble- to boulder-sized rock fragments were observed near the cluster of existing buildings, possibly indicating shallow bedrock in that area (Plate 2). In addition, fragments of deeply weathered light brownish orange sandstone were observed in the test



pit backfill soils in the eastern field (Plate 2), indicating that shallow, weathered bedrock may have been encountered within those test pits.

Our observations indicate that variable thicknesses of terrace deposits mantle the bedrock at the property. Approximately 6 feet of light gray and brownish yellow silty sand terrace deposits, with some gravel, were observed at the tip of the southern peninsula. However, the deposits appear thicker (on the order of 10 feet) at other bluff-edge areas on the northern peninsula.

Up to approximately one foot of dark brown silty sand topsoil mantles most of the site, with the exception of where rock fragments are exposed at the surface as noted above. The topsoil is generally loose to medium dense, and damp to wet. Small animal burrows are abundant within the upper soils.

Some patches of terrace soils (Plates 8, 10) are exposed on the upper bluffs, leaving them susceptible to accelerated erosion and shallow sloughing. Below the terrace deposit layer, the bluff faces are mostly bare rock.

A number of landslide-related features were observed along the bluff edges. The most prominent and pertinent to the project is located north of the northern peninsula in the area of the dilapidated/destroyed house. This slide is pictured in Site Photographs D, J, and K, on Plates 8, 14, and 15, respectively. Currently, a scarp approximately 1 ½ feet high and several tens of feet long defines the crown of a bluff-edge slide mass on the order of 20 feet wide. This slide appears to be a deep-seated, translational or rotational slide block that penetrates into the upper, weathered bedrock. The active scarp, taken to be the bluff edge at this location, currently measures 176 feet from the northwestern corner of the wooden fence (on-line with the fence, approximately due west) that surrounds the existing buildings.

Further down the bluff face directly below this active slide are the remains of a larger slide mass that appears to pre-date the fresh scarp at the bluff edge. Judging from the appearance of the slide block and its large volume, the older slide also appears to have involved the bedrock. Our aerial photograph study indicates that this slide took place post-2000, and was likely responsible for the destruction of the building at the bluff edge.

Just south of the dilapidated house, another large landslide rests about 1/3 of the way down the bluff face (Plate 8). This slide and the associated incised notches at the headscarp appear to have been caused at least in part by saturation and weakening of the soils at the bluff edge due to drainage from the channel that terminates in this area. The channel is visible on all of the vertical aerial photographs. Our aerial photograph analysis, as well as comparison of other file photographs of the area, indicates that the older landslide at this drainage mouth took place prior to the slide discussed in the preceding paragraph.

A series of small (few inches high), concentric scarps were observed along the bluff edge near the neck of the southern peninsula. These features may be indicative of slide creep

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and/or incipient, larger-scale failure, and they are shown in Site Photographs C and E on Plates 7 and 9, respectively. A large sea cave was observed in the base of the cliffs below these scarps, though haze and shadows obscure this area in the photographs

No evidence of active faulting was observed on the property and none of the published references we reviewed show any faults on, or trending towards, the property. Several old faults were observed within the Franciscan bedrock on the bluffs (Plates 3 and 7). The faults do not appear to propagate into the Pleistocene terrace deposits. As is common among faults in ocean bluffs, sea caves have developed along these zones of relative weakness within the rock. Two ancient faults and an associated sea cave near the end of the northern peninsula, are shown on Plate 3.

## 5.0 DISCUSSION AND CONCLUSIONS

### 5.1 General

Based on the results of our reconnaissance, we conclude that the site is geologically suitable for the proposed development, provided that a suitable area for leach fields can be found and adequate water supply can be obtained. The main geotechnical considerations affecting the proposed development are bluff erosion/retreat rate, slope stability, and strong seismic shaking from future earthquakes. These considerations and their possible mitigation measures are discussed below.

BACE was also asked to address the potential impact of the proposed development on the stability of the site and adjacent area for the economic life of the project (75 years). In essence, this involves evaluating the same factors listed above from the opposite standpoint, or estimating how the increased human activity brought on by the proposed development will influence the existing site conditions. Our discussions and recommendations below are directed toward creating a sound development that will neither be impacted by existing natural conditions nor create additional instability.

### 5.2 Bluff Retreat

Our analysis of aerial photographs indicates an *average* bluff edge retreat rate of approximately 3.7 inches per year along the bluff top nearest to the proposed development envelope (northwest of the northwest corner, currently shown at a proposed 150-foot setback). This erosion rate is the average for the 36-year period between 1964 and 2000, for an area clearly notched by erosion.

The worst-case retreat rate on the bluffs in the proposed development area is the landslide on the northwest bluff. A former house and outbuilding were previously located in this area; only a dilapidated remnant of the house exists today. We assume that the house was built a few feet back of the bluff edge in the 1940's or 1950's. To be conservative, we estimate that the bluff has retreated in this area 45 feet (back to the present landslide scarp) in the last 50 years. This results in a local retreat rate of 0.9 feet per year. The

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new bluff edge is defined by the fresh scarp shown on Plates 14 and 15. This can be considered a “worst-case scenario” retreat rate under present conditions.

In general, the erosion/bluff retreat rates due to “grain by grain” erosion along the northwest property bluffs are relatively low. The peninsulas are comprised of hard rock beds that are generally erosion-resistant. Most of the retreat occurring along the cliff edges appears to be due to intermittent, larger scale landslides and slumps rather than ongoing shallow loss of the upper terrace deposits. It should be noted that the retreat rates given are considered averages over the period of time covered by the aerial photos and up to our 2007 study. Localized, larger scale slumps or slides could occur in the future anywhere along the bluff edge.

### **5.3 Landslides**

The large landslides we observed on the property appear to be due to saturation of the terrace deposits and upper, weathered bedrock. These conditions are occurring where concentrated surface runoff flows to the bluff edge. Because the terrace is nearly level in many areas adjacent to the bluff edge, conditions exist in which there is more time for the water to seep through the bluff-edge soils and penetrate into the underlying rock. Where this has been allowed to occur over time, larger-scale slumping has been the result.

Shallow sloughing of terrace deposits along the bluff edges is occurring in many places, as shown on Plate 2. These smaller-scale slumps will continue to occur but should not affect the integrity of the development as it is currently sited.

### **5.4 Seismic Hazards**

As is typical of the Mendocino County area, the site will be subject to strong ground shaking during future, nearby, large magnitude earthquakes. The intensity of ground shaking at the site will depend on the distance to the causative earthquake epicenter, the magnitude of the shock, and the response characteristics of the underlying earth materials. Generally, wood-frame structures founded in supporting soils/bedrock and designed in accordance with current building codes are well suited to resist the effects of ground shaking.

### **5.5 Site Drainage**

In general, the areas of the bluffs that receive concentrated flow of surface runoff are experiencing the greatest erosion and associated weakening of terrace deposits and even the underlying, weathered bedrock. The drainage mouths are sites of deep incision through the terrace deposits and into the upper rock, as well as large landslides due to a combination of saturation along the bluff edge and erosion at the bluff toe. The areas of the bluffs that receive sheet-flow of surface water generally have fewer and smaller sites of accelerated erosion and the bluffs below appear in more stable condition. However, the distance between the drainage mouths and the proposed development is sufficiently great that alterations to the existing drainage patterns do not appear warranted.

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## 6.0 RECOMMENDATIONS

### 6.1 Bluff Edge Setback

The retreat rates calculated for this report are considered averages - some areas of the bluff may have localized failures, involving a few feet or more of lost material, during an occasional, severe storm season. Using the worst-case scenario (the active landslide) with a retreat rate of (rounded up to) one foot per year, the bluff northwest of the proposed development (closest as currently sited) could erode back approximately 75 feet over a 75-year period (assumed by the California Coastal Commission to be the economic lifespan of a development). Since the erosion may not be uniform (some areas of erosion would be greater and some less) and considering the possible effects of sea level rise, a safety factor of 1.33 should be used in determining a minimum bluff setback of 100 feet.

### 6.2 Bluff Stability and Landslides

The bedding orientation observed at the tip of the southern peninsula (moderately steep dip into the bluff) although not evident in all areas of property, represents a favorable condition for stability. The proposed development is sited far enough away from the bluff edge and the identified incipient, active and older slide blocks that it should not be threatened by landslide-related instability. In order for the proposed development not to increase the occurrence of sloughing or larger-scale slides, care should be taken not to increase the amount of concentrated surface runoff currently reaching the bluff edges.

### 6.3 Sea Caves

Several sea caves were identified within the bluff toes along the property, as shown on Plate 2. Additional caves may be present that are not visible from the blufftops, however, the conditions we observed in the areas most pertinent to the proposed development did not warrant marine reconnaissance of the bluff toes. We did not observe any sea caves trending towards the proposed development. Rather, the caves we observed are within the peninsulas. Therefore, no additional setbacks or recommendations regarding the sea caves are warranted at this time.

### 6.4 Seismic Hazards

Our observations indicate that the property is underlain by widely varying thicknesses of topsoil and terrace deposits over the sandstone bedrock. The possible presence of shallow bedrock in the area of the existing/proposed building area is a favorable condition for building foundations. Structures founded in bedrock or in firm, relatively shallow terrace soils over bedrock are more likely to experience short, jolting motions, rather than the prolonged, oscillatory shaking brought on by perpetuation of seismic waves in thickened, unconsolidated sediment deposits. However, subsurface



investigation of the soils and bedrock underlying the site will be necessary to characterize the thickness and engineering properties of the terrace deposits and bedrock.

### 6.5 Site Drainage

Because surface and/or subsurface water is often the cause of foundation or slope stability problems, care should be taken to intercept and divert concentrated surface flows and subsurface seepage away from the building foundations and the bluff edge. Roof runoff water should be directed away from the structures and dispersed, as much as practical, across the property. Drainage across the property should be by sheet-flow directed, as much as practical, to the east and south of the buildings. Surface grades should maintain a recommended two percent gradient away from building foundations.

Irrigation near the bluff edge should be kept to an absolute minimum. Saturation of these weak soils, or excess seepage along their base, could cause sloughing and accelerated bluff edge retreat. Care should be taken to avoid concentrated surface flow of runoff along the bluff edge.

### 7.0 ADDITIONAL SERVICES

BACE should review and provide consultation during preparation of final development plans. Depending on the structure type, location, and site conditions, additional investigation will be required to provide specific foundation design parameters and, as appropriate, detailed recommendations for site grading, access road construction and surface and/or subsurface drainage.

BACE should be retained to inspect and investigate, as appropriate, any major changes in the condition of the bluffs, such as movement on the active landslide or incipient landslide areas. Our observations of bluff edge changes would allow us to review and modify our recommendations, if necessary.

### 8.0 LIMITATIONS

This engineering geologic reconnaissance of the ocean bluff property was performed in accordance with the usual and current standards of the profession, as they relate to this and similar localities. No other warranty, expressed or implied, is provided as to the conclusions and professional advice presented in this report. Our conclusions are based upon reasonable geological and engineering interpretation of available data.

Changes in the condition of a site can occur with the passage of time, whether they are due to natural events or to human activities on this, or adjacent sites. In addition, changes in applicable or appropriate codes and standards may occur, whether they result from legislation or the broadening of knowledge. Accordingly, this report may become invalidated wholly or partially by changes outside of our control. Therefore, this report is subject to review and revision as changed conditions are identified.

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**HYDROLOGICAL STUDY**

**FOR**

**PARCELS: 015-380-05, 015-070-45,  
& 015-070-51**

**AT**

**31502 N. HIGHWAY 1  
FORT BRAGG, CALIFORNIA**

**MENDOCINO COUNTY**

---

Prepared for

**Jackson-Grube Family, Inc.**

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

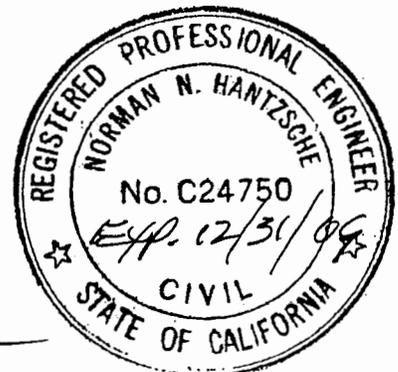
Project #270177

Prepared By

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January 10, 2008

<b>EXHIBIT NO. 16</b>
<b>APPEAL NO.</b> A-1-MEN-07-028
JACKSON-GRUBE FAMILY HYDROLOGICAL STUDY (EXCERPTS) (1 of 19)



  
Norman N. Hantzsche, P.E.

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- Figure 3 - Time Drawdown Plot, WELL TW
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### APPENDICES

- Appendix A - Well Driller Reports and Testing Notification
- Appendix B - Pump Test Monitoring Data
- Appendix C - Transmissivity and Storativity Calculations
- Appendix D - Well Drawdown Calculations
- Appendix E - Water Quality Data

## INTRODUCTION

This report presents the results of a well pumping test and hydrological study conducted for property located at 31502 North Highway 1, approximately four miles south of the town of Westport in Mendocino County. The well is proposed to serve as the source of domestic water supply for a 10-unit inn to be located at the site of the former Orca Inn (APN 015-380-05), a 34-acre parcel on the west side of Highway 1. The water well is located on APN 015-070-51, an approximately 148-acre parcel on the east side of the Highway 1. The pipeline from the well to the Inn location will run through an additional intervening 9.5-acre parcel (APN 015-070-45), located on the east side of Highway 1. All three properties are under common ownership.

The purpose of the pumping test and hydrological study, in accordance with requirements of the Mendocino Local Coastal Plan, is to demonstrate that an adequate supply of water exists for the proposed development (i.e., "Proof of Water") and also to determine whether or not the proposed withdrawal of groundwater will have a significant adverse effect on water supplies serving neighboring properties. A pumping test and hydrological study for the project was previously conducted by Clark Engineering & Hydrology in October 1994, with favorable findings. Due to the passage of time, the study presented herein was conducted to update and verify the results of the 1994 Clark study.

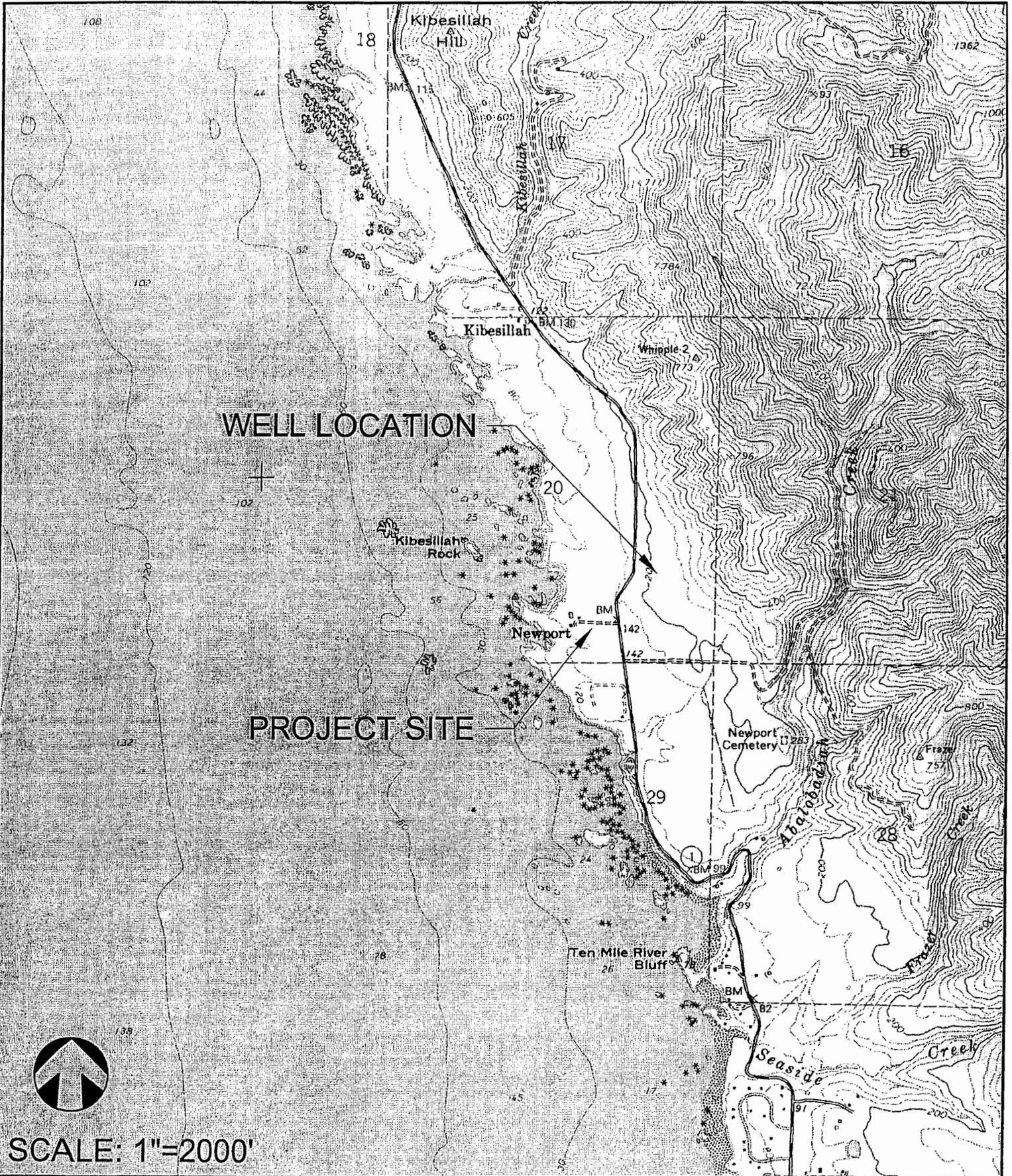
## PROJECT SITE

The project site is located on a marine terrace, approximately four miles south of the town of Westport and 10 miles north of Fort Bragg city limits (**Figure 1**). The land slopes gently to the west with elevations of approximately 200 feet above mean sea level in the area of the supply well. The proposed supply well (called TW) and an observation well (called MW) were installed in 1994, at the time of the Clark study; the two wells are approximately 190 feet from apart. A map of the project site showing the location of the existing wells and their relationship to other neighboring properties is provided in **Figure 2**. Also shown in **Figure 2** is an existing developed spring, located approximately ¼ mile north of Well TW, which has served historically as the source of supply for the former Orca Inn complex. The vegetation at the site is largely grassland, used for grazing of cattle.

## PROJECT WATER DEMAND

The proposed project consists of a 10-unit inn plus a caretaker unit on the site of the former Orca Inn. The lodging units will include from one to three bedrooms (16 total bedrooms), mostly ranging from about 500 to 1,000 square feet in size. There will be one larger main unit of approximately 3,000 square feet, with three-bedrooms, 3-baths, common reception and dining area. All but two of the lodging units will have kitchen facilities. The caretaker residence will be a 2-bedroom, 3-bath unit. The project will also contain a 778-square foot spa.

According to the wastewater system designer (Carl Rittiman and Associates) the estimated wastewater flow for the project, used for sizing the onsite sewage system, is estimated to be 3,425 gallons per day (gpd). This flow is derived from Mendocino County policies for water and wastewater flow estimation; it assumes full occupancy of the facilities and is understood to represent



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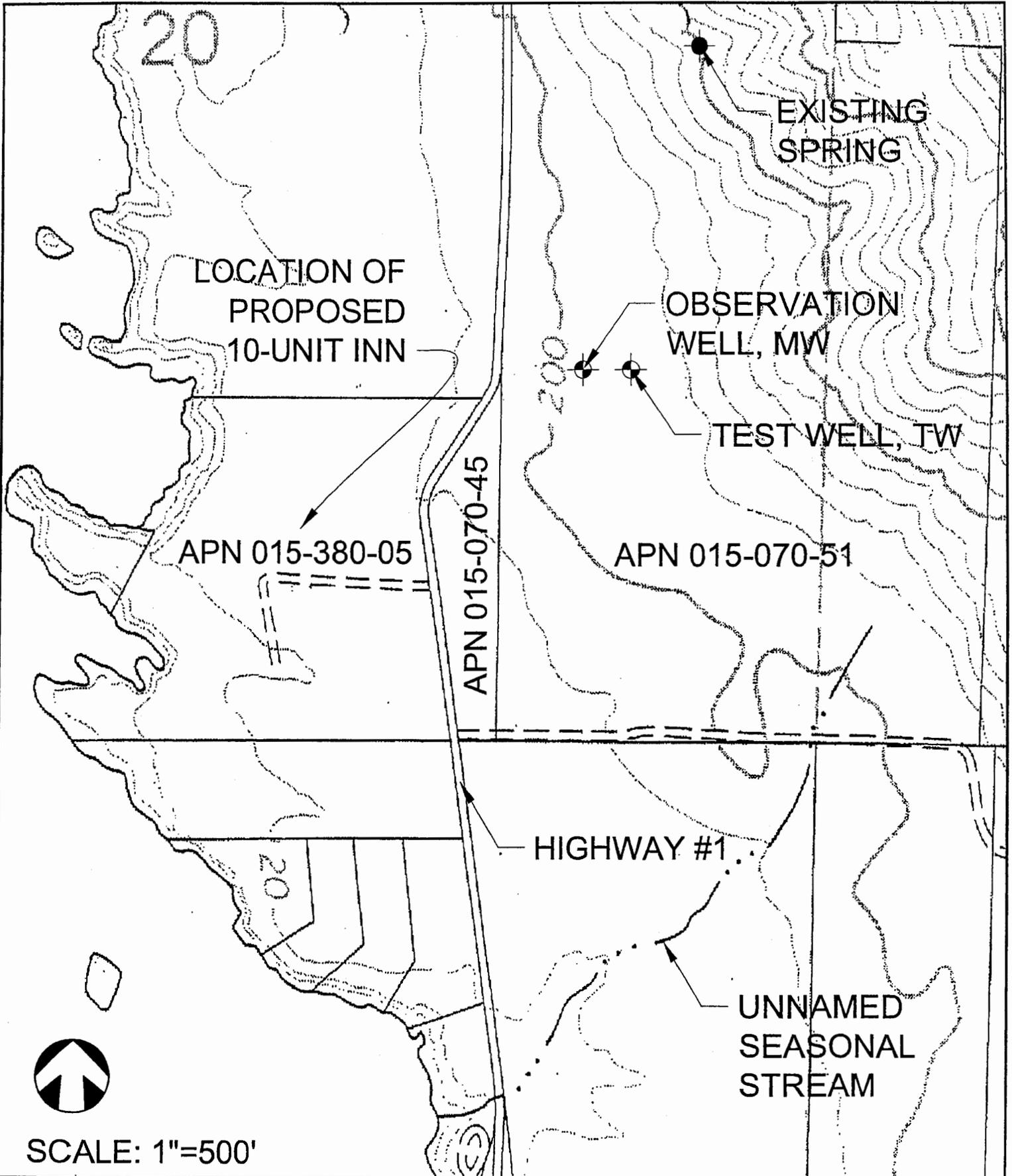
Date:	11/4/07
Drawn:	DI
Appr'd:	NH
Proj. No:	270177

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**PROJECT LOCATION**  
 31502 N. HIGHWAY #1  
 FORT BRAGG, CA  
 Jackson-Grube Family, Inc.

FIGURE  
**1**  
 4/19



SCALE: 1"=500'

Date:	11/4/07
Drawn:	DI
Appr'd:	NH
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**SITE MAP**  
 31502 N. HIGHWAY #1  
 FORT BRAGG, CA  
 Jackson-Grube Family, Inc.

FIGURE  
**2**  
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maximum daily flow conditions. For the 10 lodging units plus caretaker residence, the projected daily wastewater flow is roughly equivalent to a flow of about 300 gpd per unit, which is comparable to typical wastewater flows generated by a 2-bedroom house.

Maximum daily water demand is estimated to be very similar to the daily wastewater flow. However, to be conservative, additional water use allowance is typically included for window washing and other incidental water uses that do not result in contributions to sewage flow. A ten to 20 percent allowance for other unaccounted water use is common and reasonable. This would bring the estimated maximum daily water demand to approximately 3,800 gpd, which is equivalent to a continuous pumping rate of about 2.64 gallons per minute (gpm). On a long-term or annual basis the water demand would be less, due to fluctuations in occupancy. However, since peak occupancy on the Mendocino Coast typically coincides with the summer and early fall, when water source capacity declines, the prudent approach for a project such as this is to plan for peak usage requirements. On a year-round basis, an occupancy rate of 80 percent would be a safe assumption for water use projections. This would translate to an average daily water demand estimate of approximately 3,000 gpd (~2.0 gpm) for the project.

Exterior water use for landscape irrigation would be in addition to the above estimate for potable water demand. Irrigation water needs would be negligible in the winter and spring, but could be substantial in the summer and early fall, depending on the type and amount of landscaping, potentially on the order of about 500 to 1,000 gpd. Water supply for landscape irrigation is planned to be supplied from the existing spring (see **Figure 2**), the historical source of water for the former Orca Inn. According to the 1994 Clark study, the flow of the spring was measured at 1,300 gpd by David E. Paoli, P.E, in August 1992; this supply of water would be sufficient for landscape irrigation needs of the project.

## HYDROGEOLOGIC SETTING

According to the DWR Mendocino County Coastal Groundwater Study (1982), the project site lies within the Westport Groundwater Subunit, between Abalobadiah Creek and Kibesillah Creek, in an area designated as having "Critical Water Resources (CWR)." Groundwater development in the area is largely from the marine terrace deposits, where wells are typically shallow in depth and have yields that vary from about 1.5 to 36 gpm. There is much less development of bedrock aquifer(s) in the area, where well yields vary widely and are found to be generally lower than for terrace deposit or "composite" wells (i.e., wells penetrating both terrace deposits and bedrock). The proposed supply well for the project is a composite well, drawing from the sandstone bedrock, as well as from the terrace deposits, which are generally composed of clays and gravels according to the drilling logs. The average specific yield of the terrace deposits in this sub-unit is estimated to be about 0.09 (DWR, 1982). The aquifer is generally unconfined and, therefore, its upper limit is defined by the water table, although hardpan and clay layers may cause local confinement. According to the DWR, the marine terrace has an average thickness of about 30 feet, and the change in the water table from spring to fall ranges from 8.0 to 15.5 feet below ground surface.

## WELL DESCRIPTION

On October 24<sup>th</sup> and 25<sup>th</sup>, 1994, two test wells (TW and MW) were drilled by Kelly Pump and

Drilling, on the project site (APN 015-070-51); they are located as shown in **Figure 2**. The well construction details for each of the wells are summarized in **Table 1**. A copy of the Well Completion Report (i.e., Driller's Log) for each well is provided in **Appendix A**. As indicated, both wells have a 5-inch diameter casing and a 20-foot annular seal. The proposed supply well (TW) is 60-feet deep; and Well MW, the observation well, is 100-feet deep. The drilling logs indicate similar subsurface conditions at the two wells; the main difference is a greater thickness of terrace materials at Well TW (40 feet) as compared with Well MW (31 feet). Of particular note is the difference in the gray gravel layer, which is 18-feet thick (22 to 40 feet) at Well TW, and is only 5-feet thick (26 to 31 feet) at Well MW. This appears to be the primary water-bearing layer; and the difference in thickness likely explains the higher yield for TW. At the time of installation the well driller reported a yield of approximately 5 gpm at TW, and only 2 gpm at MW. In his 1994 study, Clark conducted a 72-hour pumping test of Well TW and documented a yield of better than 6 gpm. Well MW was used as an observation well during his test. For the present study, a repeat testing of Well TW was conducted to verify the current well yield, again using MW as an observation well.

**Table 1. Onsite Well Construction Details**

CHARACTERISTIC	WELL TW	WELL MW
Well Completion Report No.	419974	419973
Date Installed	10/26/2004	10/24/2004
Type of Well	Composite (Supply Well)	Composite (Monitoring Well)
Total Depth (ft)	60	99
Casing Diameter (in)	5	5
Annular Seal Depth (ft)	20	20
Screened Interval	20' to 60'	20' to 99'
Depth to Water at Time of Drilling (ft)	20	15
Depth to Bedrock (ft)	40	31
Saturated Thickness of Terrace Deposits (ft)*	20	16

\* At time of drilling

### PUMPING TEST PROCEDURES

Carl Rittiman and Associates conducted a 72-hour pumping test for Well TW during the period of October 9-12, 2007. During the pumping of Well TW, Well MW served as an observation well. The pumping test was conducted to determine the sustained yield and drawdown characteristics of Well TW and the local aquifer according to the following testing procedures.

- **Pumping Equipment.** A pump was installed in Well TW, approximately 8 feet from the bottom of the well. A valve was installed on the discharge line to adjust the flow rate from the

well. The flow from the well was discharged approximately 200 feet downslope of Well TW into a drainageway, outside the immediate well recharge area.

- **Flow Metering.** Flow metering was done manually at periodic intervals throughout the pumping test. A bucket and stop watch were used to determine the instantaneous flow rate. Typically, measurements were made every five minutes during the first 20 minutes of pumping, then every 10 minutes for about 80 minutes, then every 20 minutes for 80 minutes, then every 30 minutes for 180 minutes, then every 60 minutes for 8 hours, and then every 120 minutes for the duration of the 72 hours.
- **Drawdown Measurements.** Drawdown measurements were taken at both wells throughout the duration of the test at the same time intervals as the flow metering. While Well TW was being pumped, the water levels in Well MW were monitored. Measurements of the water levels were made with a water level probe, referenced to the wellhead.
- **Pumping Rate.** Well TW was tested at a constant pumping rate of approximately 6.3 gpm for the full duration of the 72-hour test.
- **Recovery.** At the conclusion of pumping, periodic readings of water level recovery in pumping Well TW were made for 28 hours, during which time Well TW recovered 96% of the entire drawdown depth experienced during pumping. Recovery was also monitored at Well MW for a 28-hour period following pumping, during which time it recovered 92% of the entire drawdown experience during pumping.
- **Monitoring of Neighboring Wells.** Notice of the pumping test was provided to neighboring property owners (see **Appendix A**). However, the nearest neighboring wells are more than ¼-mile south of Well TW, far beyond the expected zone of influence of the test well. Therefore, no neighboring wells were monitored during the pumping test. Also, no neighbors reported any apparent effects on their wells at the time of the pumping test.

## PUMPING TEST ANALYSIS

### *Pumping Data*

The data recorded from the pumping tests are provided in **Appendix B**. The pertinent data from the test are shown in **Table 2**.

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**Table 2. Pumping Test Data**

Test Data	Well TW	Well MW
Well Depth (feet)	60	99
Total Pumping Duration (minutes)	4,320	-
Total Volume Pumped (gallons)	27,041	-
Average Pumping Rate (gpm)	6.3	-
Initial Depth to Water (feet)	22.58	12.0
Water Level at End of Test (feet)	37.71	13.73
Maximum Drawdown Achieved (feet)	15.13	1.73
Total Saturated Thickness of Aquifer (feet)*	37.42	87.0

\* At time of pumping test

**Well and Aquifer Characteristics**

- **Drawdown and Recovery.** The time-drawdown and recovery plots for pumping Well TW are shown in **Figures 3 and 4**. The time-drawdown and recovery plots for observation Well MW are shown in **Figures 5 and 6**. A review of the time-drawdown data for the test wells follows.

**1. Pumping Well TW.** Time-drawdown data for Well TW (**Figure 3**) reveal that at the beginning of the pump test, the pumping rate was approximately 6.63 gpm for the first 5 minutes, before it was adjusted to a little less than 6.3 gpm, which was maintained for the remainder of the test. The average pumping rate over the entire duration of the test was 6.26 gpm. At this pumping rate, the water level drawdown in the pumping well stabilized over the last 22 hours of the test at approximately 15 feet below the initial static level; the final drawdown measurement was 15.13 feet.

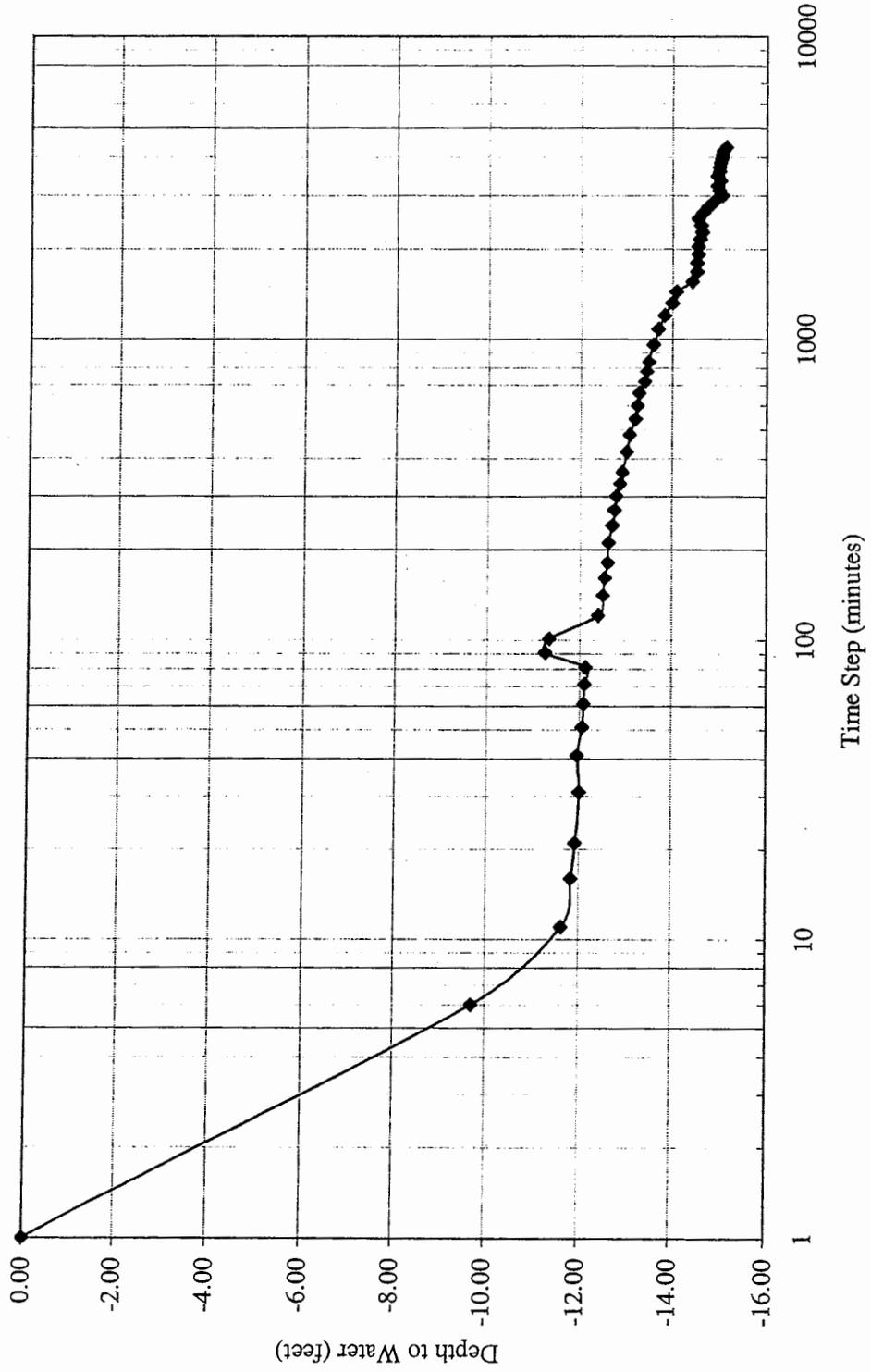
Recovery of Well TW (plotted in **Figure 4**) was monitored immediately following the end of pumping. The well recovered 96 percent of the drawdown (15.13 feet) within 28 hours after pumping ended.

**2. Monitoring Well MW.** The time-drawdown and recovery plots for observation Well MW are shown in **Figure 5 and 6**, respectively. Maximum drawdown achieved near the end of the test was measured to be 1.73 feet.

Recovery of Well MW (plotted in **Figure 6**) was monitored immediately following the end of pumping. The well recovered 92 percent of the drawdown (1.73 feet) within 28 hours after pumping ended.

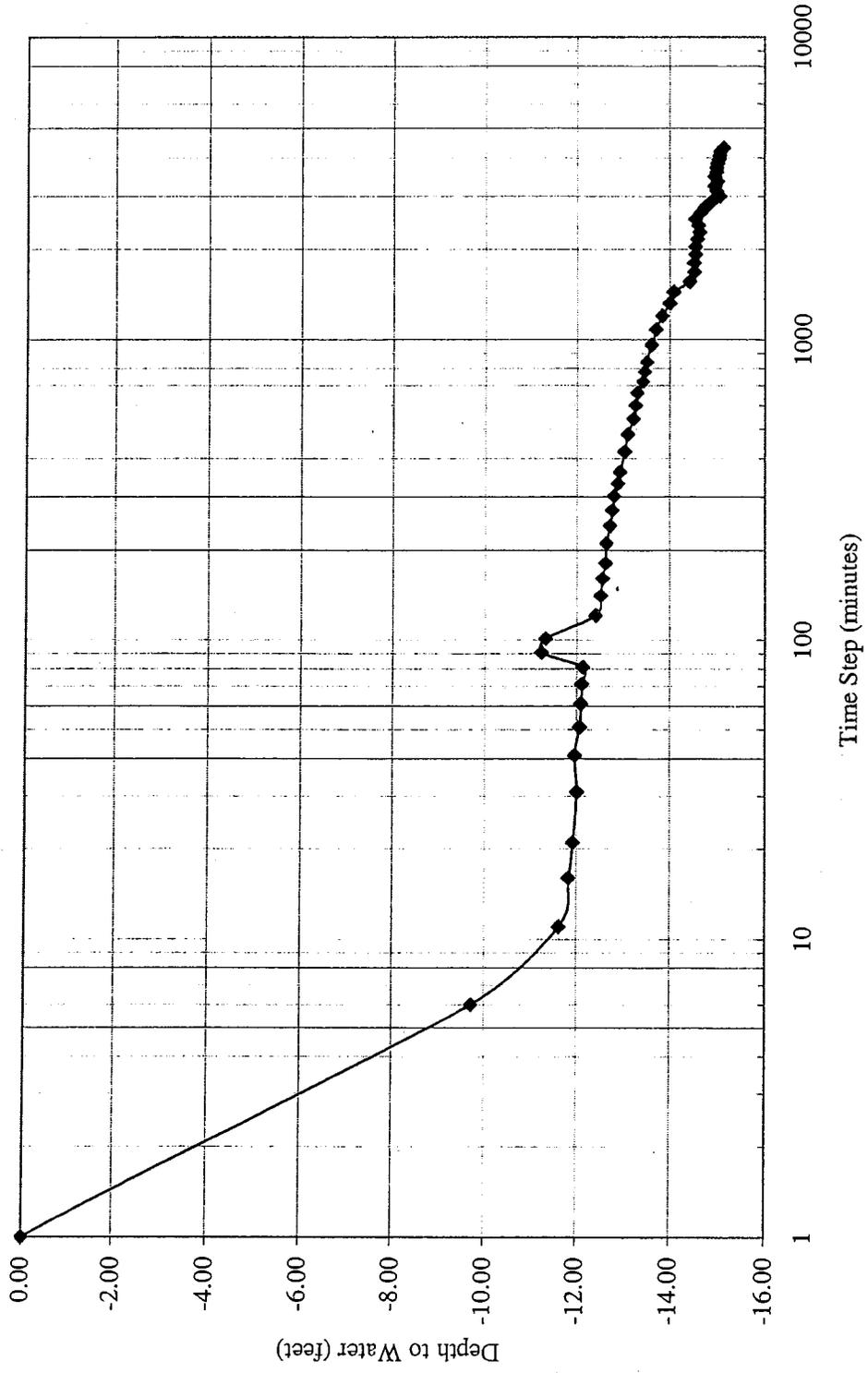
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Figure C1  
Time Drawdown Plot  
& Transmissivity Calculation  
PUMPING WELL TW



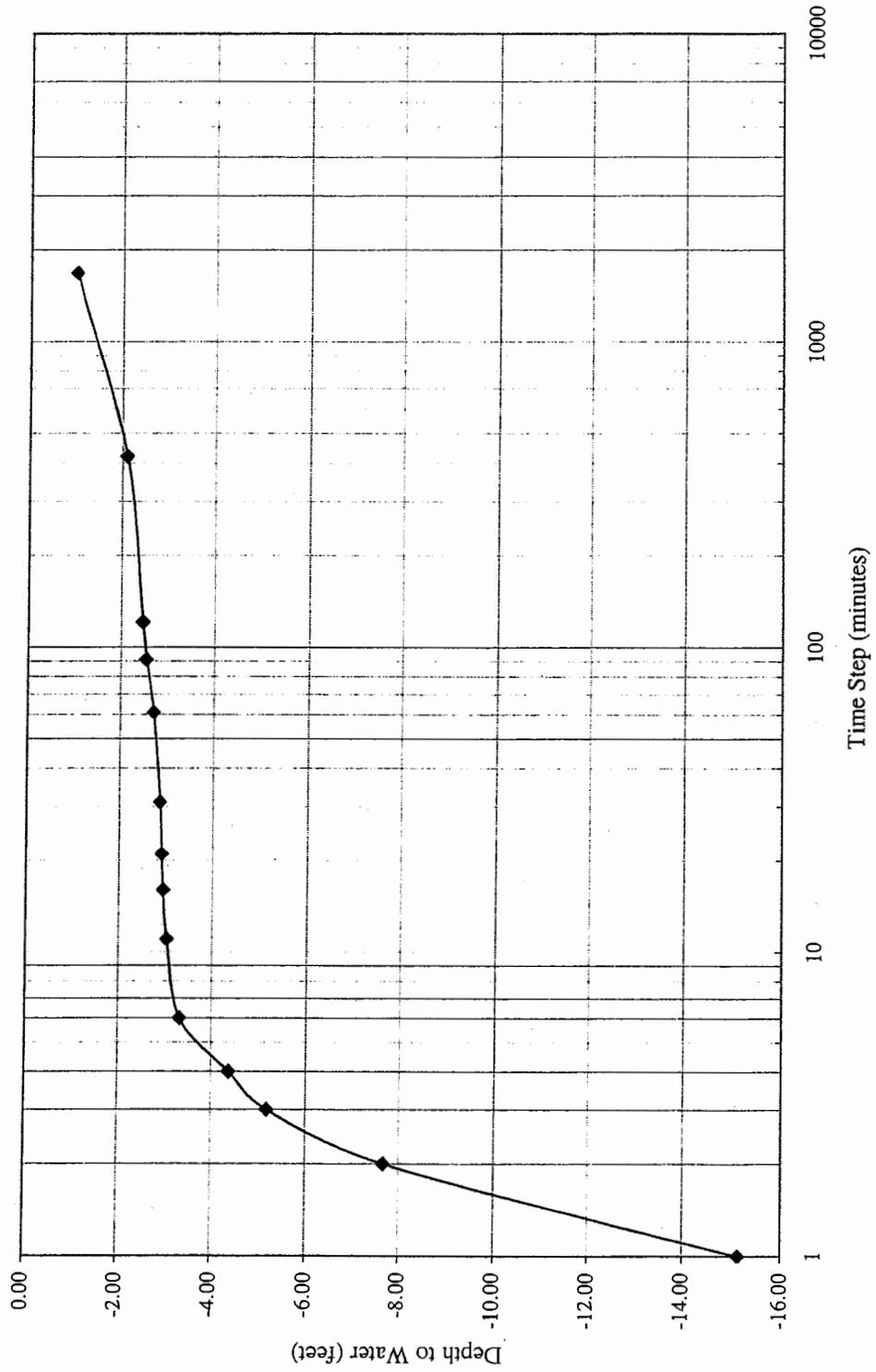
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Figure 3  
Time Drawdown Plot  
PUMPING WELL TW



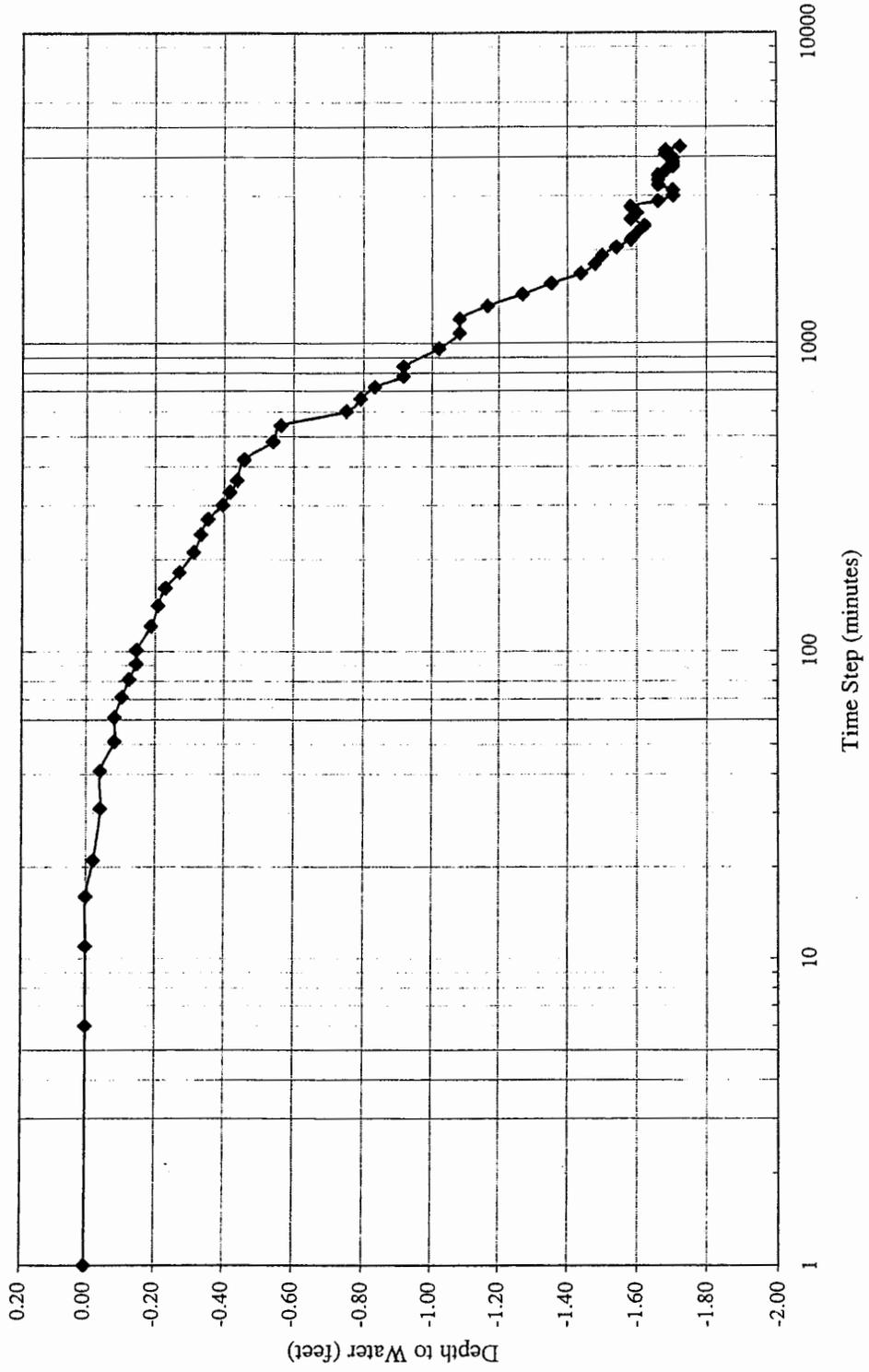
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Figure 4  
Recovery Plot  
PUMPING WELL TW



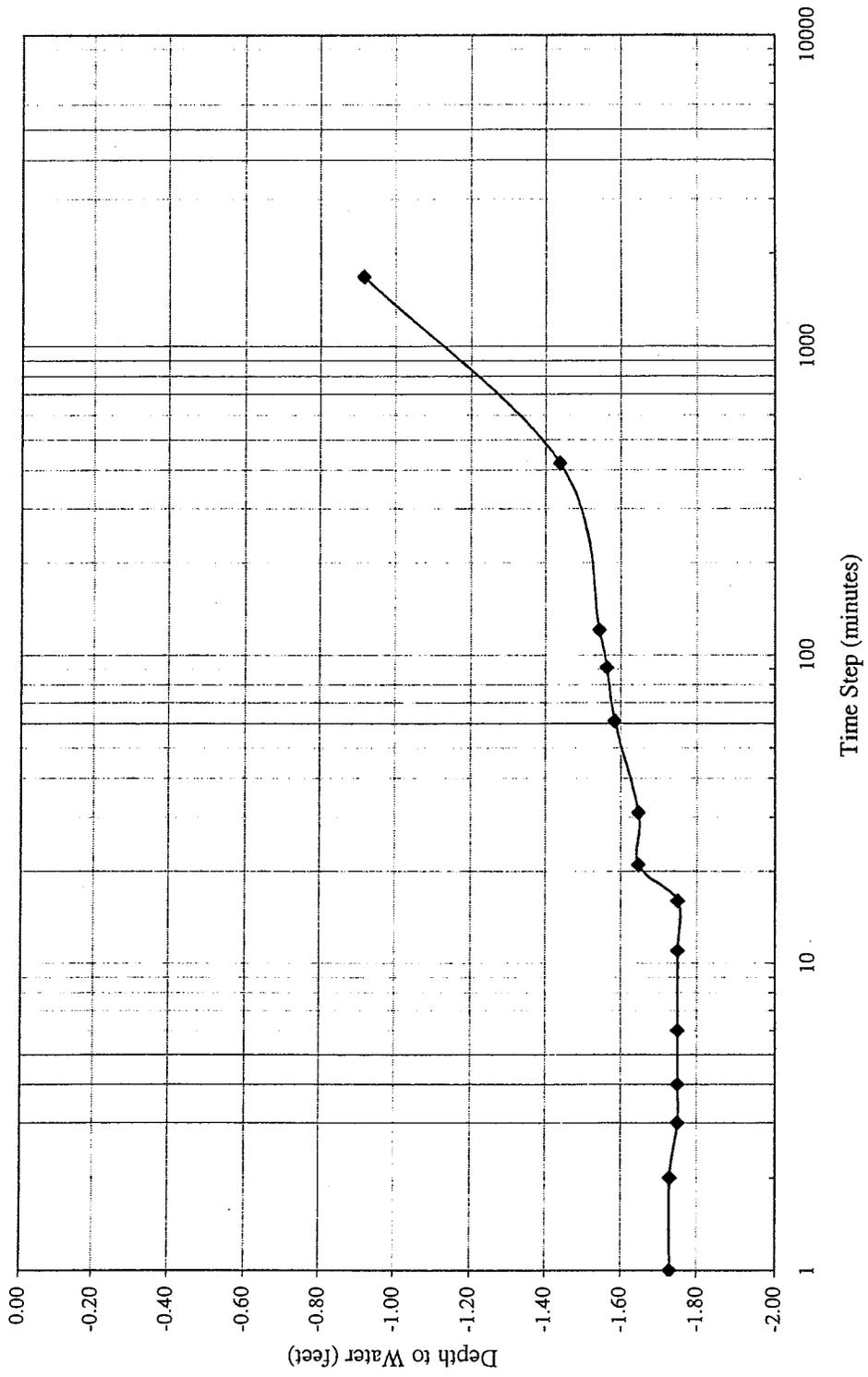
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Figure 5  
Time Drawdown Plot  
MONITORING WELL MW



61931

Figure 6  
Recovery Plot  
MONITORING WELL MW



6/10/19

- **Transmissivity.** Transmissivity of the aquifer, in the immediate area of the pumping well, can be calculated from the time-drawdown and recovery data according to the following formula:

$$T = \frac{264 Q}{\Delta s}$$

Where:

T = Transmissivity (gpd/ft)

Q = Constant pumping rate (gpm)

$\Delta s$  = Drawdown or recovery in the pumping well for one log cycle (feet)

Using the steepest slope of the drawdown curve over one log cycle, between 100 and 1,000 minutes, the value  $\Delta s$  was determined graphically to be 1.5 feet, and the transmissivity was calculated to be approximately 1,109 gpd/ft as follows (see **Appendix C**):

$$T = \frac{(264)(6.3 \text{ gpm})}{1.5 \text{ ft}} = 1,109 \text{ gpd/ft}$$

In his 1994 study Clark reported a transmissivity value of 1,300 gpd/ft for Well TW, which compares closely to the current test results. Both results are indicative of permeable conditions and a productive aquifer at the location of Well TW.

- **Aquifer Storage.** The DWR Groundwater Study (1982) estimated the average specific yield of the terrace deposits in the Westport Subunit, to be approximately 9.0% (0.09), and substantially less in the Franciscan bedrock.

For site-specific validation, the Theis non-equilibrium equation was used to estimate the storativity from the observed drawdown of Well MW during the 72-hour pumping test of Well TW. By trial-and-error, we determined that a storativity of 0.2% (0.002) yields the best match between the predicted drawdown and observed drawdown at Well MW (1.73 ft.) during the 72 hours of pumping. Supporting calculations are provided in **Appendix C**. In his 1994 study, Clark determined a lower aquifer storativity of 0.00132. Both of these results for storativity are substantially lower than the average value (0.09) estimated by DWR for the terrace materials. The lower values reflect conditions influenced by bedrock geology and possible partial confinement of the aquifer.

The total volume (V) of water in aquifer storage within the limits of the property can be estimated using: (1) the storativity value of 0.2% determined above; (2) an estimated saturated aquifer thickness of 62 feet (based on the average between Well TW and MW); and (3) the 148-acre parcel size. The calculation is given below:

$$V = (148 \text{ acres})[(62 \text{ ft})(0.002)](325,851 \text{ gallons/acre-foot})$$

$$V = (18.35 \text{ acre-feet})(325,851 \text{ gallons/acre-foot})$$

$$V = 5,979,365 \text{ gallons}$$

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The above calculation gives only a very rough approximation of the amount of groundwater in storage on the property, since it is based solely on conditions found at the pumping and monitoring well location. Also, not all of this water is necessarily available for extraction from pumping Well TW, since the well cannot realistically draw water from the entire 148-acre parcel. By inspection of the topography we estimate groundwater occurring within about 25% of the property (approximately 37 acres) supplies water to the area of Well TW. Accordingly, the effective volume of groundwater in storage and available for extraction (at the end of the dry season) is on the order of about 1.5 million gallons (0.25 x 5.98 million gallons = 1.5 million gallons).

- **Sustained Yield.** Equilibrium conditions were achieved for Well TW during the 72-hour pumping test and, thus, the sustained long-term yield of the well is approximated by the final, stabilized pumping rate of 6.26 gpm. The stabilized pumping rate of 6.26 gpm equates to a daily yield of about 9,000 gpd, or roughly 2.4 times the projected maximum daily water use of 3,800 gpd for the project. In his 1994 study, Clark estimated the yield for Well TW to be about 6 gpm, which is consistent with the results of the current updated testing of the well.
- **Specific Capacity.** The specific capacity (Q/d), the discharge per unit of water table drawdown, is calculated from the stabilized pumping rate or discharge (Q) and the total drawdown (d) for the pumping well at the end of the test as follows:

$$Q/d = 6.26 \text{ gpm}/15.13 \text{ ft}$$

$$Q/d = 0.41 \text{ gpm/ft}$$

For the projected peak water demand of 2.64 gpm, the resulting drawdown in supply Well TW would be approximately 6.4 feet (2.64 gpm/0.41 gpm/ft = 6.4 ft).

## DISCUSSION AND CONCLUSIONS

### *Well Yield*

The pumping test demonstrated a stabilized yield of 6.26 gpm for Well TW over a sustained 72-hour pumping period at the end of a below average rainfall year. This pumping rate corresponds to a daily pumping volume of 9,014 gallons per day. The well is planned to supply a 10-unit inn and caretaker residence, which are expected to have maximum daily water supply needs of about 3,800 gpd. The long-term or average water demand would be less than this amount, due to fluctuations in occupancy. An annual average occupancy of 80 percent would translate to an average daily water demand of approximately 3,000 gpd. The pumping tests results are similar to those documented by Clark in 1994, showing that the proposed supply Well TW has more than ample capacity to meet the water demands for the project, considering both average and peak usage.

### *Water Table Drawdown Effects*

Since there are no existing neighboring wells within about ½-mile of the proposed supply Well TW, no monitoring of water table drawdown at neighboring properties was conducted during the pumping test. Instead, water table drawdown was monitored at observation Well MW, located about 190 feet from the test well. The drawdown data from Well MW were then used to calculate the theoretical

drawdown effects for different (longer) pumping periods and for different rates of pumping. The calculations are provided in **Appendix D**. The following assumptions and approach were used in this analysis.

- **Pumping Rates and Duration.** Drawdown calculations were made assuming pumping of Well TW at various pumping rates of 2.0, 3.0 and 4.0 gpm, for a duration of 90 days and 180 days during the dry (fall) period. This provides projected drawdown impacts for a range of potential conditions pumping conditions.
- **Distances.** Calculations of drawdown effects were made for distances of 190 feet and 400 feet from Well TW to estimate the effects, respectively, at Well MW and at the westerly property line of parcel 015-070-51 (the well parcel).
- **Transmissivity.** The transmissivity value of 1,109 gpd/ft., as determined from the time-drawdown data for pumping Well TW was used for the calculations.
- **Storativity.** The storativity value of 0.002 determined (as previously described) from the pumping test observation well data was used in the calculations.

The calculated drawdown influences are summarized in **Table 3** for the different pumping scenarios. In the last column, the percent drawdown is shown, which indicates the relative amount as a function of the available saturated thickness of the aquifer. The saturated thickness

**Table 3. Summary of Calculated Drawdown Effects From Pumping of Supply Well TW**

Affected Location	Distance from Pumping Well TW (ft)	Pumping Rate (gpm)	Pumping Duration (days)	Calculated Drawdown (ft)	Percent Drawdown (%)
MW	190	2.0	90	1.25	3.3
Property Line	400	2.0	90	0.94	2.5
MW	190	3.0	90	1.87	5.0
Property Line	400	3.0	90	1.41	3.8
MW	190	4.0	90	2.49	6.7
Property Line	400	4.0	90	1.88	5.0
MW	190	2.0	180	1.39	3.7
Property Line	400	2.0	180	1.08	2.9
MW	190	3.0	180	2.08	5.6
Property Line	400	3.0	180	1.62	4.3
MW	190	4.0	180	2.78	7.4
Property Line	400	4.0	180	2.16	5.8

\* Based on available saturated thickness of 37.4 per hydrogeologic conditions at Well TW

17419

of the aquifer at Well TW, determined at the time of pumping to be 37.4 feet, was used for all of the percentage drawdown calculations to be conservative (safe). The results show the drawdown effect to be in the range of 2.5 to 6.7 percent of the available drawdown across the range of pumping conditions considered in these calculations. This amount of projected drawdown impact falls within the 10-percent drawdown criterion contained in the Mendocino County Coastal Groundwater Development Guidelines. Since drawdown effects decrease exponentially at distance from the pumping well, the projected impacts on the water table at the nearest neighboring wells, more than ¼-mile from Well TW, would be negligible and much smaller than the results shown in **Table 3** for locations near the well.

### ***Regional Aquifer Impact***

The effects on the local groundwater aquifer due to the proposed addition are determined to be negligible. This is based on the following considerations.

- **Adequate Well Yield.** Based on the stabilized rate achieved during the pumping test, Well TW shows a sustained yield of 6.26 gpm, respectively. Since the projected peak water use is 3,800 gpd (2.64 gpm), there is a sufficient supply from the well to meet the needs of the project. Other supplemental sources will not be needed.
- **Percentage of Groundwater Replenishment.** The proposed supply well draws groundwater from both the deeper Franciscan formation and the shallow terrace deposits. The source of groundwater replenishment includes principally on-site percolation of rainwater, plus some amount of lateral groundwater inflow from the watershed area to the east. Based on an average year-round occupancy of 80 percent, the annual extraction of groundwater for the project is estimated to be as follows:

$$(365 \text{ days})(3,000 \text{ gpd}) = 1,095,000 \text{ gallons per year}$$

The annual replenishment of the aquifer solely from on-site percolation of rainfall over the approximately 37-acre groundwater recharge area for Well TW is estimated to be:

$$(37 \text{ acres})(43,560 \text{ ft}^2/\text{acre})(1.0 \text{ ft/yr recharge})(7.48 \text{ gal/ft}^3) = 12,055,665 \text{ gallons}$$

This calculation assumes an available recharge area of 37 acres (as previously discussed), and an annual onsite deep percolation (i.e, recharge) of 12 inches of rainfall, which is a reasonable assumption for the gently sloping terrain, permeable terrace deposits and rainfall conditions at the site. The Fort Bragg area has an average annual rainfall of about 40 inches.

The average rate of groundwater extraction (1,095,000 gal/yr.) is, therefore, estimated to be about 9.1 percent of the annual replenishment of the aquifer from on-site rainfall percolation. This demonstrates that the extraction of groundwater for the proposed project is safely within the estimated average annual amount of on-site recharge to groundwater within the portion of the property tributary to the supply well.

- **Percentage of Groundwater in Storage.** The annual groundwater pumpage for the proposed 10-unit inn and caretaker residence (1,095,000 gal/yr.) is estimated to equal about 73 percent

of the minimum amount of water in aquifer storage (estimated to be about 1.5 million gallons) at the end of the dry season. This considers only the groundwater within the approximately 37-acre aquifer area surrounding the proposed supply well (TW); it does not include groundwater in storage throughout the remainder of the 148-acre parcel on which the well is located.

### *Water Quality*

A water sample was obtained from the proposed supply Well TW on November 7, 2007 by Carl Rittiman and Associates. The water sample was tested for standard mineral analysis by Alpha Analytical Laboratories, Inc. The laboratory results are provided in **Appendix E**. The results for all constituents tested fall safely within the primary and secondary drinking water standards, except for iron, manganese and hardness, which were found at levels above the recommended consumer acceptance concentrations. The turbidity reading was also high; this was likely a result of the sampling process (bailer method). The water quality test results indicate the groundwater to be suitable for domestic uses and typical of conditions along the Mendocino Coast; however a treatment system for iron and manganese will likely be needed to reduce the staining effects normally caused by these constituents at concentrations above the consumer acceptance limits.

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**ESHA DELINEATION AND IMPACT ASSESMENT SUBJECT TO  
THE COASTAL ACT AND THE MENDOCINO COUNTY LCP**

**APN 015-380-05, Mendocino County, California**

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**Date:**

August 2008

**EXHIBIT NO. 17**

**APPEAL NO.**

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

BIOLOGICAL STUDY  
(EXCERPTS) (1 of 27)



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## 1.0 INTRODUCTION

In 1991 and 1992, Gordon McBride conducted botanical studies on APN 015-380-05 near Westport, Mendocino County, California. The studies included rare plant surveys. Redwood Coast Associates (RCA) conducted additional surveys of the Study Area during 2007 and 2008 in order to verify the locations of Environmentally Sensitive Habitat Areas (ESHAs) and perform a wetland delineation based on (California Coastal Act) CCA/(Local Coastal Program) LCP definitions. This report presents the updated ESHA delineation, an evaluation of potential impacts to ESHAs due to construction of the proposed project elements, mitigation measures, and an analysis of ESHA buffers as required by the CCA and LCP for the planned Inn at Newport Ranch, 31502 North Highway One, Westport, California.

## 2.0 STUDY AREA DESCRIPTION

The Study Area is geo-referenced to the Inglenook quadrangle (USGS 7.5 minute), and is located in the southern half of section(s) 17 & 20, T20N, R17W (MDBM), four miles south of the town of Westport and 10 miles north of Fort Bragg, CA. The Study Area is approximately 18 acres and is located on Jackson-Grube APN 015-38-05, situated between Highway One and the Pacific Ocean (Figure 1). The land slopes gently to the west with an average elevation of approximately 175 feet above mean sea level. The vegetation is largely nonnative grassland terminating at the bluff edge. A drainage channel defines the southern extent of the Study Area. ESHA surveys were focused to the area within 100 feet of the proposed development footprint.

The Study Area has a long and varied land use history. During the 1870s a site near the bluff and the existing structures was used as a staging area to load cut timber onto waiting boats using a large chute to transport the wood down from the cliffs. The town of Newport once occupied a majority of the Study Area. The Jackson-Grube parcels and adjacent lands (including Study Area) supported a variety of agriculturally related uses including a pea farm, dairy, and sheep grazing. The land is currently used to graze cattle as it has been for the last several decades. As a result the majority of the native plant communities are substantially degraded, as the impacts from grazing create a landscape dominated by non-native and often invasive species, which are now prolific throughout the entire Study Area. Ruderal grasses and forbes comprise the majority of vegetation within the Study Area. An ephemeral stream channel and several degraded wetland areas also occur within the Study Area.

### 2.1 Vegetation

Four vegetation types were observed within the Study Area and include:

- California annual grassland (Sawyer Keeler-Wolf, 1995),
- introduced perennial grassland (Sawyer Keeler-Wolf, 1995),
- Northern coastal bluff scrub (Holland, 1986), and
- several mesic areas including an ephemeral stream channel and several freshwater marsh areas.

The majority of the Study Area is comprised of **California annual grassland** with restricted elements of **introduced perennial grassland** vegetation interspersed. Characteristic species include: sweet vernal grass (*Anthoxanthum odoratum*), common velvet grass (*Holcus lanatus*), wild oat and common oat (*Avena barbata*, *A. fatua*), wild radish (*Raphanus sativus*), Italian and perennial ryegrass (*Lolium multiflorum*, *L. perenne*), bent grass (*Agrostis pallens*), soft chess (*Bromus hordeaceus*), English daisy (*Bellis perennis*), English plantain (*Plantago lanceolata*), dove foot geranium (*Geranium molle*), fescue (*Vulpia bromoides*, *V. myuros*), Bermuda grass (*Cynodon dactylon*), hairy cat's-ear and

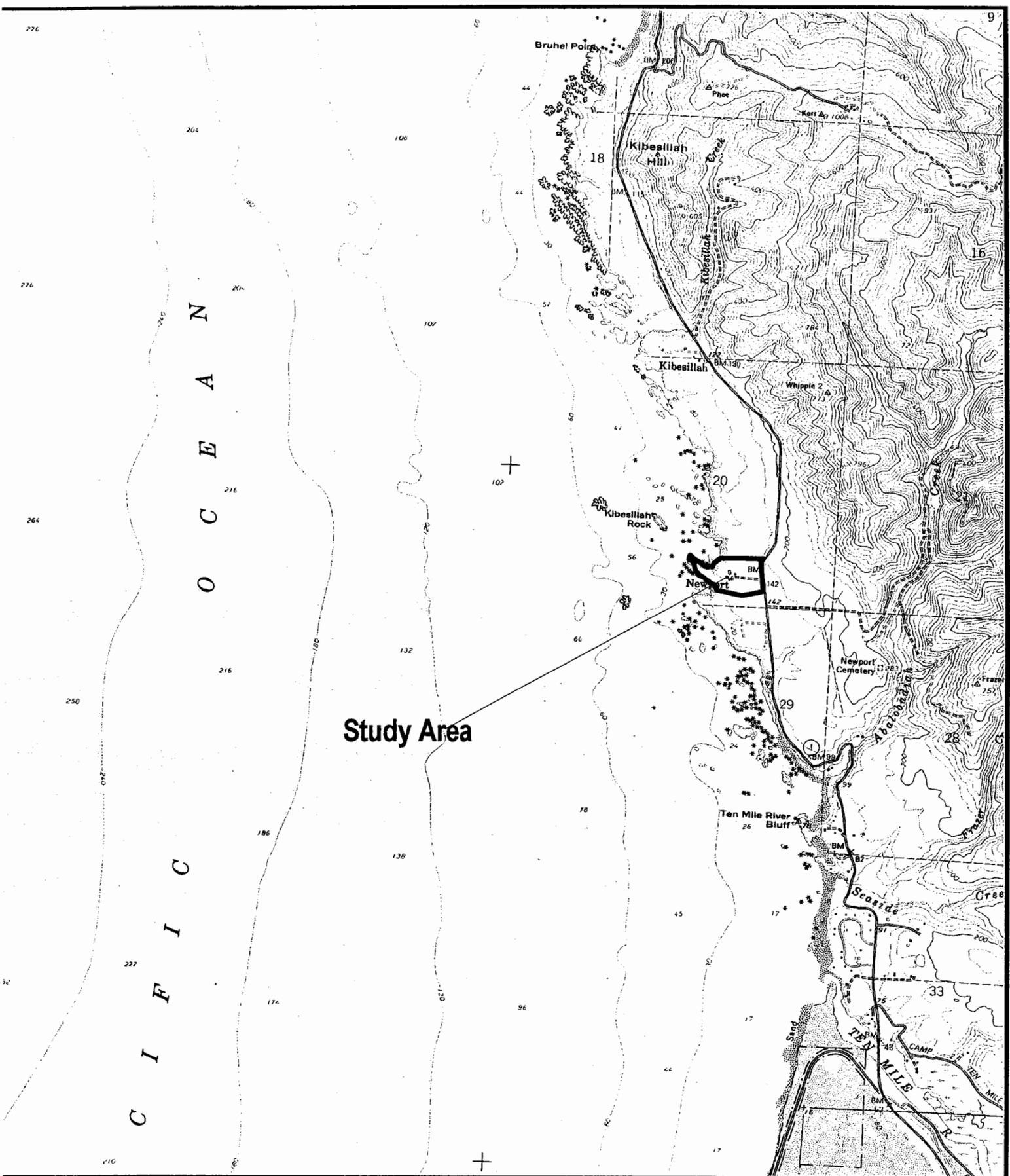


Figure 1. Study Area Location.



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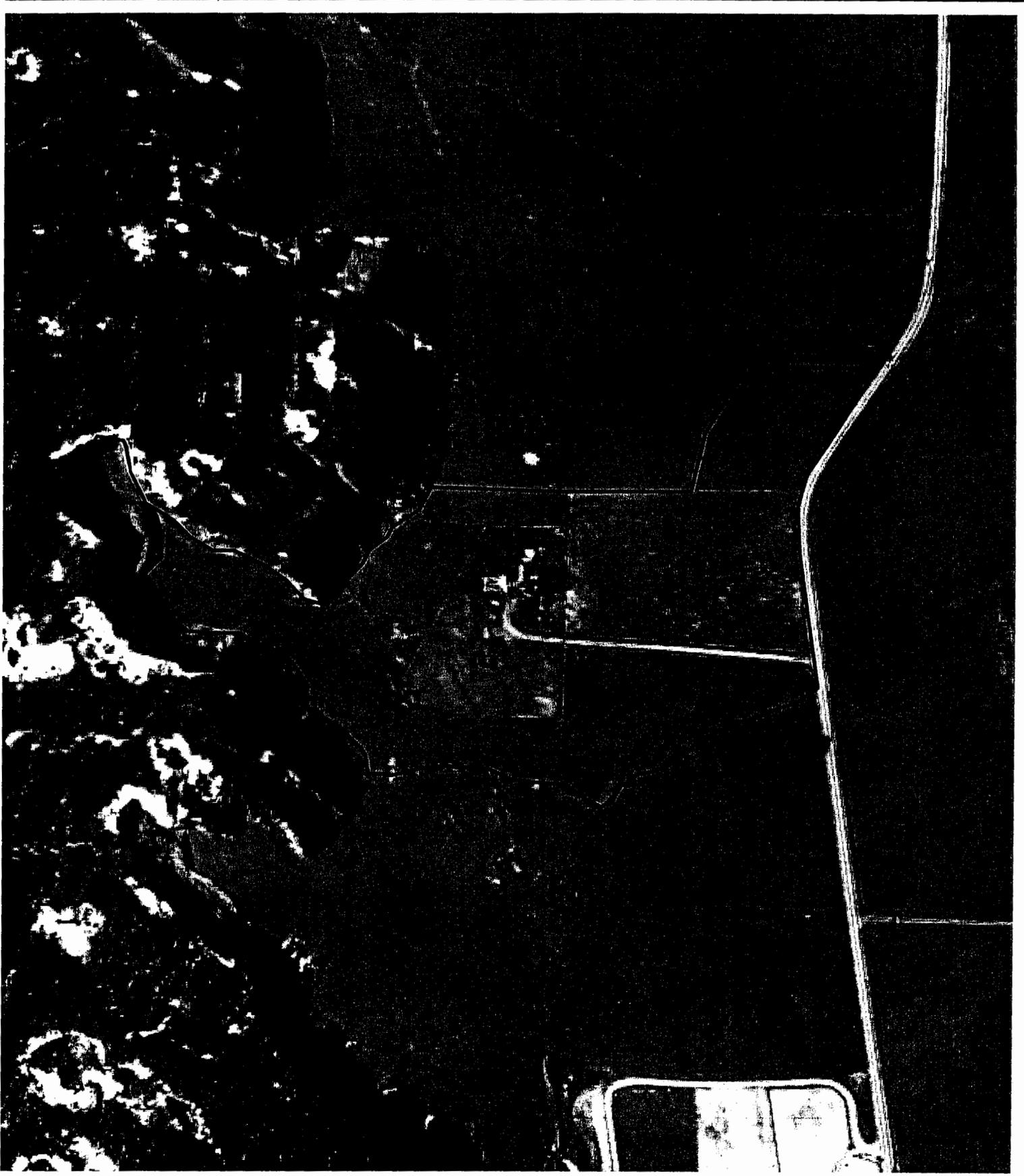
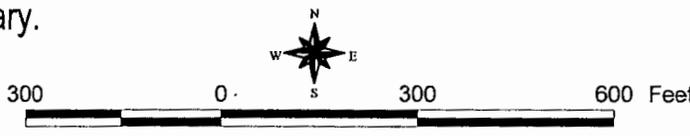


Figure 2. Study Area Boundary.



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smooth cat's-ear (*Hypochaeris radicata*, *H. glabra*), Western blue flax (*Linum bienne*), and common sow thistle (*Sonchus oleraceus*). A faint distinction in species composition is evident within the ungrazed (fenced) portion around the existing structures. This area is mowed several times a year and supports a greater percentage of wild radish and invasive grasses, such as Italian rye grass and soft chess. Numerous ornamental species were noted surrounding the existing structures including calla lily, hydrangea, narcissis, periwinkle and brambles.

Degraded wetland and riparian vegetation persist in the mesic areas, which include a stream channel, created by an ephemeral stream, and three freshwater marsh areas. These features are substantially degraded as the impacts from grazing pressures are to the point that most of the native vegetation has been displaced by weedy species. Native wetland and riparian vegetation, typically associated with coastal wetland and stream habitats, is intermittent and often heavily impacted from grazing. However, sections of the stream channel do support a moderate amount of native diversity, relative to the wetland areas, which tend to be dominated by nonnative grasses and forbes.

**Stream channel vegetation** is somewhat similar throughout its length, (Figure 5) with the exception of the western third where the channel widens and deepens near the bluff edge. No riparian vegetation was observed in the channel. Himalayan blackberry and a variety of ornamental rose occur as a dense thicket in a small section of the channel. Other wise, characteristic herbaceous species include: Pacific silverweed (*Potentilla anserina* ssp. *pacifica*), hedge nettle (*Stachys ajugoides* var. *rigida*), tall mannagrass (*Glyceria elata*), California blackberry (*Rubus urcinus*), sword fern (*Polystichum munitum*), common rush (*Juncus effusus*), creeping spike-rush (*Eleocharis macrostachya*), common velvet grass, sweet vernal grass, and northern willow herb (*Epilobium ciliatum*).

Characteristic species occurring in the **freshwater marsh** areas consist of: Mexican rush (*Juncus mexicanus*), common velvet grass, Italian rye grass, hairy cats ear, English plantain, coyote thistle (*Eryngium armatum*), white clover (*Trifolium repens*), spreading rush (*Juncus patens*), birdfoot trefoil (*Lotus corniculatus*), and creeping buttercup (*Ranunculus repens*). Species composition is relatively similar in the wetland areas.

The **Northern coastal bluff scrub** habitat is generally restricted to the bluff face but extends up and onto the bluff top sporadically. Characteristic species include: seaside woolly sunflower (*Eriophyllum staechadifolium*), dudleya (*Dudleya farinosa*), Henderson's angelica (*Angelica hendersonii*), California polypody (*Polypodium californicum*), seaside daisy (*Erigeron glaucus*), coast buckwheat (*Eriogonum latifolium*), plantain (*Plantago maritima*), gum plant (*Grindelia stricta*), Douglas iris (*Iris douglasiana*), sea-pink (*America maritima* ssp. *californica*), soft chess, Italian rye grass, California brome (*Bromus carinatus*), lupine (*Lupinus littoralis*), common yarrow (*Achillea millefolium*), beach strawberry (*Fragaria chilensis*), and western bracken fern (*Pteridium aquilinum* var. *pubescens*). Patches of California hair-grass (*Deschampsia caespitosa* ssp. *bolciformis*) occur along sections of the bluff, which have partially slumped away from the cliff restricting the cattle.

## 2.2 Soils

The Study Area is located on the first marine terrace that is comprised of sedimentary rocks of the Franciscan Complex. The Soil Survey of Mendocino County, Western Part (USDA, 1988) indicates that the Study Area is underlain primarily by one soil mapping unit, the Windyhollow loam, but inclusions of another unit, the Flumeville clay loam, are mapped within the Study Area.

### 225 Windyhollow loam

This very deep, somewhat poorly drained soil is on marine terraces. It formed in alluvium derived from mixed rock sources. The vegetation is mainly perennial grasses and forbes. Elevation ranges from 80 to 900 feet. The average annual precipitation is 35 to 45 inches, the average annual air temperature is about 53 degrees F, and the average frost-free period is 250 to 330 days.

Typically, the surface layer is brown loam about 16 inches thick. The upper part of the subsoil is light yellowish brown clay loam about 8 inches thick. The next 19 inches is very pale brown gravelly clay loam that has brownish yellow mottles. The lower 18 inches of the subsoil is white clay loam that has brownish yellow mottles.

Included with this soil in mapping are small areas of Flumeville, Mallopass, and Biaggi soils. Also included are small areas that have slopes of more than 5 percent. Included areas make up about 15 percent of the total acreage of the unit. The percentage varies from one area to another.

Permeability is moderately slow in the Windyhollow soil. Available water capacity is high. The soil is saturated with water for brief or long periods following episodes of heavy rain from December through April. The saturated zone starts between the depths of 30 and 48 inches and extends to a depth of more than 60 inches. The saturated soil conditions limit the rooting depth of many plant species.

#### **144 Flumeville clay loam**

This very deep, poorly drained soil is on marine terraces. It formed in alluvium derived from mixed rock sources. The vegetation is mainly perennial grasses and forbes. Elevation ranges from 10 to 1,200 feet. The average annual precipitation is 35 to 45 inches, the average annual air temperature is about 53 degrees F, and the average frost-free period is 250 to 330 days.

Typically, the surface layer is dark gray clay loam about 11 inches thick. The upper 15 inches of the subsoil is grayish brown clay loam and clay that have reddish brown and strong brown mottles. The lower 36 inches is light gray and white clay that has strong brown mottles. In some areas the surface layer is loam.

Included with this soil in mapping are small areas of Windyhollow and Cabrillo soils and Tropaquets. Also included are small areas that have slopes of 5 to 9 percent. Included areas make up about 15 percent of the total acreage of the unit. The percentage varies from one area to another.

Permeability is very slow in the Flumeville soil. Available water capacity is high. The effective rooting depth is limited by saturation for long periods following episodes of heavy rain from December through April. The saturated zone starts between the depths of 12 and 30 inches and extends to a depth of more than 60 inches. Surface runoff is very slow or slow, and the hazard of water erosion is slight if the surface is left bare.

### **3.0 ESHA DEFINITIONS**

The CCA and Mendocino County LCP define an ESHA as follows:

*“Environmentally sensitive habitat area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.”*

The LCP and California Coastal Commission (CCC) Guidelines contain definitions for specific types of ESHAs, including: wetlands, estuaries, streams and rivers, lakes, open coastal waters and coastal waters, riparian habitats, other resource areas, and special status species and their habitats. For the purposes of this report, RCA has taken into consideration any areas that may meet the definition of any ESHA defined by the CCA, CCC guidelines, or the LCP.

### **3.1 Wetlands**

*"Wetland means land within the coastal zone which may be covered periodically or permanently with shallow water and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens".*

### **3.2 Estuaries**

*"An estuary is a coastal water body usually semi-enclosed by land, but which has open, partially obstructed, or intermittent exchange with the ocean and in which ocean water is at least occasionally diluted by fresh water runoff from the land. The salinity may be periodically increased above the open ocean by evaporation. In general, the boundary between wetland and estuary is the line of extreme low water."*

### **3.3 Streams and Rivers**

*"A stream or a river is a natural watercourse as designated by a solid line or dash and three dots symbol shown on the United States Geological Survey map most recently published, or any well-defined channel with distinguishable bed and bank that shows evidence of having contained flowing water as indicated by scour or deposit of rock, sand, gravel, soil, or debris."*

### **3.4 Open Coastal Waters and Coastal Waters**

*"The terms open coastal waters or coastal waters refer to the open ocean overlying the continental shelf and its associated coastline. Salinities exceed 30 parts per thousand with little or no dilution except opposite mouths of estuaries."*

### **3.5 Riparian Habitats**

*"A riparian habitat is an area of riparian vegetation. This vegetation is an association of plant species which grows adjacent to freshwater watercourses, including perennial and intermittent streams, lakes, and other bodies of freshwater."*

### **3.6 Sand Dunes**

*"Sand Dunes means naturally occurring accumulations of sand in ridges or mounds on the beach as well as landward of the beach."*

### **3.7 Pygmy Forests**

*"Pygmy Forests means a stunted forest, with mature vegetation the majority of which is approximately two (2) to twelve (12) feet in height occurring on soils with conditions which severely limit the growth of vegetation such as Blacklock soils and characterized by Mendocino cypresses, Fort Bragg Manzanita, Bolander pines, and pygmy Mendocino bishop pines."*

### 3.8 Other Resource Areas

*"Other designated resource areas include: State parks and reserves, underwater parks and reserves, areas of special biological significance, natural areas, special treatment areas, fishing access points, areas of special biological importance, significant California ecosystems, and coastal marine ecosystems."*

### 4.0 CCA/LCP WETLANDS REGULATORY BACKGROUND

The LCP and CCA Guidelines contain definitions for specific types of "environmentally sensitive habitat areas" (ESHAs), including: wetlands, estuaries, streams and rivers, lakes, open coastal waters, riparian habitats, other resource areas, and special status species habitats. Only regulatory definitions for wetland ESHA's are discussed below, as no other aquatic resources that would fall under Corps or CCA/LCP jurisdiction were identified within the Study Area.

The CCA (Public Resources Code Section 30121) and LCP define wetlands as:

*"Wetland means lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens."*

CCC Administrative Regulations (Section 13577 (b)) provide a more explicit definition:

*"Wetlands are lands where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substance in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deepwater habitats."*

The CCC considers this definition as requiring the observation of one diagnostic feature of a wetland such as wetland hydrology, dominance by wetland vegetation (hydrophytes), or presence of hydric soils as a basis for asserting jurisdiction under the CCA.

In addition to the above definition, the *Statewide Interpretive Guidelines for Identifying and Mapping Wetlands and Other Wet Environmentally Sensitive Habitat Areas* (CCC 1981) provide technical criteria for use in identifying and delineating wetlands and other ESHA's within the Coastal Zone. The technical criteria presented in the guidelines are based on the CCA definition and indicate that wetland hydrology is the most important parameter for determining a wetland, recognizing that:

*". . . the single feature that most wetlands share is soil or substrata that is at least periodically saturated with or covered by water, and this is the feature used to describe wetlands in the Coastal Act. The water creates severe physiological problems for all plants and animals except those that are adapted for life in water or in saturated soil, and therefore only plants adapted to these wet conditions (hydrophytes) could thrive in these wet (hydric) soils. Thus, the presence or absence of hydrophytes and hydric soils make excellent physical parameters upon which to judge the existence of wetland habitat areas for the purposes of the Coastal Act, but they are not the sole criteria."*

The Technical Criteria requires that saturation of soil in a wetland must be at or near the surface continuously for a period of time. The meaning of "at or near the surface" generally is considered to be approximately one-foot from the surface or less (the root zone), and the saturation must be continuously present for a period of time (generally more than two weeks) in order to create the

necessary soil reduction (anaerobic) processes that create wetland conditions. For example, water from rain during a storm that causes saturation near the surface but then evaporates or infiltrates to 18 inches or deeper below the surface shortly after the storm does not meet the generally accepted criteria for wetland hydrology.

The presence of wetland classified plants or the presence of hydric soils (generally referred to as the "one parameter approach") can be used to identify an area as being a wetland in the Coastal Zone. There is correlation between the presence of wetland plants, wetland hydrology, and/or hydric soils occurring together, especially in natural undisturbed areas, and in many cases where one of these parameters is found (e.g., wetland plants) the other parameters will also occur. But there are situations which can result in the presence of wetland classified plants without there being wetland conditions, and these areas are not wetlands. Where these situations occur, the delineation study must carefully scrutinize whether the wetland classified plants that are present are growing there as hydrophytes in reducing (anaerobic) conditions caused by the presence of wetland hydrology or are there for some other (non-wetland) reason. Examples may include wetland-classified plants which are also salt-tolerant (e.g., alkali heath [*Frankenia salina*]) and may be responding to either wetland conditions or saline soil conditions, but not necessarily both, and deep-rooted trees (e.g., willows) which are able to tap into deep groundwater sources and can grow in dry surface soils, but are also found in wetland conditions where surface water is present.

Hydric soils can also occur in upland areas especially in areas where historic disturbances may have exposed substratum or in densely vegetated grasslands (Mollisols). Similarly, the delineation must determine if the hydric soil indicators are a result of frequent anaerobic conditions or a result of non-wetland conditions.

## 5.0 SCOPING

### 5.1 Special Status Plants

The California Department of Fish & Games (DFG) *California Natural Diversity Database's Rare Find 3* and the California Native Plant Society's (CNPS) *Electronic Inventory of Rare and Endangered Plants of California* (CNDDDB; CNPS 2008) were queried to determine all special status plant species<sup>2</sup> known from coastal Mendocino County. In addition, the U.S. Fish and Wildlife Service (USFWS) Arcata Field Office website was queried for sensitive plant species in Mendocino County. The target taxa scoping list (Appendix A, Table 1) was generated by cross-referencing the vegetation series (Sawyer and Keeler-Wolf 1995 & Holland 1986) observed within the study area and the correlating CNPS and/or Holland (CNPS 2008, Holland 1986) habitat type and include: Coastal Prairie, Coastal Scrub, Coastal Bluff Scrub, Marshes and swamps, and Riparian scrub.

### 5.2 Special Status Plant Communities

Sensitive plant communities are communities that are especially diverse, regionally uncommon, or of special concern to local, state, and federal agencies. The California Department of Fish & Games *California Natural Diversity Database's Rare Find 3* (CNDDDB 2008) was queried to determine which special status plant communities have the potential to occur in the project area (Appendix A, Table 2).

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<sup>2</sup> Those species, which in most cases meet listing eligibility criteria set forth in the California Endangered Species Act and which, must be fully considered when preparing environmental documents relating to the California Environmental Quality Act (CEQA). Species not recorded for a given area may nonetheless be present, especially where favorable conditions occur (CNPS 2008).

### 5.3 Special Status Wildlife

Database searches for known occurrences of special status species included a 2008 California Natural Diversity Database (CNDDB) search of the Inglenook, Westport, Hales Grove, Fort Bragg, Mendocino and Albion 7.5 minute USGS quadrangles and the USFWS Species List for Mendocino County. Special status animal species with documented occurrences in the vicinity of the Study Area are listed in Appendix A, Table 3.

## 6.0 METHODS

### 6.1 Special Status Plants and Plant Communities

The botanical survey was conducted according to the *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (Department of Fish and Game 2000). Redwood Coast Associates biologists conducted field surveys on September 1 2007, February 26, April 3, May 6, June 2, and July 10 2008. Surveys were floristic, seasonally-appropriate, and intuitively controlled. Searches were staged and timed to take place when target taxa were evident and identifiable, particularly during periods of active blooming (CNPS 2008). Local reference populations were used in conjunction with blooming windows presented in the CNPS's Electronic Inventory to confirm the seasonal appropriateness of surveys.

High-intensity (90-100% coverage) surveys were conducted in areas likely to be impacted by proposed developments. All vascular plants encountered in the field were identified to the taxonomic level necessary to determine sensitivity status. A list of all plants encountered during the surveys is provided in Appendix A. Botanical nomenclature follows the *Jepson Manual/Higher Plants of California* (Hickman 1993). Vegetation types were classified to the series level according to *A Manual of California Vegetation* (Sawyer & Keeler-Wolfe 1995) by considering the dominant species in each strata (tree, shrub and herb layers). A general description of the Study Area, including land use and plant communities, was generated during these and several additional site visits for the wildlife assessment.

### 6.2 Wetlands

A delineation of CCA/LCP potential jurisdictional wetlands in the Study Area was performed on April 3, 24, May 6, and July 10, 2008 by Matt Richmond, Kyle Wear, and Tim Degraff (PWS) utilizing the methodology described below.

The CCC uses a broad wetland definition in which the presence of any one of the wetland parameters may indicate presence of a wetland. The CCC presumes that the area is a wetland if one of the wetland criteria is met. However, there may be exceptions to this presumption if there is strong positive evidence of upland conditions, as opposed to negative evidence of wetland conditions. Positive evidence of upland hydrology might be the observation that a given area saturates only ephemerally following significant rainfall, that the soil is very permeable with no confining layer, or that the land is steep and drains rapidly. Positive evidence of upland conditions should be obtained during the wet season. Based on these facts, this delineation study identified areas within the Study Area that had wetland plants, hydric soils, or wetland hydrology indicators. Areas that contained at least one of the wetland parameters but contained positive evidence of upland conditions were not identified as wetlands.

The methodology for identifying wetland indicators followed that described in the Draft Interim Western Mountains, Valleys, and Coast Regional Supplement (Corps 2007). This document uses

several new wetland hydrology indicators not specified in the 1987 Corps Manual. Any new hydrology indicators utilized during the wetland delineation were noted on data sheets (Appendix C), although they were not deemed to alter the results of the delineation due to the CCA requirement that a wetland meet only one of the three wetland criteria.

Sample points were examined along transects perpendicular to the boundaries of previously mapped wetlands, to identify the boundary of CCA/LCP wetlands meeting one or more wetland criteria. Additional sample points were examined throughout the Study Area to confirm upland conditions, particularly where hydrophytic species were dominant. Sample points and potential jurisdictional wetland boundaries were recorded using submeter-accuracy GPS equipment. Potential jurisdictional wetland acreage was measured digitally using ArcGIS software. The methodology for evaluating each of the four wetlands criteria is described below.

### Vegetation

Plant species within potential wetlands were assigned a wetland status according to the USFWS list of plant species that occur in wetlands (USFWS 1996). This wetland plant classification system is based on the expected frequency of occurrence of each species in wetlands. The classification system has the following categories which determine the frequency with which plants occur in wetlands:

OBL	Obligate, almost always found in wetlands	> 99% frequency
FACW	Facultative wetland, usually found in wetlands	67-99%
FAC	Facultative, equal in wetland or non-wetlands	34-66%
FACU	Facultative upland, usually found in non-wetlands	1-33%
UPL/NL	Not found in local wetlands	<1%
NI	Wetland preference unknown	

Species with OBL, FACW, and FAC classifications are considered hydrophytic vegetation. If more than 50 percent of the dominant plant species are hydrophytic, the area meets the wetland vegetation criterion and is presumed to be a jurisdictional wetland under the CCA.

### Hydrology

The Study Area was surveyed for indicators of wetland hydrology. Positive indicators of wetland hydrology can include direct evidence (primary indicators), such as visible inundation or saturation, surface sediment deposits, oxidized root channels, and drift lines, or indirect indicators (secondary indicators) such as algal mats, shallow restrictive layers in the soil, or vegetation meeting the FAC-neutral test. Depressions, seeps, and topographic low areas were examined for these hydrological indicators.

### Soils

Soils in the Study Area were examined for hydric soil indicators according to Natural Resources Conservation Service guidelines (USDA 2006). Soils formed under wetland (anaerobic) conditions generally have a low chroma matrix color, designated 0, 1, or 2, and contain mottles or other redoximorphic features. Soil profiles were characterized by horizon depths, color, redoximorphic features, and texture. Soil color and chroma was determined using a Munsell soil color chart (GretagMacbeth 2000) to determine if the soils in a particular area could be considered hydric

### 6.3 Riparian Habitats

The Statewide Interpretive Guidelines (CCC 1981) state:

*“For the purpose of interpreting Coastal Act policies, another important distinction is between “wetland” and “riparian habitat.” While the Service’s classification system includes riparian areas as a kind of wetland, the intent of the Coastal Act was to distinguish these two areas. “Riparian habitat” in the Coastal Act refers to riparian vegetation and the animal species that require or utilize these plants. The geographic extent of a riparian habitat would be the extent of the riparian vegetation.*

*. . . Unfortunately, a complete and universally acceptable definition of riparian vegetation has not yet been developed, so determining the geographic extent of such vegetation is rather difficult. The special case of determining consistent boundaries of riparian vegetation along watercourses throughout California is particularly difficult. In Southern California these boundaries are usually obvious; the riparian vegetation grows immediately adjacent to watercourses and only extends a short distance away from the watercourse. . .*

*. . . For the purposes of this guideline, riparian vegetation is defined as that association of plant species which grows adjacent to freshwater watercourses, including perennial and intermittent streams, lakes, and other freshwater bodies. Riparian plant species and wetland plant species either require or tolerate a higher level of soil moisture than dryer upland vegetation, and are therefore generally considered hydrophytic. However, riparian vegetation may be distinguished from wetland vegetation by the different kinds of plant species. . .”*

The guidelines include a list of representative riparian plants which are meant to help distinguish wetland areas from riparian areas. The list includes many common riparian trees and shrubs such as willows, cottonwood, alders, and sycamores. Therefore, under the Coastal Act, riparian areas do not have to be wetlands, and are determined based primarily on vegetation and that vegetation's ability to provide habitat to animal species.

### 6.4 Streams and Rivers

The CCC define a stream as:

*“A stream or a river is a natural watercourse as designated by a solid line or dash and three dots symbol shown on the United States Geological Survey map most recently published, or any well-defined channel with distinguishable bed and bank that shows evidence of having contained flowing water as indicated by scour or deposit of rock, sand, gravel, soil, or debris.”*

Soils, hydrology, and vegetation were examined on April 3, 24, May 6, and July 10, 2008 at locations within the Study Area that had the potential to meet the Coastal Act's wetland definition. Sample points were taken along transects perpendicular to the aquatic habitat within the Study Area. Once an area was determined to be a potential jurisdictional wetland, riparian habitat or stream, its boundaries were delineated using GPS equipment and overlain on a topo map.

## 7.0 FINDINGS

The Study Area contains four types of potential ESHAs: two special status plant species, one special status plant community, four wetlands, and one ephemeral stream (Figure 5). No other ESHAs were determined to be present within the Study Area. Photographs representative of the Study Area are included in Appendix C. The following sections contain a description of ESHAs documented within the Study Area.

### 7.1 Special Status Plants

#### 7.1.1 *Mendocino coast Indian paintbrush*

**Mendocino coast Indian paintbrush** (*Castilleja mendocinensis*) (**CAME**) was observed in the coastal bluff scrub along the western and northern portion of the prominent northwest-facing peninsula. On May 6 and June 2, 2008 approximately 160 individual plants were detected growing across a significant portion of the peninsula bluff face and the terminal edge of the terrace (Figure 5).

Mendocino coast Indian paintbrush is a hemiparasitic perennial herb that is associated with the coastline between Mendocino county and Oregon. This taxon is known from 45 occurrences (CNDDDB, 2008). The Mendocino coast Indian paintbrush is a list 1B species, but has no federal or state listing status. Coastal development, recreation, non-native plants, and habitat fragmentation threaten Mendocino coast Indian paintbrush.

#### 7.1.2 *Short-leaved evax*

**Short-leaved evax** (*Hesperis matronalis* var. *brevifolia*) (**HESPBR**) was discovered in the coastal bluff scrub near the western end of the peninsula. On February 26, 2008 approximately 250 individual plants were observed in two separate locations (Figure 5) at the western end of the peninsula. Short-leaved evax is an annual herb associated with Coastal bluff scrub and Coastal dune habitats. Short-leaved evax is a list 1B species, but has no federal or state listing status. This taxon is known from 30 occurrences (CNDDDB, 2008). Logging, development, competition with non-native plants, foot traffic, and recreational activities threaten short leaved evax. Potential threats include trail construction as well.

### 7.2 Special Status Plant Communities

#### 7.2.1 *Northern Coastal Bluff Scrub (NCBS)*

**NCBS** was observed growing along portions of the bluff face and is restricted to within 10 feet of the bluff edge (Figure 5). NCBS is a CDFG G2, S2.2 listed plant community. The G2, S2.2 ranking means that this plant community type is "at high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors (CNDDDB 2008). There are no reported occurrences in the CNDDDB for NCBS. The ocean bluffs within the Study Area are approximately 80-120 feet high and form a prominent northwest-facing peninsula. The majority of the bluffs are sheer to the ocean with no beach or terrestrial vegetation present. Along sections of the bluff face within the upper 10-25 feet, where the bluff edge restricts the cattle, patches of woody and herbaceous vegetation persist in the form of relatively intact **Northern coastal bluff scrub** (Holland 1986) habitat. This plant community was determined to be a potential ESHA.

### 7.3 CCC/LCP Jurisdiction Wetlands

One CCC/LCP Stream and four areas meeting the CCC/LCP wetland definition were delineated within the Study Area (Figure 4). Two of the four wetland delineations (southwest and southeast wetlands) are associated with the CCC/LCP stream that defines the southern extent of the Study Area. A third wetland area (northwest wetland) is located near the existing development. The fourth wetland (northeast wetland) defines the northern edge of the Study Area and is associated with a drainage channel to the north.

#### 7.3.1 Potential CCC Wetlands

Sample points scattered throughout the grassy portions of the Study Area indicate that most of these areas are uplands, lacking wetland hydrology, dominant hydrophytic vegetation, or hydric soils (Figure 4). Four CCA wetlands were mapped by RCA, two at the south end (southwest and southeast) of the Study Area and two near the north end (northwest and northeast). The two southern wetlands were associated with an un-named CCA/LCP ephemeral stream. The northwest wetland is located near the existing structures. The northeast wetland is located near the new proposed driveway. Additional details on the wetland features observed are provided in the CCA Wetland Data Sheets (Appendix C), and are summarized below.

The northwest wetland, measuring 0.67 acres, is located in the general area of the existing structures. This wetland was primarily defined by a shallow basin and hydric soils. This wetland exhibited hydric soils with a low chroma and five percent or greater prominent mottling. This area also exhibited a primary wetland hydrology indicator. The boundary was placed at the transition from hydric soils, wetland hydrology and dominant facultative vegetation to a location in a slightly higher topographic position with upland soils and dominant facultative upland vegetation. (Data Points 11, 24, and 25).

The two southern wetlands (southeast and southwest) in the Study Area (Figure 4) are adjacent to and associated with the CCC/LCP stream. Both of these wetlands are located in slightly lower topographic position than the surrounding landscape and appear to be partially formed by the presence of an what appears to be an old road, which show compacted soil conditions. Data points (21, 26, 27, 29 and 31) gathered at these sites exhibited no hydric soil or wetland hydrology indicators. Therefore, these two wetlands were delineated with the boundary placed at the transition from hydric soils, wetland hydrology and hydrophytic vegetation to upland soils and facultative upland vegetation.

The northeast wetland was partially delineated in order to ensure that the upland edge of the wetland was identified relative to the proposed driveway entrance. This wetland exhibited hydric soils with a low chroma and five percent or greater prominent mottling. The boundary was placed at the transition from hydric soils, wetland hydrology and dominant facultative vegetation to a location upslope near the base of a small knoll with a higher topographic position, upland soils and dominant facultative upland vegetation. Data Points 40, 42, and 44 exhibited no hydric soil or wetland hydrology indicators and were dominated by facultative upland species.

### 7.4 CCC/LCP Jurisdiction Stream

One CCC/LCP Stream was delineated within the Study Area and is also shown in Figure 4.

Topographically this feature has a defined bed and bank and a distinguishable channel, which gains in width and depth as the topography transitions from a slight to moderate slope as it continues west.

The drainage channel has hydrologic connectivity to a broader drainage, which extends east and upslope outside of the Study Area. A culvert under Highway One connects the drainage feature and is the primary source of hydrology. Secondary sources of hydrology are also expected from surface runoff and groundwater contributions. The start of the channel within the Study Area is just inside the existing fence line near the culvert outlet. At this point, a cattle trail has severely eroded a small section of the channel bank. Downstream or west of the cattle crossing, the channel ranges in width from 3-20 (bank to bank) feet wide and in depth from 2-10 feet deep from bottom of channel to the top of bank (TOB). The stream was classified as ephemeral due to the observed lack of flow during the summers of 2007 and 2008.

Hydrophytic vegetation occupies the bottom of the channel where impacts from cattle are minimal. This feature meets the CCC/LCP stream definition criteria. Only the north side of the channel was delineated. The CCC/LCP stream boundary is defined by the top of the channel bank. The stream does not presently support native riparian vegetation. Wetland vegetation associated with the stream is restricted to the channel with the exception of the two southern associated wetland lobes.

## **8.0 PROJECT DESCRIPTION**

The applicant proposes to build a 10 unit and in two phases. Phase I is to consist of the demolition and reconstruction of the former Orca Inn into a main unit of 2,961 ft.<sup>2</sup>. The north end of the structure would include an upstairs unit of 1,089 ft.<sup>2</sup> and a downstairs unit of 833 ft.<sup>2</sup>. In addition, a 1,276 ft.<sup>2</sup> two floored managers unit; 1269 ft.<sup>2</sup> equipment barn; 648 square-foot maintenance shop; and a 240 ft.<sup>2</sup> generator/pump shed are proposed as part of the first phase. Phase II will consist of seven units with three added to the main building in two storied units of 954 ft.<sup>2</sup>; 951 ft.<sup>2</sup>; and 820 ft.<sup>2</sup>; two units with the detached bunkhouse of 531 ft.<sup>2</sup> and 757 ft.<sup>2</sup>; and two separate cottages of 835 ft.<sup>2</sup> and 915 ft.<sup>2</sup>, respectively. A 778 square-foot foot spa, well, septic system, roads, and underground utilities are also proposed within the approximate 3.7 acre area of development.

## **9.0 DISSCUSSION AND RECOMMENDATIONS**

The proposed development and all associated structures and construction impacts will be located a minimum of 50 feet from the nearest ESHAs, namely the north wetland and the southeast wetland (Figure 4). A minimum 100-foot buffer from new development and associated construction impacts will protect all other streams, wetlands, and special status plant/community ESHAs.

Construction of the project will necessitate temporary impacts outside of the planned development footprint and is proposed to include the demolition of three existing structures with in the 100 foot buffer. Best management practices will ensure that potential impacts to existing grades and to ESHAs are minimized. At a minimum, construction and silt fencing will be installed along the ESHA buffer boundaries. Permanent fencing or living fence will help to protect the northwest wetland from post construction activities that may be associated with the regular functions of the inn.

### **9.1 Special Status Plants and Plant/Natural Communities**

Special status plant species and plant/natural communities are restricted to the ocean bluff in areas greater than 250 feet from the proposed project. No potential impacts to special status plants and plant/natural communities exist.

## 9.2 Special Status Wildlife Species

### 9.2.1 Birds

Breeding bird surveys should be conducted in order to determine the presence or absence of special or non-special status breeding birds on the site. The Study Area provides suitable nesting habitat for some common bird species in the adjacent grasslands, tree and unoccupied buildings. The Migratory Bird Treaty Act prohibits the destruction or disturbance of the nest of any songbird, raptor, or other migratory species. Impacts to these nests are also considered significant under the California Environmental Quality Act (CEQA).

It is recommended that all construction take place outside of the breeding season (September-January), or that pre-construction nest surveys be conducted in order to avoid potentially significant impacts to special and non-special status breeding birds. Surveys for active nests should be completed within 14 days prior to the onset of any construction activities, building removal or vegetation removal, if these activities are to occur from February through August. If nests are found, a buffer should be established in consultation with CDFG. The width of the buffer depends on the sensitivity of the species in question. Most common passerine birds are afforded a 50-100 foot buffer while more sensitive species, if observed during the pre-construction survey, may require up to 500 feet. The bluff face in the Project Area may provide suitable breeding habitat for common species, such as Pelagic Cormorant (*Phalacrocorax pelagicus*). This bluff face, however, provides a natural acoustic and visual buffer from potential activities in the Project Area. No impacts are expected to occur if construction activities remain within the proposed project footprint and during nonbreeding season.

### 9.2.2 Bats

Disturbance of buildings in the Project Area may impact bat roosts. As with birds, bat roost sites can change from year to year, so pre-construction surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys do not need to be performed if work is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. However, if it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys should be conducted. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If bats roosts are detected, a 50-foot buffer exclusion zone should be established around each occupied roost site until the maternity or hibernating roosting period has ended.

### 9.2.3 Herpetofauna

Though no sensitive herpetofauna are expected to occur in the Study Area, the stream in the southern portion of the property may provide suitable habitat for common reptiles and amphibians. The proposed ESHA buffers of 50 and 100 feet would be sufficient to protect herpetofauna potentially inhabiting this feature.

## 9.3 Stream and Wetland Resources

The stream will be protected by a minimum 100 foot buffer from all development. No impacts are expected.

The northwest and southeast wetlands will be protected by a minimum 50-foot buffer. A 50 foot buffer and mitigation measures as set forth and further described in Section 11 are expected to be sufficient to protect the wetlands from significant impacts related to development.

## 10.0 ESHA IMPACT ANALYSIS

Projects that propose construction with a buffer of less than 100 feet from an ESHA must provide information that indicates a lesser buffer distance will not have a significant adverse impact on the habitat. Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. The buffer zone analysis utilizing Mendocino LCP Zoning Code, Section 20.496.020 (A) [(1) through (4)(G)] is described below.

An analysis of the proposed project utilizing the Mendocino County LCP ordinance section 20.496.020 (a) through (g).

Development Criteria	Analysis of Proposed Project
<p><b>(1) Width.</b> The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.</p> <p>Standards for determining the appropriate width of the buffer area are as follows:</p>	<p>All ESHAs in and near the Project Area will be protected by a 100-foot buffer, with the exception of two wetland areas, the northwest and southeast wetlands. A minimum 50-foot buffer will be maintained around these habitats, and only a portion of the 100-foot buffer area will be impacted, leaving intact most of the adjacent upland habitat surrounding the wetlands. A subdivision of the parcel is not proposed. An area with existing development, relatively flat topography and weedy vegetation, as well as a long land use history, will be utilized for the Project Area. A 50 foot buffer and the mitigation measures described in Section 11.0 are sufficient to protect the two areas with a reduced buffer. The southeast wetland buffer will benefit by the location of the existing fence and will maintain a minimum 70 foot buffer.</p>
<p><b>(a) Biological Significance of Adjacent Lands.</b> Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.</p>	<p>The lands adjacent to the wetlands with a reduced buffer do not appear to be functionally related. The upland lands within the buffer are heavily impacted by cattle and past land use activities.</p>

<p><b>(b) Sensitivity of Species to Disturbance.</b> The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:</p>	<p>See below.</p>
<p>(i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;</p>	<p>It is expected that common species of avian wildlife, other small mammals, will frequently utilize the site. Special status wildlife species would be most likely to occur in the stream habitat. No tree removal is proposed.</p> <p>Mitigation measures include pre-construction and pre demolition surveys and avoidance measures for breeding birds, and erosion control measures to prevent sediment transport into the wetlands and to protect water quality both onsite and downstream.</p>
<p>(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;</p>	<p>The use of the Project Area for a relatively small inn is consistent with surrounding parcels. The project is not expected to create a significant new disturbance to wetlands, if the pre-construction surveys and protective buffers recommended and mitigation measures are implemented.</p>
<p>(iii) An assessment of the impact and activity levels of the proposed development on the resource.</p>	<p>The proposed development will cause minimal indirect impacts to the existing conditions of the wetlands if the mitigation measures within this report are followed. The proposed development utilizes an area with existing structures. No direct impacts to ESHAs will occur, and mitigation measures within this report are designed to prevent disturbance by foot or vehicle traffic.</p>
<p><b>c) Susceptibility of Parcel to Erosion.</b> The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.</p>	<p>The proposed construction impact area is relatively flat, in an area with existing development, and covers only a small portion of the landscape surrounding the proposed 10 unit inn. The increase in impervious surfaces will be minimal, provided the continued use of pervious material for the road and driveway and parking area.</p> <p>Construction best management practices will also be implemented as described in Section 11.0 to reduce potential impacts to ESHAs. This includes the installation of temporary silt fencing and construction fencing surrounding disturbed areas to protect the ESHAs from eroded sediments or contaminants.</p>
<p><b>(d) Use of Natural Topographic Features to</b></p>	<p>Development is proposed on a relatively flat area</p>

<p><b>Locate Development.</b> Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.</p>	<p>where existing structures occur.</p>
<p><b>(e) Use of Existing Cultural Features to Locate Buffer Zones.</b> Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.</p>	<p>Development is proposed only on existing disturbed areas, with access by an existing road. No other relevant cultural features are present on the site.</p>
<p><b>f) Lot Configuration and Location of Existing Development.</b> Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.</p>	<p>Existing development and the existing road onsite are located within 100 feet of ESHAs, including two wetlands. The proposed project will not directly impact any ESHAs and will utilize only existing disturbed areas with a 50-foot ESHA buffer (with additional mitigation measures). Additional protection is provided to areas within 100 feet of ESHAs by the mitigation measures outlined in Section 11.0.</p>
<p><b>(g) Type and Scale of Development Proposed.</b> The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.</p>	<p>The proposed development a relatively low-density project similar to the type and scale of surrounding development. The development will impact only a small portion of the 100-foot buffers surrounding the nearest wetland habitats. The remaining buffer is adequate to protect the wetlands.</p>
<p><b>(2) Configuration.</b> The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).</p>	<p>The proposed buffer areas are measured from the delineated outermost extent of the stream and the outside edges of wetlands and special status species locations. The delineation was conducted following definitions and methodology contained in the Coastal Act and the Mendocino County LCP.</p>
<p><b>(3) Land Division.</b> New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.</p>	<p>No subdivision or boundary line adjustment is proposed.</p>

## 11.0 MITIGATION MEASURES

The Study Area contains an ephemeral stream, wetlands, and special status plant and plant community ESHAs. All but two ESHAs will have a minimum 100-foot buffer area, and the remaining ESHAs generally have additional buffer beyond the 100-foot buffer area. An existing disturbed area with existing structures is proposed to be developed in two phases with a 10 unit inn.

One of the proposed structures (main unit) is partially located within 100 feet of the northwest wetland ESHA. In addition, the demolition of four existing structures, three of which are currently within the 100 foot buffer is planned during Phase I.

The proposed driveway location, where it connects with the existing driveway, encroaches on the 100 foot buffer of the southeast wetland. An existing fence provides a physical barrier to the wetland at approximately 80 feet.

Therefore, these wetland habitats are proposed to have a minimum reduced buffer of 50 feet with some additional buffer protection beyond 50 feet. Mitigation measures are required to ensure compensation for the reduced buffer size and to prevent impacts to all ESHAs in the vicinity. The current value of the buffer area to be impacted (between 50 and 100 feet from the wetland edges) is minimal due to the current state of the ESHAs and the surrounding landscape which has been subject to a land use history which is long and varied and has resulted in disturbed upland soils, weedy vegetation and soil erosion impacts from decades of grazing. Nevertheless, an increase in activity, soil disturbance and erosion, and landscape maintenance changes could have indirect impacts on nearby ESHAs. Potential indirect impacts to ESHAs in the Study Area and mitigation measures recommended to reduce these impacts to a less than significant level are discussed below.

### **11.1 Potential Impact 1**

The proposed development and planned demolitions with less than 100-foot buffers near the northwest wetland may adversely affect the ESHA through construction and demolition impacts. Potential construction and demolition impacts include release of sediment, debris, or other harmful materials, accidental placement of fill or grading of the drainage and surrounding topography, and trampling and compaction due to construction crews or equipment.

#### *11.1.1 Mitigation Measure 1a: WORK WINDOWS.*

All activities that require substantial ground disturbance shall take place during the summer months (generally April 15 through October 31) to minimize potential erosion and sedimentation. Activities that do not require construction vehicles to access the site or ground disturbance other than planting can take place outside of this window assuming implementation of all other relevant mitigation measures.

#### *11.1.2 Mitigation Measure 1b: LIMITS OF CONSTRUCTION IMPACTS.*

Preceding construction, combination silt fence and construction fence shall be installed around the designated construction impact areas, as well as along the road wherever it crosses ESHA buffers. The installation of flagging or construction fence should also be inspected by a qualified biologist around all 100-foot ESHAs, wherever construction activities or materials storage will occur. The locations of flagging and construction fencing shall be determined by a qualified biologist. No grading, placement of fill material, or other ground or vegetation disturbance may occur beyond the construction fence, or within ESHAs or their designated buffer areas. The fencing may only be removed once all construction activities are completed.

#### *11.1.3 Mitigation Measure 1c: MATERIALS STORAGE.*

Solid materials, including wood, masonry/rock, glass, paper, or other materials may not be stored within the ESHAs or buffer areas either during or following construction. Solid waste materials should be properly disposed of offsite. Fluid materials, including concrete, wash water, fuels, lubricants, or other fluid materials used during or following construction should not be disposed of onsite and should be stored or confined as necessary to prevent spillage into natural habitats including the onsite

ESHAs. If a spill of such materials occurs, the area should be cleaned immediately and contaminated materials disposed of properly. The affected area should be restored to its natural condition.

#### *11.1.4 Mitigation Measure 1d: STAFF EDUCATION.*

Prior to construction, the project contractors shall be informed of the sensitive resources within the Project Area. ESHAs near all construction activities or roads will be flagged or fenced by a qualified biologist. The significance of the limits of construction impacts, fencing, and flagging shall be clearly explained to all parties working within the Study Area both during and following construction.

## **11.2 Potential Impact 2**

Demolition of the four existing structures within the 100-foot buffer area has the potential to impact breeding birds during the nesting season as well as special status bats. Impacts to breeding birds are prohibited by the Migratory Bird Treaty Act. No tree removal is proposed, but demolition of existing structures are proposed as well as grading. Demolition and vegetation disturbance associated with grading is normally recommended outside of the breeding bird season in order to avoid impacts to nesting birds that may inhabit the existing structures or nesting in grasslands. The recommended demolition and vegetation removal work window is approximately from September through January and is dependent on the bird species and habitat type.

#### *11.2.1 Mitigation Measure 2: PRE-CONSTRUCTION SURVEYS*

If vegetation removal or construction/demolition activities will occur between February and August, pre-construction breeding bird surveys shall be conducted by a qualified biologist a maximum of two weeks prior to construction. If a nest is detected, a temporary buffer from construction activities of at least 100 feet would be recommended around the nest; the exact buffer size recommended is dependent on the species and vegetation present in the buffer. This buffer would be in place until all young have fledged, or left the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances. Breeding bird surveys usually expire after thirty days, at which point an area may need to be re-surveyed.

Work done in or near potential bat roost habitat (existing structures), including proposed demolition, should be done in September and October, when bats are neither hibernating nor in a maternity roost. If disturbance to potential roost sites outside of this work window is necessary, a pre-construction bat survey may be required to detect evidence of bat use (guano accumulation, acoustic or visual detections). If evidence is found, a buffer may be necessary in order to avoid potential impacts (usually 50 feet) or demolition postponed until all young have left the roost. No surveys would be necessary if removal of or work near potential bat roost habitat is done in September and October.

## **11.3 Potential Impact 3**

The presence of broader site development within the 100-foot ESHA buffer may adversely affect the northwest wetland through human intrusion and adjacent activities. Also, increased use of the property by residents and guests may adversely impact this wetland. Potential impacts following construction include direct or indirect impacts from landscaping and landscape maintenance, regular foot traffic or vehicle parking in sensitive areas, impacts to hydrology and water quality due to runoff from impervious surfaces, and small scale disturbance of vegetation or placement of fill in ESHAs.

#### 11.3.1 Mitigation Measure 3a: PERMANENT FENCING

Permanent exclusionary fencing shall be installed along the upland edge of the 50-foot wetland buffer area and the construction impact area, to prevent disturbance of the ESHAs following construction. Post and cable or other similar fencing should be of a type adequate to prevent activities such as regular foot traffic or mowing. Native shrubs may be planted at approximately eight-foot spacing along this buffer boundary instead of fencing if an adequate natural barrier can be created within approximately five years.

#### 11.3.2 Mitigation Measure 3b: VEGETATION REMOVAL

Damage or removal of vegetation shall not be allowed in ESHAs or established buffer areas with the exception of invasive species removal for native plant restoration.

#### 11.3.3 Mitigation Measure 3c: LANDSCAPING

Areas of disturbed soil shall be mulched, seeded, or planted and covered with vegetation as soon as possible. Both during and following development of the site, no exotic plants shall be planted in the ESHAs or buffer areas. Plant species listed as invasive (High, Moderate, or Limited) on the California Invasive Plant Inventory (Cal-IPC 2006) shall not be installed anywhere in the Project Area as they would pose a risk to the rare plant communities. The use of locally-native plants is also encouraged for landscaping outside of the ESHAs and buffer areas. All reasonable efforts should be made to control and remove existing or newly established populations of exotic species that may threaten onsite ESHAs. Some examples of invasive plants likely to be found that should be monitored and controlled are English ivy (*Hedera helix*), Himalayan blackberry (*Rubus discolor*), French broom (*Genista monspessulana*), pampas grass (*Cortaderia* spp.), and forget-me-not (*Myosotis latifolia*).

#### 11.3.4 Mitigation Measure 3d: REVEGETATION.

All disturbed ground remaining after installation of the septic tanks and leachfields, and any other construction within 100 feet of ESHAs, shall be replanted with locally native species appropriate to native coastal grasslands (see Appendix A for a list of plants present in the Study Area). The septic fields shall be planted with native perennial grasses and herbaceous species. Planting should occur in the winter months to reduce the need for irrigation, and irrigation near ESHA buffers should not be continued once the native species are established (typically after 1 to 2 years).

### 11.4 Potential Impact 4

Indirect impacts to water quality from increased sediment loads may occur to southeast wetland due to grading during construction of proposed driveway

#### 11.4.1 Mitigation Measure 4b: MINIMIZATION OF GRADING.

The natural topography within the construction impact area shall be left intact as much as is feasible, so that runoff to the surrounding landscape is not altered significantly. A grading permit and the incorporation of construction best management practices will also be required from the County if more than two cubic yards of earth are moved, or if construction includes two feet or more of cut or one foot or more of fill.

#### 11.4.2 Mitigation Measure 4c: PERMEABLE PAVING.

*The proposed driveway will be constructed with only permeable materials.*

#### 11.4.3 *Mitigation Measure 4d: UTILIZATION OF EXISTING ROAD AND FENCE*

The existing driveway and associated fence, which is currently within the 100-foot buffer of the southeast wetland, shall remain intact. No heavy equipment or vehicles shall be allowed to utilize the buffer area on the south side of the existing fence.

## 12.0 CONCLUSION

The 18 acre Study Area supports four types of ESHAs, including an ephemeral stream, four wetlands, two species of special status plants and a special status plant community. Non- ESHA portions of the Study Area are generally grassy and impacted from cattle grazing and previous land uses.

The property owner proposes to utilize a majority of the existing development footprint to construct a 10-unit inn and associated structures, which include a ranch managers unit, an equipment barn, maintenance shop, generator/pump shed, as well as a spa and several cottages. Additionally the applicant has relocated several buildings (spa and cottages) and the septic system from the previous site plan to preserve the applicable setback from all on site ESHAs.

The proposed project would maintain a 100-foot buffer around all ESHA's except for two wetland habitats, the northwestern and southeastern wetlands, which would have a minimum 50-foot buffer over a portion of their reach. Potential impacts of the proposed project include construction impacts, addition of impervious surfaces, and low-level long-term disturbance due to planned operations at the 10-unit inn and associated structures.

However, these impacts will occur only on a small portion of the Study Area, and activities are proposed primarily in an area where existing structures are located. The proposed development area between 50 and 100 feet from the ESHA boundary is significantly impacted by exotic species and disturbed soils as the pressures from past land use activities and decades of grazing are evident throughout. Therefore, a 50-foot buffer, in these locations, would allow for utilization of the disturbed area and is expected to be adequate to prevent significant impacts to the ESHA if the recommended mitigation measures are implemented.

No direct impacts to ESHAs are proposed, and construction and permanent exclusionary fencing will limit intrusion and impacts to sensitive habitats near the proposed development. The mitigation measures included in Section 11.0 were developed based upon review of the proposed project, and should minimize impacts both during and following construction.

## 13.0 REFERENCES

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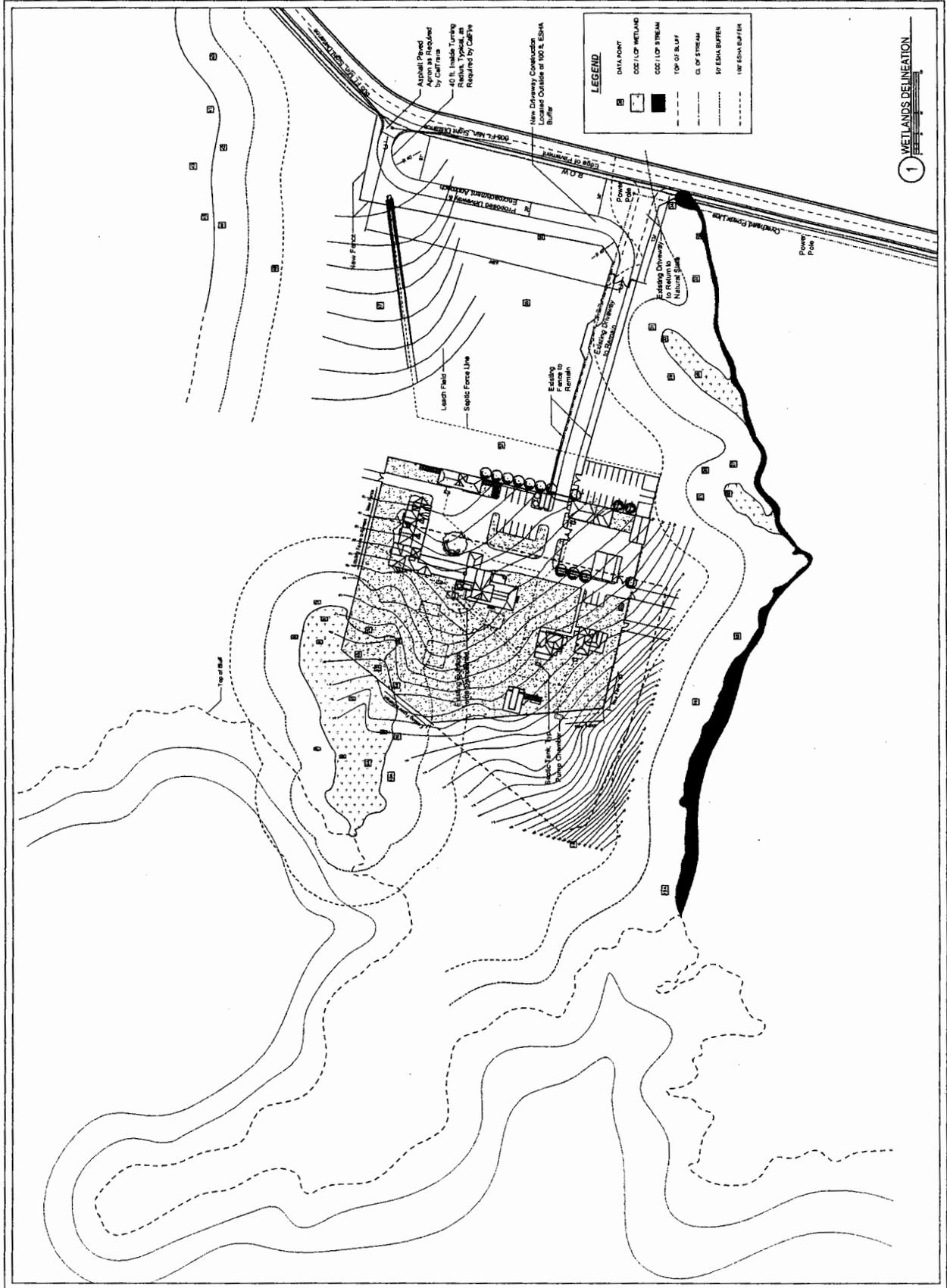
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DATE  
08.20.00  
PROJECT NO.

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

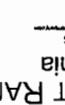
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THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.  
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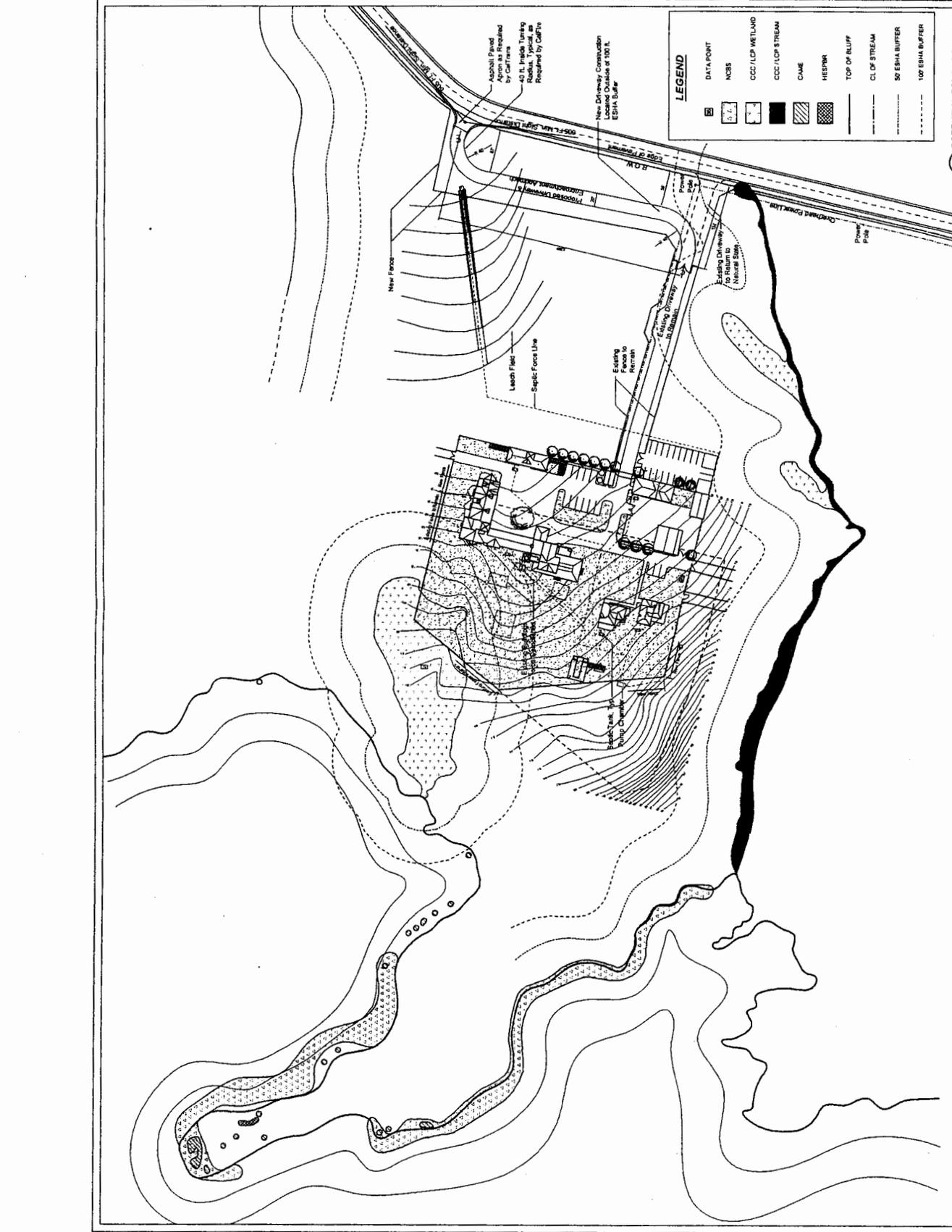
**INN AT NEWPORT RANCH**  
 Fort Bragg, California  
 SELLERS & COMPANY ARCHITECTS  
 SANFORD STRAUSS ARCHITECTS

DATE: 08.20.08  
 REVISIONS:



TITLE: LOCATION OF POTENTIAL ESHA'S

SHEET NO. Fig-5



**LEGEND**

[Symbol]	DATA POINT
[Symbol]	NOBS
[Symbol]	CCC / LCP WETLAND
[Symbol]	CCC / LCP STREAM
[Symbol]	CAME
[Symbol]	HEPWA
[Symbol]	TOP OF BLUFF
[Symbol]	CL OF STREAM
[Symbol]	50' ESHA BUFFER
[Symbol]	100' ESHA BUFFER

1 POTENTIAL ESHA LOCATIONS

EXHIBIT NO. 18
APPEAL NO.
A-1-MEN-07-028
JACKSON-GRUBE FAMILY
TRAFFIC STUDY (1 of 7)

RECEIVED

JAN 24 2008

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST AREA



Whitlock & Weinberger  
Transportation, Inc.

490 Mendocino Avenue  
Suite 201  
Santa Rosa, CA 95401

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fax 707.542.9590

web www.w-trans.com

January 14, 2008

Mr. Bud Kamb  
P.O. Box 323  
Little River, CA 95456-0323

## Traffic Study for the Jackson-Grube Family Inn in the County of Mendocino

Dear Mr. Kamb;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has completed a traffic analysis for the proposed inn at 31502 North Highway One in the County of Mendocino. The focus of this traffic analysis was on the potential impacts of the project on State Route 1 on motorists as well as bicyclists.

### Project Description

The project site is located on the west side of State Route (SR) 1 approximately four miles south of Westport. There are currently several residential buildings and related out buildings on the 400+ acre site.

The proposed project consists of a 10-unit inn to be built in phases. Phase I consists of demolition and reconstruction of the former Orca Inn into a main unit with two guest units and a manager's unit, an equipment barn, a maintenance shop, and a generator/pump shed. Phase II consists of seven guest units, including three in the main building, two with a detached bunkhouse and two separate cottages. A small spa building is also proposed within the approximate 3.7-acre area of development.

### Existing Traffic Conditions

SR 1 in this rural area is a 2-lane undivided highway, with two 10-foot travel lanes and a gently rolling topography, including occasional vertical and horizontal curves. It has a posted speed limit of 55 mph. There are very few street intersections, no street lighting, and no pedestrian or bicycle facilities.

The existing project access is on the west side of SR 1 and is currently gated approximately 40 feet west of the edge of pavement with a split rail fence installed within the driveway approach areas. The approach is more than 40 feet wide at the edge of pavement which provides ample width for 2-way traffic into and out of the site. The main entry drive leads to a parking area.

Existing traffic volumes on SR 1 are published by Caltrans. Based upon available information it is estimated that in the area near the project site (Post Mile 72.32) SR 1 carries approximately 2,360 vehicles per day, including 420 trips in the weekday p.m. peak hour. Methodologies for analyzing roadway capacity are contained in the *Highway Capacity Manual* (HCM), Transportation Research Board, 2000. This reference

manual notes that the ideal capacity of a two-lane highway is 3,200 passenger cars per hour (pc/h), and 1,700 pc/h for each direction. SR 1 in this area is not estimated to be carrying this volume of traffic in a day, and therefore it is reasonably assumed that the existing highway facilities adequately accommodate existing traffic volumes.

### Collision History

The collision history for the area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records for 2002 through 2004 obtained from the California Highway Patrol and published in their SWITRS reports. There were three reported collisions during this time period along SR 1 within one-half mile in either direction of the project site, translating to a calculated collision rate for this segment of 0.80 collisions per million vehicle miles driven (c/mvm). The average collision rate for similar facilities statewide, as indicated in *2002 Accident Data on California State Highways*, California Department of Transportation, is 0.80 c/mvm. The collision rate is identical to the average rate for similar types of roadway segments. This indicates that the roadway is experiencing collisions at a rate that is consistent with similar facilities, and coupled with the low number of collisions, it can be concluded that there are no identifiable safety issues on this road segment.

### **Project Traffic Conditions**

#### Trip Generation

The anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation*, 7<sup>th</sup> Edition. The trip generation potential of the project as planned was developed using the published standard rates for Resort Hotel (Land Use #330) as the description most closely matches the currently proposed project. The Resort Hotel land use is described by ITE as:

*...similar to hotels in that they provide sleeping accommodations, restaurants, cocktail lounges, retail shops and guest services. The primary difference is that resort hotels cater to the tourist and vacation industry, often providing a wide variety of recreational facilities/programs (golf courses, tennis courts, beach access, or other amenities) rather than convention and meeting business. Resort hotels are normally located in suburban or outlying locations on larger sites than conventional hotels.*

It should be noted that another closely matching description for this project is the ITE Land Use #311, All Suites Hotel. The description for this land use by ITE notes:

*All suites hotels are places of lodging that provide sleeping accommodations, a small restaurant and lounge and a small amount of meeting space. Each suite includes a sitting room and separate bedroom; often, limited kitchen facilities are provided within the suite. These hotels are located primarily in suburban areas.*

While this also closely aligns with the project description, though the project is not located in a suburban area, the trip generation rate is slightly lower for the "All Suites Hotel" land use than for a Resort Hotel. To be conservative, the higher rate trip generation category, Resort Hotel, was used.

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The ITE rates for Resort Hotels are based on a variety of parameters, including the total number of rooms. Based on the application of this variable, the proposed project is expected to generate an average of 70 daily trips, including four trip ends during the a.m. peak hour and four trip ends during the p.m. peak hour. These results are summarized in Table I.

**Table I  
Trip Generation Summary**

Land Use	Units	Daily		AM Peak Hour				PM Peak Hour			
		Rate	Trips	Rate	Trips	In	Out	Rate	Trips	In	Out
Resort Hotel	10 rooms	7.0	70	0.41	4	3	1	0.42	4	2	2

#### Trip Distribution

The pattern used to distribute new project trips to the street network was determined by reviewing existing traffic volumes on SR 1 near the site's existing entrance based as published by Caltrans. Based on current volume patterns it was assumed that 75 percent of the project trips would approach to/from the south (toward Fort Bragg) and 25 percent to/from the north (toward Westport). Specifically, in the a.m. peak hour, of the four project trips generated, two trips would be expected to arrive from the south and one from the north, and one trip would be expected to depart the site heading south on Route 1. Similarly, in the p.m. peak hour, the two inbound trips and the two outbound trips would be expected to arrive and depart from/to the south.

#### **Future Traffic Conditions**

The future traffic volumes for this study were developed based on the Caltrans District I growth factors for State Highways in the district. Caltrans District I has developed growth factors for all of the State Highways in the District based on population projections. The last update was in May 2002. For Highway 1, Caltrans has determined that traffic volumes would be expected to increase by a factor of 1.10 over the next 20-year period, or one-half percent annually. This factor was therefore applied to the existing traffic volumes in order to obtain projected future.

Using this approach, it is estimated that the daily volume on site SR near the project site is expected to increase to approximately 2,600 daily trips and 470 weekday p.m. peak hour trips by 2027. As note above, the ideal capacity of a two-lane highway is noted in the HCM as 3,200 passenger cars per hour (pc/h), and 1,700 pc/h for each direction. Highway One in this area is not estimated to be carrying this volume of traffic in a day. It can reasonably be assumed, therefore, that Highway 1 will continue to operate acceptably within the existing highway lane configuration under these future traffic volumes, with no widening or additional capacity needed.

#### **Sight Distance**

Sight distance is the continuous length of highway visible to the driver. Minimum corner sight distance criteria are contained in the Caltrans *Highway Design Manual*. Corner sight distance for private road

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intersections should equal the stopping sight distance, which is the criterion applied, and is described as follows:

*The minimum stopping sight distance is the distance required by the driver of a vehicle, traveling at a given speed, to bring the vehicle to a stop after an object on the road becomes visible. Stopping sight distance is measured from the driver's eyes, which are assumed to be 3½ feet above the pavement surface, to an object ½-foot high on the road.*

The minimum corner sight distance needed for a road with a design speed of 55 mph is 500 feet. Using the original site plan, sight distance was measured at the existing driveway. Sight distance from the existing driveway to the south was measured at more than 1,100 feet. At the driveway looking north, drivers have approximately 450 feet sight distance, which is less than the minimum suggested. In order to gain adequate minimum sight distance, the project driveway would have to be relocated farther south.

Under the current plan, the project access driveway is proposed to be located approximately 100 feet south of the existing driveway, per a site plan entitled *Encroachment Approach (Concept Sketch) for Inn at Newport Ranch* and dated January 10, 2008. A line of sight from the proposed location to the north is noted on the plans as "+/- 530 feet sight distance." This is consistent with field measurements completed as part of this study, and would exceed the minimum sight distance requirements. Additionally, given the excellent sight distance to the south, such a driveway approach relocation will not affect the adequacy of sight distance in that direction.

The proposed driveway concept also includes eliminating the existing driveway access, with configuration of the new driveway shown in a curvilinear nature in order to tie into the existing driveway location approximately 100 feet from the roadway (west). This design would ensure eliminating any possible use of the sight-restricted access location.

### **Need for Left-Turn Lane or Right-Turn Lane**

The need for left-turn or right-turn channelization on SR 1 at the project driveway was evaluated based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the left-turn channelization methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of the Caltrans *Highway Design Manual*.

Using the future peak hour traffic volumes noted above together with anticipated traffic associated with the project of two left-turning trips inbound at the project driveway during the evening peak period, a northbound left-turn pocket on SR 1 is not warranted. To be conservative, the two inbound trips were also assumed to be arriving from the north, so turning right into the site. Based on the analysis performed, a southbound right-turn pocket is also not warranted. Since neither the left-turn or right-turn pockets is

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warranted, installation is not recommended. Copies of the worksheets used for these left-turn lane and right-turn lane warrant analyses are enclosed for reference.

### Bicycle Facilities

Bike facilities, if installed, should occur within the context of a larger project to provide connectivity to other bicycle or pedestrian facilities. However, no such facilities are recommended for installation as part of this project, as providing such facilities along this project highway frontage at this time would serve no helpful purpose. If the right-of-way width is currently insufficient to accommodate future widening for bike facilities, adequate width should be dedicated.

### Conclusions and Recommendations

- The segment of SR 1 near the project site currently carries approximately 2,360 vehicle trips per day, and is operating acceptably based on a review of both volumes and the collision history.
- The proposed project is expected to generate an average of four new trips during the a.m. and p.m. peak hours on weekdays.
- Adequate corner sight distance is available from both the existing and proposed project access points *to the south*. While sight distance is inadequate for traffic approaching *from the north* at the existing driveway, the proposed relocated access will increase the sight distance to 530 feet. The proposed location would exceed the minimum sight distance requirements for both approaches for the 55 mph speed of traffic on SR 1, providing a safer access than currently exists.
- The existing driveway should be removed at the time the proposed driveway is constructed, to prevent continued use.
- Based on the estimated volume of northbound left-turning vehicles during the p.m. peak hour a left-turn pocket is not warranted on SR 1 at the project driveway; one is therefore not recommended. Likewise, a right-turn lane is neither warranted nor recommended.
- Bicycle facilities are not present on SR 1 at this time, and should be installed as part of a larger project that would provide continuous facilities along the highway. Adequate right-of-way should be dedicated by the project, if appropriate.

We hope this information adequately addresses the project's potential impacts. Please call me if you have any questions regarding this analysis.

Sincerely,



Mary Jo Yung, P.E., PTOE  
Associate



MJY/mjy/MEX067.L1.wpd

Enclosures: Left-Turn Lane and Right-Turn Lane Warrants

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# LEFT TURN LANE WARRANT ANALYSIS

**Study Intersection**

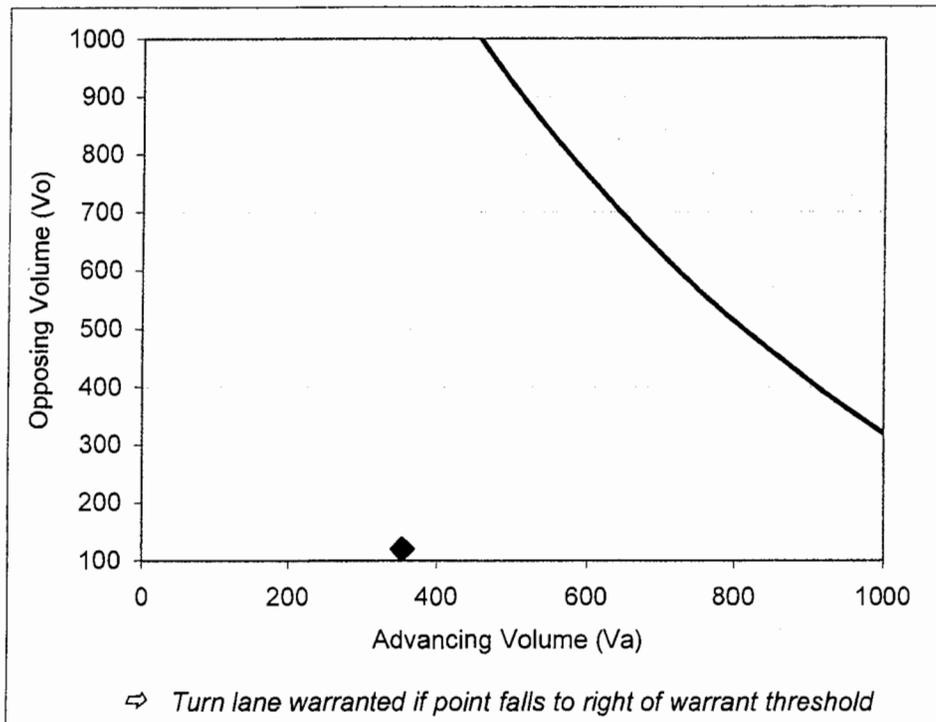
N. Highway One/Driveway at 31502

**Study Scenario**

Future + Project (weekday p.m. peak)  
*threshold*

INPUT		
Advancing Volume	Va	354
Opposing Volume	Vo	120
Left Turn Volume	VI	2
Speed	SP	55 MPH
Two-Lane Undivided Highway		

Percentage Left Turns            %lt            0.6 %  
 Advancing Volume Threshold    AV            1258  
 If AV < Va then warrant is met



— Warrant Threshold for 0.6% left turns and speed of 55  
 ◆ Study Intersection

Left Turn Lane Warranted	NO
--------------------------	----

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997. The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

# RIGHT TURN LANE WARRANT ANALYSIS

<b>Study Intersection</b>	Main Street	<u>N. Highway One</u>
	Side Street	<u>Driveway at 31502</u>
<b>Study Scenario</b>	Scenario	Fut.+ Proj.(wkdy pm peak)

INPUT		
Advancing Volume	V <sub>a</sub>	120
Right Turn Volume	V <sub>RT</sub>	2
Speed	SP	55 MPH
Two-Lane Undivided Highway		

## RIGHT TURN LANE WARRANTS

1. Check for right turn volume criteria NOT WARRANTED  
Less than 40 vehicles
  
2. Check advance volume threshold criteria for turn lane
 

Advancing Volume Threshold	AV	-
If AV < V <sub>a</sub> then warrant is met <span style="float: right;">-</span>		

Right Turn Lane Warranted	NO
---------------------------	----

## RIGHT TURN TAPER WARRANTS

**(evaluate if right turn lane is unwarranted)**

1. Check taper volume criteria NOT WARRANTED  
Less than 20 vehicles
  
2. Check advance volume threshold criteria for taper
 

Advancing Volume Threshold	AV =	-
If AV > V <sub>a</sub> then warrant is met <span style="float: right;">-</span>		

Right Turn Taper Warranted	NO
----------------------------	----

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997. The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.