

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET, SUITE 200

EUREKA, CA 95501

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



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name:

Mailing Address: SEE ATTACHMENT 1

City:

Zip Code:

Phone:

RECEIVED

JUL 25 2007

CALIFORNIA
COASTAL COMMISSIONSECTION II. Decision Being Appealed

1. Name of local/port government:

County of Mendocino

2. Brief description of development being appealed:

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

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

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

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

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

EXHIBIT NO. 11

APPEAL NO.

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-1-MEN-07-028

DATE FILED:

7/25/07

DISTRICT:

North Coast

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

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

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

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

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

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

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

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

(1)

(2)

(3)

(4)

2 of 10

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

See ATTACHMENT 2

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ATTACHMENT 1

SECTION I. Appellant(s)

1. Patrick Kruer
The Monarch Group
7727 Herschel Avenue
LaJolla, CA 92037

Phone: (858) 551-4390

2. Sara J. Wan
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Phone: (415) 904-5201

ATTACHMENT 2

REASONS FOR APPEAL

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

VISUAL RESOURCES

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

Policies

Policy 3.5-1 states in applicable part:

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

Policy 3.5-3 states in applicable part:

"The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. The entire coastal zone from the Ten Mile River estuary (including its wooded slopes, wetlands, dunes and ocean vistas visible from Highway 1) north to the Hardy Creek Bridge, except Westport Beach Subdivision which is a recognized subdivision... In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to the natural setting and minimize reflective surfaces..." (emphasis added)

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Coastal Zoning Ordinance Section 20.504.015 states in applicable part:

(C) Development Criteria.

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

Discussion

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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CALIFORNIA COASTAL COMMISSION

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

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

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

SECTION I. Appellant(s)

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

Mailing Address: 27401 Albion Ridge Rd. & Box 1006

City: Albion & Fort Bragg

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

SECTION II. Decision Being Appealed

1. Name of local/port government:

Mendocino County Planning Dept.

2. Brief description of development being appealed:

RECEIVED

JUL 26 2007

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 12

APPEAL NO.

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

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

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

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

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

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

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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EUREKA, CA 96501
VOICE (707) 445-7833 FAX (707) 445-7877



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

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

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

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

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

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

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

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

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

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

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

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

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

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

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

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

(3)

(4)

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

This proposal conflicts with several provisions of the LCP:

LCP 3.5-1

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

LCP 3.5-3

Any development permitted in highly scenic areas [HSAs] shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points...
[This project is just within a HSA, it is the heart of the HSA that stretches for nearly 12 miles from Ten Mile to Hardy Creek. The Coastal Commission has recently reviewed and denied two projects in this HSA primarily on the basis of visual impacts.]

LCP 3.5-4 Re: Buildings in HSAs

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

LCP 3.5-6

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

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

LCP 3.9 / Coastal Act Sec. 30250 (a)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Visual Impacts:

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

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

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

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

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

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

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

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

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

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

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

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

7014

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

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

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

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

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

8914

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

SECTION V. Certification

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

Signature on File (FORM) Signature on File in
~~Signature of Appellant(s) or Authorized Agent~~ Sierra Clot

Date: July 24, 2007

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

Section VI. Agent Authorization

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

Signature of Appellant(s)

Date: _____

9914

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

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

General Issues

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

Historical Resources

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

10414

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

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

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

Sincerely,

 Signature on File 

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

11/9/14

June 20, 2007

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

Re: CDV#6-2006 jackson-Grube

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

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

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

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

Thank-you

Teresa Sholars

12 of 14

July 25, 2007

Please include this visual as part of
the Sierra Club, Friends of The Ten Mile

Appeal Re: Jackson-Grube resort

CDU 6-2006

RECEIVED

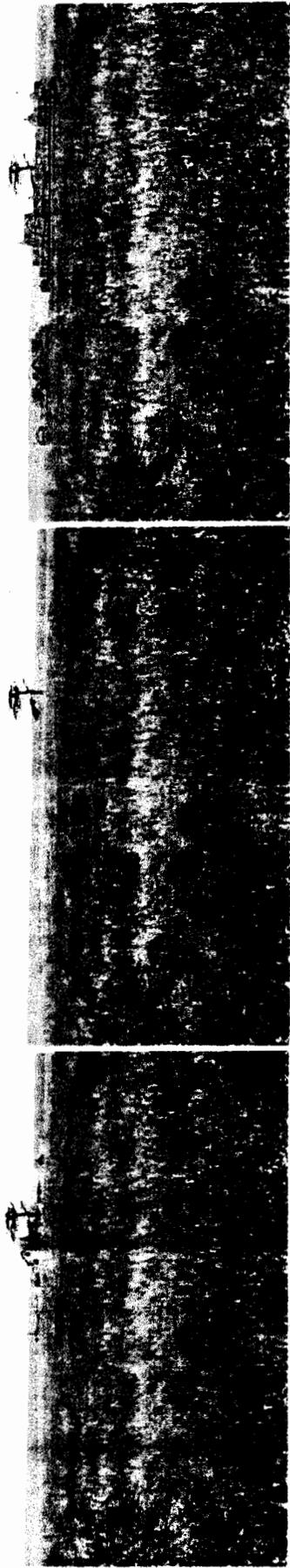
JUL 30 2007

CALIFORNIA
COASTAL COMMISSION

Thanks

(Signature on File)

13 of 14



before



after

VIEWED FROM ROUTE I
LOOKING WEST

14 of 14

CALIFORNIA COASTAL COMMISSION

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

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

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

SECTION I. Appellant(s)

Deborah Cahn, trustee of Margery S. Cahn Trust, and
 Name: Judith Whiting, trustee of Whiting Family Revocable Trust

Mailing Address: 444 North State Street

City: Ukiah

Zip Code: CA 95482

Phone: 707.462.6694

SECTION II. Decision Being Appealed**RECEIVED**

JUL 26 2007

CALIFORNIA
 COASTAL COMMISSION

1. Name of local/port government:

County of Mendocino

2. Brief description of development being appealed:

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

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

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

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

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

EXHIBIT NO. 13**APPEAL NO.**

A-1-MEN-07-028

JACKSON-GRUBE FAMILY

APPEAL NO. 4 (MARGERY S.
 CAHN TRUST & WHITING FAMILY)
 TRUST) (1 of 42)

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-1-MEN-07-028

DATE FILED:

7/26/07

DISTRICT:

North Coast

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

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

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

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

6. Date of local government's decision:

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

CDU 6-2006

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

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

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

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

(1) See attached Section 3 list.

(2)

(3)

(4)

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

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

Spoke:

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

Sent in letter/email:

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

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

See attached Section 4.

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

In Summary:

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

5942

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

Discussion:

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

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

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

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

6 of 42

allows development of a ten unit inn - the 1994 proposal called for "10 units", and a two bedroom manager's unit, which would authorize 10 rental "rooms". (See Exhibit A at page 3.) This proposed project, on the other hand, as mentioned, apparently¹ would have authorized 18 bedrooms and many other improvements, as mentioned above. Even as approved the project clearly has 14 or 15 "units". But, if this is not enough to prove its inconsistency with the definition of "inn-*1" in section 20.332.015 of the Mendocino County Coastal Zoning Code, the inconsistency is established beyond doubt by the fact that the "event center", including the "catering kitchen", will serve meals to up to 99 guests. An "inn", authorized by the zoning, can serve meals only to "guests occupying the overnight accommodations."

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

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

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

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

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

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

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

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

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

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

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

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

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

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ORIGINAL

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

SECTION V. Certification

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



Signature on File

 Signature of Appellant(s) or Authorized Agent

 Date: 7-24-07

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

Section VI. Agent Authorization

I/We hereby authorize

 Carter, Vannucci & Tomson LLP

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

Signature on File

 _____, trustee of the

 signature of Appellant(s) Margery Sahn Trust

 Date: 7/17/07



9942

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

SECTION V. Certification

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

Signature of Appellant(s) or Authorized Agent

Date: _____

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

Section VI. Agent Authorization

I/We hereby
authorize

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

Carter, Vannucci & Tomson LLP

Signature on File

*ing, Hee Whiting Farm.
Trust
Trustee of the
Rex. To*

Signature of Appellant(s)

Margery Sahn Trust

Date:

7/17/07

10942

Clark Engineering & Hydrology

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

APRIL 3, 1995

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

Re: Hydrological Study - Jackson

Dear Mr. Paoli:

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

Enclosed with this letter is the study report.

Very truly yours,



Donald Clark, PE



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

HYDROLOGICAL STUDY

of

AP 015 380 05

AP 015 070 45

AP 015 070 50

Mendocino County

31502 N. Highway 1
Fort Bragg, CA 95437

for

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

OCTOBER 1994

RECEIVED
JUN 19 1995
BY _____
PLANNING & BUILDING SERVICES
Litch, CA 95422

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SUMMARY

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

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

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

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

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

13442

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

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

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INTRODUCTION

Project Location

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

Water Source

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

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

Groundwater Source

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

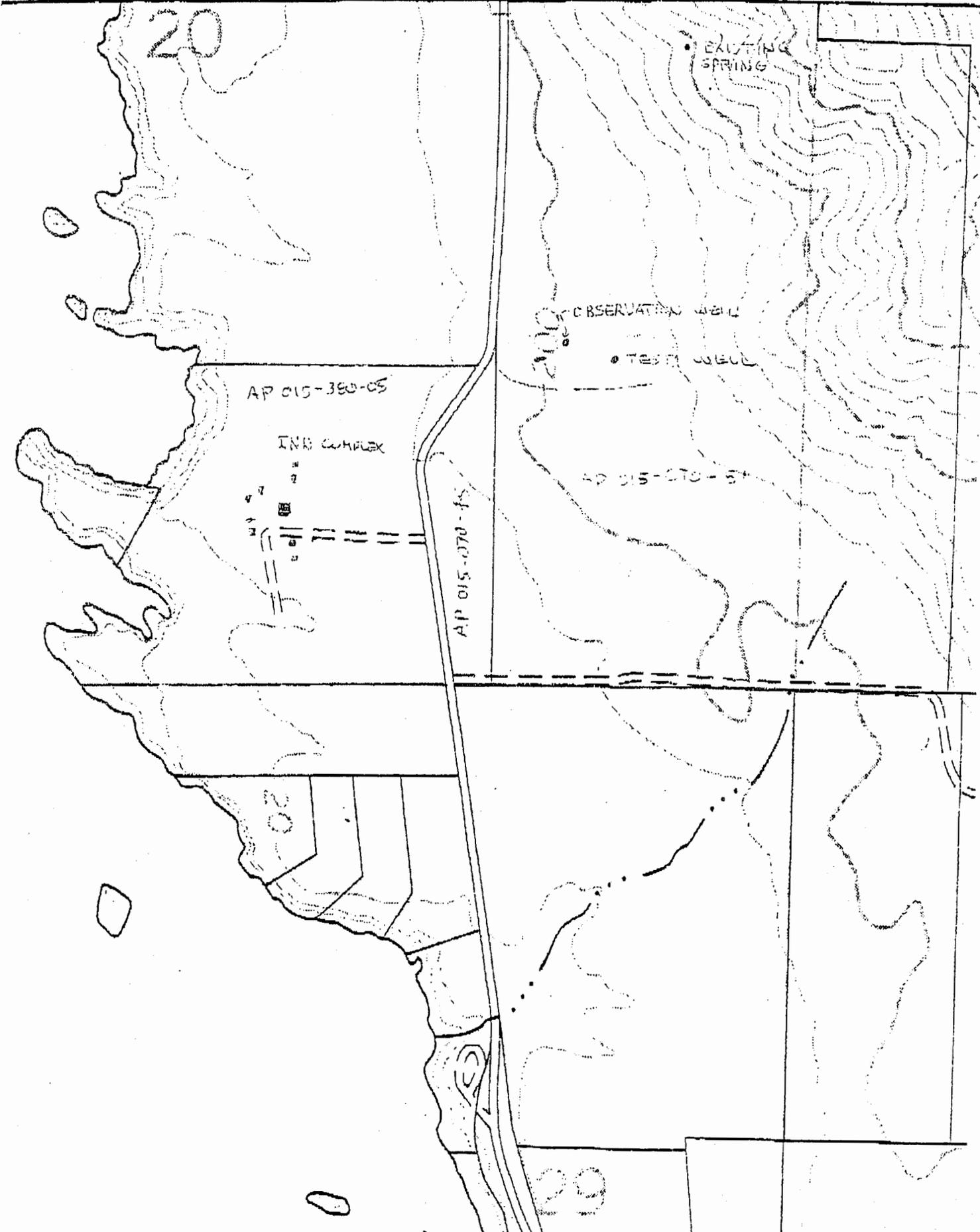
One study that addresses² groundwater hydrology on the coast of Mendocino County states:

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

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

² *ibid*, page 10.

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1



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

From the same reference on page 29:

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

Owner Needs

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

Table 1
Maximum Day Demand

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

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

Table 2
Average Annual Demand

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

PHYSIOGRAPHY

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

GEOLOGY

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

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

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

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4

GEOHYDROLOGY

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

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

HYDROLOGY

Surface Water

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

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

Groundwater

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

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

WELL HYDROGEOLOGY

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

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

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

PUMP TESTS

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

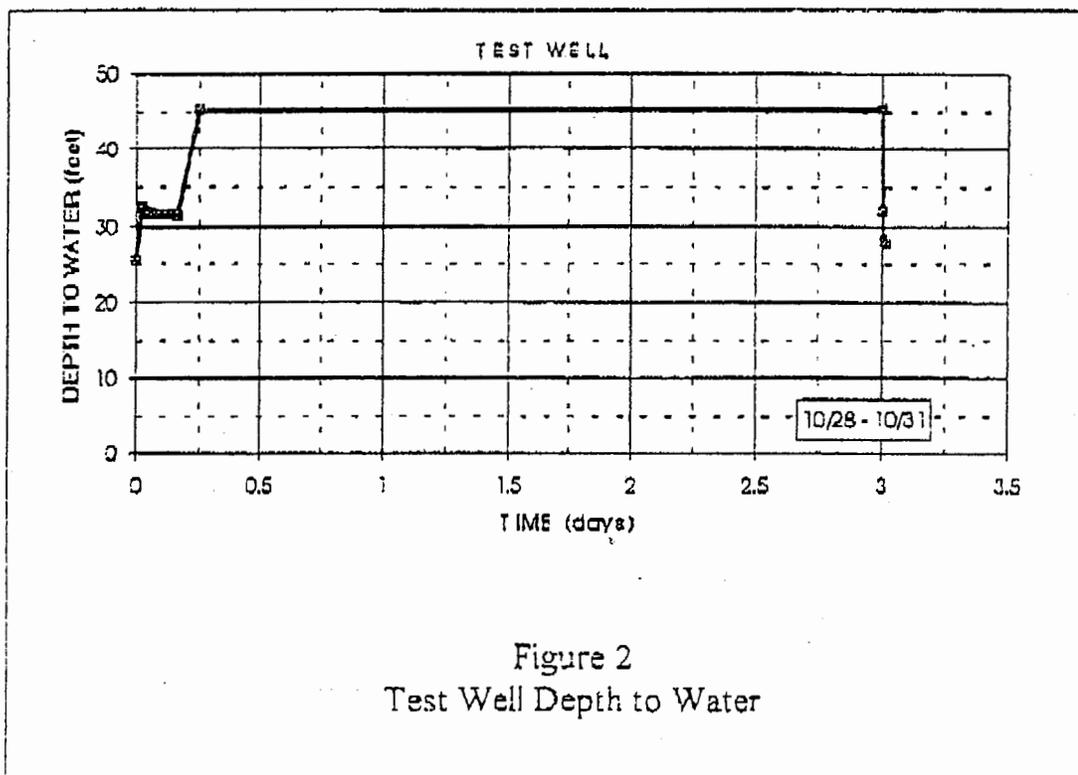


Figure 2
Test Well Depth to Water

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

FIELD OBSERVATIONS

Test Well

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

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

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

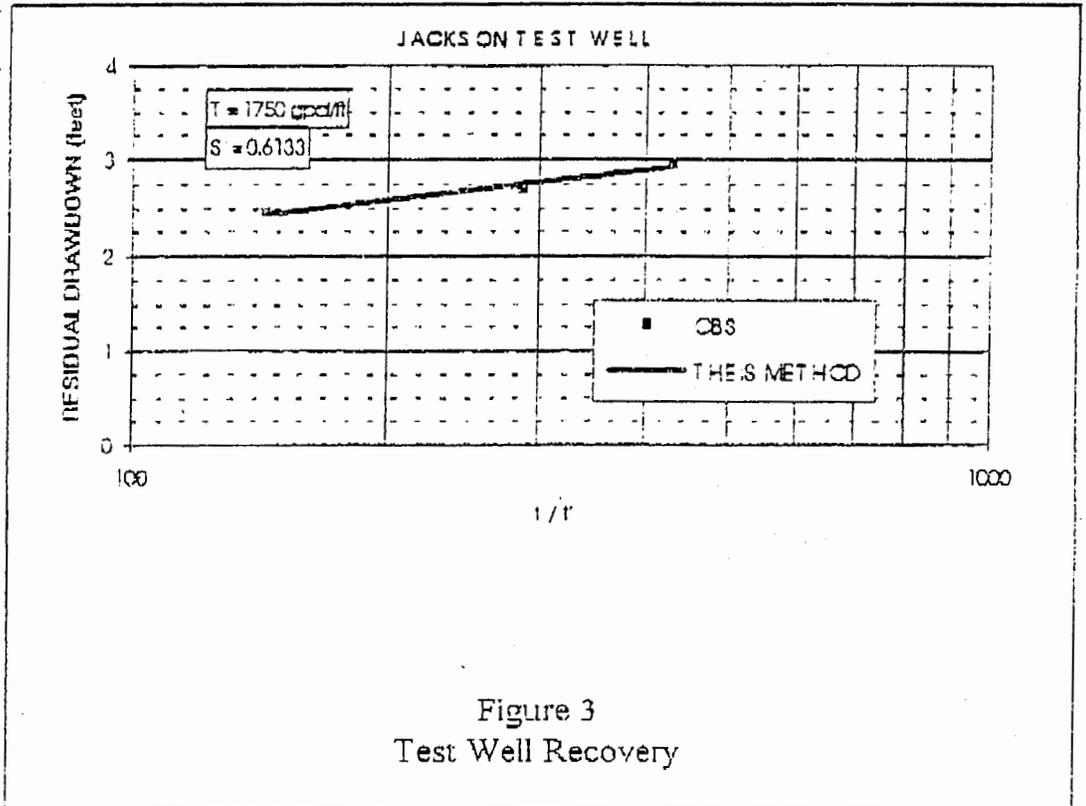


Figure 3
Test Well Recovery

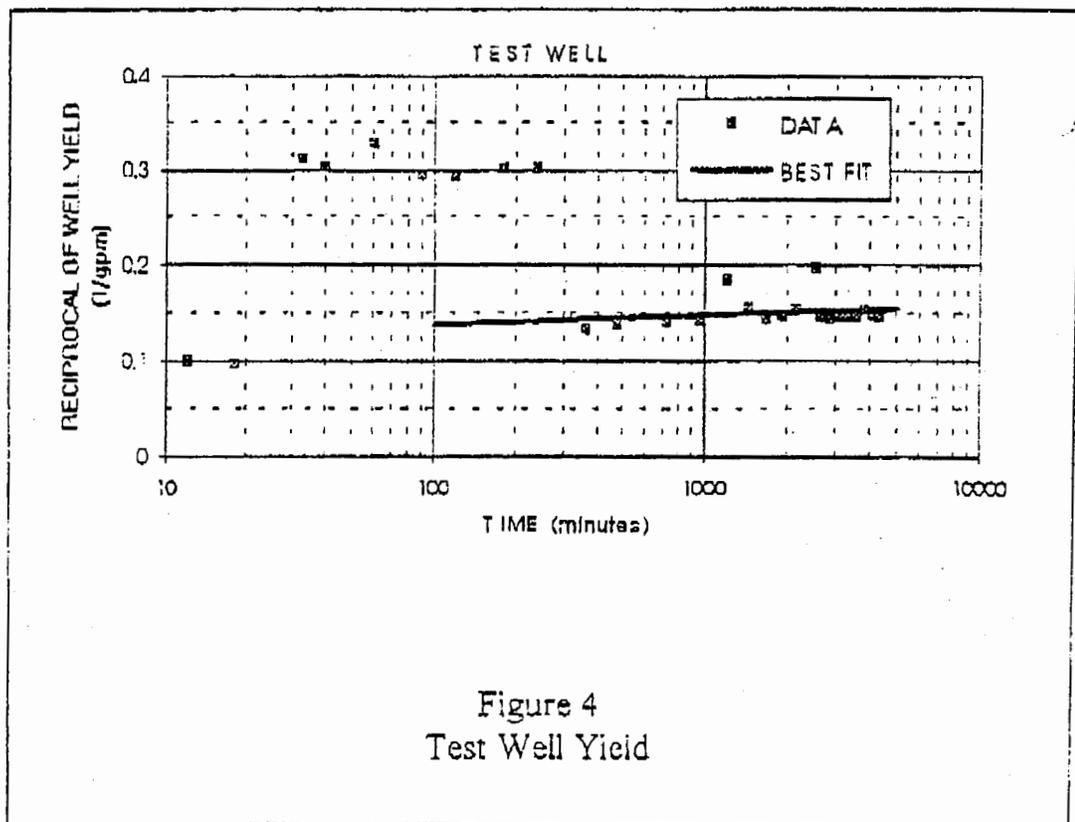


Figure 4
Test Well Yield

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

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

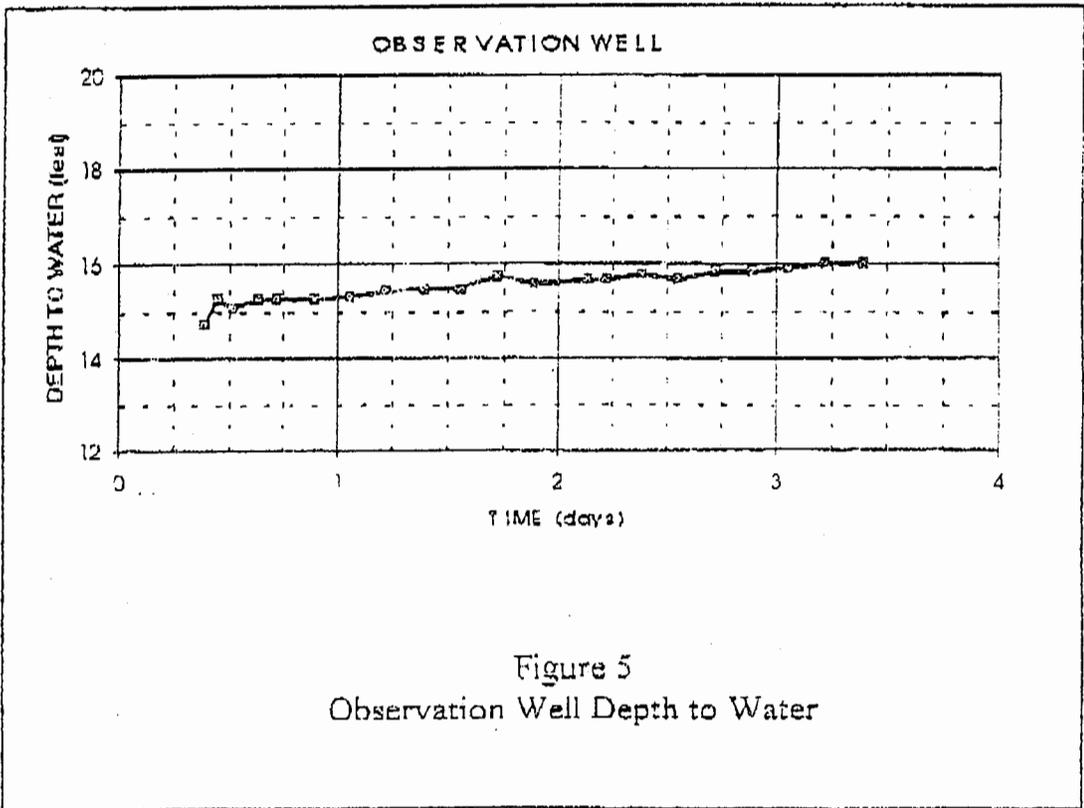


Figure 5
Observation Well Depth to Water

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

The apparent yield of the well depends upon the

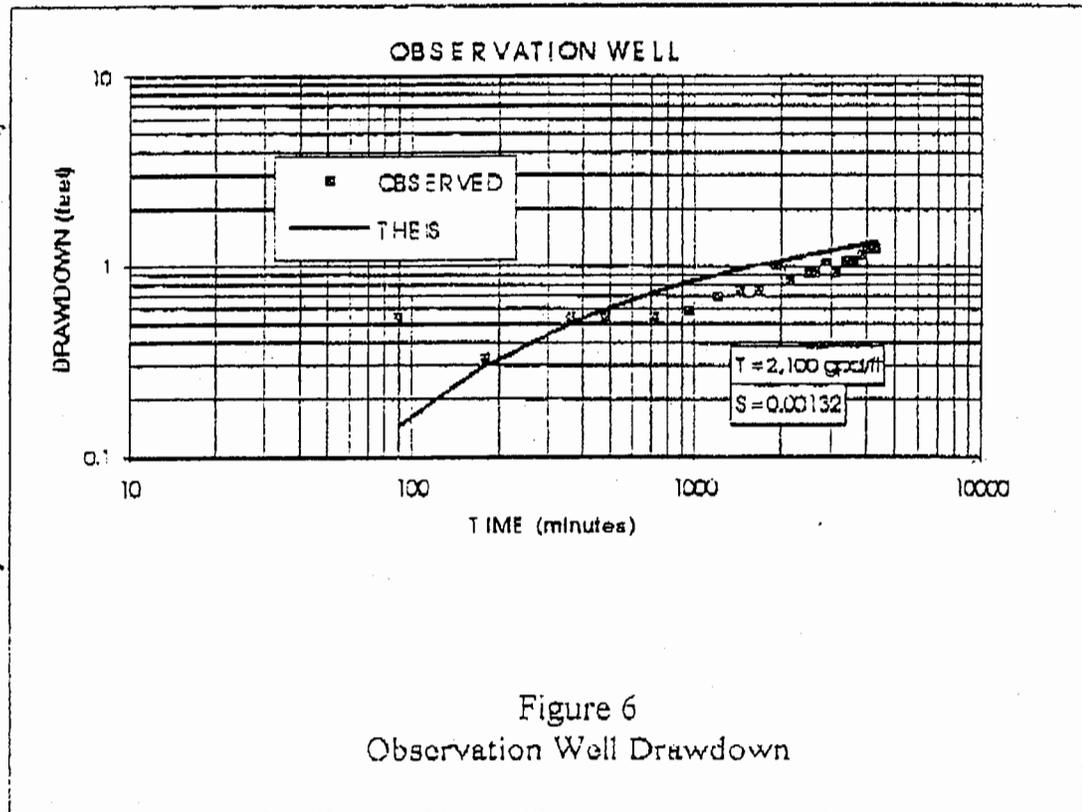


Figure 6
Observation Well Drawdown

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

Observation Well

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

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

DERIVED CHARACTERISTICS

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

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

Table 3
Derived Aquifer Characteristics

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

Table 4
Estimated Well Yield

Well Yield

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

WATER BUDGET

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

<u>Discharge</u>	<u>Recharge</u>
• Pumping	• Deep percolation from precipitation
• Diffuse groundwater flow	• Diffuse groundwater flow
• Evapotranspiration	• Irrigation
• Evaporation	• Septic leach fields
• Springs	

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

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

Demand

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

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Recharge

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

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

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

Aquifer Volume

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

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

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

CONCLUSIONS AND RECOMMENDATIONS

Hydrological Studies

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

Water Source

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

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

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Water Quality

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

Derived Characteristics

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

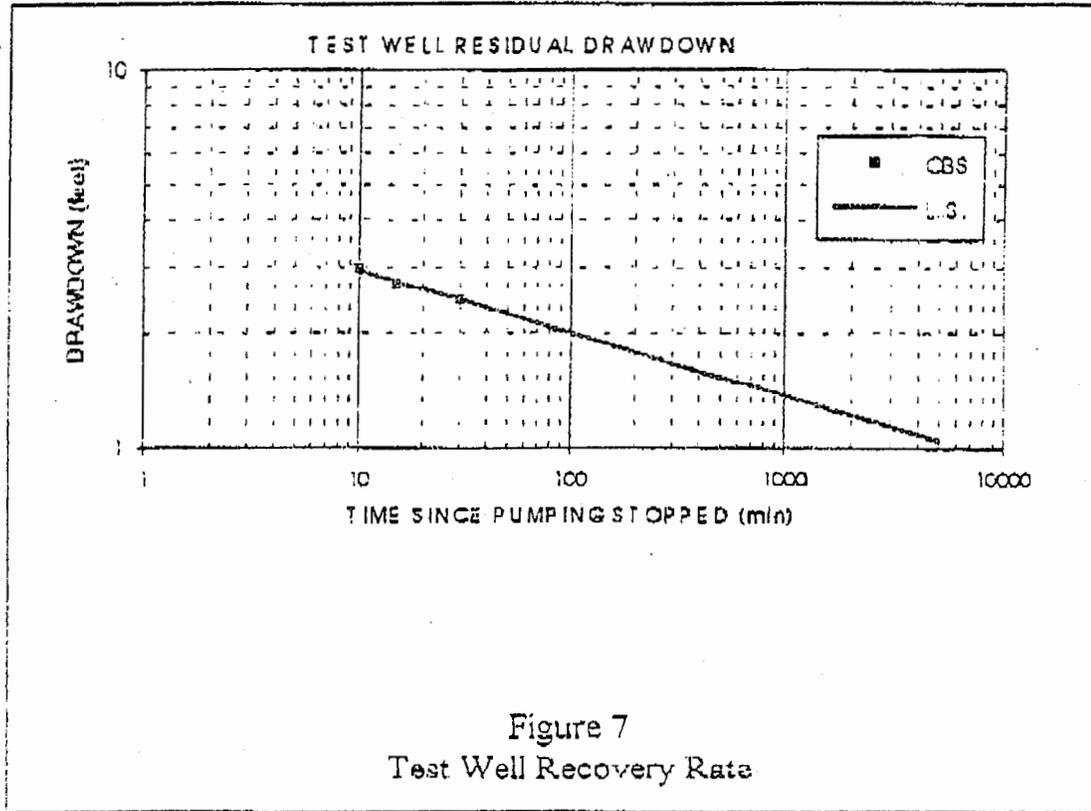


Figure 7
Test Well Recovery Rate

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

Owner Needs

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

Water Budget

Demand- 1.51 acre-feet/yr

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

Groundwater storage- 1.99 acre-feet

Impacts

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

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

270942

ORIGINAL
File with DWR

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet

DWR USE ONLY - DO NOT FILL IN

STATE WELL NO./STATION NO.

LATITUDE LONGITUDE

APN, TRS, OTHER

Page of
Owner's Well No. 250494 No. 419973
Date Work Began 25 Oct 94 Ended 25 Oct 94
Local Permit Agency FLD Dept.
Permit No. 10700 Permit Date 24 Oct 94

GEOLOGIC LOG

DEPTH FROM SURFACE		DESCRIPTION
ft.	to ft.	
0	3	Brown sandy topsoil
3	8	Brown sandy clay
8	14	Tan clay
14	20	Gray clay & gravel
20	26	Green clay and gravel
26	31	Gray gravel
31	100	Gray sandstone

WELL OWNER
Name Will Jackson
Mailing Address Box 430
Middleburg CA 9575
CITY STATE ZIP
Address 31888 N. Hwy 1
City Ft. Bragg
County Madras
APN Book 015 Page 070 Parcel 51
Township 20N Range 17W Section 20
Latitude _____ Longitude _____
DPO. MIN. SEC. NORTH DPO. MIN. SEC. WEST

LOCATION SKETCH

WEST EAST

Observation Well

ACTIVITY ()
 NEW WELL
MODIFICATION/REPAIR
— Deepen
— Other (Specify) _____
METHOD (Describe Procedures and Materials Under GEOLOGIC LOG)
PLANNED USE:
()
— MONITORING
WATER SUPPLY
 Domestic
— Public
— Irrigation
— Industrial
— "TEST WELL"
— CATHODIC PROTECTION
— OTHER (Specify) _____

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

DRILLING METHOD Rotary FLUID air
WATER LEVEL & YIELD OF COMPLETED WELL
DEPTH OF STATIC WATER LEVEL 15 (ft.) & DATE MEASURED 26 Oct 94
ESTIMATED YIELD 7 (GPM) & TEST TYPE Beil
TEST LENGTH 1 (Hrs.) TOTAL DRAWDOWN 70 (ft.)
* May not be representative of a well's long-term yield.

TOTAL DEPTH OF BORING 100 (Feet)
TOTAL DEPTH OF COMPLETED WELL 99 (Feet)

DEPTH FROM SURFACE	BORE-HOLE DIA. (Inches)	CASING(S)					DEPTH FROM SURFACE	ANNULAR MATERIAL			
		TYPE ()	MATERIAL / GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)		CEMENT ()	BENTONITE ()	FILL ()	FILTER PACK (TYPE/SIZE)
0 to 20	9 1/2	X	P480	5	5/8 x 21	0 to 20	X				
20 to 99	7 1/2	X	"	"	"	20 to 40			X	Ball media	
						40 to 99			X	gravel	

ATTACHMENTS ()

— Geologic Log
— Well Construction Diagram
— Geophysical Log(s)
— Soil/Water Chemical Analyses
— Other _____

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

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

NAME Kelley Pump & Drilling
(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)
ADDRESS Box 272 Ft. Bragg, CA 95431
CITY STATE ZIP
Signed [Signature] DATE SIGNED 28 Oct 94 325572
WELL DRILLER/AUTHORIZED REPRESENTATIVE DATE SIGNED U.S. GENS. NUMBER

28 Oct 94

ORIGINAL
File with DWR

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet

STATE WELL NO./STATION NO.
LATITUDE
LONGITUDE
APN/TRS/OTHER

Page of
Owner's Well No.
Date Work Began 26 Oct 94 Ended 26 Oct 94 No. 419974
Local Permit Agency Health Dept
Permit No. 10701 Permit Date 22 Oct 94

GEOLOGIC LOG

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

WELL OWNER
Name Will Jackson
Mailing Address Middlebury VT 05753
City Middlebury STATE VT ZIP 05753
WELL LOCATION
Address 31858 N. Hwy
City Ft. Bragg
Country Montclair
APN Book 015 Page 070 Parcel 51
Township 20N Range 7W Section 20
Latitude _____ Longitude _____

LOCATION SKETCH
NORTH _____ SOUTH _____
WEST _____ EAST _____
Illustrate or Describe Distance of Well from Landmarks such as Roads, Buildings, Fences, Rivers, etc. PLEASE BE ACCURATE & COMPLETE.
ACTIVITY (✓):
NEW WELL
MODIFICATION/REPAIR
— Deepen
— Other (Specify)
DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")
PLANNED USE(S) (✓)
— MONITORING
WATER SUPPLY
— Domestic (✓)
— Public
— Irrigation
— Industrial
— "TEST WELL"
— CATHODIC PROTECTION
— OTHER (Specify)

DRILLING METHOD Rotary FLUID MUD
WATER LEVEL & YIELD OF COMPLETED WELL
DEPTH OF STATIC WATER LEVEL 30 (Ft.) & DATE MEASURED 26 Oct 94
ESTIMATED YIELD 5 (GPM) & TEST TYPE Back
TEST LENGTH 1 (Mins.) TOTAL DRAWDOWN 30 (Ft.)
* May not be representative of a well's long-term yield.

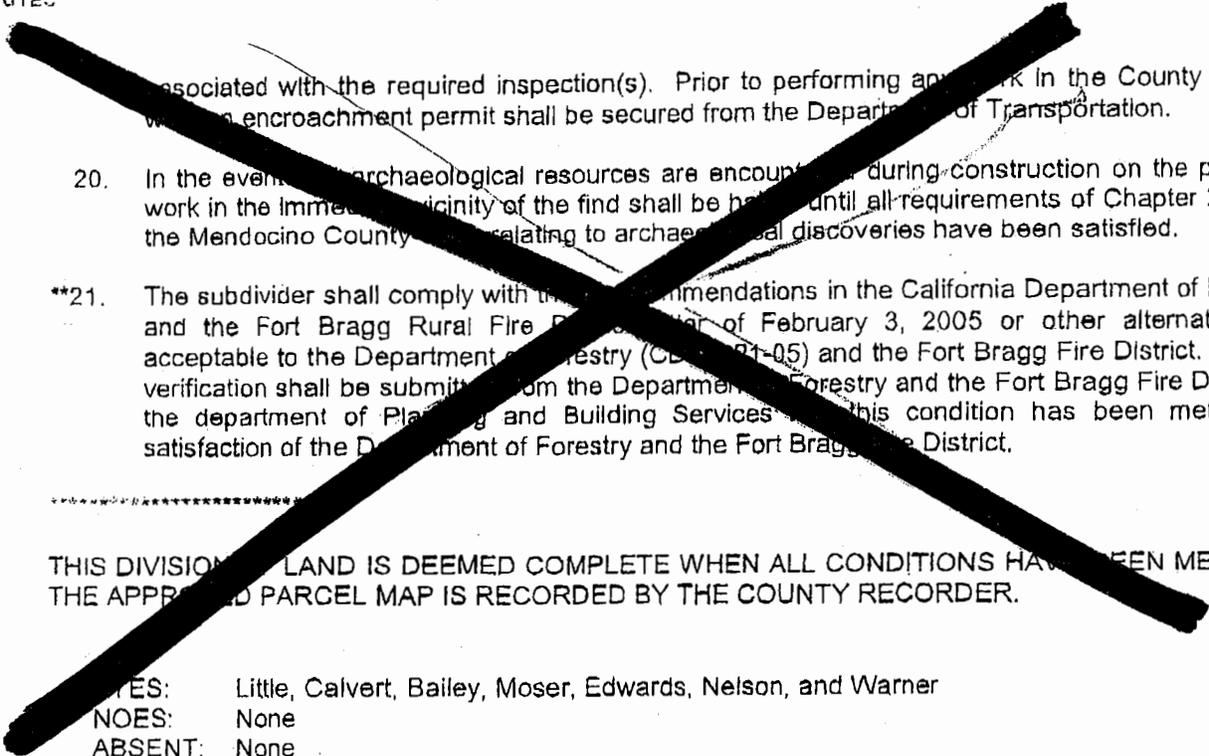
TOTAL DEPTH OF BORING 60 (Feet)
TOTAL DEPTH OF COMPLETED WELL 60 (Feet)

DEPTH FROM SURFACE	BORE-HOLE DIA. (Inches)	CASING(S)						DEPTH FROM SURFACE	ANNULAR MATERIAL			
		TYPE (✓)	MATERIAL / GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)	CEMENT		BENTONITE	FILL	FILTER PACK (TYPE / SIZE)	
Fl. to Fl.		SMITH SCREEN CORR. RIGGING PIPE					Fl. to Fl.	(✓)	(✓)	(✓)		
0 to 20	9 1/8	X	F480	5	SOR21	—	0 to 20	X				
20 to 40	"	X	"	"	"	0.032	20 to 60		X	8X16 mesh		
40 to 60	"	X	"	"	"	0.035						

- ATTACHMENTS (✓)**
- Geologic Log
 - Well Construction Diagram
 - Geophysical Log(s)
 - Soil/Water Chemical Analyses
 - Other _____
- ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.
NAME Kelly Pump & Drilling
(PERSON, FIRM, OR CORPORATION) (TYPE OR PRINTED)
ADDRESS Bx 272 Ft. Bragg CA 94137
CITY Ft. Bragg STATE CA ZIP 94137
Signed W Kelly DATE SIGNED 28 Oct 94 325572
WELL DRILLER/AUTHORIZED REPRESENTATIVE 0-57 LICENSE NUMBER

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

20. In the event archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

**21. The subdivider shall comply with the recommendations in the California Department of Forestry and the Fort Bragg Rural Fire Department of February 3, 2005 or other alternatives as acceptable to the Department of Forestry (CDFF 91-05) 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. This condition has been met to the satisfaction of the Department of Forestry and the Fort Bragg Fire District.

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

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

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

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

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

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

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

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

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

30442

MENDOCINO COUNTY PLANNING COMMISSION
MINUTES

JUNE 21, 2007
PAGE 10 OF 29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The public hearing was declared open.

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

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

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

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

[Lunch 12:02-1:19pm]

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

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

The public hearing was declared closed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DATE FILED: 6/15/2007

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.

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STOP

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

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

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

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

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

Start

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDED CONDITIONS:

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

- **1. All grading and site preparation, at a minimum, shall adhere to the following "Best Management Practices":
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established.
 - e. Erosion control measures shall include but are not limited to: seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th 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 m³) on any one lot and does not obstruct a drainage.
- **2. The application, supplemental exhibits and related material, including locations, sizes, materials and colors of structures shall be considered elements of this entitlement and compliance therewith shall be mandatory, except for changes or conditions approved by the Planning Commission.
- **3. The applicant shall submit a revised landscaping plan providing details as to the square footage, type, sizes and locations of all plantings and irrigated areas of the project site. Any and all such documentation must be provided to the satisfaction of Planning and Building Services. The revised plan shall include native and drought tolerant vegetation. Should the total irrigated area exceed 2,500 square feet, a Landscape Documentation Packet and appropriate fees shall be submitted pursuant to the County Water Efficient Landscape Ordinance.
4. Prior to commencement of operations the applicant shall submit a copy of a current Mendocino County Business License to the Department of Planning and Building Services. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the use permit and business will automatically expire.
5. A deed restriction shall be placed on the property prohibiting the individual sale of any of the visitor serving (or caretaker) units constructed for the project. The restriction shall be prepared to the satisfaction of Planning and Building Services and County Counsel, and shall include language that the 10-unit development is intended to be used for commercial transient occupancy purposes only

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

- **6. The encroachment onto Highway One shall provide adequate sight distance and turning geometrics acceptable to the California Department of Transportation (Caltrans). The applicant shall secure from Caltrans, an encroachment permit for all work to be conducted within State Highway right-of-way.
7. The applicant shall submit a parking plan acceptable to Planning and Building Services providing details as to the size and locations of all parking areas to be used for the project. The plan shall include provisions for handicapped parking and shall comply with all requirements found in Section 20.472.010 of the County Coastal Zoning Code. The plan shall also include details of the area designated as an "overflow" parking lot which will ensure that development is held to a minimum with respect to visual resources (i.e. left in its original grass vegetated state, no lighting, etc.). Any additional plantings for the lot, such as hedgerows for screening purposes, shall be native and drought resistant.
- **8. The applicant shall comply with those recommendations in the letter of ~~April 14, 2007~~ April 17, 2007 or other alternatives as acceptable to the Department of Forestry (CDF# 120-06). Written verification shall be submitted from Cal-Fire to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry and Fire Protection. Prior to the development of Phase II of the project, a clearance letter shall be submitted to Cal-Fire with any conditions being set also becoming conditions of this permit.
- **9. Valid building and health permits must be obtained prior to commencing construction of the inn development. Written verification shall be submitted from the County Division of Environmental Health to Planning and Building Services that all necessary approvals have been obtained, including, but not limited to, those regarding consumer protection.
10. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the 10 working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
11. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$1,850.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to July 6, 2007. Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.
12. Prior to construction a contract for service with Westport Volunteer Fire Department shall be submitted to the Department of Planning & Building Services.

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13. The Commission encourages the applicant offer a water sharing agreement to the immediate neighbors to ensure long term availability.
 14. The applicant shall submit a revised lighting plan to the Department of Planning & Building Services for review to ensure that all upcast lighting has been removed.
 15. The project approved shall be accepted to be modified as offered by the applicant to delete units 4-6 as provided on page A1.
- B. **Conditions which must be complied with for the duration of this permit:**
- **1. Water efficient fixtures (e.g. low flow showerheads, toilets, etc.) and landscaping (e.g. rain barrels, diversion of stormwater to vegetated areas, etc.) shall be utilized throughout the project area. In addition, all parking areas shall be surfaced either with permeable materials or vegetation.
 - **2. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - ~~**3. Except for the replacement of existing wood burning stoves, new wood burning devices shall be prohibited pursuant to District Regulation 4.1 adopted December 5, 2006, by the Mendocino County Air Quality Management Board. Replacement woodstoves must be EPA certified and installed in a manner to ensure proper operation. All other heat sources must be fueled by propane or natural gas.~~
 - **3. The applicant shall demonstrate to the satisfaction of the County Air Quality Management District (AQMD), compliance with all rules and regulations of the District, including but not limited to, District Regulation 4.1 adopted December 5, 2006, by the Mendocino County Air Quality Management Board. Replacement woodstoves must be EPA certified and installed in a manner to ensure proper operation. Written verification shall be submitted from AQMD to the Department of Planning & Building Services that this condition has been met to the satisfaction of AQMD.
 - **4. Prior to obtaining a demolition permit for the former Orca Inn, National Emissions Standards for Hazardous Air Pollutants (NESHAP) clearance shall be issued by the County Air Quality Management District.
 - **5. Any stationary onsite internal combustion engines over 50 horsepower (i.e. large power generator or pumps) may require a permit from the District, depending on fuel source and level of operation.
 - **6. All grading activities shall comply with District Regulation 1 Rule 430 regarding fugitive dust emissions.
 - **7. All roads shall be covered with an impermeable sealant or rocked at a bare minimum. Any rock material used for surfacing, including rock from onsite sources, must comply with Regulations regarding asbestos content.
 - ~~**8. Lighting for the project shall adhere to the Landscaping and Lighting Plan plans dated March 7, 2007, on file at the Department of Planning and Building Services. All external lighting associated with the proposed development site and parking area shall be shielded and downward to prohibit light from being cast beyond the property boundaries.~~
 - **8. The applicant shall demonstrate continuous use of the property as a visitor serving facility. Documentation of applicable Transient Occupancy Tax (TOT) payable to the Mendocino County Tax Collector upon rental of the inn as a whole or portion thereof will be required on a yearly basis. Any and all such documentation must be provided to the satisfaction of PBS. Full-time (greater than 30 consecutive days) residential occupancies of any of the units (except for that of the designated caretaker unit) shall not be allowed.
 - **9. All utility lines on the site, including the existing overhead utility lines from the east side of Highway One to the inn site, shall be placed underground, and existing poles removed.

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- **10. All exterior building materials, colors and finishes shall be of earth tones and blend with the natural surroundings. Color samples shall be submitted to the Department of Planning and Building Services and approved by the Coastal Permit Administrator prior to approval of building permits. Windows shall be made of non-reflective glass. Any change in approved colors or materials shall be subject to the review and approval of the Department of Planning and Building Services for the life of the project.
- **11. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
12. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of Mendocino County Code unless modified by conditions of the use permit.
13. The application is subject to the securing of all necessary permits for the proposed development and eventual use from County, State, and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
14. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
- a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

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

15. This permit is issued without a legal determination having been made upon the number, size, or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, shape or parcels within the permit described boundaries are different 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.

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

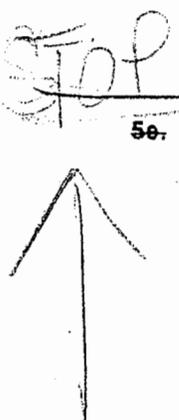
AGENT: TOM MILLER & CALCOM SYSTEMS

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

40942





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

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

RECEIVED

JULY 10, 2007

JUL 13 2007

NOTICE OF FINAL ACTION

CALIFORNIA
COASTAL COMMISSION

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

CASE#: CDU 6-2008

DATE FILED: 3/23/2008

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

10-10-018

41442

1 PROOF OF SERVICE BY U.S. MAIL

2
3 STATE OF CALIFORNIA)
4 COUNTY OF MENDOCINO)

5 I am employed in the County of Mendocino, State of California. I am over the age of
6 eighteen years and not a party to the within action. My business address is 444 North State
Street, Ukiah, California.

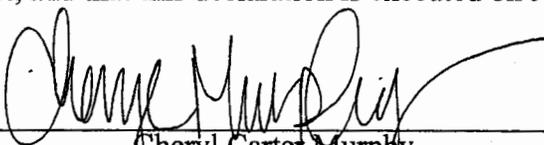
7 On July 24, 2007, I served the document entitled APPEAL FROM COASTAL PERMIT
8 DECISION OF LOCAL GOVERNMENT on the interested parties by placing true and complete
9 copies thereof, in sealed envelopes with first class postage thereon prepaid in full, in the U.S.
mail at Ukiah, California, addressed as follows:

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

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

14 Bud Kamb
15 Real Estate Service
101 Boatyard Drive
Fort Bragg, CA 95437

16
17 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct, and that this declaration is executed on July 24, 2007, at Ukiah,
18 California.

19 
20 _____
Cheryl Carter Murphy

21
22
23
24
25
26
27
28
42942



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

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

RECEIVED

JULY 10, 2007

JUL 13 2007

NOTICE OF FINAL ACTION

**CALIFORNIA
 COASTAL COMMISSION**

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

CASE#: CDU 6-2006
DATE FILED: 3/23/2006

OWNER: JACKSON-GRUBE FAMILY, INC.
AGENT: BUD KAMB REAL ESTATE SERVICES

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

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

PROJECT COORDINATOR: JOHN SPEKA

ACTION TAKEN:

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

The above project was not appealed at the local level.

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

Attachments

cc:
 COASTAL COMMISSION
 ASSESSOR

EXHIBIT NO. 14
APPEAL NO.
A-1-MEN-07-028
JACKSON-GRUBE FAMILY
NOTICE OF FINAL LOCAL ACTION (1 of 44)

1-111111-07-018

**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/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

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 1st.
- f. All earth-moving activities shall be conducted between May 15th and October 15th 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 m³) 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 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the 10 working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
11. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by

Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$1,850.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to July 6, 2007. Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.

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

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

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

10.

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

- ** 11. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
12. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of Mendocino County Code unless modified by conditions of the use permit.
13. The application is subject to the securing of all necessary permits for the proposed development and eventual use from County, State, and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
14. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
- a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

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

15. This permit is issued without a legal determination having been made upon the number, size, or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, shape or parcels within the permit described boundaries are different that that which is legally required by this permit, this permit shall become null and void.

16.

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

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

20. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
- **21. The subdivider shall comply with those recommendations in the California Department of Forestry and the Fort Bragg Rural Fire District letter of February 3, 2005 or other alternatives as acceptable to the Department of Forestry (CDF # 21-05) and the Fort Bragg Fire District. Written verification shall be submitted from the Department of Forestry and the Fort Bragg Fire District to the department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry and the Fort Bragg Fire District.

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

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

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

DATE FILED: 3/23/2006

OWNER: JACKSON-GRUBE FAMILY, INC.

AGENT: BUD KAMB REAL ESTATE SERVICES

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

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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 15th, 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 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th 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 m³) 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 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the 10 working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
11. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$1,850.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to July 6, 2007. Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.
12. Prior to construction a contract for service with Westport Volunteer Fire Department shall be submitted to the Department of Planning & Building Services.

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

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

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

- **10. All exterior building materials, colors and finishes shall be of earth tones and blend with the natural surroundings. Color samples shall be submitted to the Department of Planning and Building Services and approved by the Coastal Permit Administrator prior to approval of building permits. Windows shall be made of non-reflective glass. Any change in approved colors or materials shall be subject to the review and approval of the Department of Planning and Building Services for the life of the project.
- **11. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
12. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of Mendocino County Code unless modified by conditions of the use permit.
13. The application is subject to the securing of all necessary permits for the proposed development and eventual use from County, State, and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
14. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
- a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

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

15. This permit is issued without a legal determination having been made upon the number, size, or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, shape or parcels within the permit described boundaries are different that that which is legally required by this permit, this permit shall become null and void.
16. Special events at the facility shall be limited to a maximum of 99 persons. Gatherings totaling between 100 and 1,000 persons shall require a Coastal Development Permit and those over 1,000 persons shall require a Coastal Development Use Permit per Section 20.460.020 of the Coastal Zoning Code. Eating and drinking Establishments for on premises consumption by non-paying guests of the facility shall require a Coastal Development Use Permit separate than that issued for this project.

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

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

DATE FILED: 5/2/2007

OWNER: JOHN KOLBERG

APPLICANT: TOM MILLER & CALCOM SYSTEMS

AGENT: TOM MILLER & CALCOM SYSTEMS

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

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

PROJECT COORDINATOR: DUSTY DULEY

STAFF REPORT FOR COASTAL DEVELOPMENT USE PERMIT

**#CDU 6-2006
JUNE 21, 2007
PAGE PC-1**

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) boundary¹. 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

¹ 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 policies 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, "[e]ach 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(l) 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 agriculture 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 1st.

- f. All earth-moving activities shall be conducted between May 15th and October 15th 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 m³) 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 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the 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.

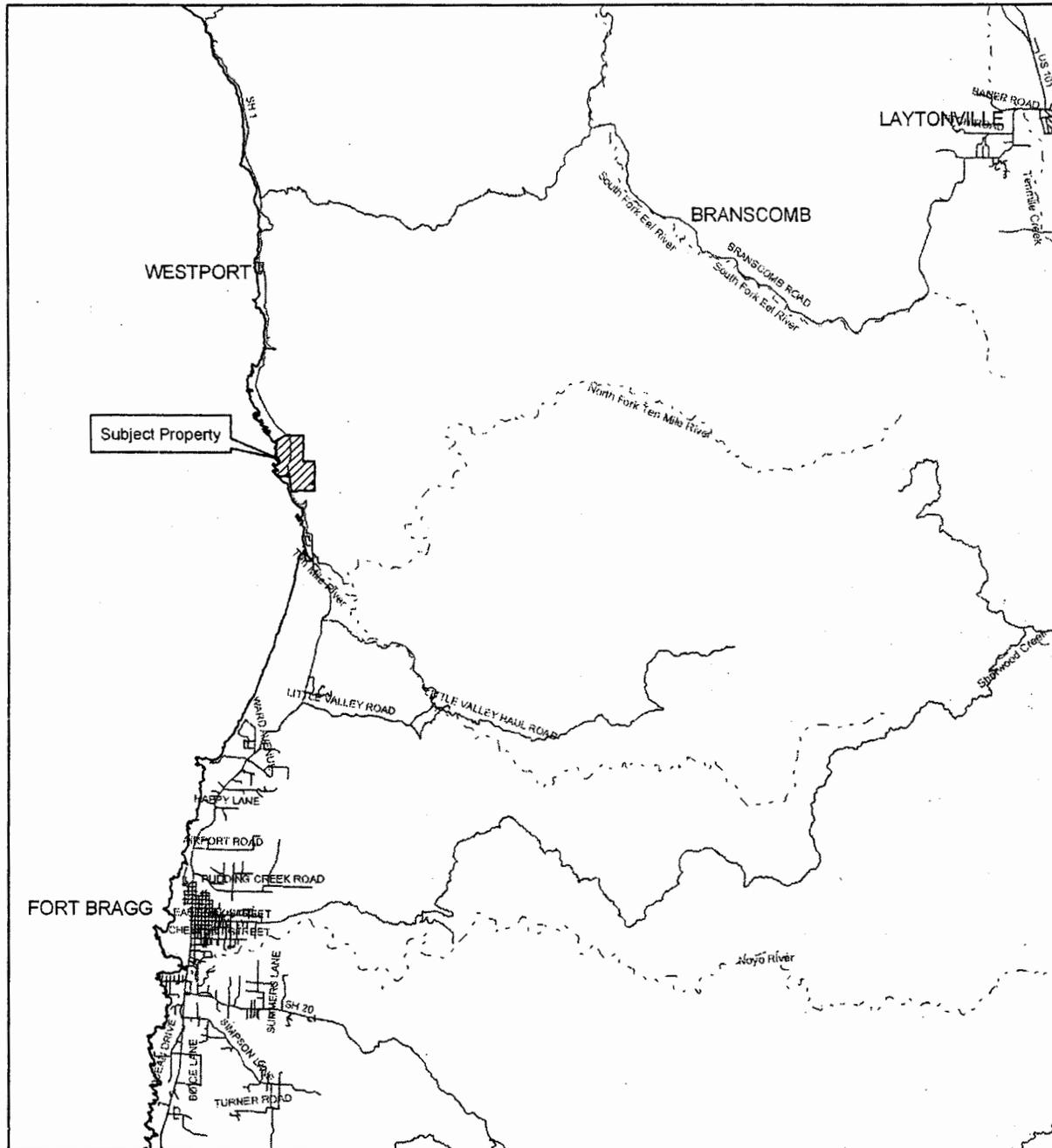
5/18/07
DATE

John Speka
JOHN SPEKA
PLANNER II

JS:at
May 16, 2007

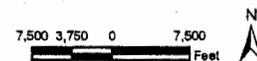
Negative Declaration
Appeal Fee - \$840.00
Appeal Period - 10 days

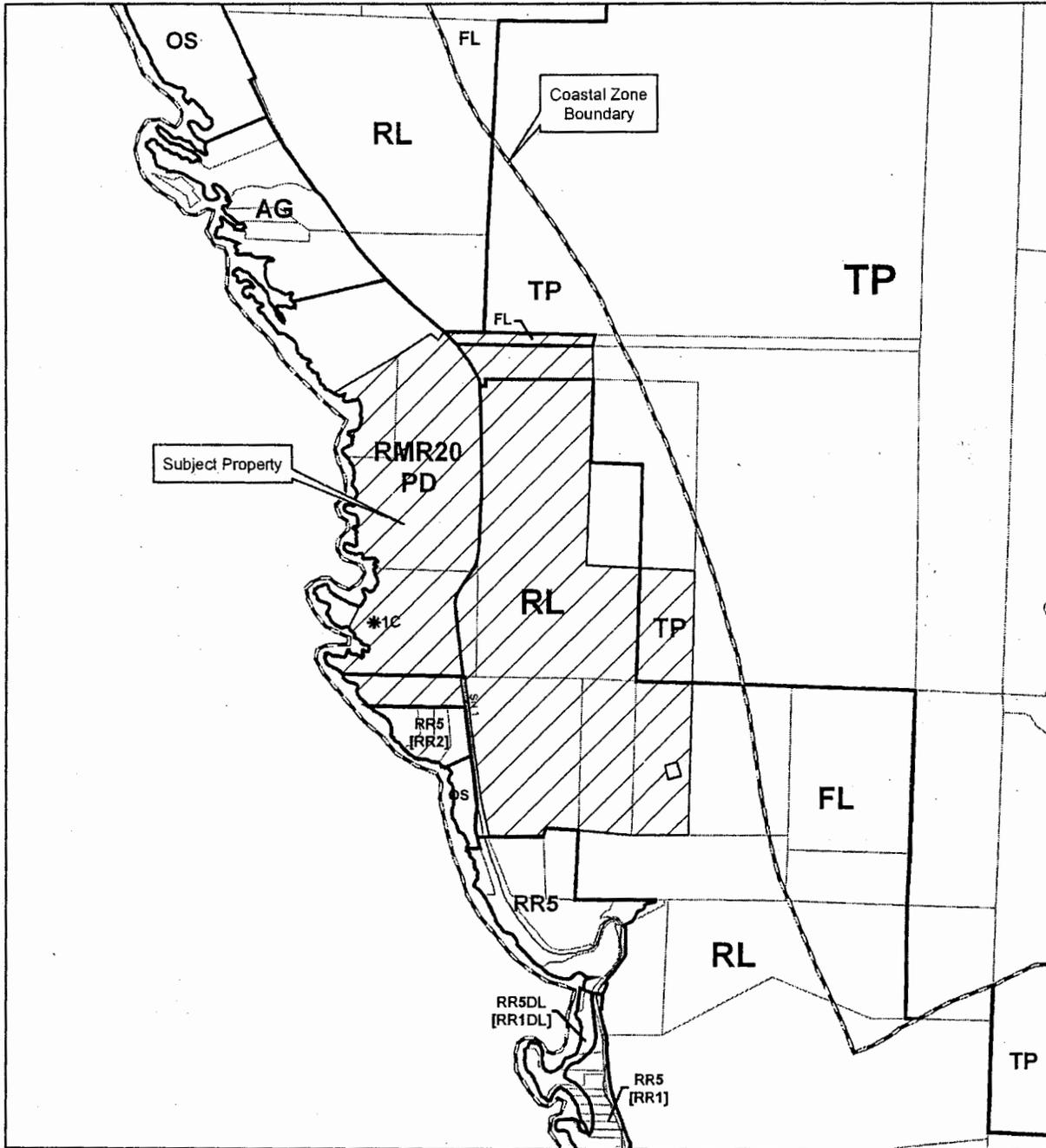
REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Planning- FB			X
Department of Transportation		X	
Environmental Health			X
Building Inspection- UK		X	
Agricultural Commissioner	X		
Trails Advisory Committee	X		
Native Plant Society	X		
Caltrans			X
Department 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

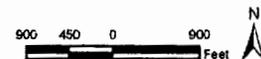
LOCATION MAP

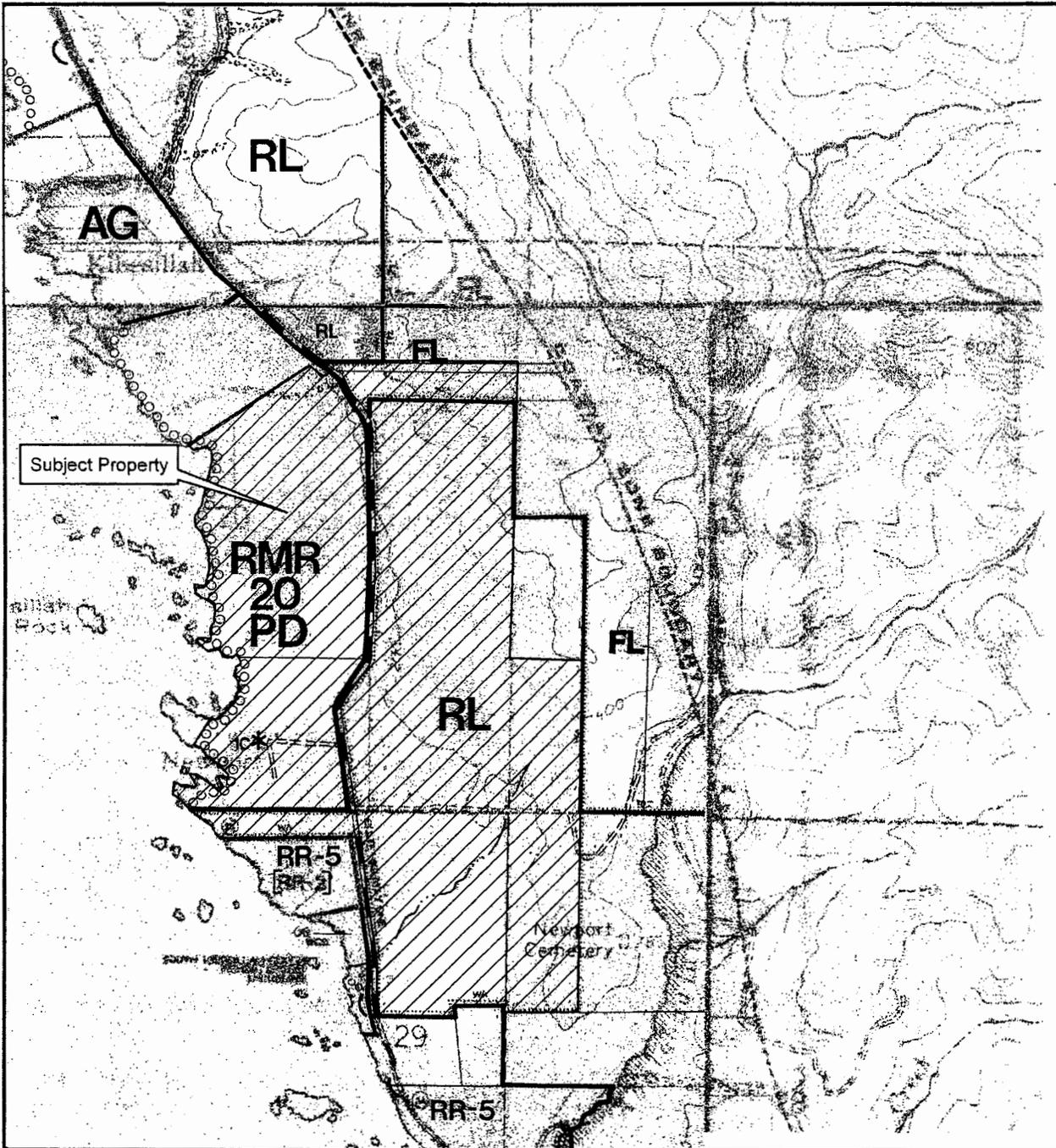




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015-380-03, 015-380-04, 015-380-05,
and portions of 015-070-47, 015-070-52, & 015-330-28

ZONING DISPLAY MAP

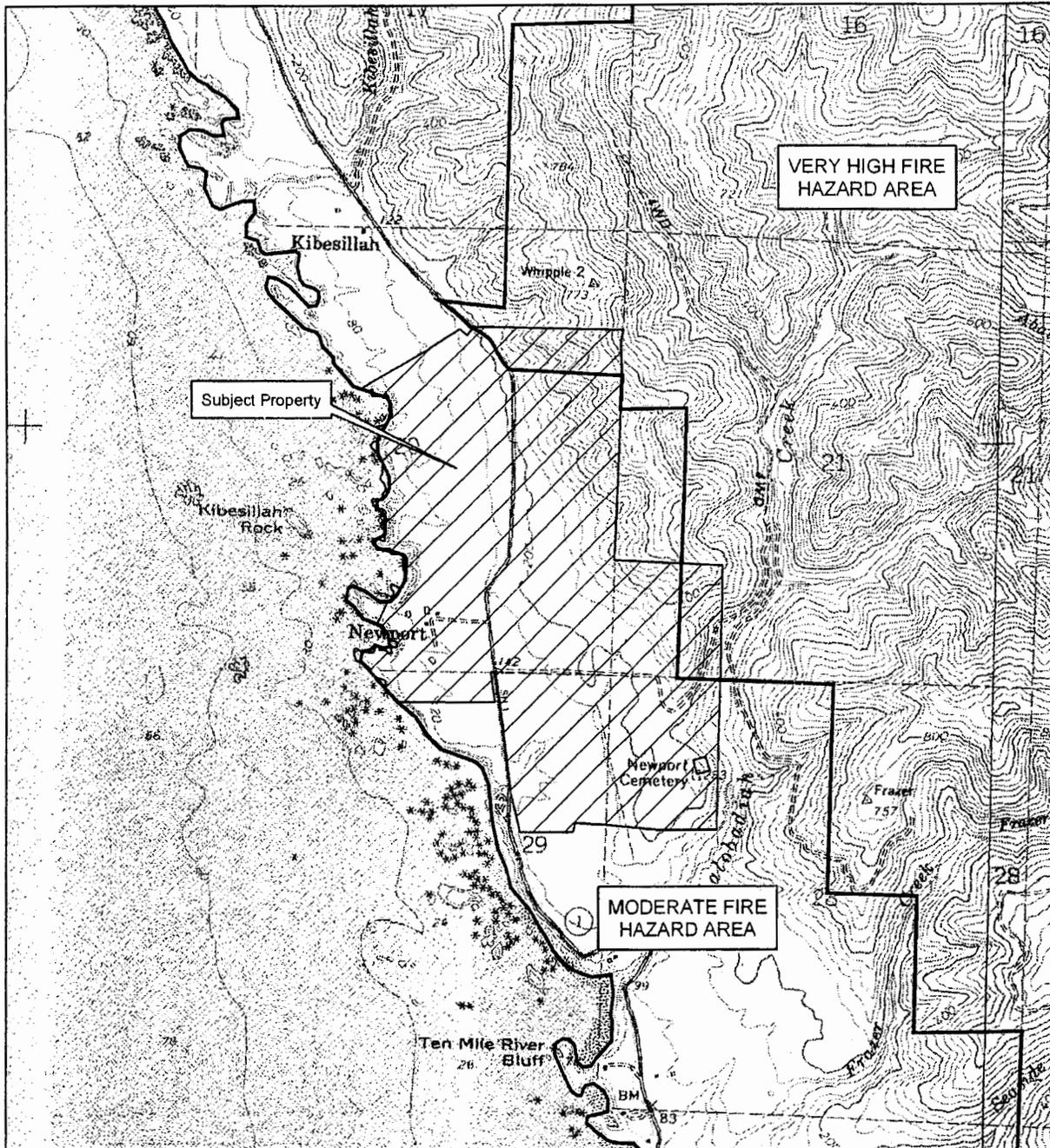




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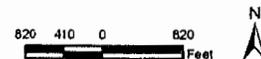
COASTAL PLAN LAND USE MAP No. 8, 9 & 10

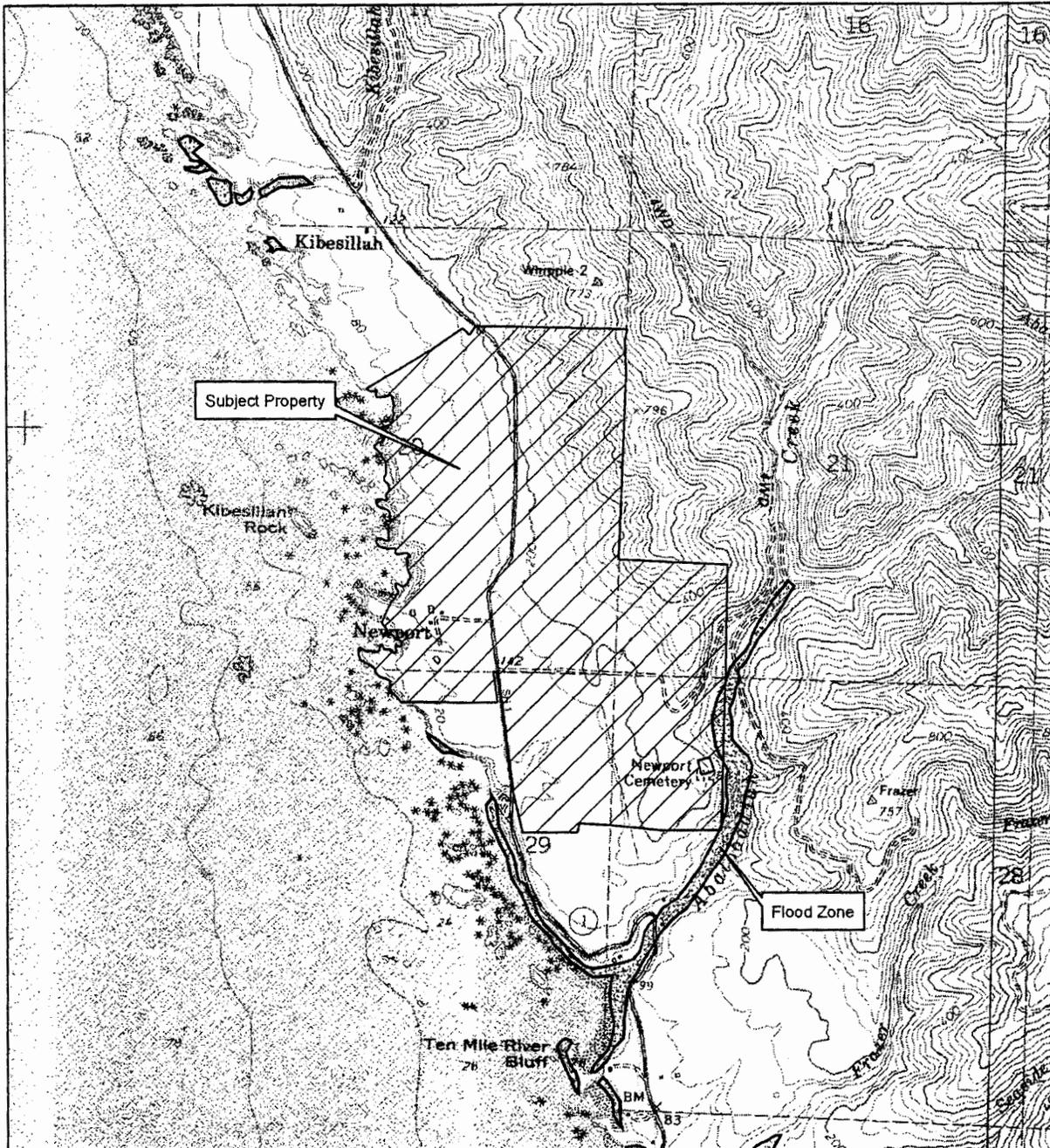
Not To Scale 



OWNER: JACKSON-GRUBE FAMILY, Inc.
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AGENT: KAMB, Bud
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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

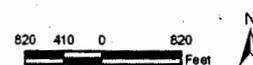
FIRE HAZARD SEVERITY ZONES
CDF FIRE PROTECTION AREA





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

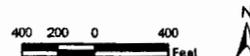
100 YEAR FLOOD ZONE





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.
	<p>DATE: May 14, 2007</p> <p>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. 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</p>

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

Will the project result in the following environmental effects	No	Yes			Cumulative
		Not Significant	Significant Unless It is Mitigated	Significant -No Apparent Mitigation	
1. EARTH:					
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
2. AIR:					
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"/>
3. WATER:					
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"/>
4. PLANT LIFE:					
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"/>

5. ANIMAL LIFE:					
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			Cumulative
		Not Significant	Significant Unless It is Mitigated	Significant-No Apparent Mitigation	
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"/>
6. NOISE:					
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"/>
7. LIGHT AND GLARE:					
A. Production of new light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. LAND USE:					
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"/>
9. NATURAL RESOURCES:					
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"/>
10. POPULATION:					
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"/>
11. HOUSING:					
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"/>
12. TRANSPORTATION/ CIRCULATION:					
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"/>
13. PUBLIC SERVICES:					

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"/>
14. ENERGY:					
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"/>
15. UTILITIES:					
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"/>
16. HUMAN HEALTH:					
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"/>
17. AESTHETICS:					
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"/>
18. RECREATION:					
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"/>
19. CULTURAL RESOURCES:					
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

PROPOSED INN AT NEWPORT RANCH 31502 NORTH HIGHWAY ONE WESTPORT, MENDOCINO COUNTY, CALIFORNIA

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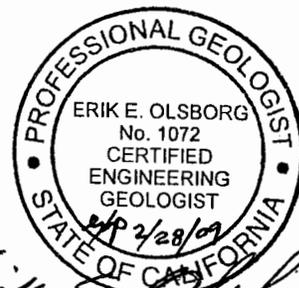
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January 10, 2008

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



Sarah C. Lockwood
Staff Geologist



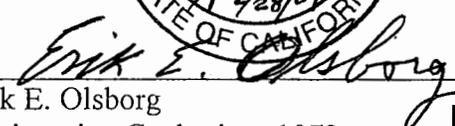

Erik E. Olsborg
Engineering Geologist - 1072



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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".¹ 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

¹ 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). 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 monument² 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

² National Geodetic Survey Datasheets Page. 1 November 2007.
http://www.ngs.noaa.gov/cgi-bin/ds_desig.pr1



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.

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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

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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

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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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