

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



W12b

A-1-MEN-23-0001 (Carson)

March 8, 2023

EXHIBITS

Exhibit 1 - Project Site Maps	2
Exhibit 2 - Mendocino County Final Action Notice.....	6
Exhibit 3 - Appeal File Packet	56



CASE: CDP 2021-0002
 OWNER: CARSON, Julia
 APN: 118-010-27
 APLCT: Julia Carson
 AGENT: Tara Jackson
 ADDRESS: 45380 Caspar Point Road, Caspar

- Major Towns & Places
- Highways
- City Limits
- Major Roads
- Coastal Zone Boundary

0 2,550 5,100 Feet

Exhibit 1
A-1-MEN-23-0001
Site Maps
Page 1 of 4

MENDOCINO COUNTY PLANNING DEPARTMENT - 12/20/2023



CASE: CDP 2021-0002
OWNER: CARSON, Julia
APN: 118-010-27
APLCT: Julia Carson
AGENT: Tara Jackson
ADDRESS: 45380 Caspar Point Road, Caspar

Public Roads

02/29/2021 - 12:58:57 PM - 118-010-27 - 45380 CASPAR POINT ROAD, CASPAR

0 250 500 Feet

N

Exhibit 1
A-1-MEN-23-0001
Site Maps
Page 2 of 4

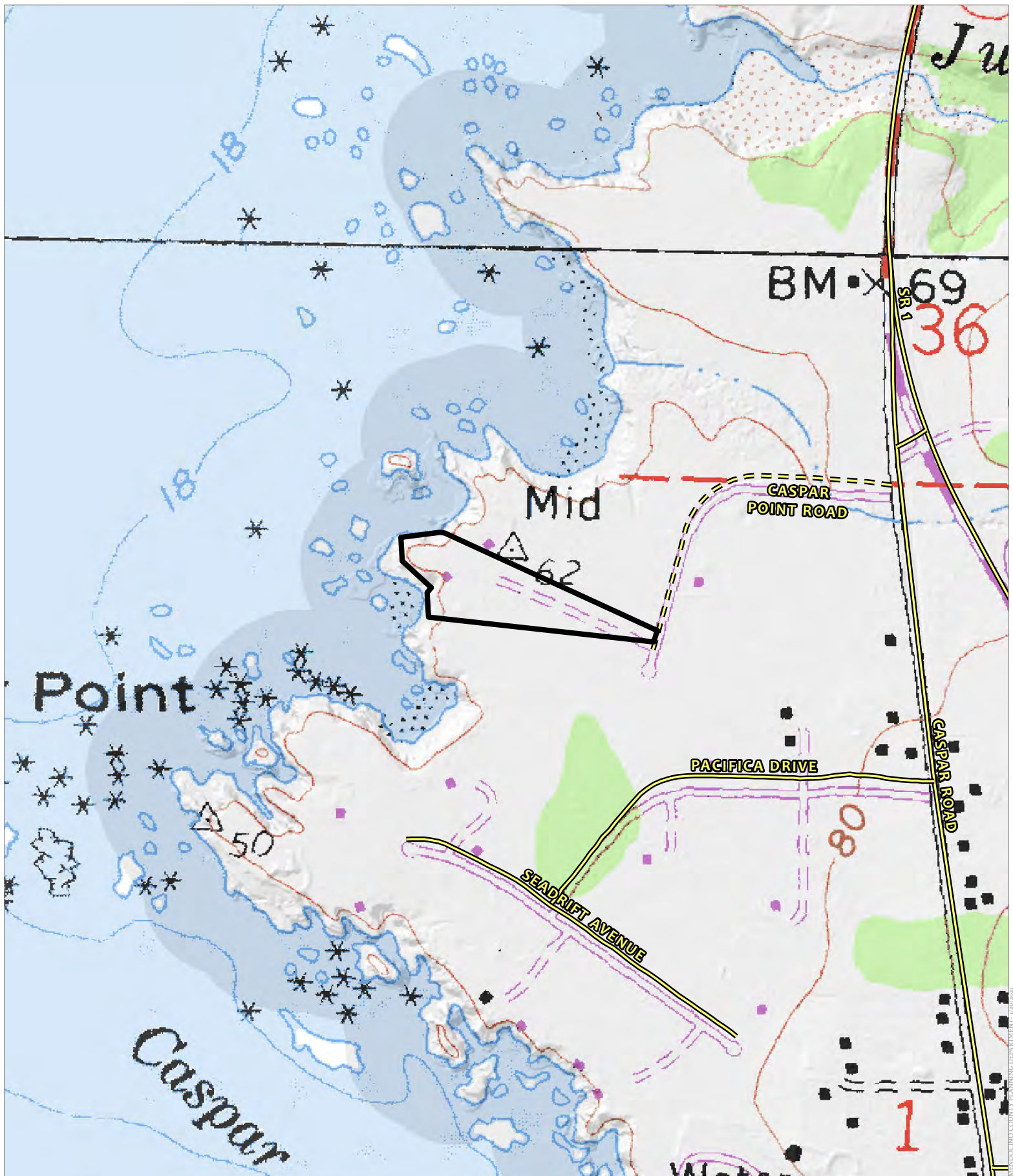


CASE: CDP 2021-0002
OWNER: CARSON, Julia
APN: 118-010-27
APLCT: Julia Carson
AGENT: Tara Jackson
ADDRESS: 45380 Caspar Point Road, Caspar

Public Roads

0 75 150 Feet

Exhibit 1
A-1-MEN-23-0001
Site Maps
Page 3 of 4



CASE: CDP 2021-0002
 OWNER: CARSON, Julia
 APN: 118-010-27
 APLCT: Julia Carson
 AGENT: Tara Jackson
 ADDRESS: 45380 Caspar Point Road, Caspar

Public Roads

0 250 500 Feet

Exhibit 1
 A-1-MEN-23-0001
 Site Maps
 Page 4 of 4



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482

120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

JULIA KROG, DIRECTOR

PHONE: 707-234-6650

FAX: 707-463-5709

FB PHONE: 707-964-5379

FB FAX: 707-961-2427

pbs@mendocinocounty.org

www.mendocinocounty.org/pbs

RECEIVED

JAN 06 2023

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

NOTICE OF FINAL ACTION

January 02, 2023

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

CASE#: CDP_2021-0002

DATE FILED: 1/11/2021

OWNER: JULIA CARSON

APPLICANT: JULIA CARSON

AGENT: WYNN COASTAL PLANNING

REQUEST: Standard Coastal Development Permit to renovate an existing residence, construct a detached guest cottage, add decking, and install a generator, roof-mounted solar, and replacement leach field. Development would be phased, including temporary occupancy of the Guest Cottage during renovation of the existing residence.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 569) and Highway 1 (SR 1), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Rd., Caspar (APN: 118-010-27).

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: JULIANA CHERRY

ACTION TAKEN: The COASTAL PERMIT ADMINISTRATOR, on 12/22/2022, 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



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

JULIA KROG, DIRECTOR
PHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

FINAL FINDINGS AND CONDITIONS OF APPROVAL CASE# CDP_2021-0002 - JULIA CARSON

DECEMBER 22, 2022

PROJECT FINDINGS AND CONDITIONS

Pursuant with the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, staff recommends the Coastal Permit Administrator approve CDP_2021-0002, an application to complete minor residential additions, install roof-mounted solar arrays, install composition roof shingles; and a request to install outside of ESHA and ESHA buffers, a generator with noise dampening features (e.g. cabinet enclosure), construct decks, construct a guest cottage (and temporarily occupy the guest cottage during renovation of the existing residence), temporary use of the residence for construction support, install a replacement leach field area, construct a shed and underground overhead utilities; and complete the mitigation and avoidance measures described in Section 7 of the December 30, 2020 Biological Scoping and Botanical Survey Report. The property is in the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 410B) and State Route 1 (SR 1), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Road, Caspar (APN: 118-010-27).

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), Coastal Residential Land Use Types are principally permitted in the Rural Residential classification; the single-family residential development satisfies the goals and policies of the certified Mendocino coastal program, including policies identified in Coastal Element Chapters 3.4 (Hazards) to avoid bluff retreat; Chapter 3.3 (Visual Resources) to restore and enhance visual quality in visually degraded areas by undergrounding overhead utilities; and Chapter 4.6 (Jug Handle Creek to Russian Gulch Planning Area); and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed residence would have access to on-site septic, leach fields, water well and on-site water storage, PG&E service, and enjoys access to adequate utilities, and access roads, including County Road 410B known as Caspar Road, and other necessary facilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), Coastal Residential Land Uses and accessory buildings, e.g., a detached guest cottage, detached shed, (noise dampened, enclosed) generator, water storage tank), are principally permitted uses in the Rural Residential District; and the proposed project is consistent with the purpose and intent of MCC Chapter 20.376 Rural Residential District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the project will not have any significant adverse impacts on the environment and the project would not substantially alter natural landforms along bluffs; and as proposed, the habitat enhancement measures would restore the protective values of the environmentally sensitive habitat buffers; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed would not have any adverse impact on any known archaeological or paleontological resources, as Standard Condition 8 is in place when archaeological sites or artifacts are discovered, and the Archaeological Commission accepted the cultural report on December 9, 2020; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services are in place to serve the existing coastal Residential Land Uses, including on-site solid waste, County Road 410B and State Route 1 capacity, and these services are adequate; and

7. Pursuant to MCC Section 20.532.095(B)(1), the proposed development conforms to public access and public recreation policies of Coastal Element Chapter 3.6 of Mendocino County General Plan; shoreline access is available within walking distance of the residence, Jug Handle State Reserve, Caspar Headlands State Beach, and other local trails; and
8. Pursuant to MCC Section 20.532.100(A)(1), the application includes protection of on-site sensitive habitat areas by avoiding development within protected areas and their buffers, and on-site planting of regionally native vegetation; and

CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Zoning Code. The permit shall become effective after the ten 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 or use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The property owner(s) has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The property owner(s) shall secure all required building permits for the proposed project, as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the

protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

9. Any Building Permit request shall include all conditions of approval of Coastal Development Permit CDP_2021-0002. Conditions shall be attached to or printed on the plans submitted.
10. In accordance with **MCC Section 20.308.050(I)**, "Guest Cottage" means a detached building (not exceeding six hundred forty square feet of gross floor area), of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot and intended for use without compensation by guests of the occupants of the primary dwelling.
11. In accordance with **MCC Section 20.460.025(B)**, the property owner may occupy the Guest Cottage as a temporary dwelling during the construction and renovation of the existing 1,505 square-foot residence. Occupancy of the temporary dwelling is limited to two years, unless an application to extend the expiration date is submitted in accordance with MCC Section 20.536.030 *Renewal*. Prior to final inspection of the renovated residence, a Building Inspection will confirm conversion of the temporary dwelling to a Guest Cottage.
12. In accordance with **MCC Chapter 20.492** and **MCC Section 20.500.020(E)(3)**, all grading specifications and techniques will follow MCC Chapter 20.492 requirements, and the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (for example, Brunsing Associates, Inc. Geotechnical Investigation Carson Residence and Guest Unit 45380 Caspar Point Road, Caspar, California. January 8, 2016).
13. In accordance with **MCC Section 20.496.020(A)**, the *Tuft Hair Grass Meadow ESHA* shall be protected. An established 100-foot-wide buffer area protects the environmentally sensitive habitat (or ESHA) from degradation resulting from developments. Future uses in the ESHA and its buffer shall be compatible with the continuance of the *Tuft Hair Grass Meadow ESHA*. The request to reduce the buffer width is denied.
 - a. As there is no feasible alternative location, the following existing and new structures may be located within the established ESHA buffer: renovated single-family residence; 1,200 gallon septic tank; existing leach field; existing propane tank; replacement composition roofing and new roof-mounted solar panels; new expanded entry deck east of the residence; and limited trenching.
 - b. The generator, 4 by 8 foot cement pad, (and generator noise-dampening cabinet) shall be installed outside of the ESHA and its buffer.
 - c. Future development, including repair, maintenance, and improvements to any structure, located within Environmentally Sensitive Habitat Area (ESHA) buffers, or ESHA resource areas, shall require a coastal development permit or permit amendment. Development may be exempt from the requirements of MCC Chapter 20.532, provided it meets the exemption criteria and is located outside of ESHA buffers and ESHA resource areas.
 - d. The existing propane tank may remain in place. If the tank is moved, or a new tank is installed, then it shall be relocated outside of the ESHA and its buffer.
14. The property owner shall implement the mitigation and avoidance measures described in Section 7 of the *Biological Scoping & Botanical Survey Report for 45380 Caspar Point Road, Caspar, CA 95420* prepared by Wynn Coastal Planning & Biology and dated June 12, 2019, including:
 - a. Seasonal and nest avoidance of birds described in Section 7.1.
 - b. Pre-construction surveys for bats and limiting construction activities during daylight hours, as described in Section 7.2 and intended to protect bats.

- c. Measures to avoid amphibians, as described in Section 7.3.
 - d. Staging Area Plan, 100-foot buffer (not a 50-foot buffer), orange construction fencing, and employing Best Management Practices, as described in Section 7.4 to protect the *Tufted Hairgrass Meadow ESHA*.
 - e. Measures to reduce invasive plants and guide landscaping, as described in Section 7.5 are intended to limit use of heavy machinery and to encourage planting native vegetation.
15. Prior to the issuance of a building permit, the property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel. The deed restriction will include the following statements and exhibits:
- a. The property owner understands that the site may be subject to extraordinary geologic and erosion hazards and the property owner assumes the risk from such hazards; and
 - b. The property owner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
 - c. The property owner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
 - d. The property owner shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan or other improvements in the event that these structures are subject to damage or other erosional hazards in the future; and
 - e. The property owner shall remove the structures shown on the Site Plan when bluff retreat reaches the point where the structures are threatened. In the event that portions of the structures shown on the Site Plan, or other improvements, fall to the beach or ocean before they can be removed from the blufftop, the property owner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The property owner(s) shall bear all costs associated with such removal; and
 - f. The property owner agrees to use the guest cottage in accordance with MCC Section 20.308.050(I) and Condition No. 10 shall be included as part of the deed restriction; and
 - g. The conditions of Permit CDP_2021-0002 are imposed as covenants, conditions and restrictions on the use and enjoyment of the property; and
 - h. Attached as exhibits to the Deed Restriction shall be (i) the adopted findings and conditions approving CDP_2021-0002; and (ii) a Site Plan. The Site Plan exhibit shall identify the boundaries the *Tufted Hair Grass Meadow ESHA*, its buffer, the geotechnical bluff set back, and others, and shall be printed in black and white. The Director of Planning and Building Services, or their designee, shall review and accept the Site Plan exhibit; and
 - i. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
16. In accordance with **MCC Section 20.500.020(B)** and Planning Commission Resolution No. PC_2021-0009, the minimum bluff set back is 40.25 feet.
17. In accordance with **MCC Section 20.504.015(C)**, all structures be subordinate to the natural setting

minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings; therefore, the building materials and exterior color palette shall be as follows:

- a. Composition roof shingles shall match the existing roof color, hue, and brightness; for example, "Weatherwood" or "Driftwood" Class A 50-year fiberglass shingles. An after-the-fact building permit to replace roof shingles is required.
 - b. To minimize sources of glare, non-reflective solar panels shall be installed. To blend roof materials with their surroundings, the composition-shingle color and solar-panel color shall be similar.
 - c. Exterior siding shall be cement board (Hardiboard, Hardiplank, or similar). Exterior base color shall be Mason's Select Woodperfect Series fiber cement coating color #6701 "Mahogany" or similar. Exterior trim shall be painted "Warm Blush" from the same manufacturer (or alternative coating with similar color, hue, and brightness to "Warm Blush," or "Mahogany," or the bronze window-frame color).
 - d. The windows shall be marine grade material with bronze-color frames (or similar color, hue, and brightness). To minimize reflective surfaces, the window frame finish shall be matte, and the window glass shall not be a source of glare or reflection.
 - e. Chimney and pipe color shall match the composition roof color. Pursuant to MCC Section 20.536.025 *Application for Permit Amendment*, the chimney pipe may be finished with brick or stone following a Director's determination that the alternative material is compatible with its surroundings.
 - f. Decks shall be redwood (without colored or pigmented stain).
18. When poles are moved or replaced and in accordance with **MCC Section 20.504.015(C)(12)**, the property owner shall underground overhead power distribution lines.
 19. In accordance with **MCC Section 20.504.030**, one satellite receiving dish (less than 36-inch diameter) may be installed. Equipment color shall match the hue and brightness of the surface to which it is affixed and adjacent.
 20. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director or their designee. In compliance with **MCC Section 20.504.035**, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
 21. In accordance with **MCC Section 20.516.015(A)** and prior to issuance of a building permit for the Guest Cottage, the property owner shall obtain the discovery of the existing system and guest cottage connection to the existing system. The On-Site Sewage System Permit Nos. ST27296 and ST27472 permit fees shall be paid in-full.
 22. The primary and replacement leach fields, pump chamber, and septic tank may be repaired and installed during the effective period of this permit. Deferred installation of the replacement leach field shall require a Coastal Development Permit or permit amendment.
 23. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will incorporate proven water conservation technology in the construction of the project, including, but not limited to, low-flush toilets, flow-control inserts on showers (or similar), single-control faucets, water efficient dishwashers and clothes washers, and hot-water pipe insulation. The property owner may apply for a Coastal Development Permit to install grey-water recycling.

24. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the property owner will install and maintain water efficient irrigation systems that minimize runoff and evaporation, and maximize the water intended to reach plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems are methods of improving irrigation efficiency.
25. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will either keep rainwater on site in a retention basin to aid in ground water recharge, or where this is not feasible, the project shall be designed to reduce, retard, and disperse runoff. This may be accomplished by mulched and or terraced slopes to reduce erosion and retain rainfall, porous drain swales and paving materials for infiltration, out-sloped roads to spread runoff evenly down slope, and landscaping with suitable water-conserving erosion control plants that will protect the soil, facilitate infiltration of rainwater, and reduce runoff.
26. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures and to encourage ground water recharge, the project will preserve existing natural drainage areas and encourage the incorporation of natural drainage systems in the development of the site.



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

JULIA KROG, DIRECTOR
PHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

MEMORANDUM

DATE: DECEMBER 22, 2022
TO: COASTAL PERMIT ADMINISTRATOR
FROM: PLANNER JULIANA CHERRY
SUBJECT: CDP 2021-002 CARSON RECOMMENDED CONDITIONS NO. 1, 11, AND 13

BACKGROUND: Earlier this month, staff met with the applicant and their agent to review the CPA Staff Report for CDP_2022-0002. Some misstatements made in the report that could cause subsequent confusion. The applicant filed a corrected site plan on December 16, 2022 (Replacing Staff Report Attachment E).

CLARIFICATIONS: The following additional information corrects Staff Report Sections 2, 4, and 7. Staff recommends revising Conditions #1, #11, and #13 (See attached for suggested changes).

2. ZONING. As shown on the Site Plan, the existing residence is 1,505 square feet. After completing the additions, the total size of the renovated residence will be 1,553-square-feet. Prior to final occupancy of the renovated residence, a Building Inspection of the Guest Cottage will confirm conversion of the temporary dwelling to a Guest Cottage. For example, inside the Guest Cottage cabinets, counters, appliances, plumbing and electrical outlets in-service of the temporary kitchen would be capped or removed prior to final inspection of the renovated residence. See pages CPA-2 and CPA-5, Attachment E, and **Condition #11 as revised**.

4. HABITATS & NATURAL RESOURCES. The Revised Site Plan (Staff Report Attachment E) incorrectly identified the location of the existing propane tank. As it is feasible for both a relocated propane tank and new generator to be located outside of the ESHA buffer, staff suggests modifying recommended Condition #13 by adding 13.d. See page CPA-6, memorandum **Attachment B**, and **Condition #13 as revised**.

Planning Commission Resolution No. 2021-0009, which is attached to the staff report, does *not* include conditions requiring overhead distribution or transmissions to be buried (see pages CPA-5 and CPA-11). Undergrounding overhead power distribution lines will be required when the existing lines or poles are moved. See pages CPA-5, CPA-11, and Condition #18.

7. ARCHAEOLOGICAL RESOURCES. To correct a statement in the staff report, on June 28, 2022, the Sherwood Band of Pomo Indians responded to the April project referral and requested to be informed about the progress of application CDP_2021-0002. Staff notified the tribe of today's hearing.

RECOMMENDATION: As published, the last sentence of recommended **Condition #1** is repeated in the beginning of recommended Condition #2. See Memorandum Attachment A for suggested revisions to the conditions published in the staff report, including revisions to Conditions #1, #11, and #13.

ATTACHMENTS:

- A. Recommended Findings and Modified Conditions
- B. Updated Staff Report Attachment E: Revised Site Plan December 2022

Exhibit 2
A-1-MEN-23-0001
NOFA
Page 8 of 50

PROJECT FINDINGS AND REVISED CONDITIONS

December 22, 2022

Memorandum Attachment A describes the recommended action, findings, and conditions, including revisions to Conditions #1, #11, and #13. Noting ~~stricken text~~ indicates deletions; underlined text are additions.

Pursuant with the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, staff recommends the Coastal Permit Administrator approve CDP_2021-0002, an application to complete minor residential additions, install roof-mounted solar arrays, install composition roof shingles; and a request to install outside of ESHA and ESHA buffers, a generator with noise dampening features (e.g. cabinet enclosure), construct decks, construct a guest cottage (and temporarily occupy the guest cottage during renovation of the existing residence), temporary use of the residence for construction support, install a replacement leach field area, construct a shed and underground overhead utilities; and complete the mitigation and avoidance measures described in Section 7 of the December 30, 2020 Biological Scoping and Botanical Survey Report. The property is in the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 410B) and State Route 1 (SR 1), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Road, Caspar (APN: 118-010-27).

RECOMMENDED FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), Coastal Residential Land Use Types are principally permitted in the Rural Residential classification; the single-family residential development satisfies the goals and policies of the certified Mendocino coastal program, including policies identified in Coastal Element Chapters 3.4 (Hazards) to avoid bluff retreat; Chapter 3.3 (Visual Resources) to restore and enhance visual quality in visually degraded areas by undergrounding overhead utilities; and Chapter 4.6 (Jug Handle Creek to Russian Gulch Planning Area); and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed residence would have access to on-site septic, leach fields, water well and on-site water storage, PG&E service, and enjoys access to adequate utilities, and access roads, including County Road 410B known as Caspar Road, and other necessary facilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), Coastal Residential Land Uses and accessory buildings, e.g., a detached guest cottage, detached shed, (noise dampened, enclosed) generator, water storage tank), are principally permitted uses in the Rural Residential District; and the proposed project is consistent with the purpose and intent of MCC Chapter 20.376 Rural Residential District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the project will not have any significant adverse impacts on the environment and the project would not substantially alter natural landforms along bluffs; and as proposed, the habitat enhancement measures would restore the protective values of the environmentally sensitive habitat buffers; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed would not have any adverse impact on any known archaeological or paleontological resources, as Standard Condition 8 is in place when archaeological sites or artifacts are discovered, and the Archaeological Commission accepted the cultural report on December 9, 2020; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services are in place to serve the existing coastal Residential Land Uses, including on-site solid waste, County Road 410B and State Route 1 capacity, and these services are adequate; and
7. Pursuant to MCC Section 20.532.095(B)(1), the proposed development conforms to public health and safety standards;

public recreation policies of Coastal Element Chapter 3.6 of Mendocino County General Plan; shoreline access is available within walking distance of the residence, Jug Handle State Reserve, Caspar Headlands State Beach, and other local trails; and

8. Pursuant to MCC Section 20.532.100(A)(1), the application includes protection of on-site sensitive habitat areas by avoiding development within protected areas and their buffers, and on-site planting of regionally native vegetation; and

REVISED RECOMMENDED CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Zoning Code. The permit shall become effective after the ten 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 or use of the property in reliance on such permit has been initiated prior to its expiration. ~~To remain valid, progress toward completion of the project must be continuous.~~
2. To remain valid, progress towards completion of the project must be continuous. The property owner(s) has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The property owner(s) shall secure all required building permits for the proposed project, as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of

County Code.

9. Any Building Permit request shall include all conditions of approval of Coastal Development Permit CDP_2021-0002. Conditions shall be attached to or printed on the plans submitted.
10. In accordance with **MCC Section 20.308.050(I)**, "Guest Cottage" means a detached building (not exceeding six hundred forty square feet of gross floor area), of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot and intended for use without compensation by guests of the occupants of the primary dwelling.
11. In accordance with **MCC Section 20.460.025(B)**, the property owner may occupy the Guest Cottage as a temporary dwelling during the construction and renovation of the existing 1,505 square-foot residence. Occupancy of the temporary dwelling is limited to two years, unless an application to extend the expiration date is submitted in accordance with MCC Section 20.536.030 *Renewal*. Prior to final inspection of the renovated residence, a Building Inspection will confirm conversion of the temporary dwelling to a Guest Cottage. ~~Cabinets, counters, appliances, plumbing and electrical outlets in service of the temporary dwelling shall be removed prior to occupancy of the renovated residence and guest cottage.~~
12. In accordance with **MCC Chapter 20.492** and **MCC Section 20.500.020(E)(3)**, all grading specifications and techniques will follow MCC Chapter 20.492 requirements, and the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (for example, Brunsing Associates, Inc. Geotechnical Investigation Carson Residence and Guest Unit 45380 Caspar Point Road, Caspar, California. January 8, 2016).
13. In accordance with **MCC Section 20.496.020(A)**, the *Tuft Hair Grass Meadow ESHA* shall be protected. An established 100-foot-wide buffer area protects the environmentally sensitive habitat (or ESHA) from degradation resulting from developments. Future uses in the ESHA and its buffer shall be compatible with the continuance of the *Tuft Hair Grass Meadow ESHA*. The request to reduce the buffer width is denied.
 - a. As there is no feasible alternative location, the following existing and new structures may be located within the established ESHA buffer: renovated single-family residence; 1,200 gallon septic tank; existing leach field; existing propane tank; replacement composition roofing and new roof-mounted solar panels; new expanded entry deck east of the residence; and limited trenching.
 - b. The generator, 4 by 8 foot cement pad, (and generator noise-dampening cabinet) shall be installed outside of the ESHA and its buffer.
 - c. Future development, including repair, maintenance, and improvements to any structure, located within Environmentally Sensitive Habitat Area (ESHA) buffers, or ESHA resource areas, shall require a coastal development permit or permit amendment. Development may be exempt from the requirements of MCC Chapter 20.532, provided it meets the exemption criteria and is located outside of ESHA buffers and ESHA resource areas.
 - d. The existing propane tank may remain in place. If the tank is moved, or a new tank is installed, then it shall be relocated outside of the ESHA and its buffer.
14. The property owner shall implement the mitigation and avoidance measures described in Section 7 of the *Biological Scoping & Botanical Survey Report for 45380 Caspar Point Road, Caspar, CA 95420* prepared by Wynn Coastal Planning & Biology and dated June 12, 2019, including:
 - a. Seasonal and nest avoidance of birds described in Section 7.1.
 - b. Pre-construction surveys for bats and limiting construction activities during daylight hours, as described in Section 7.2 and intended to protect bats.

- c. Measures to avoid amphibians, as described in Section 7.3.
 - d. Staging Area Plan, 100-foot buffer (not a 50-foot buffer), orange construction fencing, and employing Best Management Practices, as described in Section 7.4 to protect the *Tufted Hairgrass Meadow ESHA*.
 - e. Measures to reduce invasive plants and guide landscaping, as described in Section 7.5 are intended to limit use of heavy machinery and to encourage planting native vegetation.
15. Prior to the issuance of a building permit, the property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel. The deed restriction will include the following statements and exhibits:
- a. The property owner understands that the site may be subject to extraordinary geologic and erosion hazards and the property owner assumes the risk from such hazards; and
 - b. The property owner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
 - c. The property owner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
 - d. The property owner shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan or other improvements in the event that these structures are subject to damage or other erosional hazards in the future; and
 - e. The property owner shall remove the structures shown on the Site Plan when bluff retreat reaches the point where the structures are threatened. In the event that portions of the structures shown on the Site Plan, or other improvements, fall to the beach or ocean before they can be removed from the blufftop, the property owner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The property owner(s) shall bear all costs associated with such removal; and
 - f. The property owner agrees to limit activities within identified environmentally sensitive habitat areas and their buffers to Coastal Open Space Use Types, such as MCC Section 20.340.015 *Passive Recreation*, and other conditionally allowed Coastal Open Space Use Types in the Rural Residential District (See MCC Chapter 20.368); and
 - g. The property owner agrees to use the guest cottage in accordance with MCC Section 20.308.050(I) and Condition No. 10 shall be included as part of the deed restriction; and
 - h. The conditions of Permit CDP_2021-0002 are imposed as covenants, conditions and restrictions on the use and enjoyment of the property; and
 - i. Attached as exhibits to the Deed Restriction shall be (i) the adopted findings and conditions approving CDP_2021-0002; and (ii) a Site Plan. The Site Plan exhibit shall identify the boundaries the *Tufted Hair Grass Meadow ESHA*, its buffer, the geotechnical bluff set back, and others, and shall be printed in black and white. The Director of Planning and Building Services, or their designee, shall review and accept the Site Plan exhibit; and
 - j. The document shall run with the land, bind all successors and assigns, and shall be

all prior liens and encumbrances, except for tax liens.

16. In accordance with **MCC Section 20.500.020(B)** and Planning Commission Resolution No. PC_2021-0009, the minimum bluff set back is 40.25 feet.
17. In accordance with **MCC Section 20.504.015(C)**, all structures be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings; therefore, the building materials and exterior color palette shall be as follows:
 - a. Composition roof shingles shall match the existing roof color, hue, and brightness; for example, "Weatherwood" or "Driftwood" Class A 50-year fiberglass shingles. An after-the-fact building permit to replace roof shingles is required.
 - b. To minimize sources of glare, non-reflective solar panels shall be installed. To blend roof materials with their surroundings, the composition-shingle color and solar-panel color shall be similar.
 - c. Exterior siding shall be cement board (Hardiboard, Hardiplank, or similar). Exterior base color shall be Mason's Select Woodperfect Series fiber cement coating color #6701 "Mahogany" or similar. Exterior trim shall be painted "Warm Blush" from the same manufacturer (or alternative coating with similar color, hue, and brightness to "Warm Blush," or "Mahogany," or the bronze window-frame color).
 - d. The windows shall be marine grade material with bronze-color frames (or similar color, hue, and brightness). To minimize reflective surfaces, the window frame finish shall be matte, and the window glass shall not be a source of glare or reflection.
 - e. Chimney and pipe color shall match the composition roof color. Pursuant to MCC Section 20.536.025 *Application for Permit Amendment*, the chimney pipe may be finished with brick or stone following a Director's determination that the alternative material is compatible with its surroundings.
 - f. Decks shall be redwood (without colored or pigmented stain).
18. When poles are moved or replaced and in accordance with **MCC Section 20.504.015(C)(12)**, the property owner shall underground overhead power distribution lines.
19. In accordance with **MCC Section 20.504.030**, one satellite receiving dish (less than 36-inch diameter) may be installed. Equipment color shall match the hue and brightness of the surface to which it is affixed and adjacent.
20. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director or their designee. In compliance with **MCC Section 20.504.035**, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
21. In accordance with **MCC Section 20.516.015(A)** and prior to issuance of a building permit for the Guest Cottage, the property owner shall final On-Site Sewage System Permit Nos. ST27296 and ST27472.
22. The primary and replacement leach fields, pump chamber, and septic tank may be repaired and installed during the effective period of this permit. Deferred installation of the replacement leach field shall require a Coastal Development Permit or permit amendment.
23. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will incorporate proven water conservation technology in the construction of the project, including, but not limited to, low-flush toilets, flow-control ins

(or similar), single-control faucets, water efficient dishwashers and clothes washers, and hot-water pipe insulation. The property owner may apply for a Coastal Development Permit to install grey-water recycling.

24. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the property owner will install and maintain water efficient irrigation systems that minimize runoff and evaporation, and maximize the water intended to reach plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems are methods of improving irrigation efficiency.
25. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will either keep rainwater on site in a retention basin to aid in ground water recharge, or where this is not feasible, the project shall be designed to reduce, retard, and disperse runoff. This may be accomplished by mulched and or terraced slopes to reduce erosion and retain rainfall, porous drain swales and paving materials for infiltration, out-sloped roads to spread runoff evenly down slope, and landscaping with suitable water-conserving erosion control plants that will protect the soil, facilitate infiltration of rainwater, and reduce runoff.
26. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures and to encourage ground water recharge, the project will preserve existing natural drainage areas and encourage the incorporation of natural drainage systems in the development of the site.



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- CDP**

**DECEMBER 22, 2022
CDP_2021-0002**

SUMMARY

OWNER/APPLICANT: JULIA CARSON
45380 CASPAR POINT RD
CASPAR, CA 95420

AGENT: WYNN COASTAL PLANNING & BIOLOGY
703 NORTH MAIN STREET
FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit to renovate an existing residence, construct a detached Guest Cottage, add decking, and install a generator, roof-mounted solar, and replacement leach field. Development would be phased, including temporary occupancy of the Guest Cottage during renovation of the existing residence.

LOCATION: In the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 410B) and State Route 1 (SR 1), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Rd., Caspar; APN: 118-010-27.

TOTAL ACREAGE: 4.7± acres (2.7± acres after the Parcel Map records)

GENERAL PLAN: Rural Residential (RR5(2):R)
Coastal Element, Chapter 4.6

ZONING: Coastal Rural Residential (RR:5)
Mendocino County Coastal Zoning Code

SUPERVISORIAL DISTRICT: 4th (Gjerde)

ENVIRONMENTAL DETERMINATION: Negative Declaration

APPEALABLE: YES, APPEAL JURISDICTION

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION: Broadly, the applicant seeks to renovate their residence. The revised, updated project includes **minor residential additions** (48-square-foot combined) where the interior will be substantially renovated. **Solar arrays** are proposed on two south-facing roofs and an after-the-fact request to replace composition shingles on the roof. A **generator** and 5 by 8-foot concrete slab would be located within the buffer for an environmentally sensitive habitat area or ESHA. The generator installation should include noise dampening features, as this model operates above Mendocino County's allowed residential noise decibels (dBa). A **152-square foot deck** would be added to the easterly entry to the residence. The base exterior color proposed is "Mahogany" and the trim would be "Warm Blush."

A 623 square-foot **guest cottage** with a 672 square-foot **wrap-around deck** is proposed. The application includes phasing of development, where the guest-cottage would be constructed prior to commencing the interior renovation of the existing residence. The applicant requests approval to temporarily occupy the guest cottage in accordance with Mendocino County Coastal Zoning Code (MCC) Section 20.460.025(B) *Minor Construction*.

A **replacement leach field area** is shown on the site plan.

A 100 square-foot **shed** is proposed adjacent to the existing well house and water tank.

On July 3, 2022, the application was further revised, deleting the **garage** from the proposal. A modified site plan was submitted, but not distributed to agencies for comment as the change does not expand the project.

APPLICANT'S STATEMENT: On January 11, 2020, the following project description was filed: "Proposing a 48 SF addition to an existing single-family residence and a 152-sf addition to existing deck. Internal remodel to single-family residence. Also proposing a generator on a concrete slab as well as a leach field replacement area. Changing exterior color from red to "Beaujolais" with "Warm Blush" trim." The application was revised in 2022 and the proposed detached garage was removed from the project. On February 22, 2022, the applicant clarified the exterior colors via email and stated, "The color of both the existing house and the guest cottage should be Mahogany. Currently, the main house is listed as Beaujolais, but I would like both the house and the cottage to be the same color and trim as the guest cottage."

RELATED APPLICATIONS: In 2021, the Planning Commission approved MS_2019-0003, a two-lot subdivision. The property owner is proceeding with satisfying the MS_2019-0002 conditions, but the Parcel Map is not recorded at this time. While the project site consists of one 4.7± acre lot (APN: 118-010-27), review of application CDP_2021-0002 includes consideration of the subdivided, smaller 2.7± acre lot often called "Parcel 1."

On-Site

- BL_2017-0148 Two Whales Room & Board
- MS 24-92 two-lot subdivision - approved, extended, and withdrawn
- MS_2019-0002 approved two-lot subdivision
- ST27296 leach field replacement area (on MS_2019-0002 Parcel 1)
- ST27295 Septic Permit for 3 bedrooms (on MS_2019-0002 Parcel 2)
- 10572 Well Permit (on MS_2019-0002 Parcel 2)
- Not issued BF_2022-0089 for roof-mounted solar array
- Not issued BF_2020-0005 for standby generator
- Not issued BF_2017-0495 to convert bedroom to granny flat
- Finaled BF_2014-0495 replace 200-amp electrical panel

SITE CHARACTERISTICS: The existing parcel is situated along Mendocino's coastal headlands and in the community of Caspar (See *Location Map* and *Aerial Imagery*). The property includes coastal bluffs; it is located south of Jug Handle Creek and north of Caspar Point. It is designated a Highly Scenic Area.

The residence, septic, leach field, and well were constructed before the Coastal Act took effect and are sited east of the recommended minimum bluff setback. A *Tufted Hair Grass Meadow ESHA*, an environmentally sensitive habitat area, is located west of the residence, along the shore and bluff. Portions of the existing residence encroach into the established 100-foot ESHA buffer.

Existing site characteristics include:

- 1,505 square-foot residence constructed more than 40.25 feet east of coastal bluff edge
- Adopted 100 foot *Tufted Hairgrass Meadow ESHA* buffer
- Adopted 40.25 foot bluff-edge setback
- 1,200 gallon septic tank buried between the residence and *Tufted Hairgrass Meadow ESHA*
- Leach field installed between the residence and *Tufted Hairgrass Meadow ESHA*
- Propane tank located north of the residence and within the ESHA Buffer
- Woodshed within the shore pines

- Well east of the shore pines yielding approximately 0.8 gpm
- Water tank east of the shore pines
- North of the driveway are utility poles and guys (undergrounding is a requirement of the subdivision)
- Fenced vegetable garden situated mid-lot

The geotechnical report describes the location of the existing, 1971 residence along the shoreline, as follows:

"The existing residence is situated at the back of a small, west-northwest-trending peninsula. The residence is wood-framed, single-story and in the shape of a "U". The bottom of the "U" faces toward the northwest. The northwest corner of the "U" is 70.0 feet from the bluff on the northeast side of the peninsula, as measured with a 100-foot tape. The center face of the "U" bottom is 75.5 feet from the same point on the northeast peninsula bluff. The center face of the southwesterly arm of the "U" is 53.5 feet from the bluff on the southwesterly side of the peninsula."

An existing driveway and overhead utilities follow the length of the northern property boundary. The land is mostly level with westerly bluff slopes to the ocean and Caspar Point (See *Topographic Map* and *Estimated Slope*). The nearest coastal access point is Caspar Road and access from Pacifica Drive (See *LCP Land Use Map 15: Caspar*).

Off-shore and adjacent to the project site are mapped seabird and marine mammal rookery and rocky intertidal areas; and on-shore, the land is mapped as "barren" (See *LCP Habitats & Resources*). The site is mapped with beach deposits and stream alluvium seismic hazards (See *LCP Land Capabilities & Natural Hazards*). The project site and surrounding lands are located within the appeal jurisdiction of the California Coastal Commission (See *Post LCP Certification & Appeal Jurisdiction*). North of Caspar Creek, fire responsibility areas are assigned to Fort Bragg Rural Fire Protection District and California Department of Forestry and Fire Prevention. The project site is mapped as a High Fire Hazard area (See *Fire Hazard Zones & Responsibility Areas*). The property's shoreline is mapped as a Tsunami Inundation Zone and estuarine and marine wetland (See *Flood & Tsunami Hazard Areas* and *Wetlands*).

This area of Caspar is a Critical Water Area (See *Ground Water Resources*). The Highly Scenic designation within the coastal zone includes all of the lands in Caspar that are situated west of State Route 1, including the project site (See *Highly Scenic & Tree Removal Areas*).

The Western Soil Classification is 161 and 117 (See *Soil Classifications*). This area has a Rural Residential Farmland Classification (See attached).

In addition to mapped coastal access trails, Jug Handle State Reserve is located to the north and Caspar Headlands State Reserve is to the south of the project site; both are within walking distance (See *Misc*).

SURROUNDING LAND USE AND ZONING: Table 1 demonstrates the project site's similarities to the surrounding land use, general plan, zoning district, and parcel sizes (See *Zoning Display Map, General Plan Classifications, and Adjacent Parcels*).

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR5 [RR2])	RR5[RR2]	3.9± Acres	Residential
EAST	Rural Residential (RR5 [RR2])	RR5[RR2]	3.5± Acres	Residential
SOUTH	Rural Residential (RR5 [RR2])	RR5[RR2]	4.0± Acres	Residential
WEST	Ocean	Ocean	Ocean	Ocean

PUBLIC SERVICES:

Access: CASPAR POINT ROAD
Fire District: FORT BRAGG RURAL FIRE PROTECTION DISTRICT

Water District: ON SITE WELL
Sewer District: ON SITE SEPTIC & LEACH FIELDS

AGENCY COMMENTS: On March 10, 2021 and April 1, 2022, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project (Table 2). Any comments that would trigger a project modification are discussed in full in the following **LOCAL COASTAL PROGRAM CONSISTENCY** section.

Table 2. Responsible or Trustee Agencies with Jurisdiction	
REFERRAL AGENCIES	COMMENT
Addresser	No comment
Archaeological Commission	Comment
Assessor	No comment
Building Inspection – Fort Bragg	No comment
Planning – Ukiah	Comment
Environmental Health – Fort Bragg	Comment
Transportation	Comment
Fort Bragg Rural Fire District	No response
Calif. Coastal Commission	Comment
Calif. Dept. of Fish & Wildlife	Comment
Calif. Dept. of Forestry & Fire Prevention	Comment
Cloverdale Rancheria	No response
Redwood Valley Rancheria	Comment
Sherwood Valley Band of Pomo Indians	No response

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed residential project is consistent with the goals and policies of the Local Coastal Program as detailed below:

1. GENERAL PLAN: The subject parcel is classified as Rural Residential (RR5(2)). Coastal Element Section 2.2 describes the intent of this classification as:

“to encourage local small-scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability. Principal Permitted Uses include residential and associated utilities, light agriculture, and residence occupations. Conditional uses include the conservation of natural resources.”

A 2021 Planning Commission action on application MS_2019-0003 allows for a two-lot subdivision and upon recording the Parcel Map, the subject site will be a 2.7± acre lot known as Parcel 1. Planning Commission found the two-lot subdivision satisfied variable residential density policies, including Coastal Element Policy 3.8-10. The Planning Commission did not waive the Parcel Map and adopted conditions requiring undergrounding of overhead utilities, recording a deed restriction, and establishing a 100 foot buffer from environmentally sensitive habitat areas or ESHA, and others.

2. ZONING: The intent of the Rural Residential (RR) District is to implement Coastal Element Rural Residential Classification goals and policies; for example, *Coastal Residential Use Types* are principally permitted in the RR District. As the RR District standards sets the maximum dwelling density as one unit per two acres, except as provided pursuant to *Accessory Uses*, *Use of a Trailer Coach*, and *Family Care Unit* regulations, and recently adopted Ordinance No. 4497 that established MCC Chapter 20.458 *Accessory Dwelling Units* and other associated amendments to Mendocino County Coastal Zoning Codes.

Table 3 lists the development standards for the Rural Residential District where lot areas are either two acres (e.g., Parcel 2) or between two and five acres (e.g., Parcel 1).

Table 3. Mendocino County Code (MCC) Rural Residential & Highly Scenic Height Regulations		
CRITERIA	2-5 ACRE PARCELS	PROPOSED DEVELOPMENT
20.376.030(A) Minimum Front & Rear Yards	20 feet	20 feet
20.376.040 Setback Exception	20 feet	20 feet
20.376.045 Building Height Limit	28 feet	18 feet
20.376.065 Maximum Lot Coverage	15%	15%
20.504.015(C)(2) Highly Scenic Height Limit	18 feet	18 feet

The existing 4.7± acre site (and the approved 2.7± acres Parcel 1) is subject to MCC Section 20.376.040 *Setback Exception* with a 20 foot front, rear, and side yard minimum.

MCC Section 20.308.050(I) Guest Cottage. A 623 square-foot guest cottage with wrap-around deck is proposed. It would be detached from the existing residence and situated east of the bluff setback and south of the dwelling. A deed restriction is proposed to memorialize use of the Guest cottage and to specify that, in accord with local codes, a guest cottage is a detached building “of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot and intended for use without compensation by guests of the occupants of the primary dwelling.” (See recommended **Condition 10**.) The proposed development will be phased, and the guest cottage will be completed first. Building Inspection of the guest cottage should be completed prior to renovating the existing residence.

MCC Section 20.460.025(B) Minor Construction. In accord with the referenced code, the applicant requests to occupy the proposed guest cottage as a temporary dwelling during the construction and renovation of the existing 1,505 square-foot residence. Cabinets, counters, appliances, plumbing and electrical outlets in-service of the temporary kitchen would be capped or removed prior to final inspection of the renovated residence. A Building Inspection will confirm conversion of the temporary dwelling to a Guest Cottage. A Coastal Permit for temporary occupancy of the guest cottage may be issued for the period required to complete renovations to the existing residence but the permit shall not exceed two years unless it is renewed (See recommended **Condition 11**).

MCC Section 20.532.020 Exemptions. As the site is designated a Highly Scenic Area and the circa 1971 residence is approximately fifty (50) feet from coastal bluffs and tidal wetlands, California Administrative Code Title 14, Subchapters 6, 7 and 7.5 would exclude exemptions from MCC Chapter 20.532. Additionally, as interior renovations to the house will exceed fifty percent, Coastal Commission staff suggests the proposed project constitutes a replacement structure and 14 CCR 13252(b) applies:

(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence ... is not repair and maintenance under Section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.

In summary, the project is consistent with Coastal Element Chapter 2.2 goals and policies for residential land uses. As conditioned, the proposal also satisfies the requirements of MCC Chapters 20.376, 20.480, and 20.532 regulations.

3. GRADING, EROSION, AND RUNOFF: The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion, and runoff. On-site grading includes leach fields, structural foundations, road access way and undergrounding overhead utilities, and others. The recommendations of a qualified engineering geologist and geotechnical engineer, including those prepared by Brunsing Associates, should be considered prior to grading. Grading can be the source of short-term dust generation and can affect coastal air quality; therefore, in support of MS_2019-0003 and the two-lot subdivision, Air Quality Management District (MCAQMD), requested two conditions. The Planning Commission in approving the subdivision supported this request. The conditions relating to geology and soils (See Resolution No. PC_2021-0009 and its Conditions

As proposed, the residential development is subject to the grading, erosion, and run-off standards specified in MCC Chapter 20.492 and the adopted Planning Commission resolution. These standards are applied at the time of building permit review; in some instances, recommendations from a qualified engineer guides the on-site construction to assure public health, safety, and welfare. Staff recommends an often-adopted condition to assure compliance with the intent of MCC Chapter 20.492 *Grading, Erosion, and Runoff* (See recommended **Condition 12**).

4. HABITATS AND NATURAL RESOURCES: MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* shall applies to the project site. In approving the two-lot subdivision MS_2019-0003, the Planning Commission approved a 100foot buffer to protect the *Tufted Hair Grass Meadow ESHA* on Parcel 1 (See Resolution No. PC_2021-0009 and Condition 24). Adopted Condition 24 allows that the buffer width may be amended by the Coastal Permit Administrator as part of considering a coastal development permit request.

The *LCP Habitats & Resources* exhibit depicts the land as barren (attached). Biological scoping and botanical site surveys identified a tufted hair grass meadow near and along the coastal bluffs. Less than fifty (50) feet from this ESHA are the existing leach field, septic tank, the residence, and east-facing entry-deck (see site plan). Some of the proposed roof-mounted solar panels would be less than fifty (50) feet from the ESHA.

The surveying biologist believes a reduced buffer is sufficient to provide adequate protection to the *Tufted Hair Grass Meadow ESHA* and the project design includes measures to avoid direct impacts to sensitive coastal resources. With the filing of the minor subdivision application and this Coastal Development Permit application, California Department of Fish and Wildlife (CDFW) and Coastal Commission staff have had many opportunities to visit the site, review the application, and comment on the request to reduce the buffer width to fifty feet. These agencies have not stated support to reduce the buffer, as required by MCC Section 20.496.020(A). It should be noted that the residential footprint provides a cultural barrier between the ESHA and habitats east of the house.

The proposed roof-mounted solar arrays, proposed entry deck, and proposed generator are shown within the 100 foot buffer. Development permitted within the buffer area shall comply at a minimum with MCC Section 20.496.020(A)(4) standards. Some of the proposed development within the ESHA buffer are unlikely to disturb the *Tufted Hair Grass Meadow ESHA*; for example, the arrays installed on the existing residential roof should avoid the ESHA. Additionally, the existing residence is a barrier between the tufted hairgrass meadow and the proposed entry deck. However, the proposed location for the generator does not share these same attributes; therefore, locating some of the proposed ancillary development more than 100 feet from the *Tufted Hairgrass Meadow ESHA* is advised (See recommended **Condition 13**).

On March 22, 2021, CDFW provided comments on the proposed residential development stating,

“With the inclusion of the mitigation measures provided in the biological assessment, significant impacts to sensitive resources are not likely to occur through project activities. The mitigation measures should be included as conditions of approval for the project.”

The avoidance measures are part of the project design and memorized with the approval of the minor subdivision (See Resolution No. PC_2021-0009 and its Condition 26); and the proposed avoidance measures are intended to lessen the potential effect of development on sensitive habitat.

As conditioned, the proposed project would satisfy Coastal Element Policies 3.1-2 and 3.1-7. The proposed project would similarly satisfy MCC Chapter 20.496 regulations and establish avoidance measures intended to protect birds and bats, special status amphibians, soils and vegetation, and reduce planting of invasive plants in landscaped areas (See recommended **Condition 14**).

5. HAZARD MANAGEMENT: Coastal Element Chapter 3.4 and MCC Chapter 20.500 *Hazard Areas* applies to all development proposed in the Coastal Zone unless and until it is determined by the Coastal Permit Administrator that the project is not subject to threat from geologic, fire, flood, or other hazards. Mapping does not associate seismic faults with project site. A 2016 Geotechnical Investiga

prepared by Brunsing Associates concludes that the site is suitable for residential additions (e.g., remodel and guest unit addition). The main geotechnical considerations affecting design and construction are bluff retreat, bluff/slope stability, potential for strong seismic shaking and vertical settlement and lateral spread due to liquefaction (Brunsing, page 4).

Geologic Hazards. In approving the minor subdivision, the Planning Commission and the Coastal Commission Geologist considered the 2016 geologic recommendations prepared by Brunsing Associates. Additionally, Planning Commission Resolution No. PC_2021-0009 Conditions 22 (Grading and Erosion), 23 (Deed Restriction), and 27 (Bluff Setback) are memorialized as an exhibit attached to the property's deed.

- **Bluffs.** The 2016 Geotechnical Investigation report describes the ocean bluffs as comprised of hard rock. The Geotechnical Investigation Report Section 5 describes bluff stability, retreat rates, and the effects of sea level rise. The recommended minimum coastal bluff set back is 40.25 feet. In response to the March 2021 and April 2022 requests for comments, Coastal Commission staff suggest a supplemental deed restriction that restates "shoreline protective devices are prohibited" and strikes from the previously recorded deed restriction "unless approved by a Coastal Development Permit or permit amendment." As follows:

The Declarant shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan in EXHIBIT [insert] or other improvements in the event that these structures are subject to damage or other erosional hazards in the future, ~~unless approved by a Coastal Development Permit or permit amendment.~~

The basis for this request is that the scope of the proposed residential renovation meets the State regulatory definition of new development, noting the majority of the 1971 residential interior will be renovated and a guest cottage is proposed. See 14 CCR 13525(b). In support of the Coastal Commission's request, **Condition 15** is recommended.

- **Tsunami and Flood Hazards.** The *Wetlands* exhibit identifies shoreline areas as Estuarine and Marine Wetlands (Attached). The *Flood & Tsunami Hazard Areas* exhibit maps an inundation zone along shore (Attached). The coastline is subject to flooding. The Geotechnical Investigation Report Section 5.7 describes tsunami and storm wave hazards, as follows:

"As typical of Mendocino County coastal area, the site could be subject to large storm waves of tsunami waves. ... The overall height of the bluffs affords blufftop structures continued protection from storm surges, tsunamis, and wave run-ups, except for extreme events, even considering the projected sea level rise."

- **Landslides.** *LCP Land Capabilities and Natural Hazards* maps do not depict landslide hazards near Caspar Point nor along the property's shoreline, but bluff contours include slopes 33° or greater (See *Estimated Slope and LCP Hazards & Land Capabilities*). Site conditions described in the Geotechnical Investigation Report Section 3 are:

"The property is on a gently sloping, marine terrace adjacent to a steep ocean bluff. ... The ocean bluffs at the property are approximately 60 to 65 feet in vertical height. U.S. Coast & Geodetic Survey Monument, "MID", is located in the backyard of the northerly neighbor. Set in 1919, "MID" has an elevation of 62 feet above Mean Sea Level. The upper marine terrace slopes toward the ocean bluff with a slope gradient that varies from about 10 horizontal to 20 horizontal to one vertical (10H to 20H:1V). The bluffs at the property are very steep, approximately 1H:1V to near vertical. (2016, page 3)."

Geotechnical Investigation Report Section 5.8 analyzes slope stability and concludes with a recommended bluff setback that combines the recommended minimum "slope stability" setback and

minimum “bluff retreat rate” setback (page 8). The recommended minimum coastal bluff set back is 40.25 feet. The existing residence is 53.5 feet east of the bluff (See recommended **Condition 16**).

- **Erosion.** The *LCP Land Capabilities and Natural Hazards* exhibit identifies erosion hazards as “Present Development Critical” or 3a (Attached). The Geotechnical Investigation report Section 6 recommends site grading, bluff setback, foundation support, seismic design criteria, concrete slab floor support, and site drainage methods to reduce erosion hazards (pp. 8-11).

Fire Hazard. The *Fire Hazard Zones & Responsibility Areas* exhibit identifies Caspar as a “Very High Fire Hazard” area (attached). On March 10, 2021, and April 1, 2022, the proposed project was referred to California Department of Forestry and Fire Protection (CalFire) and Fort Bragg Rural Fire Protection District. No response has been received from the local fire protection district. California Department of Forestry and Fire Protection has provided preliminary clearance by issuing CalFire File 90-19 and Fire 409-21. These established fire safety requirements for the site, including standards for property address, driveway, and maintenance of defensible space and fuel modification and the proposed site plan would meet these requirements. Note: Planning Commission Resolution No. PC_2021-0009 Conditions 7 and 8 address fire hazards specifically; this resolution is attached as an exhibit to property’s deed restriction

On January 5, 2022, Fire Captain Chris Vallergera wrote, *“In reference to Ms. Carson’s latest project submission, the CalFire Mendocino Unit has reviewed the submitted changes found in CalFire #409-21. Per our prior email correspondence between December 31, 2021, and January 4, 2022, the changes submitted in CalFire #409-21 primarily deal with the existing project on file, CalFire #137-20. Therefore, the Mendocino Unit will amend CalFire #137-21 with the changes submitted in CalFire #409-21, eliminating CalFire #409-21 in its entirety. The Conditions of Approval found in CalFire #137-21 will be considered valid with these amendments.”*

As proposed, the residential development would not conflict with Coastal Element Chapter 3.4 policies, including Policy 3.4-13 (fire hazards); and would satisfy MCC Chapter 20.500 regulations regarding development in hazard areas.

6. VISUAL RESOURCES: MCC Chapter 20.504 applies to those areas identified as highly scenic areas, special communities, and special treatment areas. The *Highly Scenic & Tree Removal Areas* exhibit identifies the site and surrounding area as “Highly Scenic” (attached). All development proposals shall be reviewed by the Coastal Zone Permit Administrator to determine if the standards set forth in MCC Chapter 20.504 shall apply. The purpose of Chapter 20.504 is *“to insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.”* Table 2 lists the development criteria of MCC Chapter 20.504 and compares the proposed to the adopted standard.

Table 4: Comparison of Highly Scenic Area Development Standards and Proposed Project	
MCC SEC. 20.504.015(C) DEVELOPMENT CRITERIA	PROPOSED
20.504.015(C)(1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, ... , coastal streams, and waters used for recreational purposes.	The proposed is similar to surrounding residential development. It would not substantially alter coastal views from public areas.
20.504.015(C)(2) In highly scenic areas west of Highway 1 ..., new development shall be limited to 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.	Building height is 18 feet above natural grade.
20.504.015(C)(3) New development shall be subordinate to the natural setting and minimize reflective surfaces. ... building materials, including siding and roof materials, shall be selected to blend in hue and brightness with their surroundings.	The proposed exterior base color is “Mahogany” with “Warm Blush” trim color. There will be a roof-chimney and roof-mounted solar, the colors will blend with the color of the roof material. * See Condition 17

Table 4: Comparison of Highly Scenic Area Development Standards and Proposed Project	
MCC SEC. 20.504.015(C) DEVELOPMENT CRITERIA	PROPOSED
20.504.015(C)(7) Minimize visual impacts of development on terraces by the following criteria: (a) Avoiding development, other than farm buildings, in large open areas ...; (b) Minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms; (c) Provide bluff setbacks for development adjacent to or near public areas along the shoreline; (d) Design development to be in scale with rural character of the area.	The residential development is designed to be in scale with surrounding structures and the rural character of residences adjoining Caspar Point Road. The basic building form will include nominal changes.
20.504.015(C)(12) Power distribution lines shall be placed underground ..., power lines shall be placed below ridgelines if technically feasible.	Locating power distribution lines underground. The distribution line between the residence and an on-site pole are underground. * See Condition 18

Today's Satellite Receiving Dishes are typically less than 36-inches in circumference and either mounted to a building façade or roof. They are ubiquitous; therefore, staff recommends a condition allowing for their installation and encourages minimizing their visual impact (See recommended **Condition 19**).

Planning Commission Resolution No. 2021-0009 adopted Condition 1 requires *"All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed."* This condition has been memorialized by recording a Deed Restriction and placing notes on the recorded Parcel Map. As MCC Section 20.504.035 *Exterior Lighting Regulations* is typically specified by condition, staff recommends inclusion of **Condition 20**.

As proposed, the residential development would not conflict with Coastal Element Chapter 3.5 goals and policies, including Policy 3.5-15 regarding dark skies and reducing sources of light glare.

7. ARCHAEOLOGICAL/CULTURAL RESOURCES & MCC CHAPTER 22.12: On March 10, 2021, and April 1, 2022, the application was referred to three local tribes: Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. At this time, no response has been received.

On August 12, 2020, the Archaeological Commission accepted a survey report prepared by Alex DeGeorgey and recommended that MCC Section 22.12.090, the Discovery Clause, be adhered to when a cultural, historical, or archaeological site is observed. Additionally Planning Commission Resolution No. PC_2021-0009 includes Condition 6, which reads: *"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."* This condition has been memorialized by recording a Deed Restriction and placing notes on the recorded Parcel Map. See also recommended **Condition 8**.

As proposed, the proposed project would satisfy Coastal Element Policy 3.5-10 and MCC Chapter 22.12 regulations.

8. UTILITIES AND PUBLIC SERVICES: Coastal Element Chapter 3.8 policies and MCC Chapter 20.516 *Transportation, Utilities and Public Services* apply to all new development; Planning Commission Resolution No. PC_2021-0009, which authorized a two-lot subdivision, established that an existing well produces sufficient access to ground water for a single-family residence (See Resolution PC_2021-0009 Condition Nos. 9 through 13 and 17 through 19).

Septage and Leach Field. On July 28, 2022, Division of Environmental Health (DEH) staff approved a Site Evaluation Report for an On-Site Sewage System Permit for the guest cottage, see Permit No. ST27472. On March 29, 2019, DEH staff also approved a Site Evaluation Report for the discover and replacement of septic for the existing three-bedroom home, see On-site Sewage System Permit No. ST27296. The site includes an existing leach field with two 60 foot lines; existing 1,200 gallon concrete septic tank and existing

distribution box; and proposes a replacement leach field with two 60 foot lines. Carl Rittiman & Associates recommend that the existing and proposed system is sufficient for a four-bedroom residence due to an increase in the application rate 0.8 to 1.1 gallons per square foot per day. **Condition 21** is recommended to ensure that the On-Site Sewage System Permit Nos. ST27472 and ST27296 are finalized by DEH staff prior to the issuance of a building permit for the fourth bedroom (which is the proposed Guest Cottage).

Division of Environmental Health procedures require identifying suitable areas for the primary and replacement leach fields. Typically, primary leach fields are reliable for twenty years or longer. The replacement leach field is often installed after the primary field is saturated. Site conditions and the extent of habitat may change over time. After the initial effective period of the permit concludes (two years), the property owner should first obtain a coastal development permit or amendment to CDP_2021-0002 before installing a replacement leach field (See recommended **Condition 22**).

Groundwater Resources. The project location is mapped as a "Critical Water Resource Area" (See *Ground Water Resources*). As the residence is not served by a public water system, the applicant filed the following studies that were reviewed and accepted.

- Evaluation of relevance of 1991 Hydrology Report to Current Parcel Split, 45380 Caspar Point Road. Lawrence & Associates. July 24, 2020.
- Well recovery flow test, 45380 Caspar Point Road. David G. Hautala. July 10, 2014.
- Measurement of Depth to Water in Neighboring Wells, 45380 Caspar Point Road. Lawrence & Associates. September 18, 2020.
- Hydrological Study, AP 118-010-07, 45380 Caspar Point Road. Clark Engineering/Hydrology. October 1991.

The property owner has continuously relied upon the Cober Well for residential water consumption. Previously, in 1991 the property owner confirmed the well yield exceeded the minimum required (Clark. 1991). On July 10, 2014, and after continuous pumping over a 24-hour period, the well (often referred to as the Cober Well) sustained a recovery rate of 3.1 gallons per minute (Hautala). Adjacent to the Cober Well is a water storage tank. As proposed, the project satisfies MCC Section 20.516.015(B) requirements and Coastal Element Policy 3.8-9.

On April 9, 2022, PBS received comments from Loraine and Ray Duff of 45300 Caspar Point Road (attached). Generally, they express concern about residential development within Critical Water Resource Areas, or CWR, like Caspar and concern for the potential loss of water resources when additional wells are installed. In coastal areas of Mendocino County, approval of development is contingent upon an adequate water supply. The basis of this policy is likely Mendocino Coastal Groundwater Study (1982). Following the certification of Mendocino County's LCP, several measures (policies, goals, studies, guidelines, regulations, and Board of Supervisor Ordinances) have been taken by the County to plan for the anticipated development of residential lots, including lots mapped as CWR. This application demonstrates compliance with adopted regulations that are intended to implement County goals and policies, including policies to conserve water and demonstrate access to an adequate water supply.

Water Conservation Measures: In response to Board of Supervisors Ordinance 4493, staff recommends adding the *Mendocino County Coastal Ground Water Study* water conservation measures as conditions, where appropriate (See recommended **Conditions 23, 24, 25, and 26**). For example, the project would implement the study's conservation measure 1, as all new residential development is required to incorporate proven water conservation technology in the construction of the project (e.g., low-flush toilets, control inserts on showers, single-control faucets, and similar). For example, the project would implement conservation measure 5 by preserving natural drainage areas, which the study found aids in ground water recharge. With the inclusion of these conditions and findings, staff recommends the project satisfies Ordinance No 4493 objectives to (A) consider the project's anticipated water use and (B) impose conditions of approval to appropriately limit and phase the expansion of water use.

As proposed, the project would be consistent with the implementation measures, as listed in Chapter MCC Section 20.516.015, that require new development to be approved subject to the availability of necessary

public services and consistent with provisions for septage and leach fields, and water supply.

9. TRANSPORTATION AND CIRCULATION: Coastal Element Chapter 3.8 policies and MCC Chapter 20.516 *Transportation, Utilities and Public Services* apply to all new development; Planning Commission Resolution No. PC_2021-0009, which authorized a two-lot subdivision, required the subdivider to complete specific road improvements (See Resolution PC_2021-0009 Conditions 9 through 13 and 17 through 19). In response to a request for comments regarding the renovation of the residence and CDP_2021-0002, and on March 23, 2021, the Department of Transportation (MCDOT) recommended approval of the CDP_2021-0002 with the two conditions. On March 8, 2022, MCDOT staff clarified via email that the property owner had satisfied requirements as part of finalizing the two-lot subdivision, MS_2019-0003. MCDOT withdrew their request to approve the project with specified conditions. As proposed, the project would satisfy MCC Section 20.516.015(C) *Transportation* requirements.

10. PUBLIC ACCESS: Coastal Element Chapter 3.6 policies and MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements* applies to all projects in the coastal zone which fall within the definition of development. Public access to the shore is provided in the surrounding area as shown on *LCP Land Use Map 15: Caspar* (attached). For example, south of APN 118-010-26 or 45350 Pacifica Drive a shoreline access route is mapped; access is mapped along Caspar Road; and access to the shore is available from Jug Handle State Natural Reserve and Caspar Headlands State Beach. Nearby coastal access trails are also listed in Coastal Element Appendix 13, lines 39, 40, and 43. Staff recommends the proposed project would be consistent with Coastal Element Chapter 3.6 policies and satisfies MCC Chapter 20.528 regulations.

11. ENVIRONMENTAL PROTECTION: The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Classes 1 and 2, Sections 15301(e) and 15302(d). Class 1 exemptions include additions to existing structures. Class 2 exemptions include replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Class 2(d) exemptions include conversion of overhead electric utility distribution system facilities to underground include connection to existing overhead elect utility distribution lines where the surface is stored to the condition existing prior to the undergrounding.

PROJECT FINDINGS AND CONDITIONS

Pursuant with the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, staff recommends the Coastal Permit Administrator approve CDP_2021-0002, an application to complete minor residential additions, install roof-mounted solar arrays, install composition roof shingles; and a request to install outside of ESHA and ESHA buffers, a generator with noise dampening features (e.g. cabinet enclosure), construct decks, construct a guest cottage (and temporarily occupy the guest cottage during renovation of the existing residence), temporary use of the residence for construction support, install a replacement leach field area, construct a shed and underground overhead utilities; and complete the mitigation and avoidance measures described in Section 7 of the December 30, 2020 Biological Scoping and Botanical Survey Report. The property is in the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 410B) and State Route 1 (SR 1), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Road, Caspar (APN: 118-010-27)

RECOMMENDED FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), Coastal Residential Land Use Types are principally permitted in the Rural Residential classification; the single-family residential development satisfies the goals and policies of the certified Mendocino coastal program, including policies identified in Coastal Element Chapters 3.4 (Hazards) to avoid bluff retreat; Chapter 3.3 (Visual Resources) to restore and enhance visual quality in visually degraded areas by undergrounding overhead utilities; and Chapter 4.6 (Jug Handle Creek to Russian Gulch Planning Area); and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed residence would have access to on-site septic, leach fields, water well and on-site water storage, PG&E service, and enjoys access to adeq

utilities, and access roads, including County Road 410B known as Caspar Road, and other necessary facilities; and

3. Pursuant with MCC Section 20.532.095(A)(3), Coastal Residential Land Uses and accessory buildings, e.g., a detached guest cottage, detached shed, (noise dampened, enclosed) generator, water storage tank), are principally permitted uses in the Rural Residential District; and the proposed project is consistent with the purpose and intent of MCC Chapter 20.376 Rural Residential District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the project will not have any significant adverse impacts on the environment and the project would not substantially alter natural landforms along bluffs; and as proposed, the habitat enhancement measures would restore the protective values of the environmentally sensitive habitat buffers; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed would not have any adverse impact on any known archaeological or paleontological resources, as Standard Condition 8 is in place when archaeological sites or artifacts are discovered, and the Archaeological Commission accepted the cultural report on December 9, 2020; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services are in place to serve the existing coastal Residential Land Uses, including on-site solid waste, County Road 410B and State Route 1 capacity, and these services are adequate; and
7. Pursuant to MCC Section 20.532.095(B)(1), the proposed development conforms to public access and public recreation policies of Coastal Element Chapter 3.6 of Mendocino County General Plan; shoreline access is available within walking distance of the residence, Jug Handle State Reserve, Caspar Headlands State Beach, and other local trails; and
8. Pursuant to MCC Section 20.532.100(A)(1), the application includes protection of on-site sensitive habitat areas by avoiding development within protected areas and their buffers, and on-site planting of regionally native vegetation; and

RECOMMENDED CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Zoning Code. The permit shall become effective after the ten 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 or use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress toward completion of the project must be continuous.
2. To remain valid, progress towards completion of the project must be continuous. The property owner(s) has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The property owner(s) shall secure all required building permits for the proposed project, as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.

- b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
- 7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
 - 8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
 - 9. Any Building Permit request shall include all conditions of approval of Coastal Development Permit CDP_2021-0002. Conditions shall be attached to or printed on the plans submitted.
 - 10. In accordance with **MCC Section 20.308.050(I)**, "Guest Cottage" means a detached building (not exceeding six hundred forty square feet of gross floor area), of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot and intended for use without compensation by guests of the occupants of the primary dwelling.
 - 11. In accordance with **MCC Section 20.460.025(B)**, the property owner may occupy the Guest Cottage as a temporary dwelling during the construction and renovation of the existing 1,505 square-foot residence. Occupancy of the temporary dwelling is limited to two years, unless an application to extend the expiration date is submitted in accordance with MCC Section 20.536.030 *Renewal*. Prior to final inspection of the renovated residence, a Building Inspection will confirm conversion of the temporary dwelling to a Guest Cottage. Cabinets, counters, appliances, plumbing and electrical outlets in-service of the temporary dwelling shall be removed prior to occupancy of the renovated residence and guest cottage.
 - 12. In accordance with **MCC Chapter 20.492** and **MCC Section 20.500.020(E)(3)**, all grading specifications and techniques will follow MCC Chapter 20.492 requirements, and the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (for example, Brunsing Associates, Inc. Geotechnical Investigation Carson Residence and Guest Unit 45380 Caspar Point Road, Caspar, California. January 8, 2016).
 - 13. In accordance with **MCC Section 20.496.020(A)**, the *Tuft Hair Grass Meadow ESHA* shall be protected. An established 100-foot-wide buffer area protects the environmentally sensitive habitat (or ESHA) from degradation resulting from developments. Future uses in the ESHA and its buffer shall be compatible with the continuance of the *Tuft Hair Grass Meadow ESHA*. The request to reduce the buffer width is denied.
 - a. As there is no feasible alternative location, the following existing and new structures may be located within the established ESHA buffer: renovated single-family residence; 1,200 gallon septic tank; existing leach field; existing propane tank; replacement composition roofing and new roof-mounted solar panels; new expanded entry deck east of the residence; and limited trenching.
 - b. The generator, 4 by 8 foot cement pad, (and generator noise-dampening cabinet) shall be installed outside of the ESHA and its buffer.

- c. Future development, including repair, maintenance, and improvements to any structure, located within Environmentally Sensitive Habitat Area (ESHA) buffers, or ESHA resource areas, shall require a coastal development permit or permit amendment. Development may be exempt from the requirements of MCC Chapter 20.532, provided it meets the exemption criteria and is located outside of ESHA buffers and ESHA resource areas.
- 14. The property owner shall implement the mitigation and avoidance measures described in Section 7 of the *Biological Scoping & Botanical Survey Report for 45380 Caspar Point Road, Caspar, CA 95420* prepared by Wynn Coastal Planning & Biology and dated June 12, 2019, including:
 - a. Seasonal and nest avoidance of birds described in Section 7.1.
 - b. Pre-construction surveys for bats and limiting construction activities during daylight hours, as described in Section 7.2 and intended to protect bats.
 - c. Measures to avoid amphibians, as described in Section 7.3.
 - d. Staging Area Plan, 100 foot Buffer (not a 50 foot buffer), orange construction fencing, and employing Best Management Practices, as described in Section 7.4 to protect the *Tufted Hairgrass Meadow ESHA*.
 - e. Measures to reduce invasive plants and guide landscaping, as described in Section 7.5 are intended to limit use of heavy machinery and to encourage planting native vegetation.
- 15. Prior to the issuance of a building permit, the property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel. The deed restriction will include the following statements and exhibits:
 - a. The property owner understands that the site may be subject to extraordinary geologic and erosion hazards and the property owner assumes the risk from such hazards; and
 - b. The property owner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
 - c. The property owner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
 - d. The property owner shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan or other improvements in the event that these structures are subject to damage or other erosional hazards in the future; and
 - e. The property owner shall remove the structures shown on the Site Plan when bluff retreat reaches the point where the structures are threatened. In the event that portions of the structures shown on the Site Plan, or other improvements, fall to the beach or ocean before they can be removed from the blufftop, the property owner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The property owner(s) shall bear all costs associated with such removal; and
 - f. The property owner agrees to limit activities within identified environmentally sensitive habitat areas and their buffers to Coastal Open Space Use Types, such as MCC Section 20.340.015 *Passive Recreation*, and other conditionally allowed Coastal Open Space Use Types in the Rural Residential District (See MCC Chapter 20.368); and
 - g. The property owner agrees to use the guest cottage in accordance with MCC Section 20.308.050(I) and Condition No. 10 shall be included as part of the deed restriction; and

- h. The conditions of Permit CDP_2021-0002 are imposed as covenants, conditions and restrictions on the use and enjoyment of the property; and
 - i. Attached as exhibits to the Deed Restriction shall be (i) the adopted findings and conditions approving CDP_2021-0002; and (ii) a Site Plan. The Site Plan exhibit shall identify the boundaries the *Tufted Hair Grass Meadow ESHA*, its buffer, the geotechnical bluff set back, and others, and shall be printed in black and white. The Director of Planning and Building Services, or their designee, shall review and accept the Site Plan exhibit; and
 - j. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
16. In accordance with **MCC Section 20.500.020(B)** and Planning Commission Resolution No. PC_2021-0009, the minimum bluff set back is 40.25 feet.
17. In accordance with **MCC Section 20.504.015(C)**, all structures be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings; therefore, the building materials and exterior color palette shall be as follows:
- a. Composition roof shingles shall match the existing roof color, hue, and brightness; for example, "Weatherwood" or "Driftwood" Class A 50 year fiberglass shingles. An after-the-fact building permit to replace roof shingles is required.
 - b. To minimize sources of glare, non-reflective solar panels shall be installed. To blend roof materials with their surroundings, the composition-shingle color and solar-panel color shall be similar.
 - c. Exterior siding shall be cement board (Hardiboard, Hardiplank, or similar). Exterior base color shall be Mason's Select Woodperfect Series fiber cement coating color #6701 "Mahogany" or similar. Exterior trim shall be painted "Warm Blush" from the same manufacturer (or alternative coating with similar color, hue, and brightness to "Warm Blush," or "Mahogany," or the bronze window-frame color).
 - d. The windows shall be marine grade material with bronze-color frames (or similar color, hue, and brightness). To minimize reflective surfaces, the window frame finish shall be matte, and the window glass shall not be a source of glare or reflection.
 - e. Chimney and pipe color shall match the composition roof color. Pursuant to MCC Section 20.536.025 *Application for Permit Amendment*, the chimney pipe may be finished with brick or stone following a Director's determination that the alternative material is compatible with its surroundings.
 - f. Decks shall be redwood (without colored or pigmented stain).
18. When poles are moved or replaced and in accordance with **MCC Section 20.504.015(C)(12)**, the property owner shall underground overhead power distribution lines.
19. In accordance with **MCC Section 20.504.030**, one satellite receiving dish (less than 36-inch diameter) may be installed. Equipment color shall match the hue and brightness of the surface to which it is affixed and adjacent.
20. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director or their designee. In compliance with **MCC Section 20.504.035**, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
21. In accordance with **MCC Section 20.516.015(A)** and prior to issuance of a building permit for the Guest Cottage, the property owner shall final On-Site Sewage System Permit Nos. ST27296 and ST274

22. The primary and replacement leach fields, pump chamber, and septic tank may be repaired and installed during the effective period of this permit. Deferred installation of the replacement leach field shall require a Coastal Development Permit or permit amendment.
23. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will incorporate proven water conservation technology in the construction of the project, including, but not limited to, low-flush toilets, flow-control inserts on showers (or similar), single-control faucets, water efficient dishwashers and clothes washers, and hot-water pipe insulation. The property owner may apply for a Coastal Development Permit to install grey-water recycling.
24. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the property owner will install and maintain water efficient irrigation systems that minimize runoff and evaporation, and maximize the water intended to reach plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems are methods of improving irrigation efficiency.
25. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will either keep rainwater on site in a retention basin to aid in ground water recharge, or where this is not feasible, the project shall be designed to reduce, retard, and disperse runoff. This may be accomplished by mulched and or terraced slopes to reduce erosion and retain rainfall, porous drain swales and paving materials for infiltration, out-sloped roads to spread runoff evenly down slope, and landscaping with suitable water-conserving erosion control plants that will protect the soil, facilitate infiltration of rainwater, and reduce runoff.
26. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures and to encourage ground water recharge, the project will preserve existing natural drainage areas and encourage the incorporation of natural drainage systems in the development of the site.

25 October 2022

DATE


JULIANA CHERRY
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$2,620.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery
- C. Aerial Imagery
- D. Topographic Map
- E. Revised Site Plan dated July 3, 2022
- F. House Remodel Plan Sheets AH-101 through AH-202
- G. Sample Materials and Colors
- H. Zoning Display Map
- I. General Plan Classifications
- J. LCP Land Use Map 15: Caspar
- K. LCP Habitats & Resources
- L. LCP Land Capabilities & Natural Hazards
- M. Post LCP Certification & Appeal Jurisdiction
- N. Adjacent Parcels
- O. Fire Hazard Zones & Responsibility Areas
- P. Flood & Tsunami Hazard Areas

- Q. Wetlands
- R. Ground Water Resources
- S. Highly Scenic & Tree Removal Areas
- T. Estimated Slope
- U. Soil Classifications
- V. Farmland Classifications
- W. Misc
- X. Planning Commission Resolution PC_2021-0009 approving a minor subdivision
- Y. Public Comment from Loraine and Ray Duff, April 2022

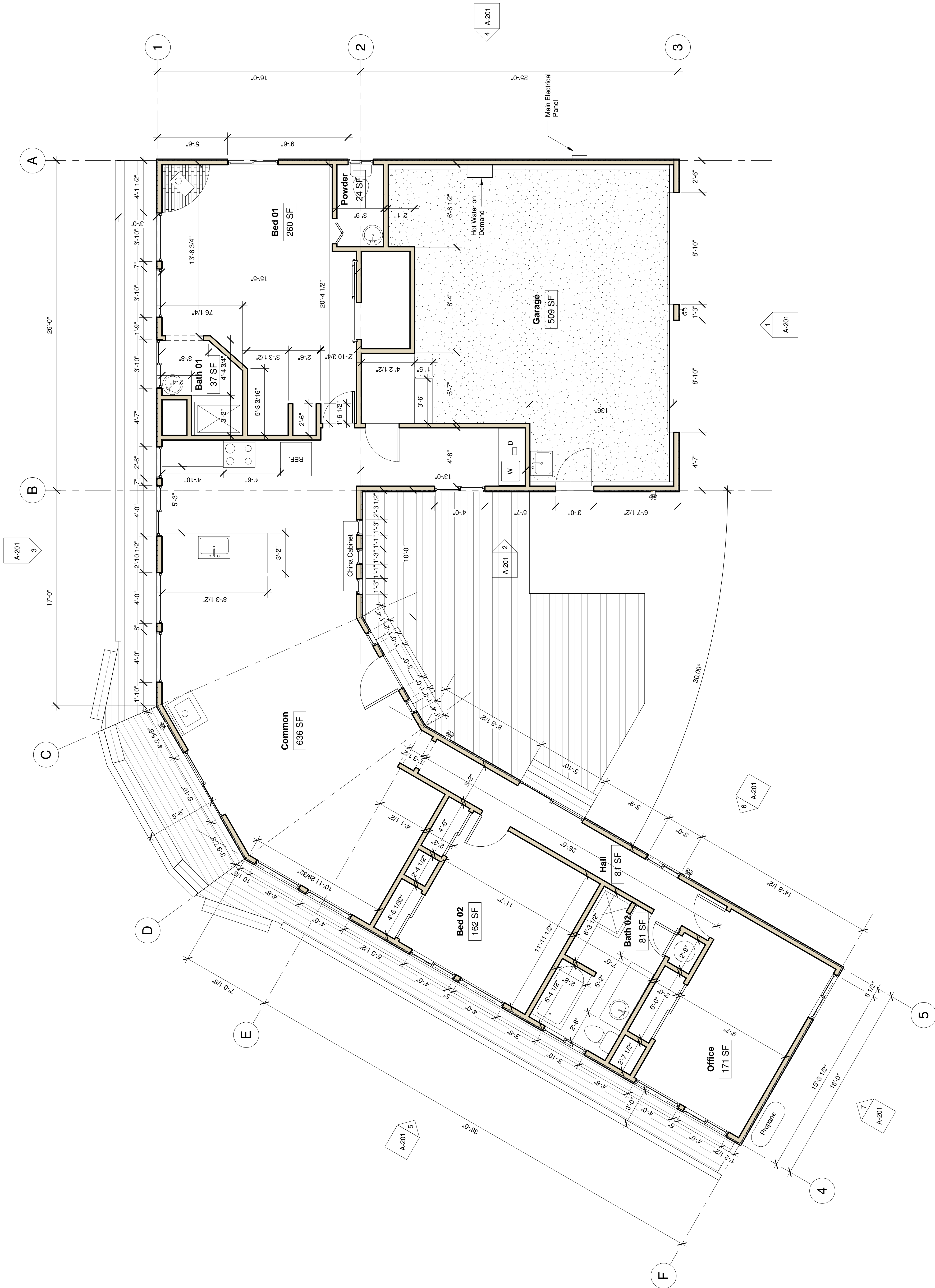
SCALE :

DRAWN BY : SLIC

APN # :
118-010-27-00

45380 Caspar Point Rd, Caspar, CA 95420

CONTRACTORS:



General Contractor Lic. # 8171115
www.aumconstruction.com



CONTRACTORS:

REVISIONS:

No.	Description	Date

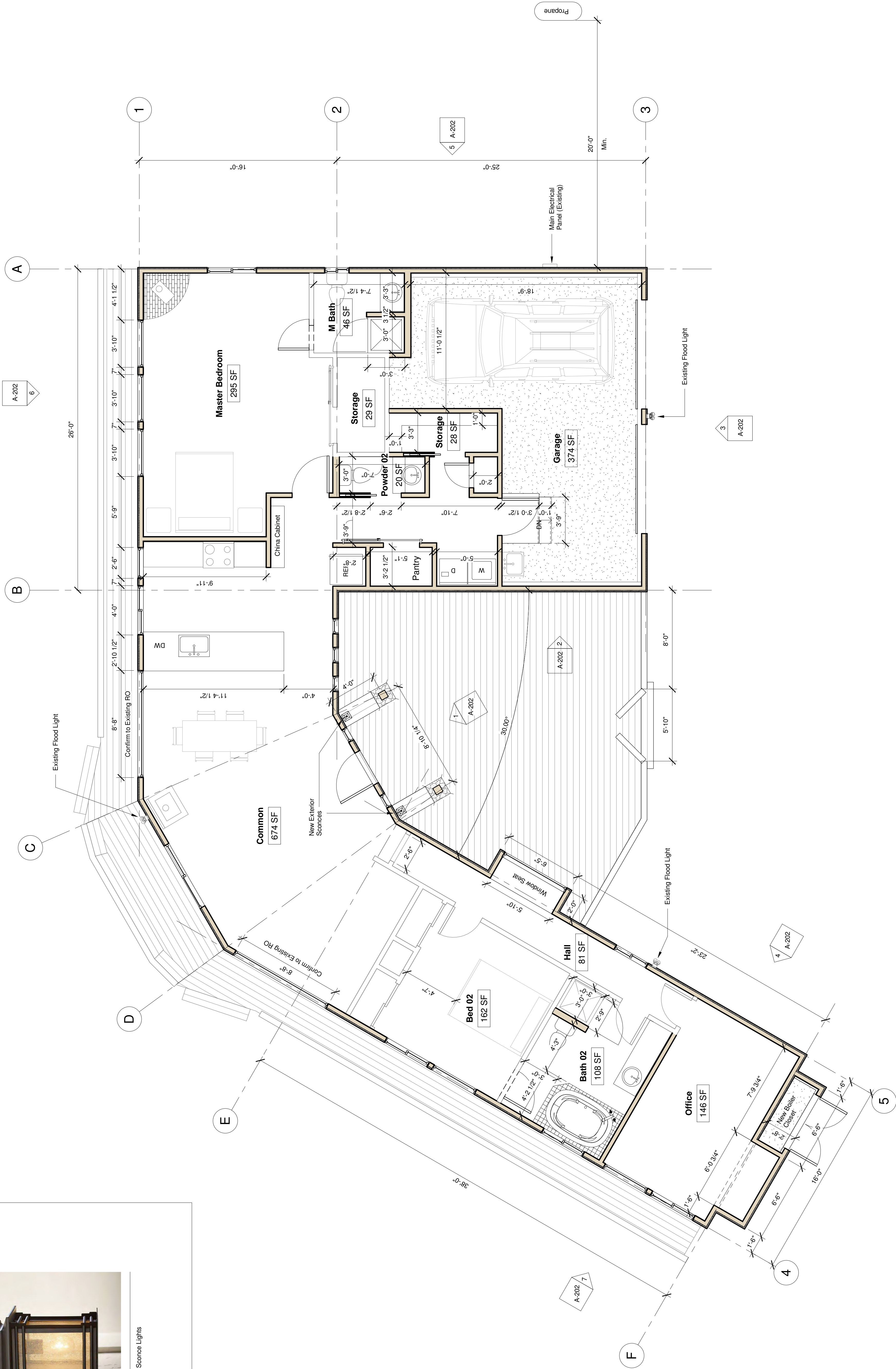
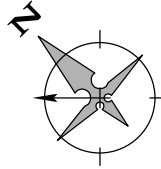
Julia Carson
House Remodel
45380 Caspar Point Rd, Caspar, CA 95420

APN #: 118-010-27-00
DATE: 11/16/2020
DRAWN BY: SLIC

A-102

SCALE: 1/4" = 1'-0"

Floor Plan - Proposed



Proposed New Exterior Sconce Lights

Roof -
Existing

SCALE :
1/4" = 1'-0"

A-103

DRAWN BY : SLIC

DATE : 11/16/2020

APN # :
118-010-27-00

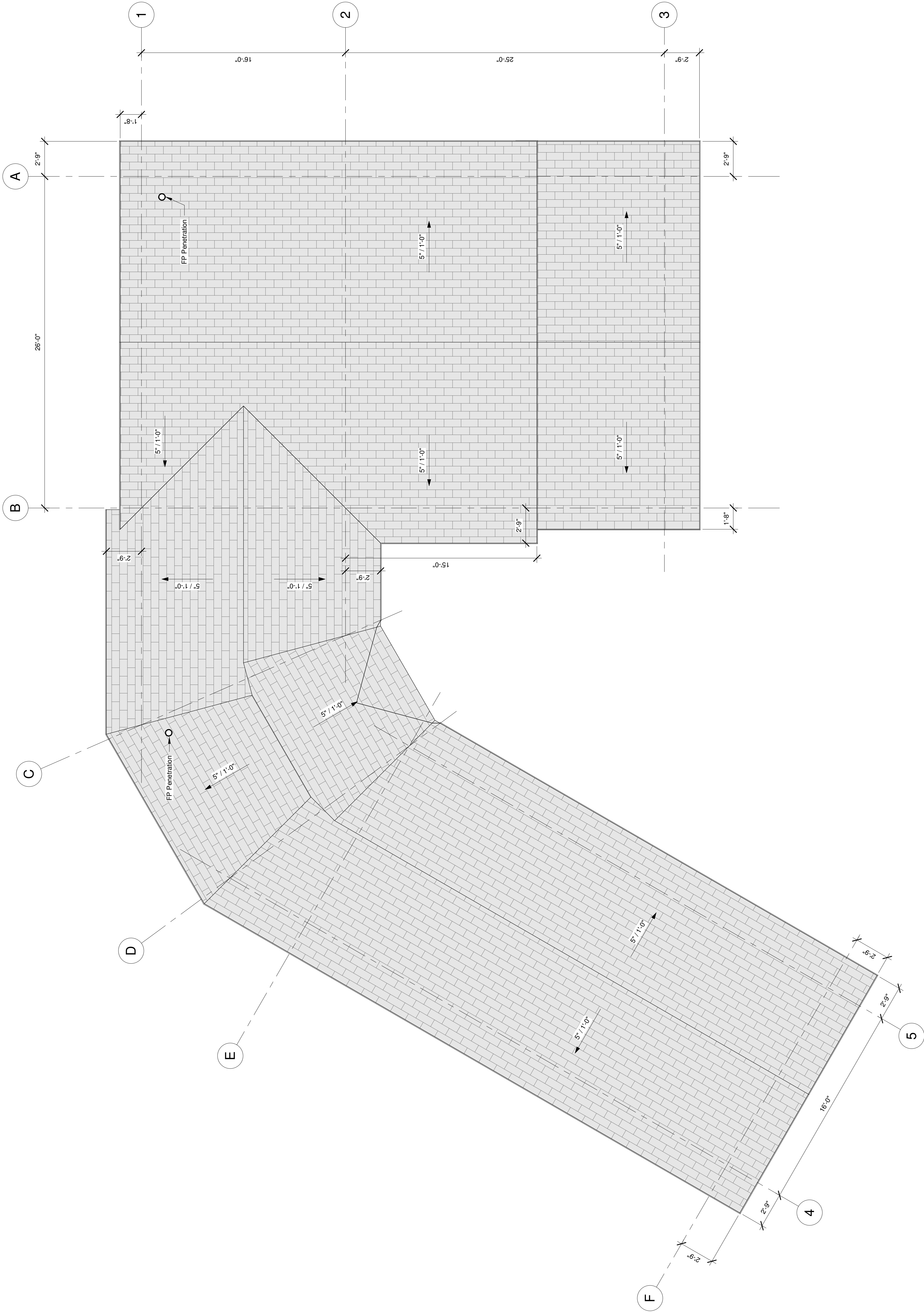
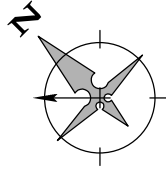
Julia Carson
House Remodel
45380 Caspar Point Rd, Caspar, CA 95420

REVISIONS:

No.	Description	Date

CONTRACTORS:

AUM CONSTRUCTION INC.
General Contractor Lic. # 817115
www.aumconstruction.com



1 Roof
1/4" = 1'-0"

Roof - Proposed

SCALE : 1/4" = 1'-0"

A-104

DRAWN BY : SLIC

DATE : 11/16/2020

APN # :
118-010-27-00

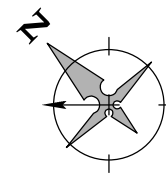
Julia Carson
House Remodel
45380 Caspar Point Rd, Caspar, CA 95420

[illegible]

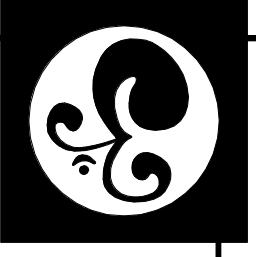
CONTRACTORS:



AUM CONSTRUCTION INC.
General Contractor Lic. # 817115
www.aumconstruction.com



AUM CONSTRUCTION INC.
General Contractor Lic. # 8171115
www.aumconstruction.com



CONTRACTORS:

REVISIONS:

No.	Description	Date

45380 Caspar Point Rd, Caspar, CA 95420

House Remodel

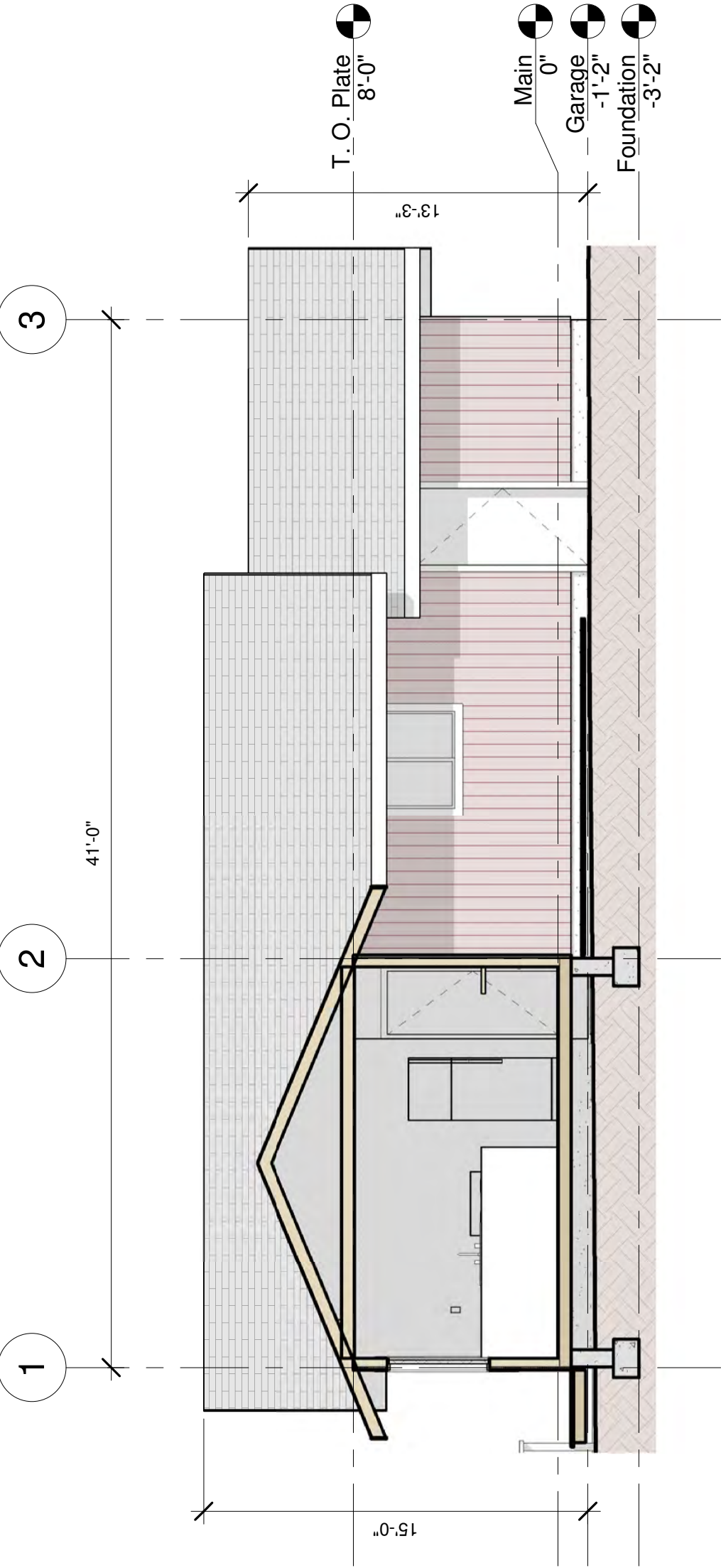
Julia Carson

APN #: **118-010-27-00**
DATE : 11/16/2020
DRAWN BY : SLIC

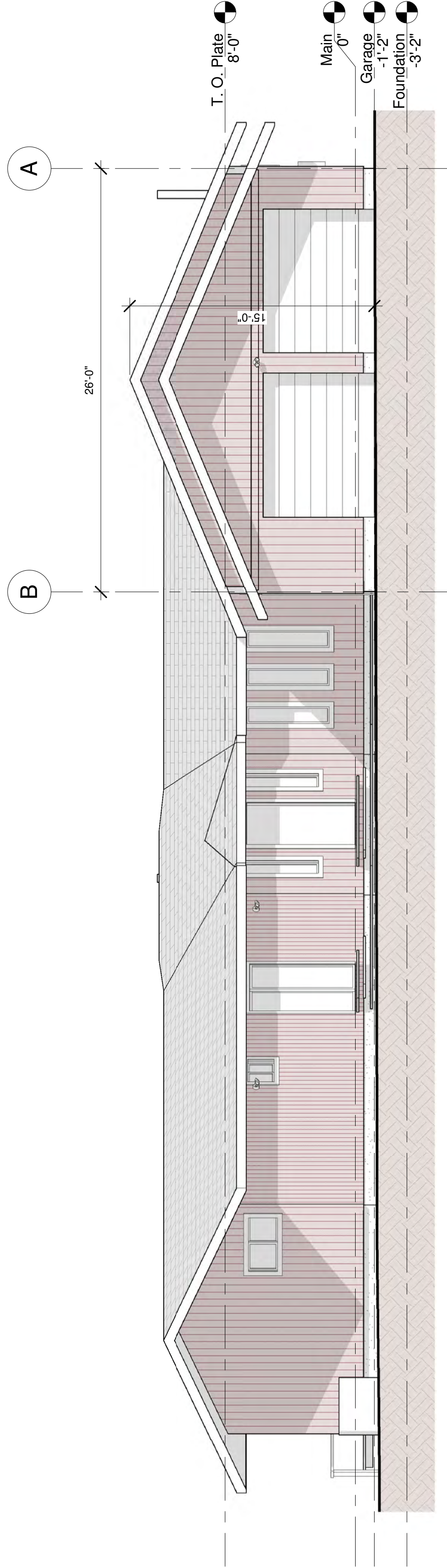
A-201

SCALE : 3/16" = 1'-0"

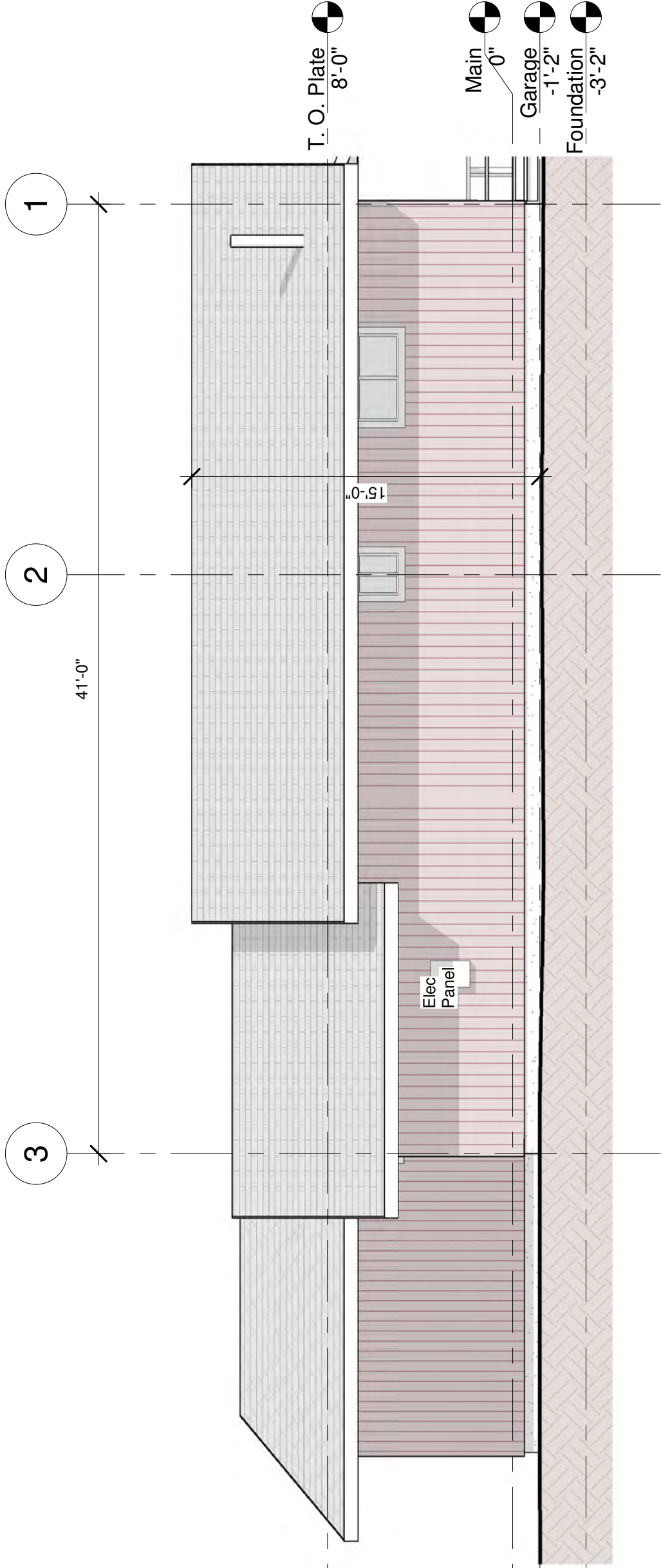
Elevations - Existing



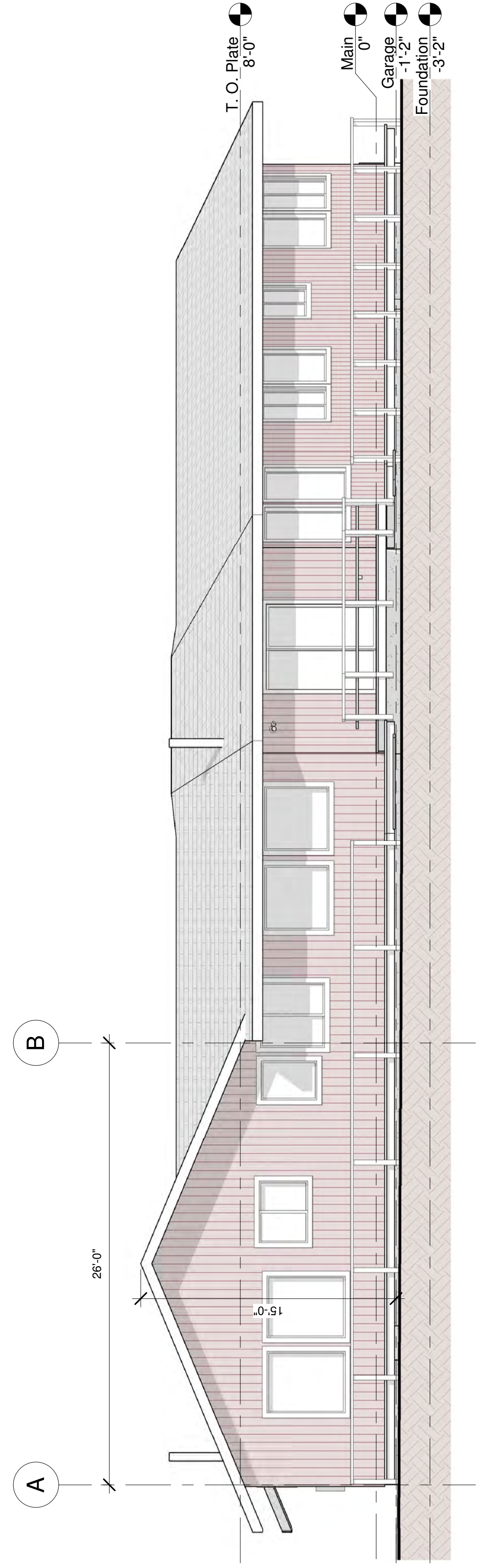
① South
3/16" = 1'-0"



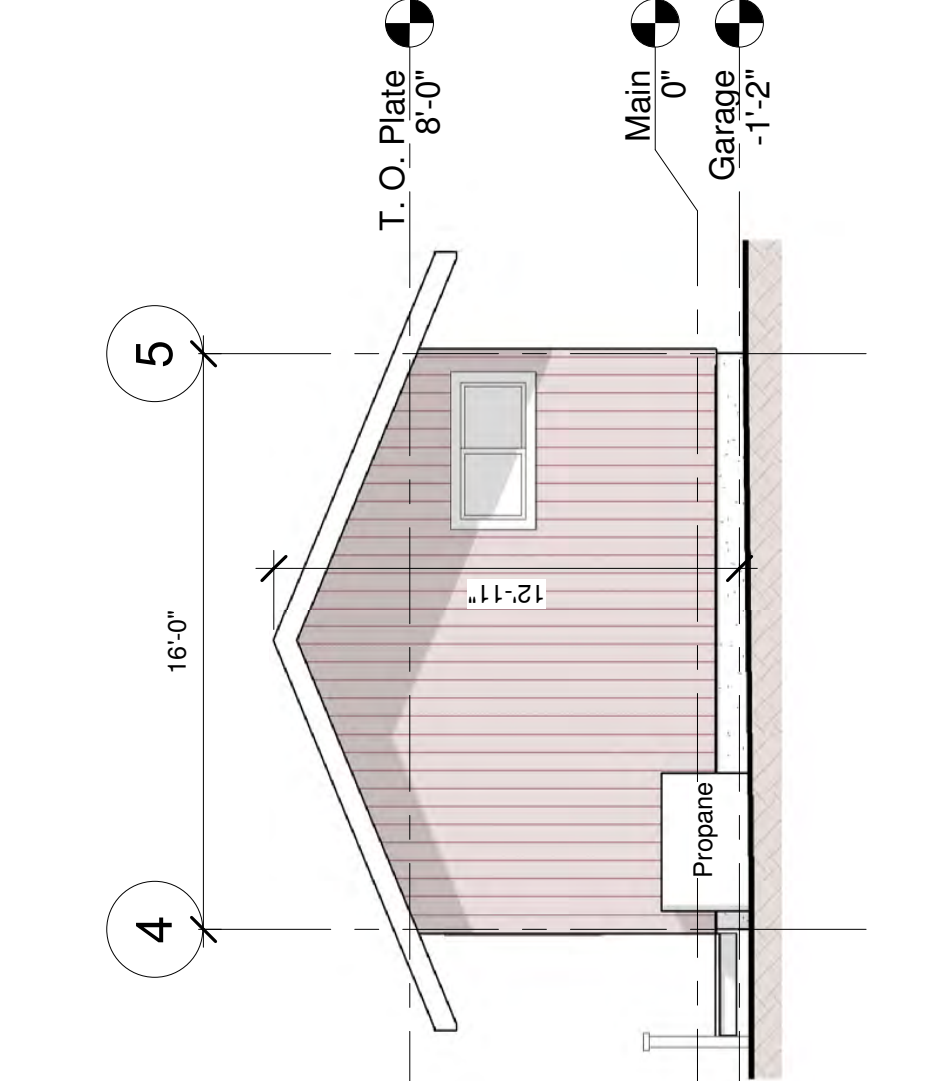
② West
3/16" = 1'-0"



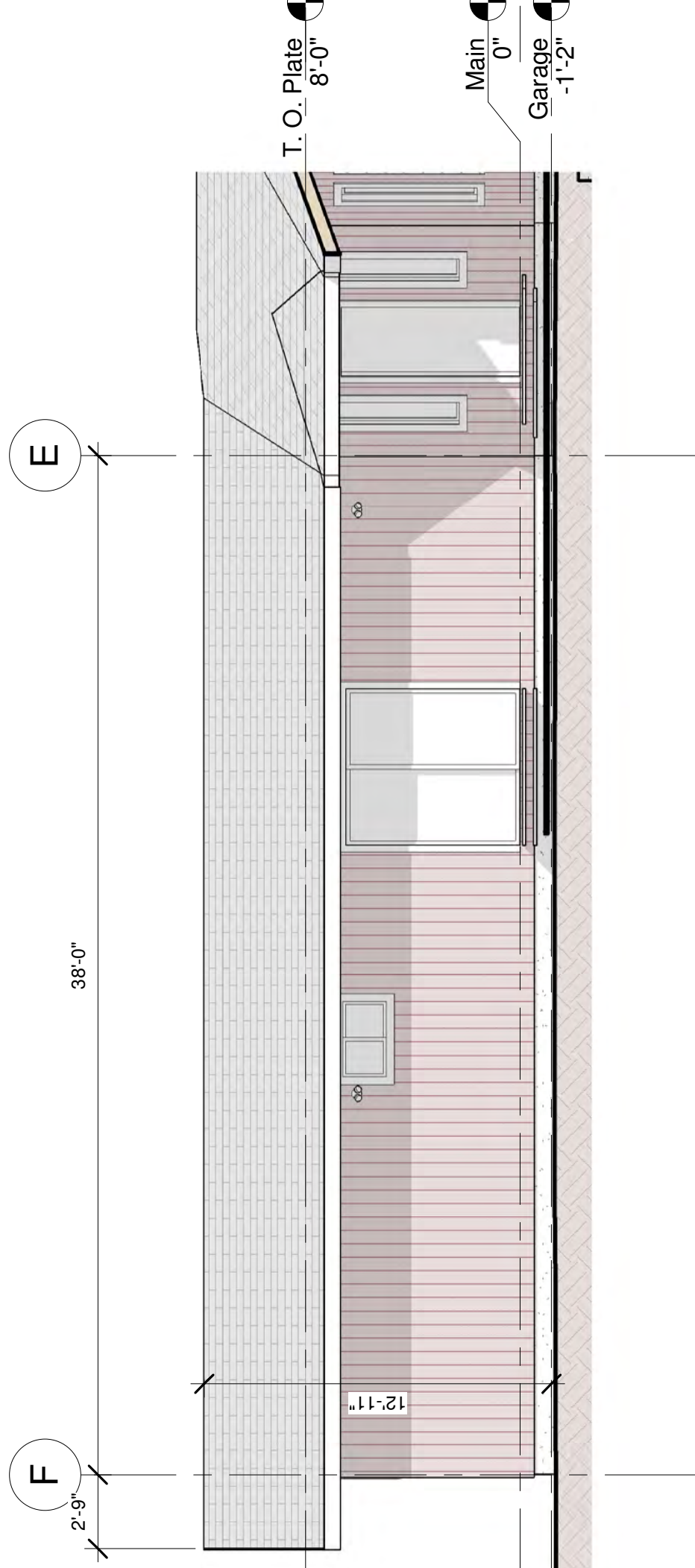
③ North
3/16" = 1'-0"



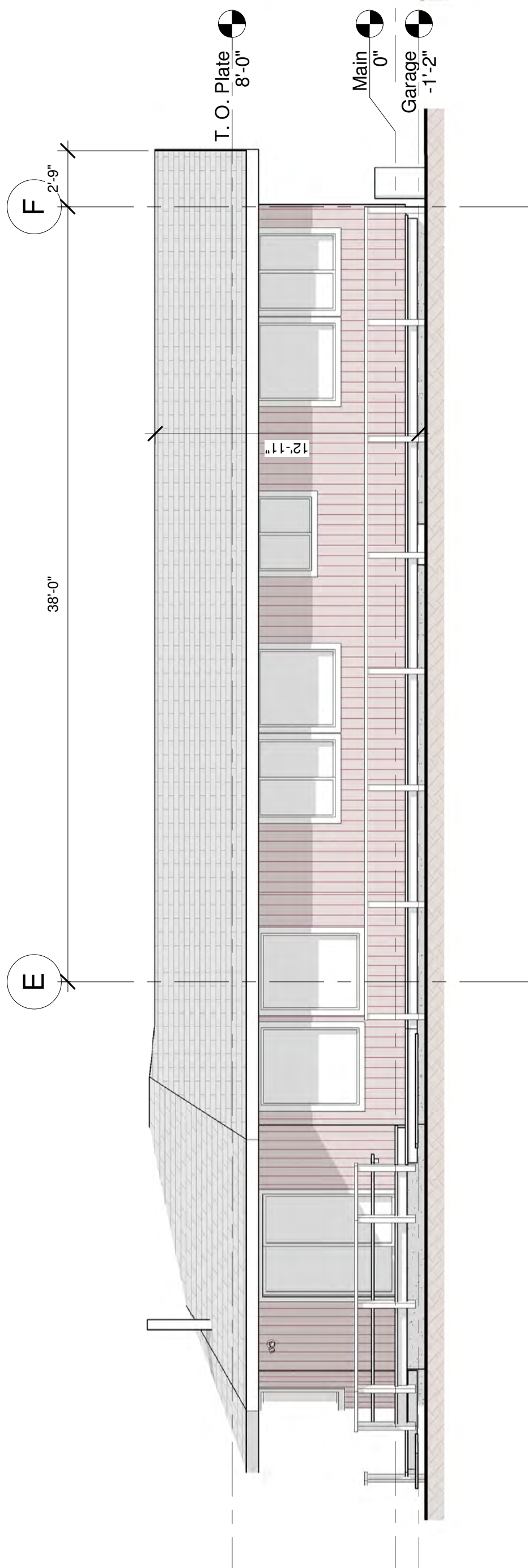
④ SE Wing
3/16" = 1'-0"



⑤ SW Wing
3/16" = 1'-0"



⑥ S Wing
3/16" = 1'-0"



⑦ NE Wing
3/16" = 1'-0"

Julia Carson
House Remodel
45380 Caspar Point Rd, Caspar, CA 95420

APN # :
118-010-27-00
DATE : 11/16/2020
DRAWN BY : SLIC

A-202

SCALE :
1/4" = 1'-0"

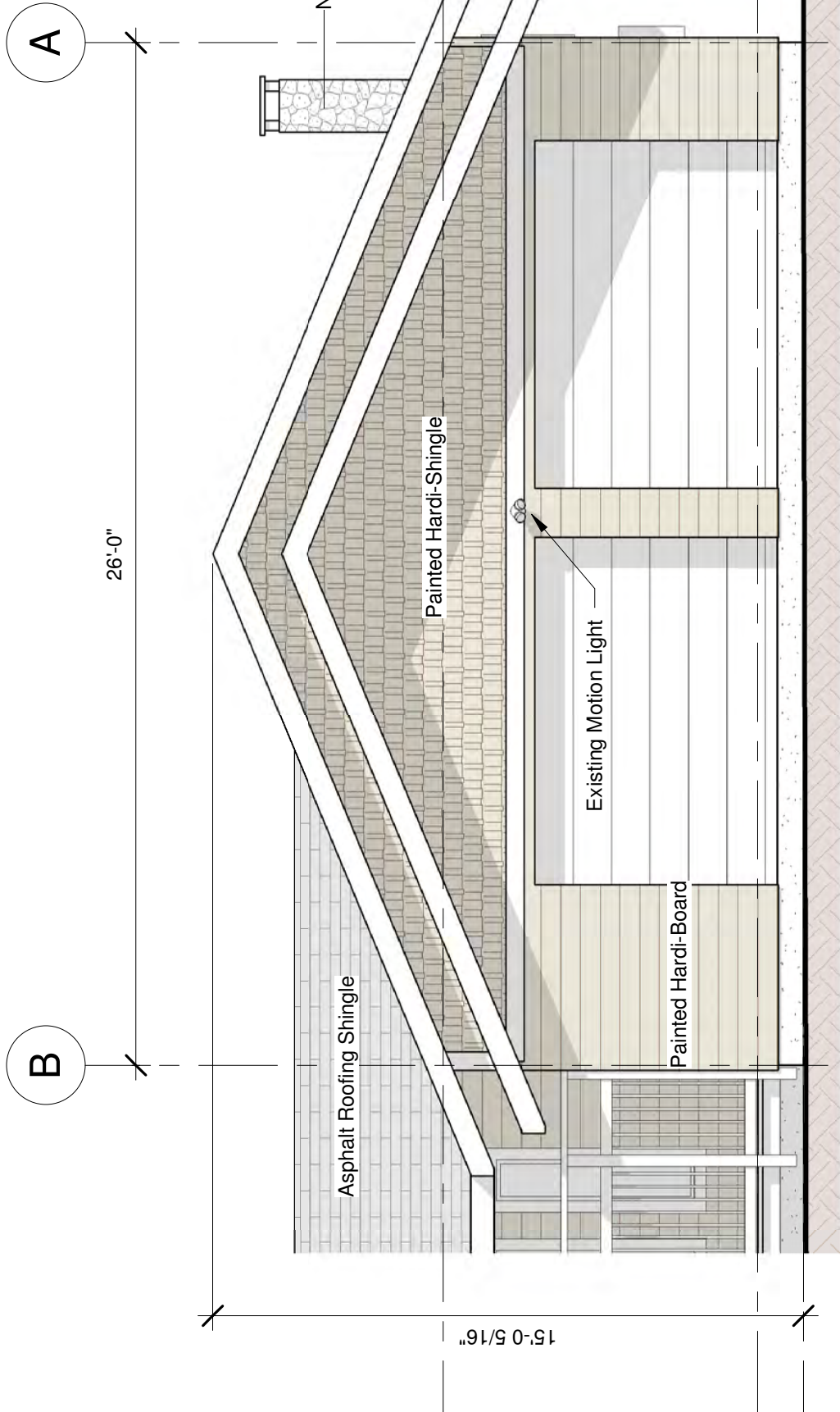
Elevations -
Proposed

No.	Description	Date

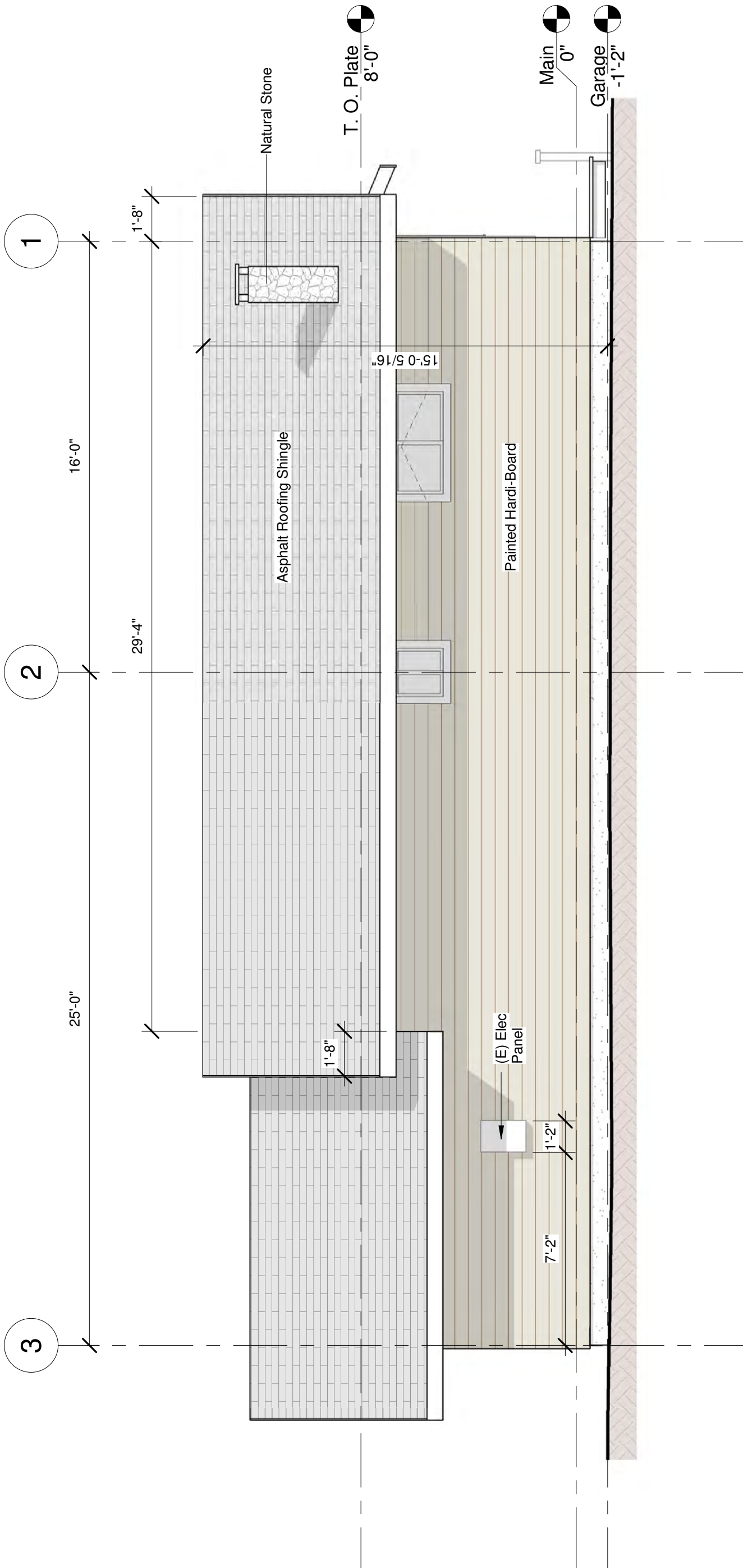
CONTRACTORS:

REVISIONS:

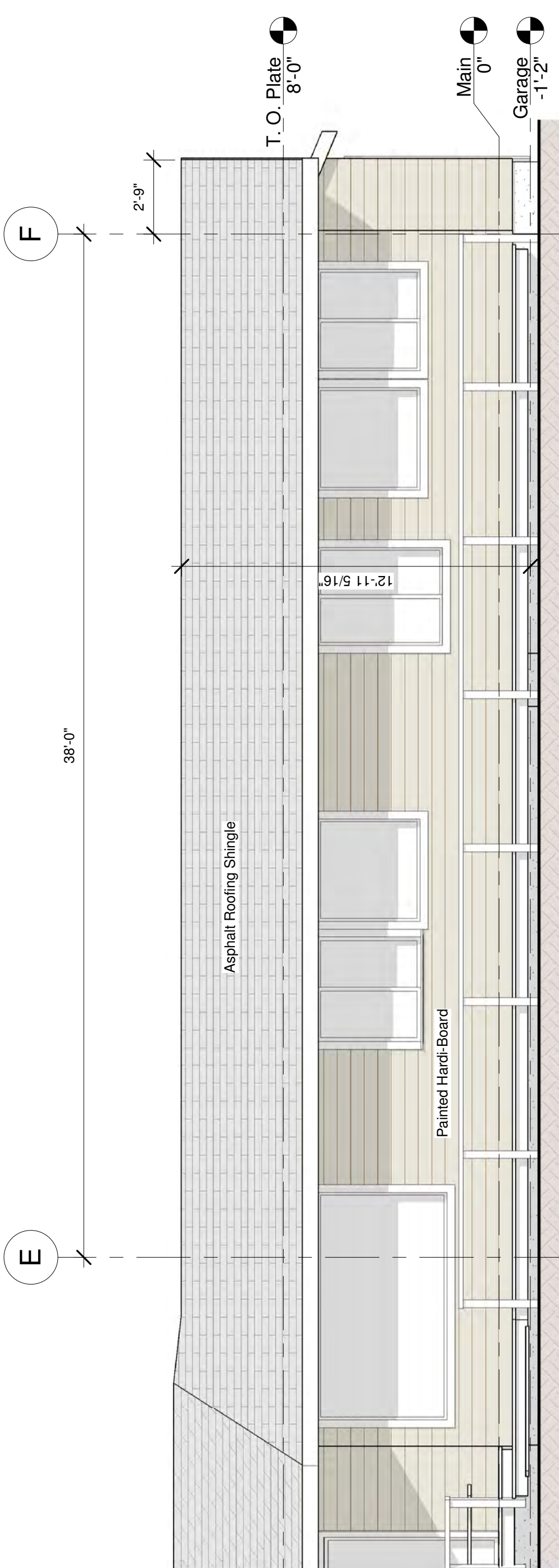
AUM CONSTRUCTION INC.
General Contractor Lic. # 8171115
www.aumconstruction.com



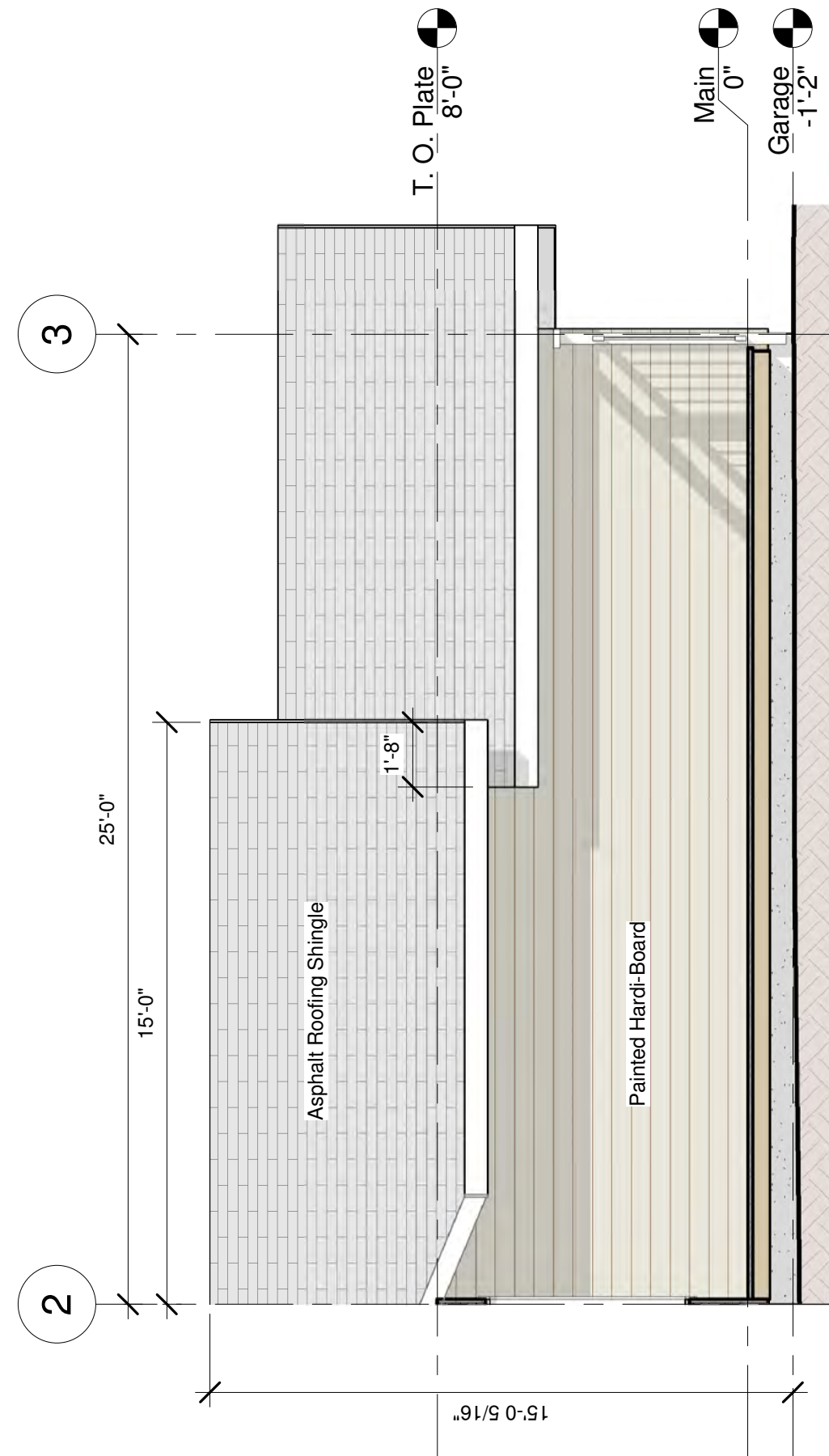
3 Elevation - New Garage Face
1/4" = 1'-0"



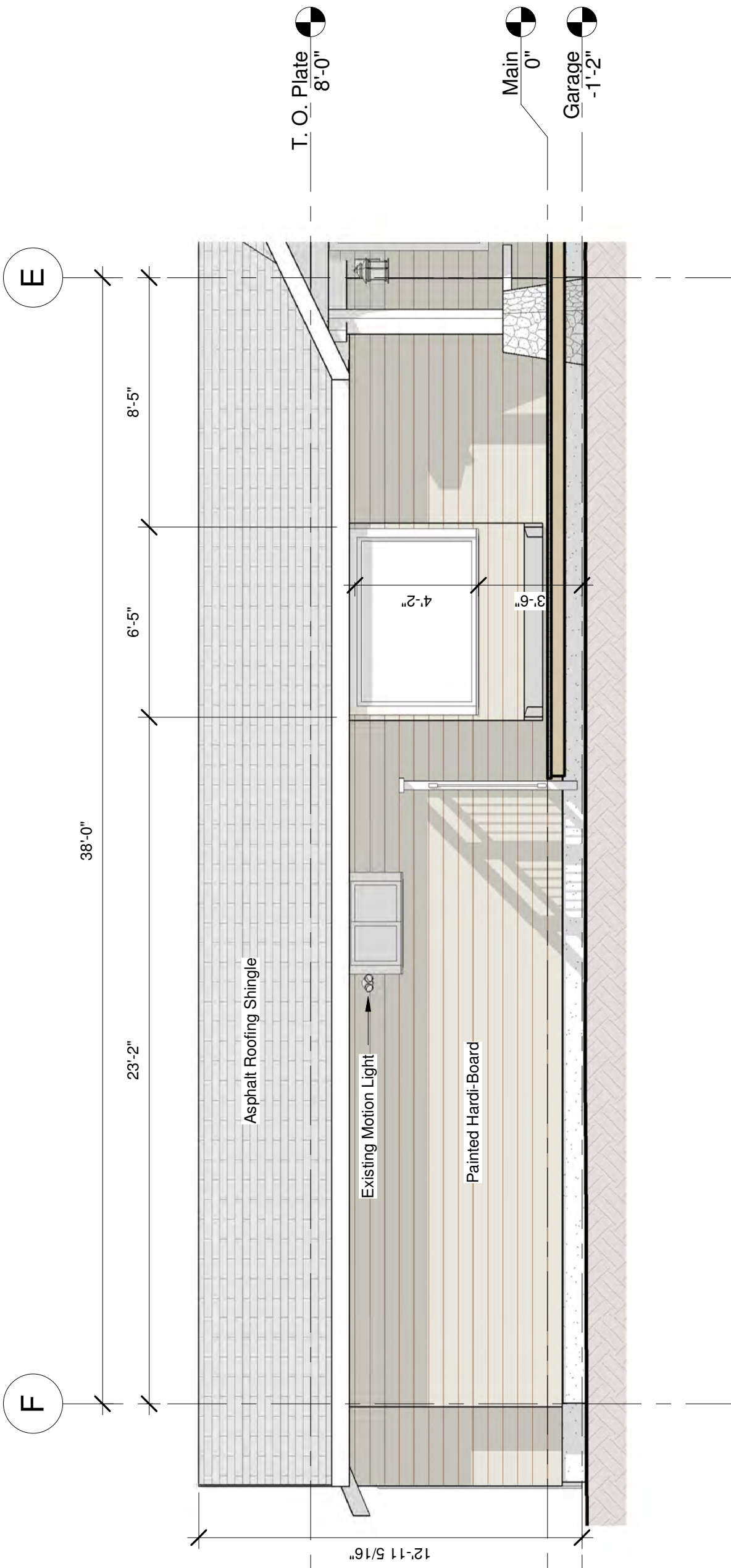
5 Elevation - E Wing New
1/4" = 1'-0"



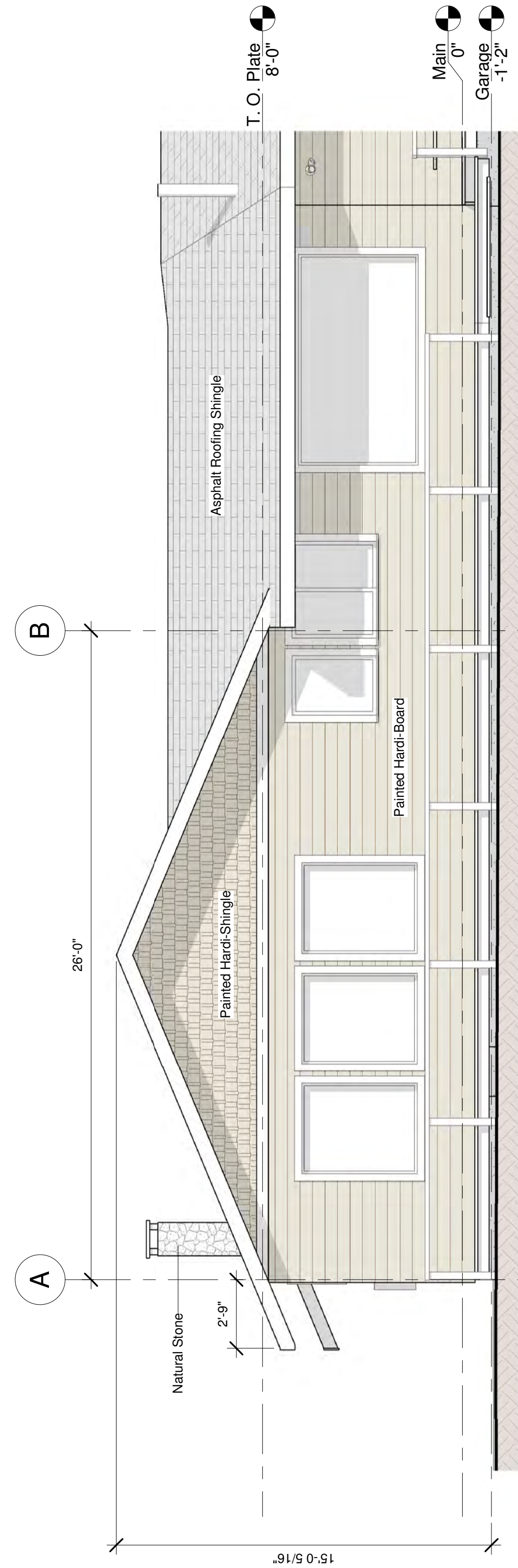
7 Elevation - SW Wing New
1/4" = 1'-0"



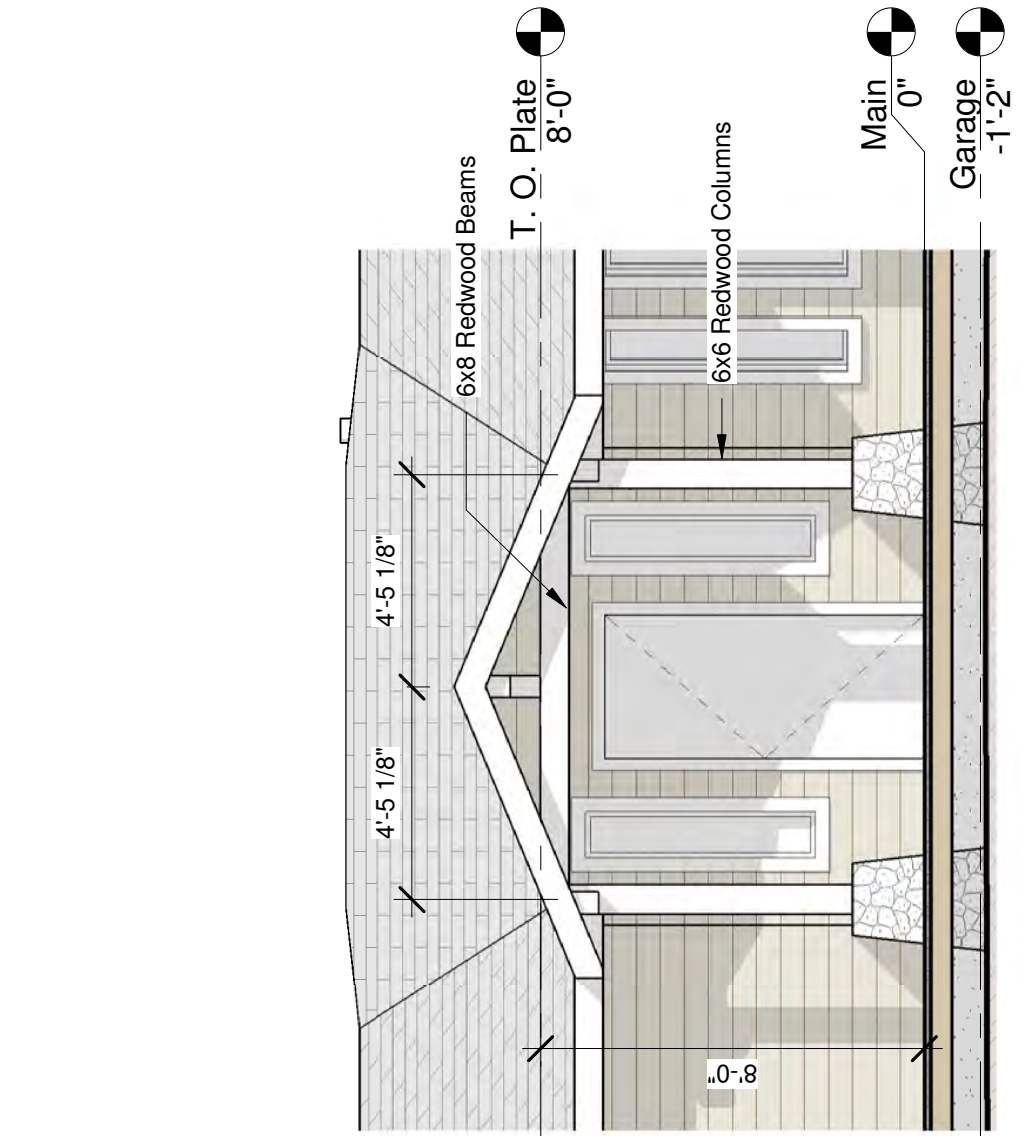
2 Elevation - Garage W New
1/4" = 1'-0"



4 Elevation - SE Wing New
1/4" = 1'-0"



6 Elevation - W New
1/4" = 1'-0"



1 Elevation - Covered Entry New
1/4" = 1'-0"



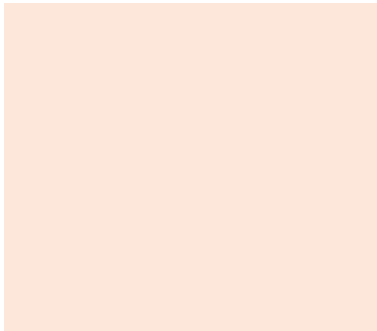
Beaujolais

**SIDING: HardiPlank Beaded Cedarmill;
JamesHardie Maghonany**



Warm Blush

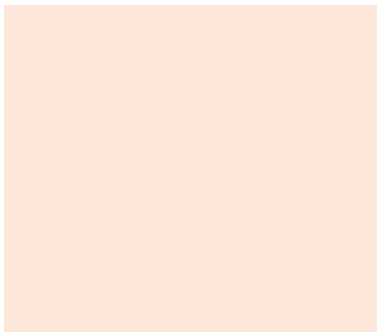
**TRIM, DOORS: HardiPlank Beaded Cedarmill;
JamesHardie Warm Blush**



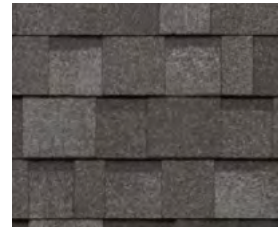
**WINDOW FRAMES: Marvin Windows, aluminum
Warm Blush**



EXTERIOR LIGHTING: Sconce



**DOORS: Wood;
Warm Blush Benjamin Moore 892**



ROOFING: Asphalt Roofing Shingle

Resolution Number PC 2021-0009

County of Mendocino
Ukiah, California

JUNE 17, 2021

MS_2019-0003 JULIA CARSON

**RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE
DECLARATION AND GRANTING A MINOR SUBDIVISION**

WHEREAS, the applicant, JULIA CARSON, filed an application for a minor subdivision with the Mendocino County Department of Planning and Building Services to subdivide 4.67± acres into two 2.67± acres and 2.0± acres parcels, in the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 410B) and State Route 1 (SR), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Rd., Caspar (APN: 118-010-27); General Plan RR5(2):R; Zoning RR:5/FP; Supervisorial District 4; (the "Project"); and

WHEREAS, during February 2020 California Coastal Commission, California Department of Fish & Wildlife, Planning & Building Services staff, and others conducted a site visit with the purpose of agreeing upon the extent of environmentally sensitive habitat areas; and on February 14, 2020 and pursuant with MCC Section 20.496.015(D) all agencies agreed that the Tufted Hair Grass Meadow is an environmentally sensitive habitat area, or ESHA, and the Shore Pine stand is isolated, generally a fragmented habitat, does not rise to the status of a "forest", and, in this particular case, does not warrant protection as an ESHA; and

WHEREAS, on May 6, 2021, the Planning Commission met and heard recommendations from staff, the applicant's agent (including a request for four exceptions from road standards) and consultants, and received and heard comments from the public; and

WHEREAS, on May 6, 2021 and following public comments, Planning Commissioner Jones moved to approve the application with modified conditions; and following additional discussion between the Commissioners, she withdrew her motion; and

WHEREAS, on May 6, 2021, Commissioner Jones offered a motion to continue the matter to June 17, 2021 and accepted an amendment to the motion from Commissioner Paulin, who then seconded the amended motion, and subsequently the motion passed by unanimous voice vote (4-0-1), with Commissioner Wiedemann abstaining; and

WHEREAS, A Negative Declaration was prepared for the Project and noticed and made available for agency and public review on April 8, 2021, in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, May 6, 2021 and June 17, 2021, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative declaration and the Project; and

WHEREAS, Minor Subdivision Application MS_2019-0003 was reviewed by the Mendocino County Subdivision Committee on August 13, 2020 and is supported by the Committee with recommended conditions; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that based on the evidence in the record, the Planning Commission makes the following findings:

1. **General Plan and Zoning Consistency:** The subject parcel is classified in the Coastal Element of the General Plan as *Rural Residential* (RR) and the Project is consistent with this designation. The parcel is assigned a variable density, RR5(2):R, that allows 2 acre minimum lot sizes and the Project is consistent with the intent of MCC Chapter 20.376 *Rural Residential District*; and
2. **Division of Land Regulations:** The Project is consistent with Chapter 17 of the Mendocino County Code, Division of Land Regulations and the Subdivision Committee recommends conditional approval for the proposed minor subdivision to the Planning Commission pursuant with MCC Section 17-48.5. The Planning Commission approves the requested exception to roadway standards as requested by the Applicant finding that pursuant to MCC Section 17-87 that there are special circumstances or conditions affecting the proposed division of land and that it will not be detrimental to the public welfare or injurious to surrounding property. The exception findings can be made as the lot has existing development, the reduced width would limit the amount of vegetation removal necessary and associated impacts to the environment, and there is minimal traffic along this private roadway that would be impacted by the granted exception; and
3. **Pursuant with MCC Section 20.524.025(E)**, the two lot subdivision will not result in a parcel having more than one zoning district designation; and
4. **Pursuant with MCC Section 20.532.095(A)(1)** and as conditioned, the two lot subdivision would conform with the certified Local Coastal Program, including Coastal Element Chapter 2.2 (Land Use Plan), Chapter 3.9 (Locating and Planning New Development), and Chapter 4.6 (Caspar Planning Area); and
5. **Pursuant with MCC Section 20.532.095(A)(3)** and as conditioned, the proposed two lot subdivision is consistent with the purpose and intent of the Rural Residential District, satisfies the development requirements of the District, and satisfies the specified requirements of the MCC Chapters 20.500 *Hazards* and 20.504 *Visual Resources and Special Treatment Areas*, and all other provisions of Division II; and
6. **Pursuant with MCC Section 20.532.095(A)(5)**, the Project will not have any adverse impacts on any known archaeological or paleontological resource and supports Coastal Element Policy 3.5-10. A standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities; and
7. **Pursuant with MCC Section 20.532.095(B)(1)**, the Project conforms to public access policies, including Chapter 20.528 *Coastal Access Regulations and Open Space Easements*; and there are coastal access points and trails within the vicinity; and
8. **Pursuant with MCC Section 20.532.100(A)(1)**, the Project conforms to Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* regulations as it establishes a minimum buffer distance from surveyed environmentally sensitive habitat areas (ESHA), including *Tufted Hair Grass Meadow ESHA*, and the Project supports Coastal Element Policies 3.1-2 and 3.1-7; and
9. **Pursuant with MCC Section 20.532.100(C)(1)(a)**, the Project will have access to on-site ground water, as the test well produced 1,170 gallons per day in 1991 and recent evaluations found no

significant change in ground-water levels, and septage disposal, roadway, and other necessary services; and

10. Pursuant with MCC Section 20.532.100(C)(1)(b), the Project will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources, and a Negative Declaration has been prepared pursuant to the California Environmental Quality Act; and
11. Pursuant with MCC Section 20.532.100(C)(1)(c), the new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands as surrounding areas are not identified as agricultural or timber lands and the Project supports Coastal Element Policy 3.9-8; and
12. Pursuant with MCC Section 20.532.100(C)(1)(d) and as conditioned, the proposed two lot subdivision is provided with adequate utilities, access roads, drainage and other necessary facilities and supports Coastal Element Policy 3.8-10. The Planning Commission finds that a ten foot wide road is sufficient to serve parcels 1 and 2; and
13. Pursuant with MCC Section 20.532.100(C)(1)(e), the proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element, including Coastal Element Chapter 3.9 policies regarding land divisions.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested minor subdivision and exception to the Division of Land Regulations, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES FEENAN
Commission Services Supervisor

By: 

BY: IGNACIO GONZALEZ
Interim Director, Planning & Building Services

DIANA WIEDEMANN, Vice-Chair
Mendocino County Planning Commission

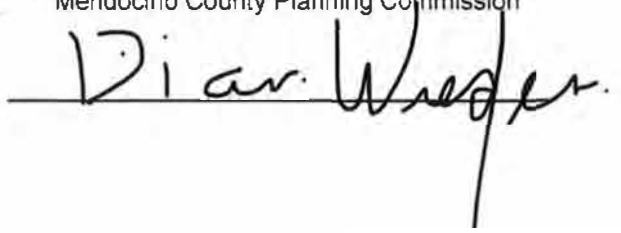


EXHIBIT A

CONDITIONS OF APPROVAL

JUNE 17, 2021

MS_2019-0003 JULIA CARSON

APPROVED PROJECT DESCRIPTION: Coastal Minor Subdivision of a 4.67± acre parcel into two parcels of 2.67± acres and 2.0± acres.

CONDITIONS OF APPROVAL: For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map.

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

Aesthetics:

1. The following note shall be placed on the Parcel Map:

All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.

Air Quality:

2. A notation shall appear on the Parcel Map:

Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval.

3. A note shall appear on the Parcel Map:

The access road, driveway and interior circulation routes be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air quality Management District regulations regarding asbestos content.

Biological & Botanical Resources:

4. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife 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 \$ 2,530.25 OR CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period.** Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife 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.

Cultural Resources:

5. A note shall appear on the Parcel Map:

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.

Geology & Soil:

6. The subdivider shall acknowledge in writing to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- 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 and sediment control measures shall be established and 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 15th or before a weather event with an at least thirty percent (30%) chance of rain, whichever comes first.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
 - 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:
 - i. 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 (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
 - ii. 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 cubic meters) on any one lot and does not obstruct a drainage.

Fire:

7. The subdivider shall comply with those recommendations in the CalFire letter of (CAL FIRE FILE 90-19) or other alternatives as acceptable to CAL FIRE. Written verification shall be submitted from CalFire to the Department of Planning and Building Services that this condition has been met to the satisfaction of CalFire.
8. The subdivider shall comply with those recommendations of the Fort Bragg Rural Fire District or other alternatives as acceptable to the Fire District. Written verification shall be submitted from Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.

Hydrology & Water Quality:

9. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
10. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM 42.04) for Parcel 2 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM 26.09).
11. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM 42.04) for a replacement system for the existing structure(s) located on Parcel 1 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM 26.09).
12. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
13. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from an identified source on the subdivision. Compounds to be tested for, at a minimum are: Calcium, Iron (total), Magnesium, Manganese (total), Potassium, Sodium, Bicarbonate, Carbonate, corrosivity (pH), alkalinity (total), total dissolved solids, turbidity, Chloride, Fluoride, Nitrate, Sulfate, Calcium hardness, Magnesium hardness and total hardness.

Land Use & Planning:

14. The applicant is hereby notified that this proposed division lies within the Coastal Zone Boundary and additional action may be necessary. For information you should contact the California Coastal Commission Northern California Office, 1385 8th St., Arcata, CA 95521, 707-836-8950.
15. That verification be received by a licensed civil engineer or surveyor that each parcel created is a minimum of 2 acres, net.
16. All existing structures shall meet current setback requirements to newly proposed property lines. A Site Plan exhibit shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance.

Transportation:**17. Easements & Dedications:**

- a. There shall be provided an access easement of 40 feet in width from a publicly maintained road to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
- b. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.
- c. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map.

18. Road Improvement Requirements:

- a. Subdivision road from Caspar Point Road to terminus of access easement shall be improved in accordance with the County of Mendocino Road and Development Standards drawing A10H and the following minimum standards: Ten (10) foot wide, eight (8) inch minimum thickness Class 2 aggregate base rocked road within the access easement.
- b. A standard private road approach shall be constructed to a minimum width of eighteen (18) feet, with improved approach extending twenty (20) feet from the edge of the County road, paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.

19. Turnaround Requirements:

- a. A 40 foot radius turnaround shall be constructed within a 50 foot radius easement at terminus of access easement to the satisfaction of the Mendocino County Department of Transportation. Alternatively, subdivider may construct a "Hammerhead-T" turnaround within a forty (40) foot wide by eighty (80) foot long easement at the terminus of the access easement. Turnaround shall be constructed with eight (8) inch minimum rock base, twenty (20) feet wide and sixty (60) feet long, with twenty (20) foot radius surfacing returns. If desired, the "Hammerhead-T" may be located at the driveway of the proposed residence on Parcel 2, provided that the entirety of the "Hammerhead-T" is included in the easement. The turnaround must be constructed before parcel map recording.
- b. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed. Prior to the filing of the parcel map, required road improvements must be inspected and approved by the Department of Transportation. Current inspection fees apply.
- c. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

Special Conditions:

20. Building/Development Setbacks indicating Front/Rear/Side to all property boundary's (existing and proposed) and roadway/easements shall be designated on the Parcel Map (MCC Sec. 17-52.(I))
21. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Parcel Map, the subdivider must: (a) Obtain a Certificate from the Mendocino County Tax Collector stating that all

- current taxes and any delinquent taxes have been paid and; (b) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.
22. In accordance with MCC Section 20.500.020(E)(3), all grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (for example, Brunsing Associates, Inc. Geotechnical Investigation Carson Residence and Guest Unit 45380 Caspar Point Road, Caspar, California. January 8, 2016).
23. The property owner shall execute and record a deed restriction, in a form and content acceptable to the Director of Planning and Building Services and County Counsel, which shall provide that:
- a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
 - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
 - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
 - d. The landowner shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan or other improvements in the event that these structures are subject to damage or other erosional hazards in the future, unless approved by a Coastal Development Permit or permit amendment; and
 - e. The landowner shall remove the structures shown on the Site Plan when bluff retreat reaches the point where the structures are threatened. In the event that portions of the structures shown on the Site Plan, or other improvements, fall to the beach or ocean before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and
 - f. Attached as exhibits to the Deed Restriction shall be (i) the adopted findings and conditions approving MS_2019-0003; and (ii) a Site Plan. The Site Plan exhibit shall identify the boundaries the *Tufted Hair Grass Meadow ESHA*, its buffer, the geotechnical bluff set back, and others, and shall be printed in black and white. The Director of Planning and Building Services, or their designee, shall review and accept the Site Plan exhibit; and
 - g. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
24. In accordance with MCC Section 20.496.020(A), a buffer area shall be established adjacent to all environmentally sensitive habitat areas (ESHA), including the *Tuft Hair Grass Meadow ESHA*. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from developments and shall be compatible with the continuance of the habitat areas. The width of the buffer area shall be a minimum 100 feet. In accordance with MCC Chapters 20.496 and 20.532, the Coastal Permit Administrator may consider a request to modify the buffer width.
25. Development, including repair, maintenance, and improvements to any structure, located within Environmentally Sensitive Habitat Area (ESHA) buffers, or ESHA resource areas, shall require a coastal development permit or permit amendment. Development may be exempt from the

requirements of MCC Chapter 20.532, provided it meets the exemption criteria and is located outside of ESHA buffers and ESHA resource areas.

26. Future development shall implement the mitigation and avoidance measures described in Section 6 of the *Biological Scoping & Botanical Survey Report for 45380 Caspar Point Road, Caspar, CA 95420* prepared by Wynn Coastal Planning & Biology and dated June 12, 2019 (or the adopted measures associated with a Coastal Development Permit).
27. The bluff setbacks, as specified in the Geotechnical Investigation report prepared by Brunsing Associates dated January 9, 2016, shall be memorialized on the Parcel Map (and on the Site Plan exhibit attached to the Deed Restriction). In accordance with MCC Chapters 20.500 and 20.532, the Coastal Permit Administrator may consider a request to modify the bluff setback distance.

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

>>> Ray Duff <rayduff@mcn.org> 4/11/2022 4:11 PM >>>

CDP_2021-0002 Public Comments for the April 15, 2022 Hearing

April 9, 2022

Re: CDP_2021-0002

Owner. Applicant: Julia Carson

Staff Planner Juliana Cherry

Presentations to the Planning Commission did not fully examine water availability in this particular instance, and glossed over essential elements of the Coastal Commission guidelines for land in the coastal zone. We write to request that you consider some additional information regarding the proposed development on Caspar Point Road:

The property is located in a Critical Water Resource Area; the most critical category. Not all neighboring residential properties have been developed. APN 118-010-25 directly southeast of Carson is an undeveloped property 3.4 acres. Adjacent APN 118-010-25 are two more undeveloped parcels. The hydrology testing done does not ensure these existing parcels will be served with adequate water when they are ready to develop. Additionally, several neighbors had dry wells during the 2020-21 dry season, including APN 118-010-25, 118-010-20 and 118-020-22, all located within roughly 350 to 1,000 feet of the Carson property. Allowing for additional housing not only decreases water availability for these property owners, but additionally sets a precedent for future parcels in an area where water availability is already an issue.

The present application includes a request to construct a detached guest cottage, and a detached garage, although the detached garage is not shown on the documents presented. And while the documents describe the detached guest cottage as temporary for us during construction, there is no assurance they will not be used after construction is completed. One, if not both of these buildings could use water.

Mendocino County is experiencing drought conditions, and the local coastal area is worse. Certainly, the trend over the years we have live in Caspar, there has been less and less available water. We have had to add a storage tank, as others have built on adjacent properties, and all neighbors along our road with development have extra storage.

The Carson new well to serve the newly allowed parcel produces water at a rate of .8 gallon per minute. A rate of 1 gallon per minute is generally the minimum required for a residential use. We know a rate as low as .5 gallon a minute can be considered acceptable with sufficient water storage on site. Any approval assumes that on-site water storage will be needed in order for there to be sufficient water for a new residence. This is acceptable, but it should be considered because it is an indication that there is not an abundance of water available.

A former Hydrologist for Mendocino County Water Agency previously advised that using a 30-year-old Hydrologic Study when the lot split was allowed seemed insufficient. This applies to the current project. The Hydrologist said hydrological studies must conform with the Mendocino County Coastal Groundwater Development Guidelines (CGDG). There has been no mention of CGDG in the present proposal. Carson's hydrologic consultant mentioned that current well depths were substantially similar to 1991. While the immediate neighborhood may not have changed, changes in the groundwater basin over the past 30-years are significant. There are more new wells, new gardens, and even second residential units. Using a 30-year-old Hydrological Study as proof-of-water in a current project is problematic.

Sincerely,

Ray and Loraine Duff 45300 Caspar Point Road #46, Caspar, CA 9542

California Coastal Commission
1385 8th Street, #130
Arcata, CA 95521

A-1-MEN-23-0001
Re: Application No. 1-MEN-21-0679

Attn: Tatiana Garcia

You will find the following material attached: (1) An appeal form for Local Permit # CDP 2021-0002 with descriptive document. (2) Letters and copies of email from adjacent property owners to Mendocino Planning commission related to the lot split and accompanying allowance of a two-story house in the Coastal Zone on coastal bluff property. (3) Mendocino County Planning's Memorandum related to the Lot split and subsequent approval of two-story house.

Items (2) and (3) were never revealed to the adjacent property owners.

Attention to these documents is appreciated.

Sincerely,

Ray Duff & Loraine Duff

RECEIVED
JAN 17 2023
CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
(707) 826-8950
NORTHCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: North Coast

Appeal Number: CDP 2021-0002Date Filed: January 11, 2023Appellant Name(s): Ray & Loraine Duff**RECEIVED**

JAN 17 2023

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is NorthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Ray & Loraine Duff

Mailing address: 45300 Caspar Point Road #46, Caspar, CA 95420

Phone number: 707-964-3757

Email address: rayduff@mcn.org

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: See attached descriptive document

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe:

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Mendocino County charges for appeals and there is question regarding
how the zoom hearing was made available to participants.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: County of Mendocino
Local government approval body: Mendocino County Coastal Permit
Local government CDP application number: CDP 2021-0002
Local government CDP decision: ☒ CDP approval ☐ CDP denial³
Date of local government CDP decision: December 14, 2022

Please identify the location and description of the development that was approved or denied by the local government.

Describe: "In the Coastal Zone, 0.5+ or- miles west of the intersection of Ca
Route 1 (SR 1), lying on the west side of Caspar Point Rd. (p
Point Rd., Caspar, APN: 118-010-27.

Description: Standard Coastal Development Permit to renova
detached guest cottage, add decking, and install a generator,
leach field. Development would be phased, including tempora
during renovation of the existing residence.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of: Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

Julia Carson, agent Wynn Coastal Planning

43580 Caspar Point Rd., Box 88

Applicant Address:

Caspar, CA 95420

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See attached descriptive document

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐

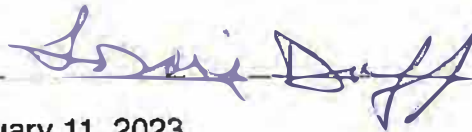
Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Ray & Loraine Duff


Signature


Signature

January 11, 2023

Date of Signature _____

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

§ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

¶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Exhibit 3
A-1-MEN-23-0001
Appeal Packet
Page 6 of 36

Ray & Loraine Duff 45300 Caspar Pt. Rd. #46

Caspar, CA 95420

RE: CDP 2021-0002

We, Ray & Loraine Duff, respectfully appeal the decision of the Mendocino County Coastal Permit Administrator. In CDP 2021-0002, we feel Mendocino County's interest in developing housing take a lesser place than statewide interests in protecting the coastal environment resources.

We submitted email information to Mendocino Planning and Building Services as public comments for the April 15, 2022 public hearing. If there was a Planning Commission Hearing, we were not advised of it. I contacted the North Coast District of the Coastal Commission to determine when and how to apply for appeal of Mendocino County decisions related to CDP 2021-0002 and was notified appropriately by that office. Mendocino County charges a fee to appeal to the Board of Supervisors, and likelihood of overturning a Mendocino County Coastal Permit Administrator hearing is remote at best. We are uncertain whomever else may have been notified of the current CDP2021-0002. Notification of adjacent property owners regarding CDP 2021-0002 may have been complicated. Within the past two years one owner died, and two others have sold their property to new owners.

We did submit additional information for CDP 2021-0002 related to the condition of the road for this area on December 14, 2022 as this issue got slight mention by Mendocino County Planning Staff, nor in applicant documents. Our information was emailed to the Coastal Permit Administrator prior to the hearing. We spoke to the points of our letters at the Coastal Permit Administrator meeting during allowed morning session. Mendocino County Coastal Permit Administrator - December 22, 2022 meeting was virtual. Administrator opened the issue in the first portion of the meeting, and we were able to speak. The Permit Administrator moved CDP 2021-0002 item to the end of the agenda at the noontime. Session was to resume at 12:30PM. Permit Administrator then suspended the zoom meeting. When zoom was stopped it no longer was technically available to us at 12:30PM, no computer connection was permitted. We were unable to participate or argue the final discussion. Commentary was not possible. Failure to allow participation seems irregular.

The Coastal Development Permit CDP 2021-0002 was "to renovate an existing residence, construct a detached guest cottage, add decking, and install a generator, roof mounted solar, and replacement leach field. Development would be phased, including temporary occupancy of the Guest Cottage during renovation of the existing residence." It was approved with conditions by Mendocino County Coastal Permit Administrator on December 22, 2022.

Mendocino County approved CDP 2019-0003 earlier in the year on June 17, 2021. That decision allowed a 4.62 acre parcel split into a 2 acre and a 2.62 acre parcel. Further reading shows CDP 2019-0027 in some way accompanied CDP 2019-0003. This combining of two CDPs was never made apparent in documents to others in the neighborhood, and the approval of CDP 2019-0003 allowed CDP 2019-0027. This is development on a coastal 4.62-acre parcel at bluff's edge is division into two parcels with permission to build a two-story home on 2.0 acres. The 2.62 acre

parcel is present location of the existing residence for CDP 2021-0002, and proposed guest cottage is designated for that 2.62 acreage although the full 4.62 acreage is claimed in CDP 2021-0002. All developed coastal parcels in this area are less than 5 acres. The neighborhood was designed as a buffer between Jug Handle State Reserve and a sub division to the south of this area that does allow 2.0 acre minimum. The larger area is RR-5(2) for planning of RR-5 our neighborhood is 5 acre minimum. However careful reading of Application for Coastal Development Permit CDP 2019-0003 states in Applicant's Statement, "Application for Coastal Development Permit (e.g. CDP_2019-0027) to construct a single-family residence is accompanying this application." There was no detail of the CDP_2019-0027 contained in the staff report for the June 17, 2021 hearing, nor was there discussion of the proposed residence.

Coastal Commission approval of Approval of CDP2021-0002 will allow not only the approval of renovation of an existing residence and a guest cottage on 2.62 acres,(two residences on little more than 2 acres), and also allow construction of another two story house on 2.0 acres of ocean front property.

CDP 2021-0002 in itself is not consistent with goals and policies of the Local Coastal Program. Coastal Element Section 2.2 is meant "to encourage local small scale local food production (farming) in areas not well suited". And, the "Rural Residential classification is not intended to be a growth area with minimal impact on agricultural viability". CDP 2021-0002 adds a 623 square foot guest cottage with 672 square foot wrap around deck. The guest cottage would be constructed prior to commencing interior renovation. This is less than minimal impact on agricultural viability. Natural resources are not conserved.

The applicant requested approval to "temporarily occupy the guest cottage in accordance with Mendocino County Coastal Zoning Code (MCC) Section 20.460.025 (B) Minor Construction.

However, "Mendocino County Coastal Zoning Code Sec. 20.460.025 - Construction Support.

The temporary occupancy of buildings during the course of construction may be permitted upon the issuance of a Coastal Development Administrative Permit pursuant to Chapter 20.532.

(A) Major Construction. Temporary buildings during the construction phase for commerce, industry or five (5) or more dwelling units to allow the housing of tools, equipment and supervisory offices provided such temporary buildings are located within or adjacent to the development or construction site to which they are incidental regardless of the zoning district.

(B) Minor Construction. Temporary use and occupancy of an existing dwelling while constructing a new residence.

(C) Termination. All temporary uses permitted by this section shall be terminated not later than twenty-four (24) months after issuance of building permits therefor,

unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said twenty-four (24) months. All temporary uses and related improvements other than model homes shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces.

(Ord. No. 3785 (part), adopted 1991) “

We read this (B) section as applying to new residences, and to existing dwellings. In this instance the existing dwelling will be built first, and renovation will take place to the present home, but the home is not a new residence. This is the sort of example we feel represents Mendocino County's attitude toward development in the Coastal Zone, and deserves attention of the State Commission. We also believe this is one of the ways the Coastal Commission might not have opportunity to come in contact with significant development in the coastal zone.

We realize there have been substantial changes and modifications to Coastal zoning regulation, and should this approval by Mendocino County be consistent with present thinking of the Coastal Commission, it is not for us to disagree. However, we believe CDP 2021-0002 is tied to CDP 2019-0003 and CDP 2019-0027, a lot split and home construction on essentially the same parcel. We attempted appeal of CDP 2019-0003, but did not know it included construction of a residence. We did not have full understanding of the time sequence to make the appeal, and were technically too late in sending in information to the North Coast Region of the Coastal Commission to allow for an appeal.

However, with the inclusion of a Guest Cottage in CDP 2021-0002 our concerns for available water in the area are again raised. Available water in this area is questionable. The property in question is located in the Critical Water Resource Area, which is the most critical category. Not all neighboring residential properties have been developed. APN 118-010-25 directly to the southeast of Carson is an undeveloped property 3.4 acres. The hydrology test does not ensure this existing parcel will be served with adequate water when they are ready to develop. Additionally, several neighbors had dry wells during the 2020 dry season, including APN 118-010-25, 118-010-20 and 118-020-22, all located within roughly 350 to 1,000 feet of the applicant's property. Allowing for additional housing not only decreases water availability for these property owners, but additionally sets a precedent for future parcels in an area where water availability is already an issue.

CDP 2021-0002 did not fully examine water availability. The request was to construct a detached guest cottage on a parcel of 4.62 acres. And while the documents describe the detached guest cottage as temporary for use during construction, there is no assurance the cottage will not be used after construction is completed. This building will use water.

Again we mention CDP-2021-0002 as tied to Mendocino County's pre-approval of CDP2019-0003 on June 17, 2021 see <https://www.mendocinocounty.org/government/planning-building->

[services/meeting-agendas/planning-commission/2021-agendas](#)), and what may not be considered under this appeal will be tacitly allowed to pass Coastal Commission standards. This is creative development at its best.

The Coastal Element of the Mendocino County General Plan classifies this area as Rural Residential (Chapter 2.2 of the County of Mendocino General Plan). Rural Residential is not intended to be a growth area. CDP 2021-0002 intends further growth. This area is not intended for growth is supported in Sec. 20.504.020 (B) of Mendocino County general Plan Coastal Element; “Other communities and service centers along the Mendocino Coast including Westport, Caspar, Little River, Albion, Elk, and Manchester shall have special protection to the extent that new development shall remain within the scope and character of existing development in the surrounding neighborhood”. This area is the southern border of the Jug Handle State Reserve, approved under a 1960’s subdivision map. Environmental planning at that time was to establish low density in this neighborhood to buffer Jug Handle Reserve public access land from private development at higher density further south along the coast. It was understood that was to preserve coastal natural resources and viewshed. Of the eight ocean front parcels in this neighborhood all are less than 5-acre minimum, except two preserved by California State Parks.

There is an existing well to serve the CDP 2019-0003 allowed parcel. It produces water at a rate of .8 gallon per minute on applicant’s property. A rate of 1 gallon per minute is generally the minimum required for a residential use. Any approval assumes that on-site water storage will be needed in order for there to be sufficient water for a new residence. We suppose this is acceptable, but it should be considered because it is an indication that there is not an abundance of water available.

Dennis Slota, former Hydrologist for Mendocino County Water Agency raised questions related to the hydrologic study done for the property split. Slota advised the Mendocino County Planning Commission that using a 30-year-old Hydrologic Study when they allowed the lot split seemed insufficient and very problematic.

We filed the following information with the Mendocino County Planning Commission for their hearing on this matter in 2021. CDP2019-0003 which allowed the lot split and approval of a residence. We disagree with the position taken by Mendocino County regarding land division. The applicant’s agent glossed over essential elements of the Coastal Commission guidelines for subdividing land in the coastal zone. This was overlooked by the Planning Commission and is another instance of Mendocino County’s interest in property development to the neglect of Coastal Zone Resources.

The smaller parcel on the applicant’s property does not meet General Plan land division requirement for size as required by the Coastal Act.

The Coastal Element Section 3.9. Locating and Planning New Development indicates that land divisions shall only be permitted as follows:

Policy 3.9-2c requires (emphasis added in bold):

The criteria for new land divisions permitted by the land use plan, outside of the urban/rural boundaries, shall be consistent with each of the following standards:

c. In addition to meeting the above criteria, it is understood that land divisions must comply with all other applicable policies of the Land Use Plan and Section 30250(a) of the Coastal Act.

Coastal Act Section 30250.(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

We believe this point did not get full consideration as part of the Coastal Act. The subject parcel is located outside of the Urban/Rural boundary and is subject to this requirement. The parcel fails to meet the second part of the requirement in that the parcels that would be created would be smaller than the average size of the surrounding parcels as shown in Figure 1. The average size of surrounding parcels is 3.467 acres. The proposed 2.0 and 2.67 acre parcels would not meet this criterion. Since this is a requirement of the General Plan and Coastal Act, it is not possible to grant an exception to this requirement.



Figure 1. Surrounding parcel acreage.

Section 9, Transportation and Circulation – The project is located on Caspar Point Road, a private road currently in danger of failure for a damaged culvert under the road. Project is within a Caspar neighborhood of thirteen contiguous parcels. The only access to properties is unpaved gravel road with a five-foot diameter culvert under the road for stream crossing. Property owners including applicant for CDP 2021-0002 have a right-of-way title to the road. The culvert is critical for all property owners to reach their parcels. The culvert is failing. The culvert extends under the private roadway approximately 200 feet west of the intersection of Caspar Point Road and Caspar Road. (Photographs attached). Property owners want to apply for a Coastal Development Permit to replace it. This neighborhood is in the Coastal Zone, west of Highway 1. Seven of thirteen parcels are developed, currently four of the seven have full time occupants and three have absentee owners. Six parcels are not developed. The State of California owns two of these parcels.

homes and parcels. As part of their easement-responsibility; property owners would like to assure safe access.

We recommended to Mendocino County, that if the CDP 2021-0002 project was approved, a condition of such approval should be the creation of a lot owner's association, and private road maintenance agreement or satisfactory replacement of the culvert. Mendocino County rejected this idea and approved the CDP 2021-0002 application.

Private road standards as outlined in the zoning code, Title 17, Division of Land Regulations, requires the following (emphasis added in bold):

Sec. 17-54. - Private Roads.

(A) No private roads shall be permitted in any parcel subdivision or major subdivision except where the Planning Commission determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to the adjoining properties, and will not disrupt or prevent the establishment of an orderly street pattern within the area of Subdivision.

(1) Satisfactory provisions shall be made for a lot owner's association or other organization to assume responsibility for the maintenance of said private roads and ownership of the street right of ways. Said provisions for maintenance shall be subject to the approval of the Planning Commission.

CDP 2019-0003 allowed subdivision that would result in the creation of a parcel with a gross area of less than 2.5 acres. For this reason, the subject subdivision would require that the private road be improved to the full County standards. This likely does not include a substandard culvert. The application should include plans for improving the private roadway to standard, and this should include upgrading the substandard existing culvert, and all associated permits, studies and engineering needed.



Damaged Culvert



Damaged Culvert



Damaged Culvert

In addition: Additionally, Section 17.54 of Title 17, Division of Land Regulations, requires in part (emphasis added in bold):

(B) Private roads shall be improved to the following standards:

(1) When any lot within the subdivision contains a gross area of 2.5 acres or less, the private roads shall be improved to full County Standards as established by this Chapter.

Private road standards as outlined in the zoning code, Title 17, Division of Land Regulations, requires the following (emphasis added in bold):

Sec. 17-54. - Private Roads.

(A) No private roads shall be permitted in any parcel subdivision or major subdivision except where the Planning Commission determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to the adjoining properties, and will not disrupt or prevent the establishment of an orderly street pattern within the area of Subdivision.

(1) Satisfactory provisions shall be made for a lot owner's association or other organization to assume responsibility for the maintenance of said private roads and ownership of the street right of ways. Said provisions for maintenance shall be subject to the approval of the Planning Commission.

We recommended, that if the CDP 2021-0002 was approved, a condition of such approval should be the creation of a lot owner's association, and private road maintenance agreement or completion of installation of a required culvert. It was approved without our recommendation. The CDP 2019-0003, subdivision resulted in the creation of a parcel with a gross area of less than 2.5 acres. For this reason, the subject subdivision ought to require that the private road be improved to the full County standards.

Finally, Staff Report for the CDP 2021-0002 proposal says a generator and a 5 by 8 foot concrete slab will be located within the buffer for an environmentally sensitive habitat area or ESHA. The generator should include noise dampening features, as this model operates above Mendocino County's allowed residential noise decibels (dBa). According to map proposed for the installation the generator will be adjacent the northern property boundary. Our concern is the wording "should include noise dampening features" as the generator is expected to operate above Mendocino County's allowed residential noise decibels (dBa). More appropriate wording ought to include recognized features that would reduce noise to allowed Mendocino County's allowed residential noise decibels, as location is opposite a bedroom for the northern adjacent property.

Lastly, the issue of the septic system was raised as related to use by the proposed guest house in CDP 2021-0002. This issue was raised by Mendocino County Public Health during the initial phase of the zoom hearing and apparently resolved, but as we were not permitted technically to participate, we don't know why. The existing system belongs to a house that has been used over 50 years. Adding a guest house to an existing three-bedroom home is not what the original system was intended. There was a recommendation for replacement but possibly deferred until the system fails. This parcel is less than a hundred feet from the ocean. Dense housing in this sensitive area will be promoted if a second house is allowed on what will become a 2.6 acre parcel.

In the past we have told the applicant we are opposed to what she intends for her land, the division particularly. The current arrangement of obtaining the permission to divide that sub rosa approved another house and holding it off to expand her present residence with a guest house is approved seems an inappropriate way of developing property in the coastal zone. We were the persons who spoke against the CDP 2021-0002, although there was commentary from Mendocino County Public Health related to the septic issue. There were several letters to Mendocino County Planning Commission from adjacent property owners in this neighborhood related to the CDP 2019-0003 parcel division hearing, and these were related to splitting the property for a second house. Mendocino County is playing fast and loose with development in the Coastal Zone.

Ray & Loraine Duff 45300 Caspar Point Road #46, Caspar CA 95420. rayduff@mcn.org

>>> Ray Duff <rayduff@mcn.org> 4/13/2021 11:39 AM >>>

To: Planning Commission
County of Mendocino Planning

Re: MS 2019-0003
45380 Caspar Point Road
Mendocino County
APN 118-010-27

Date: April 13, 2021

Dear Planning Commissioners:

We write to request that you consider some additional information regarding the proposed minor subdivision on Caspar Point Road:

1. Does not meet General Plan land division requirement for size as required by the Coastal Act.

The Coastal Element Section 3.9. Locating and Planning New Development indicates that land divisions shall only be permitted as follows:

Policy 3.9-2c requires (emphasis added in bold):

The criteria for new land divisions permitted by the land use plan, outside of the urban/rural boundaries, shall be consistent with each of the following standards:

c. In addition to meeting the above criteria, it is understood that land divisions must comply with all other applicable policies of the Land Use Plan and Section 30250(a) of the Coastal Act.

*Coastal Act Section 30250.(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. **In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.***

The subject parcel is located outside of the Urban/Rural boundary and is subject to this requirement. The parcel fails to meet the second part of the requirement in that the parcels that would be created would be smaller than the average size of the surrounding parcels as shown in Figure 1. The average size of surrounding parcels is 3.467 acres. The proposed 2.0 and 2.67 acre parcels would not meet this criterion. Since this is a requirement of the General Plan and Coastal Act, it is not possible to grant an exception to this requirement.

Figure 1. Surrounding parcel acreage.



2. Limited Water Availability.

The property is located in the Critical Water Resource Area, which is the most critical category. Not all neighboring residential properties have been developed. APN 118-010-25 directly to the southeast is an undeveloped property. The hydrology test does not ensure this existing parcel will be served with adequate water when they are ready to develop. Additionally, several neighbors had dry wells during the 2020 dry season, including APN 118-010-25, 118-010-20 and 118-020-22, all located within roughly 350 to 1,000 feet of the Carson property. Allowing for this subdivision not only decreases water availability for these property owners, but additionally sets a precedent for future subdivisions in an area where water availability is already an issue.

3. Private road in need of repairs.

Caspar Point Road is an improved private dirt road that serves roughly 13 properties. There is no private road maintenance agreement, which makes needed maintenance difficult, as costs must be assumed up front by an easement holder and other property owners would need to be billed after the fact. This is compounded by the fact that some development such as culvert replacement, requires costly permits and associated studies to be accomplished, including a Coastal Development Permit, 1600 permit, and associated natural resources studies and engineering costs.

A culvert extends under the private roadway approximately 420 feet west of the intersection of Caspar Point Road and Caspar Road. This culvert has flooded in past years and that flooding has caused damage to the roadway. The culvert is additionally in need of replacement as it is in a state of disrepair. State Parks who owns one of the parcels being served by the roadway, indicated they were not in a position to help with any of the needed private road maintenance or culvert repair up-front costs until such time as a maintenance agreement has been established.

Private road standards as outlined in the zoning code, Title 17, Division of Land Regulations, requires the following (emphasis added in bold):

Sec. 17-54. - Private Roads.

(A) No private roads shall be permitted in any parcel subdivision or major subdivision except where the Planning Commission determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to the adjoining properties, and will not disrupt or prevent the establishment of an orderly street pattern within the area of Subdivision.

(1) Satisfactory provisions shall be made for a lot owner's association or other organization to assume responsibility for the maintenance of said private roads and ownership of the street right of ways. Said provisions for maintenance shall be subject to the approval of the Planning Commission.

It is recommended, that if the project is approved, a condition of such approval should be the creation of a lot owner's association, and private road maintenance agreement.

Additionally, Section 17.54 of Title 17, Division of Land Regulations, requires in part (emphasis added in bold):

(B) Private roads shall be improved to the following standards:

(1) When any lot within the subdivision contains a gross area of 2.5 acres or less, the private roads shall be improved to full County Standards as established by this Chapter.

The subject subdivision would result in the creation of a parcel with a gross area of less than 2.5 acres. For this reason, the subject subdivision would require that the private road be improved to the full County standards. This likely does not include a substandard culvert. The application should include plans for improving the private roadway to standard, and this should include upgrading the substandard existing culvert, and all associated permits, studies and engineering needed.

Thank you for your consideration.

Sincerely,
Ray and Loraine Duff
45300 Caspar Point Road
Caspar, CA 95420

c/c: Brent Schultz, Director Mendocino County Planning and Building; Julia Acker, Chief Planner
Mendocino County Planning and Building; Juliana Cherry, Project Coordinator Mendocino County
Planning and Building

From: mpasarow@gmail.com
Subject: MS 2019-0003 Public Comments For May 6th Hearing
Date: April 19, 2021 at 2:18:54 PM PDT
To: pbscommissions@mendocinocounty.org

Mendocino County

APR 20 2021

To: Planning Commission, County of Mendocino Planning

Planning & Building Services

Re: MS 2019-0003
45380 Caspar Point Road
Mendocino County
APN 118-010-27

Date: April 15, 2021

Dear Planning Commissioners:

My name is Michael Pasarow and my address is 45390 Caspar Point Road, Caspar Ca 95420. Just one parcel south of Julia Carson who wants to split her lot and build another house on the split. We bought our home here over 20 years ago in the summer of 2000. Our home was in a rural area with almost 5 acres. We bought here because we had space around us and it was in an area of large lots.

Now my neighbor wants to add another house onto her lot. My wife passed away on 1/17/20, but when the neighbor told us of her plan to add another house, we told her we were both opposed to this kind of change. And I am still opposed. This area has had a rural atmosphere and we and I expected it to stay that way.

I also worry about another house using water as there are several neighbors in this area that ran out of water last year, and this year it is likely to be worse. Julia Carson has a very large vegetable garden that uses I am sure quite a bit of water. I walk my dog in the Caspar area, and several neighbors have told me that the water levels are a problem in this area. Then there is our common dirt road to access our properties. I don't think the road has the ability to have the additional traffic added to it during construction and after. Also I believe that the State of California owns two of the parcels and should be advised of what Julia Carson has in her plan. I am writing this note to you as I may be in Texas visiting my son during the meeting on May 6th.

Thank you for considering my comments,

Michael Pasarow

pbscommissions - MS 2019-0003 Public Comments for May 6 Hearing

Mendocino County

APR 27 2021

From: "kereynolds@mcn.org" <kereynolds@mcn.org>
To: <pbscommissions@mendocinocounty.org>
Date: 4/24/2021 3:05 PM
Subject: MS 2019-0003 Public Comments for May 6 Hearing

I am responding to a property development request on Caspar Pt Road, namely the coastal minor subdivision by Julia Carson of her 4.67 acres into two parcels of 2.67 acres and 2.0 acres. I am a property owner in this community and have the following reasons for objecting to this subdivision.

1. WATER is a limited resource and we are entering yet another year of drought. There is no assurance that the future will see an improvement in a substantially increased water supply. My property is only one acre and is not developed. Most parcels are larger than mine, but there are four parcels, associated with Caspar Pt Road, including mine, that are not yet developed but have the right to draw water at some point in the future. We do not need to establish additional water rights, especially not now.

2. EXISTING PARCEL SIZE LIMITATIONS IN THE COASTAL ZONE. I was under the impression that current Coastal regulations limited the extent to which parcels could be subdivided. A no-smaller-than 5 acres makes sense, especially in terms of controlling population density and reducing the demand on water resources. The fact that there are a few smaller parcels, established before current restrictions, in this neighborhood does not justify having more.

3. AVOID ESTABLISHING A PRECEDENT for further subdividing other parcels. Establishing a precedent is not a minor event. Subdividing one parcel leads to another. Well-spaced out housing is appropriate for this location.

Karen E Reynolds
 Caspar Pt Road Neighborhood

Mendocino County

MAY 03 2021

Planning & Building Services

>>> Brian Christman <bchristman23@icloud.com> 5/4/2021 8:51 AM >>>

To:
Planning Commission
County of Mendocino Planning

Re:
MS 2019-003
45380 Caspar Point Road
Mendocino County
APN 118-010-27

Dear Planning Commissioners:

I am writing in regards to the property development request at 45380 Caspar Point Road by Julia Carson, specifically the subdivision of the existing 4.67 acres into two parcels with plans to build a new house on the portion closest to the road. I am a property owner in the Caspar Point Road neighborhood and have the following concerns about this proposal.

1) My understanding is that the proposed division will have a house in the narrowing portion of the existing 4.67-acre property. The house will be very close to adjacent parcels with a minimum setback on one side and a driveway away from minimum setback on the other. The two acres designated for the three-bedroom house includes thirty feet of the eastern edge, which is a non-exclusive easement and right of way for the road that serves the area. This makes the parcel really 1.96 acres of usable land space, and is increasing the housing density out of keeping with the well-spaced lots established in the neighborhood.

2) Water is a precious resource as we go into another year of drought and a number of Caspar residents had their wells run dry in 2020. Any new development will place increased demand on the limited water available for the area. There is a water tank for the existing house on the currently developed parcel, but that storage also is used to maintain the garden and the adjacent fruit trees. If water storage is added to what is needed on the new parcel it only increases the size of the development while highlighting the lack of natural water resource to support the dwelling unit.

3) One subdivision will only lead to more and will spoil the reason we chose to buy a house in this area. We feel if all the four acre lots of this shape get split or developed, the feel, beauty, enjoyment, and quality of our neighborhood would change. We are worried about quality of life, visual impact, and change in quiet and peacefulness. You need only to go to the Caspar South subdivision to see how different that community looks compared to Caspar Point Road area. Every view has several houses in it.

While we support the right of each property owner to have control over their land and buildings, we feel everyone should be playing fairly within the current rules, rather than requesting exceptions that impact the quality of life and limited water resources of the neighborhood. Therefore we object to the current proposal for the subdivision and development at 45380 Caspar Point Road.

Thank you for your consideration.

Brian and Katharin Christman

pbscommissions - MS 2019-0003 Public Comments for May 6 Hearing

From: Ray Duff <rayduff@mcn.org>
To: Planning <pbs@mendocinocounty.org>
Date: 5/4/2021 11:33 AM
Subject: MS 2019-0003 Public Comments for May 6 Hearing
Cc: <pbscommissions@mendocinocounty.org>

Mendocino County

MAY 03 2021

Planning & Building Services

Planning Commissioners,

There are well documented regulatory reasons for disallowing a lot split to build in the coastal zone. What follows are practical and easily understood human reasons. The area in question is southernly-adjacent Jughandle State Reserve. Caspar Point Road is a border of the Reserve. The road is the northern-most portion of visual observation of the housing in this relatively undeveloped area.

Should this proposed two-acre split produce a house, it will make it that much easier for other two-acre plots to build. This could double buildout of this area which has served as a development buffer from sub division housing south of this area. Impact on the Coastal Zone will increase, and visual impact on the public using the Reserve will increase.

At this time gorse eradication has removed the visual barrier to some of this area. The eradication was done with proviso it be kept up by landholders. The proposed development will be visible from State Highway 1, this is expected to be permanent.

Visitors to Jughandle Reserve will also have full view of at least 700 feet of traffic on Caspar Point Road. As mentioned, the road is the Reserve's southern border. If the number of homes double by allowing building on two-acre parcels; the visual impact on visitors to Jughandle Reserve will be substantial.

There has been a need for housing in Mendocino County, and there may be a rationale for allowing this consideration in parts of the Coastal zone, as the zone is quite large when river tributaries are considered. However, there is no river here. This proposed development is west of the State Highway. It is also west of Caspar Street which is west of the Highway, and it is west of Caspar Point Road which is west of Caspar Street. The development is proposed is 600 feet from the Pacific Ocean.

Exhibit 3
A-1-MEN-23-0001
Appeal Packet
Page 23 of 36

We built our home in 1974. At that time we were required to have a berm to hide the dwelling from the Reserve as well as other considerations. We believed in the Coastal Zone protection values. If they applied then, they should apply now. The values do not include allowing two-acre property split for housing on ocean front property.

Sincerely,

Lorraine and Ray Duff

45300 Caspar Point Road

Caspar, CA 95420

Ray Duff
rayduff@mcn.org

RECEIVED

MIS 2019-0003

Public Comments for May 6th Hearing MAY 05 2021

PLANNING & BUILDING SERV
FORT BRAGG CA

H. Heidt / W. Imhoff
45101 Caspar Pt. Rd.
P.O.Box 980 ,
Mendocino, CA 95460
May 4, 2021

We respectfully request that the applicants proposal for a minor subdivision of APN 118-010-27-00 be denied, to allow our Rural Residential designation to maintain a lower housing density and a more natural interface with surrounding natural resources.

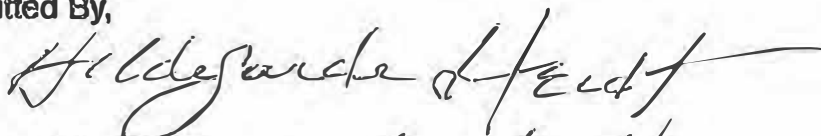
The Caspar Point Road subdivision comprised 13 parcels totaling 38+acres was subdivided in 1964 borders Jug Handle State Reserve to the north. To the east across Hwy. 1 lies Historic Jug Handle Farm. The current owner of the Farm which overlooks our subdivision and Jug Handle Reserve is a nonprofit which provides visitor hospitality, lodging and natural history classes. Preserving a balance of natural beauty while accommodating the needs of a state nature reserve, a historic farm and a private property subdivision interface requires critical sensitivity.

With your decision we ask that you maintain the emphasis on Rural (agriculture) and make no exception to increase Residential density beyond what current zoning allows. The Coastal Element of the Mendocino County General Plan classifies the subject parcel as Rural Residential, which is intended "to encourage local small scale food production... The Rural Residential classification is not intended to be a growth area and residences should be located to create minimal impact on agricultural viability." (Chapter 2.2 of the County of Mendocino General Plan Coastal Element). The applicant's proposed subdivision of her parcel does not conform with the above stated County General Plan designation of Rural Residential. It accomplishes just the opposite by creating two parcels out of an existing parcel thereby increasing residential density while reducing agricultural viability with setbacks and redundant utility requirements. The principally permitted use designated for the Rural Residential land use classification is "one dwelling unit per existing parcel and associated utilities, light agriculture and home occupation" (Chapter 2.2 of the County of Mendocino General Plan Coastal Element). The applicants intention is to divide the "existing parcel" to build an additional dwelling. This is clearly contrary to Rural Residential classification and should be denied.

This opinion is further supported under (Chapter 3.5--2 of the County of Mendocino General Plan Coastal Element). "Other communities and service centers along the Mendocino Coast including Westport, Caspar, Little River, Albion, Elk and Manchester shall have special protection to the extent that new development shall remain within the scope and character of existing development by meeting the standards of implementing ordinances".

Respectfully Submitted By,

Hildegard Heidt



William Imhoff



Exhibit 3
A-1-MEN-23-0001
Appeal Packet
Page 25 of 36

From: Guil Dye <guil@kwine.com>
To: <pbscommissions@mendocinocounty.org>
Date: Subject: 5/6/2021 12:43 PM
Subject: Case#: MS_2019-0003

Standing:

We are Gudrun and Guilford Dye, owning 45260 Caspar Point Road, Caspar being one parcel removed to the north of subject proposed development.

Comments:

Our neighbor Mrs. Carson spoke to us of her desires after applying for this split. She wishes another residence and separate property for her living companion. We sympathize with and understand her desires and only wish to suggest a less impactful solution.

Situation:

Approval of this first two acre lot split here will double the expected density and double environmental impact on Jug Handle State Reserve and its view shed

The Caspar Point Road subdivision is the south border of Jug Handle State Reserve. Approved under a 1960s subdivision map, it now has 12 parcels, 7 of which are ocean front (one is owned and under preservation by California Parks and Recreation). We believe the parcels to have been established in the 5 Acre minimum category. Access is a private, gravel, community- maintained road.

Environmental planning at that time was to establish low density here to buffer the Jug Handle Reserve public access land from private development at higher density elsewhere and further south. We understand that was to preserve coastal natural resources and view shed.

There is no Home Owners Association nor, to our knowledge, C C and Rs owners relying on restrictions in coastal, state and county zoning laws.

Impact:

Approval inevitably will encourage other ocean front lot splits in the future, changing the nature of the Jug Handle Reserve section of our coast. That could likely attract more lot split applications with impactful building on water front land elsewhere.

Road maintenance issues increase. The applicant has contributed efforts to organizing road repair so we appreciate that she understands this problem.

Water supply concerns have been expressed by neighbors. Subject property has one drilled well, now proposed to be shared.

Fire safety would be improved for this community if all homes had at least a 3000 gallon storage tank with Fire Department access.

Suggestion:

The applicant's desires for another adjacent dwelling might be satisfied if the Planning Department would expedite approval of a traditional "mother in law" second residence on the existing property.

That also would be consistent with existing code and with our County's need for more homes.

If she wishes to share ownership of her property, the applicant might consider retitling her land to add a joint tenant or establishing a partnership.

Finally, we appreciate Mrs. Carson's communicating with her neighbors on this issue and her expressed concern for our neighborhood.

County of Mendocino Planning Commission
501 Low Gap Rd.
Ukiah, CA 95482
pbs@mendocinocounty.org

Subject: MS-2019-0003
May 10, 2021

Dear Chair Purnell and Commissioners:

I listened to full deliberations from your 5/6/21 meeting this weekend. I am following the Cannabis issue and appreciated your thoughtful review of this coastal lot subdivision, when you knew you had a huge item next in line.

To be clear, I do not have any advocacy on this project, and only watched it because Cannabis was on the Agenda. However, using a 30-year old Hydrologic Study for a current project certainly caught my ear. As the former Hydrologist for the Mendocino County Water Agency, I felt an obligation to provide you with additional information. I used to review Hydrological Studies for the Department of Environmental Health. Hydrological studies range from Grade A to Grade F. As a 3rd party review, my duty was to ensure that the Study conformed with the Mendocino County Coastal Groundwater Development Guidelines (CGDG).

Pumping time requirements for Hydrological Studies range from 17 to 72 hours. Most coastal wells are set in terrace and/or bedrock and have a minimum 24-hour test period. A 17-hour test was only allowed in a confirmed alluvial deposit well and must have prior authorization from the Department of Environmental Health to conduct such a short test. Was an alluvial well confirmed and prior authorization obtained? Was the test performed according to the CGDG?

The hydrologic consultant mentioned that current well depths were substantially similar to 1991. Were the well measurements taken at the same time of year? Hydrological studies are conducted in the early fall, at the driest time of year, and it is important that comparative months be used. What time of day were the measurements taken and in how many wells? Readings at 2 A.M. can be considerably different from readings at 2 P.M. Was it a single point in time reading or was a recording logger used for weeks or months?

While the immediate neighborhood may not have changed, changes in the groundwater basin over the past 30-years may be significant.

- What is the percent change in impervious area in the groundwater basin (GB) since the study was conducted?
- How many new wells were drilled in the GB?
- Has land use changed in the GB? (including gardening, hydroponics, cannabis, commercial activity)
- How many second residential units have been built in the GB?
- How extensive is illegal water use in the GB?
- How have the above conditions changed in the directly adjacent groundwater basins?

Depending upon the answers to the above questions, using a 30-year old Hydrological Study as proof-of-water in a current project, may be very problematic.

Sincerely,
Dennis Slota

Resolution Number _____

County of Mendocino
Ukiah, California

MAY 6, 2021

MS_2019-0003 JULIA CARSON

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE
DECLARATION AND GRANTING A MINOR SUBDIVISION

WHEREAS, the applicant, JULIA CARSON, filed an application for a minor subdivision with the Mendocino County Department of Planning and Building Services to subdivide 4.67± acres into two 2.67± acres and 2.0± acres parcels, in the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 410B) and State Route 1 (SR), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Rd., Caspar (APN: 118-010-27); General Plan RR5(2):R; Zoning RR:5/FP; Supervisorial District 4; (the "Project"); and

WHEREAS, during February 2020 California Coastal Commission, California Department of Fish & Wildlife, Planning & Building Services staff, and others conducted a site visit with the purpose of agreeing upon the extent of environmentally sensitive habitat areas; and on February 14, 2020 and pursuant with MCC Section 20.496.015(D) all agencies agreed that the Tufted Hair Grass Meadow is an environmentally sensitive habitat area, or ESHA, and the Shore Pine stand is isolated, generally a fragmented habitat, does not rise to the status of a "forest", and, in this particular case, does not warrant protection as an ESHA; and

WHEREAS, on May 6, 2021, the Planning Commission met and heard recommendations from staff, the applicant's agent (including a request for four exceptions from road standards) and consultants, and received and heard comments from the public; and

WHEREAS, on May 6, 2021 and following public comments, Planning Commissioner Jones moved to approve the application with modified conditions; and following additional discussion between the Commissioners, she withdrew her motion; and

WHEREAS, on May 6, 2021, Commissioner Jones offered a motion to continue the matter to June 17, 2021 and accepted an amendment to the motion from Commissioner Paulin, who then seconded the amended motion, and subsequently the motion passed by unanimous voice vote (4-0-1), with Commissioner Wiedemann abstaining; and

WHEREAS, A Negative Declaration was prepared for the Project and noticed and made available for agency and public review on April 8, 2021, in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, May 6, 2021 and June 17, 2021, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative declaration and the Project; and

WHEREAS, Minor Subdivision Application MS_2019-0003 was reviewed by the Mendocino County Subdivision Committee on August 13, 2020 and is supported by the Committee with recommended conditions; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that based on the evidence in the record, the Planning Commission makes the following findings:

1. **General Plan and Zoning Consistency:** The subject parcel is classified in the Coastal Element of the General Plan as *Rural Residential* (RR) and the Project is consistent with this designation. The parcel is assigned a variable density, RR5(2):R, that allows 2 acre minimum lot sizes and the Project is consistent with the intent of MCC Chapter 20.376 *Rural Residential District*; and
2. **Division of Land Regulations:** The Project is consistent with Chapter 17 of the Mendocino County Code, Division of Land Regulations and the Subdivision Committee recommends conditional approval for the proposed minor subdivision to the Planning Commission pursuant with MCC Section 17-48.5 and ~~no conflicts with the County Division of Land Regulations were identified~~ the Planning Commission approves the requested exceptions to roadway standards as requested by the Applicant; and
3. **Pursuant with MCC Section 20.524.025(E)**, the two lot subdivision will not result in a parcel having more than one zoning district designation; and
4. **Pursuant with MCC Section 20.532.095(A)(1)** and as conditioned, the two lot subdivision would conform with the certified Local Coastal Program, including Coastal Element Chapter 2.2 (Land Use Plan), Chapter 3.9 (Locating and Planning New Development), and Chapter 4.6 (Caspar Planning Area); and
5. **Pursuant with MCC Section 20.532.095(A)(3)** and as conditioned, the proposed two lot subdivision is consistent with the purpose and intent of the Rural Residential District, satisfies the development requirements of the District, and satisfies the specified requirements of the MCC Chapters 20.500 *Hazards* and 20.504 *Visual Resources and Special Treatment Areas*, and all other provisions of Division II; and
6. **Pursuant with MCC Section 20.532.095(A)(5)**, the Project will not have any adverse impacts on any known archaeological or paleontological resource and supports Coastal Element Policy 3.5-10. A standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities; and
7. **Pursuant with MCC Section 20.532.095(B)(1)**, the Project conforms to public access policies, including Chapter 20.528 *Coastal Access Regulations and Open Space Easements*; and there are coastal access points and trails within the vicinity; and
8. **Pursuant with MCC Section 20.532.100(A)(1)**, the Project conforms to Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* regulations as it establishes a minimum buffer distance from surveyed environmentally sensitive habitat areas (ESHA), including *Tufted Hair Grass Meadow ESHA*, and the Project supports Coastal Element Policies 3.1-2 and 3.1-7; and
9. **Pursuant with MCC Section 20.532.100(C)(1)(a)**, the Project will have access to on-site ground water, as the test well produced 1,170 gallons per day in 1991 and recent evaluations found no significant change in ground-water levels, and septage disposal, roadway, and other necessary services; and
10. **Pursuant with MCC Section 20.532.100(C)(1)(b)**, the Project will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas

or on other coastal resources, and a Negative Declaration has been prepared pursuant to the California Environmental Quality Act; and

11. Pursuant with MCC Section 20.532.100(C)(1)(c), the new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands as surrounding areas are not identified as agricultural or timber lands and the Project supports Coastal Element Policy 3.9-8; and
12. Pursuant with MCC Section 20.532.100(C)(1)(d) and as conditioned, the proposed two lot subdivision is provided with adequate utilities, access roads, drainage and other necessary facilities and supports Coastal Element Policy 3.8-10; and
13. Pursuant with MCC Section 20.532.100(C)(1)(e), the proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element, including Coastal Element Chapter 3.9 policies regarding land divisions.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested minor subdivision and exception to the Division of Land Regulations, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. ~~that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.~~

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES FEENAN
Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
Interim Director, Planning & Building Services

ALISON PERNELL, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

~~MAY 6~~ June 17, 2021

MS_2019-0003 JULIA CARSON

APPROVED PROJECT DESCRIPTION: Coastal Minor Subdivision of a 4.67± acre parcel into two parcels of 2.67± acres and 2.0± acres.

CONDITIONS OF APPROVAL: For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map.

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

Aesthetics:

1. The following note shall be placed on the Parcel Map:

All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.

Air Quality:

2. A notation shall appear on the Parcel Map:

Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval.

3. A note shall appear on the Parcel Map:

The access road, driveway and interior circulation routes be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air quality Management District regulations regarding asbestos content.

Biological & Botanical Resources:

4. ~~Subdivider shall submit to the Department of Planning and Building Services, a Site Plan exhibit defining building envelopes which will avoid rare plant communities in accordance with the Biological Scoping & Botanical Survey Report for 45380 Caspar Point Road, Caspar, CA, Wynn Coastal Planning & Biology, June 12, 2019.~~

~~A note shall be placed on the Parcel Map:~~

~~Development will be confined to the building envelopes as described on the Site Plan exhibit on file in the Department of Planning and Building Services.~~

45. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife 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 \$ 2,530.25 OR CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period.** Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife 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.

Cultural Resources:

56. A note shall appear on the Parcel Map:

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.

Geology & Soil:

67. The subdivider shall acknowledge in writing to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- 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 and sediment control measures shall be established and 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 15th or before a weather event with an at least thirty percent (30%) chance of rain, whichever comes first. ~~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 unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
 - 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:

- i. 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 (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
- ii. 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 cubic meters) on any one lot and does not obstruct a drainage.

Fire:

78. The subdivider shall comply with those recommendations in the CalFire letter of (CAL FIRE FILE 90-19) or other alternatives as acceptable to CAL FIRE. Written verification shall be submitted from CalFire to the Department of Planning and Building Services that this condition has been met to the satisfaction of CalFire.
89. The subdivider shall comply with those recommendations of the Fort Bragg Rural Fire District or other alternatives as acceptable to the Fire District. Written verification shall be submitted from Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.

Hydrology & Water Quality:

940. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
1044. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM 42.04) for Parcel 2 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM 26.09).
1142. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM 42.04) for a replacement system for the existing structure(s) located on Parcel 1 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM 26.09).
1243. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
1344. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from an identified source on the subdivision. Compounds to be tested for, at a minimum are: Calcium, Iron (total), Magnesium, Manganese (total), Potassium, Sodium, Bicarbonate, Carbonate, corrosivity (pH), alkalinity (total), total dissolved solids, turbidity, Chloride, Fluoride, Nitrate, Sulfate, Calcium hardness, Magnesium hardness and total hardness.

Land Use & Planning:

~~1415.~~ The applicant is hereby notified that this proposed division lies within the Coastal Zone Boundary and additional action may be necessary. For information you should contact the California Coastal Commission Northern California Office, 1385 8th St., Arcata, CA 95521, 707-836-8950.

~~1516.~~ That verification be received by a licensed civil engineer or surveyor that each parcel created is a minimum of 2 acres, net.

~~1617.~~ All existing structures shall meet current setback requirements to newly proposed property lines. A Site Plan exhibit shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance.

Transportation:**~~1718.~~ Easements & Dedications:**

- a. There shall be provided an access easement of 40 feet in width from a publicly maintained road to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
- b. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.
- c. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map.

~~1819.~~ Road Improvement Requirements:

- a. Subdivision road ~~from Caspar Point Road to terminus of access easement~~ ~~within the access easement~~ shall be improved in accordance with the County of Mendocino Road and Development Standards drawing A10H and the following minimum standards: Twenty ~~six-two (226)~~ foot wide, eight (8) inch minimum thickness Class 2 aggregate base rock road within the access easement.
- ~~b. Install or replace drainage culverts where necessary. New or replaced culverts shall be a minimum of 12 inches in diameter and designed by a California Registered Civil Engineer to accommodate the 10-year storm event with a headwater to depth ratio of no greater than 1.0. In no case shall a new or replaced culvert be smaller than an upstream culvert.~~
- ~~c.~~ b. A standard private road approach shall be constructed to a minimum width of eighteen (18) feet, with improved approach extending twenty (20) feet from the edge of the County road, paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.

~~1920.~~ Turnaround Requirements:

- a. A 40 foot radius turnaround shall be constructed within a 50 foot radius easement at terminus of access easement to the satisfaction of the Mendocino County Department of Transportation. Alternatively, subdivider may construct a "Hammerhead-T" turnaround within a forty (40) foot wide by eighty (80) foot long easement at the terminus of the access easement. Turnaround shall be constructed with eight (8) inch minimum rock base, twenty (20) feet wide and sixty (60) feet long, with twenty (20) foot radius surfacing returns. If desired, the "Hammerhead-T" may be located at the driveway of the proposed residence on Parcel 2, provided that the entirety of the "Hammerhead-T" is included in the easement. The turnaround must be constructed before parcel map recording.

- b. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed. Prior to the filing of the parcel map, required road improvements must be inspected and approved by the Department of Transportation. Current inspection fees apply.
- c. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

Special Conditions:

2024. Building/Development Setbacks indicating Front/Rear/Side to all property boundary's (existing and proposed) and roadway/easements shall be designated on the Parcel Map (MCC Sec. 17-52.(l))

2122. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Parcel Map, the subdivider must: (a) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (b) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.

2223. In accordance with MCC Section 20.500.020(E)(3), all grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (for example, Brunsing Associates, Inc. Geotechnical Investigation Carson Residence and Guest Unit 45380 Caspar Point Road, Caspar, California. January 8, 2016).

2324. The property owner shall execute and record a deed restriction, in a form and content acceptable to the Director of Planning and Building Services and County Counsel, which shall provide that:

- a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
- b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
- c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
- d. The landowner shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan or other improvements in the event that these structures are subject to damage or other erosional hazards in the future, unless approved by a Coastal Development Permit or permit amendment; and
- e. The landowner shall remove the structures shown on the Site Plan when bluff retreat reaches the point where the structures are threatened. In the event that portions of the structures shown on the Site Plan, or other improvements, fall to the beach or ocean before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and
- f. Attached as exhibits to the Deed Restriction shall be (i) the adopted findings and conditions approving MS_2019-~~0002~~0003; and (ii) a Site Plan. The Site Plan exhibit shall identify the boundaries the *Tufted Hair Grass Meadow ESHA*, its buffer, the geotechnical bluff set back, and

others, and shall be printed in black and white. The Director of Planning and Building Services, or their designee, shall review and accept the Site Plan exhibit; and

- g. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

2425. In accordance with MCC Section 20.496.020(A), a buffer area shall be established adjacent to all environmentally sensitive habitat areas (ESHA), including the *Tuft Hair Grass Meadow ESHA*. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from developments and shall be compatible with the continuance of the habitat areas. The width of the buffer area shall be a minimum 100 feet. In accordance with MCC Chapters 20.496 and 20.532, the Coastal Permit Administrator may consider a request to modify the buffer width.

2526. Development, including repair, maintenance, and improvements to any structure, located within Environmentally Sensitive Habitat Area (ESHA) buffers, or ESHA resource areas, shall require a coastal development permit or permit amendment. Development may be exempt from the requirements of MCC Chapter 20.532, provided it meets the exemption criteria and is located outside of ESHA buffers and ESHA resource areas.

2627. Future development shall implement the mitigation and avoidance measures described in Section 6 of the *Biological Scoping & Botanical Survey Report for 45380 Caspar Point Road, Caspar, CA 95420* prepared by Wynn Coastal Planning & Biology and dated June 12, 2019 (or the adopted measures associated with a Coastal Development Permit).

2728. The bluff setbacks, as specified in the Geotechnical Investigation report prepared by Brunzing Associates dated January 9, 2016, shall be memorialized on the Parcel Map (and on the Site Plan exhibit attached to the Deed Restriction). In accordance with MCC Chapters 20.500 and 20.532, the Coastal Permit Administrator may consider a request to modify the bluff setback distance.

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