PLANNING COMMISSION STAFF REPORT FOR COASTAL DEVELOPMENT MINOR SUBDIVISION/ COASTAL DEVELOPMENT PERMIT

OCTOBER 15, 2015
CDMS_2013-0005
CDP_2013-0014

OWNER/APPLICANT:	CHARLES AND DALPHINIA HERVILLA PO BOX 1261 MENDOCINO, CA 95460
OWNER:	JUSTIN & MELISSA PYORRE PO BOX B LITTLE RIVER, CA 95456
AGENT:	WYNN COASTAL PLANNING 703 NORTH MAIN STREET FORT BRAGG, CA 95437
PROJECT COORDINATOR:	**SCOTT PERKINS**
REQUEST:	Coastal Minor Subdivision and a Coastal Development Permit to create two (2) parcels of 20.01± and 27.95± acres, and construct a 3,000± square foot single-family residence with an attached 576± square foot garage, and 640 square foot or less guest cottage on proposed Parcel 2. Additional development includes a 7,500± linear foot gravel driveway, and placement of septic, well and utilities, and an "exception" to subdivision road requirements to allow for an existing sixteen (16) foot street where an eighteen (18) foot street is required.
ENVIRONMENTAL DETERMINATION:	Mitigated Negative Declaration
RECOMMENDATION:	Approve the request
LOCATION:	In the Coastal Zone, 1± mile south of Little River, situated north of Buckhorn Cove Road East (private), and 0.5± miles east of its intersection with Highway 1 at 40001 Buckhorn Cove Road East, Little River.
TOTAL ACREAGE:	47.96± Acres
GENERAL PLAN:	Mendocino County General Plan – Coastal Element RMR 20 (Remote Residential, 20 acre min. lot sizes)
ZONING:	Mendocino County Code – Division II RMR 20 (Remote Residential, 20 acre min. lot sizes) DL (Development Limitations)
ADJACENT ZONING:	North: Timberland Production East: Timberland Production South Remote Residential West: Remote Residential
EXISTING USES:	Single-Family Residential

ADJACENT USES:

North: Vacant / Timberland
East: Vacant / Timberland
South: Single-Family Residential
West: Single-Family Residential

SUPERVISORIAL DISTRICT: 5

OTHER RELATED APPLICATIONS ON SITE/NEIGHBORING PROPERTY: The remainder parcel from Minor Subdivision CDMS 17-1989 is the subject parcel of this application.

PROJECT DESCRIPTION: The applicant requests a Coastal Development Minor Subdivision (CDMS) on an 47.96± acre parcel (APN 121-020-20) creating two (2) parcels of 20.01± and 27.95± acres. Additionally, the applicant requests a Coastal Development Permit (CDP) on proposed Parcel 2 (20.01 acres, as proposed) for the placement of an 3,000± square foot single-family residence with an attached 576 square foot garage, and 640 square foot or less guest cottage. The maximum proposed building height of each structure is eighteen (18) feet above natural grade. Additional development proposed by the requested CDP includes the development of an approximately 7,500 linear foot gravel driveway, and placement of septic, well and utilities. All proposed development is located on the southern portion of the property, centered within proposed Parcel 2.

The applicant also requests an "exception" to subdivision road requirements to allow for an existing sixteen (16) foot street where an eighteen (18) foot street is required.

SITE DESCRIPTION AND SETTING: The 27.95± acre parcel is located 1± mile south of Little River, situated north of Buckhorn Cove Road East (private), 0.5± miles east of its intersection with Highway 1. The site is surrounded by a mixture of rural residential development and vacant forest land. Beyond adjacent properties, visitor accommodation, commercial and residential uses are intermixed among vacant parcels throughout Little River. The subject parcel is currently developed with an existing single-family residence, including associated utilities and accessory development on proposed Parcel 1.

The majority of the parcel is comprised of mixed coniferous forest, with the exception of intermittent native and non-native grasses. A pond and natural spring is located in the southwestern portion of the parcel, with nearby riparian vegetation. The ocean bluff is across Highway 1 and approximately five hundred (500) feet from the western extent of the parcel.

APPLICANT'S STATEMENT: "Minor land division to divide a 47.96± acre parcel into two parcels of 27.95± and 20.01± acres each; Install water storage tank (4,000 gallons; per CalFire). Proposed Parcel 1 is developed with a single-family residence and typical appurtenances, including a garage, outbuildings, septic system, well, propane tank, 10' wide gravel driveway.

"Construct 3,000 sf Single-Family Residence with attached 576 sf garage, maximum building height of 18' above natural grade; construct 640 sf Guest Cottage, maximum building height of 18' above natural grade. Install septic, well, utilities. Construct 7,500 sf gravel driveway."

SERVICES:

Access (Parcel 1):	Existing, off of Buckhorn Cove Road East (private)
Access (Parcel 2):	Proposed, off of Buckhorn Cove Road East (private)
Fire District:	Albion-Little River Fire Protection District
Water District (Parcel 1):	None (existing well)
Water District (Parcel 2):	None (proposed well)
Sewer District (Parcel 1):	None (existing septic)
Sewer District (Parcel 2):	None (proposed septic)
School District:	Mendocino Unified School District

REFERRAL AGENCY COMMENTS:

The following agencies were referred the project application materials on August 16, 2013, and were afforded an opportunity to provide comments.

Referral Agencies	Referral Not Returned	No Comment Provided	Comments Provided
Air Quality Management District			✓
Albion Little River Fire Protection District			✓
Archaeological Commission			✓
Assessor	✓		
Building Division (Fort Bragg)		✓	
Building Division (Ukiah)	✓		
CalFire			✓
California Coastal Commission			✓
California Department of Fish and Wildlife	✓		
Caltrans	✓		
County Addresser		✓	
Department of Transportation			✓
Division of Environmental Health (Fort Bragg)	✓		
Division of Environmental Health (Ukiah)			✓
Forestry Advisor	✓		
Mendocino School District	✓		
Planning Department (Fort Bragg)	✓		
U.S. Fish and Wildlife			✓

KEY ISSUES:

1. General Plan and Zoning Consistency

The subject property is designated Remote Residential (RMR) with twenty (20) acre minimum permitted lot sizes by the Coastal Element of the General Plan, and is also zoned Remote Residential. The lot sizes proposed by this subdivision are both greater than twenty (20) acres. There is no conflict with the Coastal Land Use Classification or Mendocino County Code (MCC) in regards to density or use. The existing single-family residence on proposed Parcel 1, and the proposed single-family residence, accessory guest cottage and associated development are principally permitted in the RMR zoning district and General Plan classification. The proposed subdivision and proposed single-family residence, accessory guest cottage and associated development comply with RMR land use policies, including use, lot area, dwelling density, yards, height and lot coverage.

Guest cottages are characterized by the MCC as Accessory Living Units,[1] and are defined as "a detached building (not exceeding six hundred forty (640) 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."[2] The proposed guest cottage is depicted in the application materials as six hundred forty (640) square feet, and does not include provisions for the storage or preparation of food. The square footage and contents of the guest cottage will be inspected by a Mendocino County Building Inspector prior to finalizing the building permit application necessary to construct the guest cottage, provided this CDP is issued. **Condition 18** is recommended to ensure the guest cottage is consistent with the provisions of the MCC, specifically forbidding the installation of a kitchen in the guest cottage and prohibiting its use as a rental unit.

[1] Mendocino County Code, § II-20.380.020(G) (1991). Print.
[2] Mendocino County Code, § II-20.308.050(I) (1991). Print.

2. Division of Land Regulations

The project was reviewed by County staff to identify applicable County regulations related to public services, utilities (well and septic) and access requirements. Analysis of each of these subjects is located in Appendix A; staff identified fire and access concerns as Key Issues.

a. Public Services (Fire)

The parcel contains areas of both high and moderate fire hazard severity ratings.[3] The project application was referred to the California Department of Forestry and Fire Protection (CalFire) for input. CalFire submitted recommended conditions of approval (CDF #76-12) on May 8, 2012, for road standards and emergency water supply standards to assure sufficient emergency access. CalFire reviewed the applicant's requested exemption to subdivision road requirements to allow for an existing sixteen (16) foot wide street where an eighteen (18) foot wide street is required. In their referral, CalFire states in a subsequent letter, dated July 15, 2015, that "an exemption to the 18 foot road requirements has been granted because of an existing emergency water supply of 4,500 gallons for firefighting use. An existing paved teardrop/circular drive is adequate for fire protection/defense and apparatus turn around."

The project application was likewise referred to Albion Little River Fire Protection District (ALRFPD) for review and comment. ALRFPD submitted comments in a letter dated February 5, 2014, revised by a letter dated July 15, 2015. ALRFPD "has looked at the project and has no concerns."

Condition 15 and **Condition 16** provide for review and approval by CalFire and ALRFPD of fire safe measures to minimize fire hazards, as recommended.

b. Access

Access to the subdivision is currently provided by Buckhorn Cove Road East (private). The existing private road is paved with an asphalt concrete surface of sixteen (16) to eighteen (18) feet wide, within a sixty (60) foot wide non-exclusive roadway and public utility easement. Buckhorn Cove Road East was constructed as a minor subdivision road per MS 17-1989 to provide access for three (3) parcels and the subject remainder parcel (currently proposed for subdivision into two (2) parcels). Parcel 1 and Parcel 2, as proposed on the tentative map, are to be accessed by a forty (40) foot wide access and utility easement (which contains an existing power line). The existing roadway serving the existing residence on proposed Parcel 1 is surfaced with asphalt concrete twelve (12) feet wide.

The applicants have requested an exception to Road Development Standards MCC 17-53 (B) Road Width Standards. The existing road surfacing width in some areas is less than eighteen (18) feet, but at least sixteen (16) feet of asphalt concrete surfacing. Current Mendocino County road standards for a Level B Private Minor Subdivision would be twenty two (22) foot wide base width with eighteen (18) foot wide, double chip seal surface. The applicant is requesting an exception to the requirement for additional base width.

Mendocino County Department of Transportation (DOT) was invited to provide comment on the application, and conducted a field review of the existing road on November 4, 2013. A letter to Planning and Building Services from DOT dated December 10, 2013, states:

> *DOT has determined that because of the existing terrain that it would take considerable grading to add an additional four (4) feet of shoulder width to the existing roadway. DOT would consider recommending approval of the Exception to Road Development Standards if one turnout were constructed approximately midway between State Highway 1 and the turnaround at the end of Buckhorn Cove East if Albion Little River Fire District and CalFire also approve the exception to road width request.*[4]

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[3] *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

[4] Peters, Tom. "Coastal Development Minor Subdivision No. CDMS 5-13 (Hervilla)." Letter to Mary Lynn Hunt. 10 Dec. 2013.

In further correspondence between the applicant and referral agencies, an agreement was reached regarding the request for an exception to access requirements. A letter from DOT dated February 27, 2014, states the following:

> *In consideration of these two letters from the fire protection agencies having jurisdiction of this site, the Mendocino County Department of Transportation recommends approval of the Exception to 17-53(B) Eighteen (18) foot Street Width to the Planning Commission.*[5]

As a result, staff recommends **Condition 19**, **Condition 20**, and **Condition 21**. These conditions work in concert with those recommended by CalFire and ALRFPD for fire prevention. Provided the development satisfies access requirements as conditionally approved by DOT, CalFire and ALRFPD, the project will be provided with adequate access roads.

3. Environmental Protection

An Initial Study for the proposed project was completed in accordance with the California Environmental Quality Act (CEQA). Staff did not identify any significant impacts to the environment which would occur as a result of the project. The following sections of the Initial Study require recommended conditions to ensure that project impacts will remain at a less than significant level.

a. Aesthetics

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by Chapter 20.504 of the MCC.

A portion of the subject parcel is located within a mapped Highly Scenic Area (HAS), as depicted on the *Albion* LCP map. In order to determine the applicability of particular LCP policies, staff charged the applicant with providing evidence as to the location of proposed development in relationship to the HSA boundary. Staff provided the applicant with a map of the HSA, which the applicant superimposed on the proposed site plan. The submitted exhibit depicts the proposed single-family residence, accessory guest cottage and associated development outside the boundary of the HSA.[6] The exhibit provided by the applicant was inspected by the Cartographer for accuracy, and staff is satisfied that the proposed development is not in the mapped HSA.

The Coastal Element of the General Plan states that "development on a parcel located partly within the highly scenic areas delineated on the Land Use Maps shall be located on the portion outside the viewshed if feasible."[7] The exhibit submitted by the applicant and verified by PBS depicts development outside the HSA; therefore, the project is consistent with the Coastal Element policy regarding parcels partially in a HSA. **Condition 1** and **Condition 2** are recommended to verify that the house site is outside the mapped HSA.

Although the proposed development is sited outside the HSA, the MCC includes development standards and resource protection requirements that help ensure the establishment of new uses, including the location and scale of new structures, are subordinate to the existing landscape setting. The proposed project would create a new parcel zoned for a principally permitted single-family residence, and would place a new single-family residence and accessory guest cottage approximately 800 feet east of Highway 1, where it will stand amongst existing vegetation. The proposed location of the structures against the woodland backdrop will make it appear as a minor or subordinate element in the existing landscape. The height of the single-family residence and guest cottage is proposed to be less than eighteen (18) feet

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[5] Peters, Tom. "Coastal Development Minor Subdivision No. CDMS 5-13 (Hervilla)." Letter to Mary Lynn Hunt. 27 Feb. 2014.
[6] Wynn Coastal Planning. *Highly Scenic Exhibit*. Technical Drawing. 24 Mar. 2015.
[7] Policy 3.5-6. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan.* 1991. Ukiah, CA.

above natural grade, lower than the woodland canopy and will thus not appear as a silhouette against the sky from Highway 1 or any other public vantage point. It will appear similar to the existing single-family residence to the north on proposed Parcel 1, and similar to other single-family residences in the vicinity that are located east of Highway One.

To ensure existing vegetation will screen the proposed development from Highway 1 to the greatest extent possible, **Condition 3** is recommended, limiting vegetation removal associated with this project to only that which is required to comply with the conditions and standards set by California Department of Forestry for fire protection and which is required to site the proposed development.

Additionally, the project application indicates proposed materials and colors for all structures on the property as follows:

Proposed Project Materials and Colors		
Element	**Materials**	**Color**
Siding	Hardie-Panel	Shake Redwood Stain
Roof	Certainteed fiberglass	Platinum
Doors	Wood	Sherwin Williams Rookwood Brown
Trim	Hardie-Trim	Sherwin Williams Rookwood Brown
Window Frames	Marvin aluminum	Bahama Brown

Staff recommends **Condition 4** requiring the single-family residence and guest cottage be constructed with the proposed materials and colors.

The Coastal Zoning Code provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and also must be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel.[8]

The lighting shown on the proposed elevations includes a note that lighting is "shielded downcast, low wattage exterior light, type [sic]."[9] **Condition 5** is recommended to ensure that any exterior lighting will comply with lighting policies.

b. Biological Resources

The Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

Spade Natural Resources Consulting prepared a Botanical Survey and Biological Scoping Survey, dated March 15, 2013, to determine the extent of any Environmentally Sensitive Habitat Area (ESHA) that may be present on the subject parcel. The biologist's survey identifies a riparian area and spring box on the southwest portion of the parcel, south of the proposed single-family residence. To mitigate potential impacts to the riparian area, the biologist recommends "the riparian habitat present should be protected by a 100-foot buffer. If any development is proposed within 100-feet of the riparian area, a reduced buffer analysis should be conducted."

Additionally, the biological survey identified the presence of harlequin lotus, a species which is known to support the federally endangered Lotis blue butterfly. The biologist determined that "the relatively small number of potential host plants present is unlikely to be enough to support a viable population of Lotis blue

[8] *Mendocino County Coastal Zoning Code*. § 20.504.35 (1991). Print.
[9] Lennox, Debra. *Elevations*. Technical Drawing. A2. Jan. 2013.

butterflies." The project and biological survey was referred to United States Fish and Wildlife Service (USFWS) to determine the potential for unauthorized take of the endangered species.

A letter from USFWS to the project biologist dated October 9, 2014, states the following:

> *The USFWS has determined that this project as described may proceed and that it would be unlikely to result in unauthorized take of the federally listed Lotis blue butterfly….This determination by the USFWS is contingent upon the establishment of 100-foot buffers around all occurrences of* Hosackia gracilis *[Lotis blue butterfly], within which there will be no vegetation removal or cutting, and no ground disturbance.*

The Local Coastal Program provides criteria for development within one hundred (100) feet of any ESHA, intended to mitigate the impacts of development on these areas to levels less than significant. The submitted site plan depicts all development greater than one hundred (100) feet from the identified riparian area (the only ESHA discovered by the biological survey). While the harlequin lotus does not qualify as an ESHA, the federally protected Lotis blue butterfly relies on the plant for habitat. The project application did not include a species-specific survey for Lotis blue butterfly; however, siting development greater than one hundred (100) feet from the documented occurrences of harlequin lotus will prevent unauthorized take of the federally listed Lotis blue butterfly, per USFWS.

The vegetation removal required to site the development, as determined by the submitted biological survey, will not include the removal of any protected species or habitats.

Condition 8, **Condition 9**, **Condition 10**, and **Condition 11** are recommended to ensure all development will maintain a minimum one hundred (100) foot buffer from the riparian area (ESHA) and the documented occurrences of harlequin lotus, and to protect against impacts to rare or threatened species that have the potential to exist on the site, yet were not discovered by the biological survey. As all development is proposed beyond one hundred (100) feet from any ESHA, impacts to biological resources will be less than significant.

RECOMMENDATION:

Adopt the Resolution to certify the Mitigated Negative Declaration and approve the request for Coastal Development Minor Subdivision CDMS 2013-0005, Coastal Development Permit CDP 2013-0014, and the requested Exception to Road Development Standards with the recommended Conditions of Approval.

FINDINGS:

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

Exception Findings: The Planning Commission grants the request for an exception to Mendocino County Code Section 17-48.5(A)(1)(e)(i) finding:

1. There are special circumstances or conditions affecting the proposed division of land.

2. The granting of the exception will not be detrimental to the public welfare or injurious to surrounding property.

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

1. The proposed development is in conformity with the certified local coastal program; and

2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and

3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district; and

4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.

6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

7. The Environmentally Sensitive Habitat Area as identified on the Land Use map will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

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

1. The new lots created have or will have adequate water, sewage, including a long term arrangement for septic disposal, roadway and other necessary services to serve them; and

2. The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources; and

3. The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands; and

4. Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels; and

5. The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element.

Project Findings: The Planning Commission, making the above findings, approves CDMS 2013-0005, CDP 2013-0014, and the exception to Road Development Standards subject to the following conditions of approval as recommended in within the staff report.

Mitigated Negative Declaration
Appeal Fee - $910.00
Appeal Period - 10 days

RESOLUTION AND EXHIBIT A

ATTACHMENTS:

A. Coastal Permit Approval Checklist
B. Draft Initial Study
C. Location Map
D. Topo Map
E. Aerial Map
F. Tentative Map
G. Elevations
H. Zoning Display Map
I. General Plan Map
J. Fire Hazard Map
K. Coastal Groundwater Map
L. Highly Scenic Map
M. Slope Map
N. Soils Map
O. Timber Production Zone Map

Resolution Number _____

Planning Commission
County of Mendocino
Ukiah, California
October 15, 2015

MS_2013-0005 and CDP 2013-0014 – Justin & Melissa Pyorre and Charles & Dalphinia Hervilla

Resolution of the Planning Commission, County of Mendocino, State of California, certifying a Mitigated Negative Declaration and granting the request of a Coastal Development Minor Subdivision and a Coastal Development Permit for the construction of a single-family residence and associated development located in the Coastal Zone, approximately one (1) mile south of Little River, situated north of Buckhorn Cove Road East (private), and approximately 0.5 miles east of its intersection with State Highway 1, located at 40001 Buckhorn Cove Road East, Little River; APN 121-02-020.

WHEREAS, the applicant, Justin & Melissa Pyorre and Charles & Dalphinia Hervilla, filed an application for a Coastal Minor Subdivision and a Coastal Development Permit with the Mendocino County Department of Planning and Building Services to create two (2) parcels of 20.01± and 27.95± acres, and construct a 3,000± square foot single-family residence with an attached 576± square foot garage, and 640 square foot or less guest cottage on proposed Parcel 2. Additional development includes a 7,500± linear foot gravel driveway, and placement of septic, well and utilities, and an "exception" to subdivision road requirements to allow for an existing sixteen (16) foot street where an eighteen (18) foot street is required ("Project"), located in the Coastal Zone, approximately one (1) mile south of Little River, situated north of Buckhorn Cove Road East (private), and approximately 0.5 miles east of its intersection with State Highway One at 40001 Buckhorn Cove Road East, Little River, at 40001 Buckhorn Cove Road East, Little River; APN 121-02-020; General Plan Remote Residential (RMR); Zoning Remote Residential (RMR 20):; Supervisorial District 5; and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review for the proposed project on September 17, 2015 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 October 15, 2015, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; 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 Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

General Plan Finding:

1. The proposed project is consistent with the property Coastal Element of the General Plan designation of Remote Residential (RMR) and with applicable goals and policies of the General Plan as subject to the Conditions of Approval found in Exhibit A of the resolution.

Coastal Land Division Findings:

1. As required by Section 20.532.100(C), the Planning Commission further finds that:

    a. The new lots created have or will have adequate water, sewage, including a long term arrangement for septic disposal, roadway and other necessary services to serve them; and

    b. The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources; and

    c. The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands; and

    d. Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels; and

    e. The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element.

Environmental Findings

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

Exception Findings:

1. The Planning Commission grants the request for an exception to Mendocino County Code Section 17-48.5(A)(1)(e)(i) finding:

    a. There are special circumstances or conditions affecting the proposed division of land; and

    b. The granting of the exception will not be detrimental to the public welfare or injurious to surrounding property.

Coastal Development Permit Findings:

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

    a. The proposed development is in conformity with the certified local coastal program; and

    b. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and

    c. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code and preserves the integrity of the zoning district; and

    d. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and

    e. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and

f. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development; and

g. The Environmentally Sensitive Habitat Area as identified on the Land Use map will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program set forth in the Conditions of Approval. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Coastal Minor Subdivision and Coastal Development Permit, 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 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 taken.

_____
MOLLY WARNER, Chair
Mendocino County Planning Commission

ATTEST: ADRIENNE M. THOMPSON
Secretary to the Planning Commission

By_____

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

APPROVED AS TO FORM
DOUGLAS L. LOSAK, Interim County Counsel

BY: STEVEN D. DUNNICLIFF
Director

_____
Deputy

EXHIBIT A

CONDITIONS OF APPROVAL
MINOR SUBDIVISION – CDMS_2013-0005
AND COASTAL DEVELOPMENT PERMIT – CDP 20103-0014
OCTOBER 15, 2015

Resolution of the Planning Commission, County of Mendocino, State of California, certifying a Mitigated Negative Declaration and granting the request of a Coastal Development Minor Subdivision and a Coastal Development Permit for the construction of a single-family residence and associated development located in the Coastal Zone, approximately one (1) mile south of Little River, situated north of Buckhorn Cove Road East (private), and approximately 0.5 miles east of its intersection with State Highway 1, located at 40001 Buckhorn Cove Road East, Little River; APN 121-02-020.

APPROVED PROJECT DESCRIPTION: A Coastal Minor Subdivision and a Coastal Development Permit to create two (2) parcels of 20.01± and 27.95± acres, and construct a 3,000± square foot single-family residence with an attached 576± square foot garage, and 640 square foot or less guest cottage on proposed Parcel 2. Additional development includes a 7,500± linear foot gravel driveway, and placement of septic, well and utilities, located in the Coastal Zone, approximately one (1) mile south of Little River, situated north of Buckhorn Cove Road East (private), and approximately 0.5 miles east of its intersection with State Highway One at 40001 Buckhorn Cove Road East, Little River, at 40001 Buckhorn Cove Road East, Little River; APN 121-02-020.

CONDITIONS OF APPROVAL:

Aesthetics

1. Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit a site plan illustrating all development is outside a mapped Highly Scenic Area. The location of the Highly Scenic Area boundary shall be provided by Planning and Building Services.

2. Prior to final inspection of a building permit in reliance on this Coastal Development Permit, the applicant shall have a licensed surveyor delineate the eastern boundary of the Highly Scenic Area and the physical extent of proposed development at the site, verifying that all development will be sited outside the Highly Scenic Area. The location of the Highly Scenic Area boundary shall be provided by Planning and Building Services.

3. Approval of this Coastal Development Permit allows for vegetation removal only in areas that depict physical development on the submitted site plan, and the removal of vegetation required to comply with conditions and standards set by California Department of Forestry for fire protection.

4. Prior to final inspection of a building permit in reliance on this Coastal Development Permit, Planning and Building Services shall inspect the construction of the single-family residence and the guest cottage to ensure the utilized materials and colors are consistent with the proposed project materials and colors submitted with the project application.

5. Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all exterior lighting fixtures. 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 in compliance with Section 20.504.035 of the Mendocino County Code.

Agriculture and Forestry Resources

6. Pursuant to Mendocino County Code Chapter 10A.13 (Nuisance and Consumer Disclosure), a notation shall appear on the Parcel Map that the property is adjacent to or within 300 feet of Timber Production Zoning and may be subject to inconvenience or discomfort arising from agricultural practices which occasionally generate dust, noise, smoke and odors.

Air Quality

7. A note shall appear on the Parcel Map that the access road, driveway and interior circulation routes be maintained in such a manner as to ensure minimum dust generation subject to Air Quality Management District Regulations, 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 Resources

8. All development shall maintain a minimum one hundred (100) foot buffer from the mapped riparian area and from the occurrences of harlequin lotus identified in the Biological Scoping Survey prepared by Spade Natural Resources Consulting, dated March 15, 2013.

9. If construction occurs during the red-legged frog dispersal season, beginning November 1 and concluding May 1, construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any silt fences to detect California red-legged frogs. If a California red-legged frog is detected, construction crews will contact the U.S. Fish and Wildlife Service and the Department of Planning and Building Services prior to re-initiating work.

10. Clearing of vegetation and the initiation of construction should be done in the migratory bird non-breeding season between September 1 and January 31. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform pre-construction breeding bird surveys within fourteen (14) days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum one hundred (100) foot exclusion zone. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

11. The subdivider shall submit to the Department of Planning and Building Services an Exhibit Map defining a building envelope on proposed Parcel 2, which will avoid rare plant communities in accordance with the Botanical Survey prepared by Spade Natural Resources Consulting dated March 15, 2012. A note shall be placed on the Parcel Map stating that the development will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.

Cultural Resources

12. A note shall appear on the Parcel Map that 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 and Soils

13. Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit for approval by Planning and Building staff a drainage and erosion control plan. The plan shall detail erosion and sediment control Best Management Practices, including concrete wash out area, staging, stockpile locations, and tree protection areas, as necessary. Roof downspouts shall be directed to landscaped areas and avoid discharging off the parcel.

14. A notation shall be placed on the Parcel Map/Unilateral Agreement stating that, "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."

Hazards and Hazardous Materials

15. The applicant shall comply with those recommendations in the California Department of Forestry letter dated May 8, 2012 (CDF #76-12), or other alternatives as acceptable to the Department of Forestry. Written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.

16. The applicant shall comply with those recommendations in the Albion Little River Fire Protection District letter dated February 5, 2014, or other alternatives as acceptable to the Fire District. Written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.

Hydrology and Water Quality

17. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.

Land Use and Planning

18. At time of application for a building permit for a guest cottage in reliance on this Coastal Development Permit, the applicant shall place a note on the plot plan stating that the guest cottage will not have a kitchen or cooking facilities, will be clearly subordinate and incidental to the primary dwelling, and will not be separately rented, let, or leased whether compensation be direct or indirect.

Transportation and Traffic

19. There shall be provided an access easement of forty (40) feet in width (as per tentative map) from Buckhorn Cove Road East (private) through Parcel 2 to serve Parcel 1 and a sixty (60) feet wide access and public utility easement over Buckhorn Cove Road East. Documentation of access easements shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.

20. 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.

21. 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.

Utilities and Service Systems

22. 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.

23. 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).

24. The applicant shall submit to 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).

25. 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 areas(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.

Standard Conditions

26. Pursuant to Government Code Section 66492 and 66493, prior to recordation of the Parcel Map, the subdivider must: (1) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) Pat a security deposit (or bond) for taxes that are a lien, but not yet due and payable.

27. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of $2,260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to Monday September 2, 2013 (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 Game upon their finding that the project has *"no effect"* on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

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

PROJECT TITLE:	CDMS_2013-0005 CDP_2013-0014
PROJECT LOCATION:	40001 East Buckhorn Cove Road Little River, CA 95436 APN 121-020-20
LEAD AGENCY NAME, ADDRESS AND CONTACT PERSON:	Scott Perkins Mendocino County Planning and Building Services 120 West Fir Street Fort Bragg, California 95437 707-964-5379
GENERAL PLAN DESIGNATION:	Mendocino County General Plan – Coastal Element RMR 20 (Remote Residential, 20 acre min. lot sizes)
ZONING DISTRICT	Mendocino County Code – Division II RMR 20 (Remote Residential, 20 acre min. lot sizes) DL (Development Limitations)

DESCRIPTION OF PROJECT: Coastal Minor Subdivision and a Coastal Development Permit to create two (2) parcels of 20.01± and 27.95± acres, and construct a 3,000± square foot single-family residence with an attached 576± square foot garage, and 640 square foot or less guest cottage on proposed Parcel 2. Additional development includes a 7,500± linear foot gravel driveway, and placement of septic, well and utilities, and an "exception" to subdivision road requirements to allow for an existing sixteen (16) foot street where an eighteen (18) foot street is required. All proposed development is located on the southern portion of the property, centered within proposed Parcel 2.

SITE DESCRIPTION AND SETTING: The approximately 27.95 acre parcel is located approximately one (1) mile south of Little River, situated north of Buckhorn Cove Road East (private), approximately 0.5 miles east of its intersection with State Highway 1. The site is surrounded by a mixture of rural residential development and vacant forest land. Beyond adjacent properties, visitor accommodation, commercial and residential uses are intermixed among vacant parcels throughout Little River. The subject parcel is currently developed with an existing single-family residence, including associated utilities and accessory development on proposed Parcel 1.

The majority of the parcel is comprised of mixed coniferous forest, with the exception of intermittent native and non-native grasses. A pond and natural spring is located in the southwestern portion of the parcel, with nearby riparian vegetation. The ocean bluff is across State Highway 1 and approximately five hundred (500) feet from the western extent of the parcel.

DETERMINATION: The proposed project **conditionally satisfies all required findings for approval of a Coastal Development Permit and a Coastal Development Minor Subdivision**, pursuant to Sections 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	☐	☒	☐	☐
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	☐	☒	☐	☐
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	☐	☒	☐	☐
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	☐	☒	☐	☐
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	☐	☒	☐	☐
(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.	☐	☐	☒	☐
(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	☐	☐	☐	☒

- **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

☒ *Consistent (with conditions of approval)*

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The LCP addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal blufftops; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the LCP are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, California Environmental Quality Act (CEQA) consistency, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the LCP not specifically addressed elsewhere in this checklist.

General Plan Land Use – Remote Residential (20)
The subject parcel is classified as Remote Residential (RMR) by the Coastal Element of the Mendocino County General Plan, which is intended "to be applied to lands having constraints for commercial agriculture, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses by the absence of such limitations as inadequate access, unacceptable hazard exposure or incompatibility with adjoining resource land uses." The principally permitted use designated for the RMR land use classification is "one dwelling unit per parcel with associated utilities, light agriculture uses and home occupations." The minimum parcel size for the RMR land use classification is either twenty (20) acres or forty (40) acres, as designated on the Land Use Map.[1] LCP Map 18 *(Albion)* designates the minimum parcel size requirement as twenty (20) acres.[2]

A permitted single-family residence is currently present on proposed Parcel 1, and the CDP portion of this application seeks to permit a new single-family residence, accessory guest cottage and associated development on the vacant and proposed Parcel 2. Each proposed parcel will contain a principally permitted single-family residence with accessory development, and each parcel will exceed the twenty (20) acre minimum lot size requirement. The proposed development is consistent with the RMR classification of the Coastal Element of the Mendocino County General Plan.

Hazards
Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.[3] The San Andreas fault is located more than five (5) miles to the west of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

Landslides: The subject property does not exhibit blufftop geology, with the nearest bluff face approximately five hundred (500) feet from the western extent of the property. There are no translational/rotational or debris slides mapped on the subject parcel.[4]

Erosion: The parcel is located on an undulating coastal terrace with a steep coastal bluff approximately five hundred (500) feet from the western parcel boundary. The distance of development from the bluff edge is great enough to not require special conditions for compliance with County bluff hazard policies.[5]

Flooding: There are no mapped 100-year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.[6]

Fire: The parcel contains areas of both high and moderate fire hazard severity ratings.[7] The project application was referred to the California Department of Forestry and Fire Protection (CalFire) for input. CalFire submitted recommended conditions of approval (CDF #76-12) on May 8, 2012, for road standards and emergency water supply standards to assure sufficient emergency access. CalFire reviewed the applicant's requested exemption to subdivision road requirements to allow for an existing sixteen (16) foot wide street where an eighteen (18) foot wide street is required. In their referral, CalFire states in a subsequent letter, dated July 15, 2015, that "an exemption to the 18 foot road requirements has been

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[1] Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan.* 1991. Ukiah, CA.
[2] *Albion* [map]. 1985. County of Mendocino Coastal Zone, Number 17 of 31. County of Mendocino Planning and Building.
[3] State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.
[4] *Geology and Geomorphic Features Related to Landsliding* [map]. 1983. Mendocino. 7.5' Quadrangle, Department of Conservation, Division of Mines and Geology.
[5] *Mendocino County Code*. § 20.500.020(B) (1991). Print.
[6] *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1200F, Number 06045C1200F. Federal Emergency Management Agency.
[7] *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

granted because of an existing emergency water supply of 4,500 gallons for firefighting use. An existing paved teardrop/circular drive is adequate for fire protection/defense and apparatus turn around."

The following condition is recommended to achieve compliance with CalFire safety standards:

> **Condition 15**: The applicant shall comply with those recommendations in the California Department of Forestry letter dated May 8, 2012 (CDF #76-12), as amended by letter dated July 15, 2015, or other alternatives as acceptable to the Department of Forestry. Written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.

The project application was likewise referred to Albion Little River Fire Protection District (ALRFPD) for review and comment. ALRFPD submitted comments in a letter dated February 5, 2014, revised by a letter dated July 15, 2015. ALRFPD "has looked at the project and has no concerns."

The following conditions are recommended so that the development is consistent with the conditional approval of ALRFPD, which states:

> **Condition 16:** The applicant shall comply with those recommendations in the Albion Little River Fire Protection District letter dated February 5, 2014, as amended by letter dated July 15, 2015, or other alternatives as acceptable to the Fire District. Written verification shall be submitted from the Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.

Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by Chapter 20.504 of the MCC.

A portion of the subject parcel is located within a mapped Highly Scenic Area (HAS), as depicted on the *Albion* LCP map. In order to determine the applicability of particular LCP policies, staff charged the applicant with providing evidence as to the location of proposed development in relationship to the HSA boundary. Staff provided the applicant with a map of the HSA, which the applicant superimposed on the proposed site plan. The submitted exhibit depicts the proposed single-family residence, accessory guest cottage and associated development outside the boundary of the HSA.[8] The exhibit provided by the applicant was inspected by the Cartographer for accuracy, and staff is satisfied that the proposed development is not in the mapped HSA.

The Coastal Element of the General Plan states that "development on a parcel located partly within the highly scenic areas delineated on the Land Use Maps shall be located on the portion outside the viewshed if feasible."[9] The exhibit submitted by the applicant and verified by the PBS depicts development outside the HSA; therefore, the project is consistent with the Coastal Element policy regarding parcels partially in a HSA. **Condition 1** and **Condition 2** are recommended to verify that the house site is outside the mapped HSA.

> **Condition 1**: Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit a site plan illustrating all development is outside a mapped Highly Scenic Area. The location of the Highly Scenic Area boundary shall be provided by Planning and Building Services.
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> **Condition 2**: Prior to final inspection of a building permit in reliance on this Coastal Development Permit, the applicant shall have a licensed surveyor delineate the eastern boundary of the Highly

[8] Wynn Coastal Planning. *Highly Scenic Exhibit*. Technical Drawing. 24 Mar. 2015.
[9] Policy 3.5-6. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan.* 1991. Ukiah, CA.

Scenic Area and the physical extent of proposed development at the site, verifying that all development will be sited outside the Highly Scenic Area. The location of the Highly Scenic Area boundary shall be provided by Planning and Building Services.

Although the proposed development is sited outside the HSA, the MCC includes development standards and resource protection requirements that help ensure the establishment of new uses, including the location and scale of new structures, are subordinate to the existing landscape setting. The proposed project would create a new parcel zoned for a principally permitted single-family residence, and would place a new single-family residence and accessory guest cottage approximately 800 feet east of Highway 1, where it will stand amongst existing vegetation. The proposed location of the structures against the woodland backdrop will make it appear as a minor or subordinate element in the existing landscape. The height of the single-family residence and guest cottage is proposed to be less than eighteen (18) feet above natural grade, lower than the woodland canopy and will thus not appear as a silhouette against the sky from Highway 1 or any other public vantage point. It will appear similar to the existing single-family residence to the north on proposed Parcel 1, and similar to other single-family residences in the vicinity that are located east of Highway 1.

To ensure existing vegetation will screen the proposed development from Highway 1 to the greatest extent possible, **Condition 3** is recommended, limiting vegetation removal associated with this entitlement.

Condition 3: Approval of this Coastal Development Permit allows for vegetation removal only in areas that depict physical development on the submitted site plan, and the removal of vegetation required to comply with conditions and standards set by California Department of Forestry for fire protection.

Additionally, the project application indicates proposed materials and colors for all structures on the property as follows:

Proposed Project Materials and Colors		
Element	**Materials**	**Color**
Siding	Hardie-Panel	Shake Redwood Stain
Roof	Certainteed fiberglass	Platinum
Doors	Wood	Sherwin Williams Rookwood Brown
Trim	Hardie-Trim	Sherwin Williams Rookwood Brown
Window Frames	Marvin aluminum	Bahama Brown

Staff recommends **Condition 4** requiring the single-family residence and guest cottage be constructed with the proposed materials and colors.

Condition 4: Prior to final inspection of a building permit in reliance on this Coastal Development Permit, Planning and Building Services shall inspect the construction of the single-family residence and the guest cottage to ensure the utilized materials and colors are consistent with the proposed project materials and colors submitted with the project application.

The Coastal Zoning Code provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and also must be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel.[10]

The lighting shown on the proposed elevations includes a note that lighting is "shielded downcast, low wattage exterior light, type [sic]."[11] **Condition 5** is recommended to ensure that any exterior lighting will comply with lighting policies.

[10] *Mendocino County Code*. § 20.504.35 (1991). Print.
[11] Lennox, Debra. *Elevations*. Technical Drawing. A2. Jan. 2013.

Condition 5: Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all exterior lighting fixtures. 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 in compliance with Section 20.504.035 of the Mendocino County Code.

- **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

☒ *Consistent (with conditions of approval)*

Utilities
A permitted septic system and well are currently situated on proposed Parcel 1, supporting the existing permitted single-family residence. The applicant requests, as a portion of the CDP and in conjunction with the CDMS, to develop a septic system and well on proposed Parcel 2. The application was referred to Mendocino County Division of Environmental Health to address water supply and wastewater disposal for the project, and the following conditions were recommended:

Condition 17: The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from a source of water on the subdivision.

Condition 22: 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.

Condition 23: 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).

Condition 24: The applicant shall submit to 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).

Condition 25: 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 areas(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.

MCC Sections 20.524.010 and 20.308.095, and General Plan Coastal Element Policy 3.8-9 provide guidance for determining if there is adequate water supply to accommodate the proposed subdivision without adversely affecting the groundwater table of contiguous or surrounding areas. Policy 3.8-9 reads as follows:

3.8-9 *Approval of the creation of any new parcels shall be contingent upon an adequate water supply during dry summer months which will accommodate the proposed parcels, and will not adversely affect the groundwater table of contiguous or surrounding areas. Demonstration of the*

proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study dated June 1982, as revised from time to time and the Mendocino County Division of Environmental Health's Land Division requirements as revised[12] (emphasis added).

The proposed development is located in an area designated by the Department of Water Resources as "Marginal Water Resources." Table 1 of the Mendocino Coastal Groundwater Study states no water supply investigation is necessary for Minor and Major Subdivisions located in areas designated as "Marginal Water Resources" where the dwelling density is greater than five acres per dwelling unit.[13] The proposed development will consist of an approximately 20.01 acre parcel and an approximately 27.95 acre parcel, which will provide for a dwelling density of greater than five acres per dwelling unit. As such, no investigation is necessary to show that the proposed development will be served by adequate water.

Nonetheless, the applicant retained Carl Rittiman & Associates, Inc. to complete a proof of water test on proposed Parcel 2. A test well was drilled on October 30, 2014, and found that the "well has been demonstrated to be an acceptable water source to support the proposed new parcel."[14] The proposed subdivision and the proposed single-family residential development will be served by adequate water supply and wastewater disposal, subject to the conditions recommended by Environmental Health.

Access Roads

Access to the subdivision is currently provided by Buckhorn Cove Road East (private). The existing private road is paved with an asphalt concrete surface of sixteen (16) to eighteen (18) feet wide, within a sixty (60) foot wide non-exclusive roadway and public utility easement. Buckhorn Cove Road East was constructed as a minor subdivision road per MS 1989-0017 to provide access for three (3) parcels and the subject remainder parcel (currently proposed for subdivision into two (2) parcels). Parcel 1 and Parcel 2, as proposed on the tentative map, are to be accessed by a forty (40) foot wide access and utility easement (which contains an existing power line). The existing roadway serving the existing residence on proposed Parcel 1 is surfaced with asphalt concrete twelve (12) feet wide.

The applicants have requested an exception to Road Development Standards MCC 17-53 (B) Road Width Standards. The existing road surfacing width in some areas is less than eighteen (18) feet, but at least sixteen (16) feet of asphalt concrete surfacing. Current Mendocino County road standards for a Level B Private Minor Subdivision would be twenty two (22) foot wide base width with eighteen (18) foot wide, double chip seal surface. The applicant is requesting an exception to the requirement for additional base width.

Mendocino County Department of Transportation (MDOT) was invited to provide comment on the application, and conducted a field review of the existing road on November 4, 2013. A letter to Planning and Building Services from MDOT dated December 10, 2013, states:

> *DOT has determined that because of the existing terrain that it would take considerable grading to add an additional four (4) feet of shoulder width to the existing roadway. DOT would consider recommending approval of the Exception to Road Development Standards if one turnout were constructed approximately midway between State Highway 1 and the turnaround at the end of Buckhorn Cove East if Albion Little River Fire District and CalFire also approve the exception to road width request.*[15]

In further correspondence between the applicant and referral agencies, an agreement was reached regarding the request for an exception to access requirements. A letter from MDOT dated February 27, 2014, states the following:

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[12] Chapter 3.8-9. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan.* 1991. Ukiah, CA.

[13] Germain, Laura F., and Dennis G. Parfitt. *Mendocino County Coastal Ground Water Study*. Department of Water Resources. Northern District. Rep. 1982. Print.

[14] Kawczak, Andrew. "Proof of Water Test." Letter to Amy Wynn. 11 Nov. 2014.

[15] Peters, Tom. "Coastal Development Minor Subdivision No. CDMS 5-13 (Hervilla)." Letter to Mary Lynn Hunt. 10 Dec. 2013.

In consideration of these two letters from the fire protection agencies having jurisdiction of this site, the Mendocino County Department of Transportation recommends approval of the Exception to 17-53(B) Eighteen (18) foot Street Width to the Planning Commission.[16]

As a result, the following conditions of approval were recommended by MDOT:

Condition 19: There shall be provided an access easement of forty (40) feet in width (as per tentative map) from Buckhorn Cove Road East (private) through Parcel 2 to serve Parcel 1 and a sixty (60) feet wide access and public utility easement over Buckhorn Cove Road East. Documentation of access easements shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.

Condition 20: 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.

Condition 21: 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.

Caltrans did not reply to the application referral, and recommended no additional conditions of approval. Provided the development satisfies access requirements as conditionally approved by MDOT, CalFire and ALRFPD, the project will be provided with adequate access roads.

The proposed gravel driveway is subject to air quality standards regarding fugitive dust and asbestos. **Condition 7** is recommended to ensure that the access road, driveway and interior circulation routes be maintained consistent with Air Quality Management District Regulation 1, Rule 430.

Condition 7: A note shall appear on the Parcel Map that the access road, driveway and interior circulation routes be maintained in such a manner as to ensure minimum dust generation subject to Air Quality Management District Regulations, 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.

Drainage

Drainage is subject to Section 20.492.025 of the MCC. The proposed development will increase the amount of impervious surfaces on this parcel, increasing post-construction runoff. Increases in impervious surfaces in a watershed, such as roofs and roads, increases surface runoff from a site creating the potential to cause erosion and degrade aquatic health. Development in any watershed can have cumulative impacts on watershed health; therefore, it is recommended that rooftop and driveway runoff be directed to landscaped areas to slow the rate of runoff and increase infiltration. Native and drought tolerant plants are recommended for landscaped areas. The following conditions are recommended to reduce impacts from increasing the impervious area, and to provide the development with adequate drainage:

Condition 13: Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit for approval by Planning and Building staff a drainage and erosion control plan. The plan shall detail erosion and sediment control Best Management Practices, including concrete wash out area, staging, stockpile locations, and tree protection areas, as necessary. Roof downspouts shall be directed to landscaped areas and avoid discharging off the parcel.

[16] Peters, Tom. "Coastal Development Minor Subdivision No. CDMS 5-13 (Hervilla)." Letter to Mary Lynn Hunt. 27 Feb. 2014.

Condition 14: A notation shall be placed on the Parcel Map/Unilateral Agreement stating that, "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."

- **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

☒ *Consistent (with conditions of approval)*

Intent: The subject parcel is zoned Remote Residential (RMR).[17] The intent of the RMR zoning district is "to be applied to lands within the Coastal Zone which have constraints for commercial agriculture, timber production or grazing, but which are well-suited for small scale farming, light agriculture and low density residential uses, or where land has already been divided and substantial development has occurred." This application proposes the subdivision of an approximately 48 acre parcel into parcels of approximately 27.95 acres (proposed Parcel 1) and approximately 20.01 acres (proposed Parcel 2), and the development of a single-family residence, accessory guest cottage and associated development on proposed Parcel 2. The proposed development is consistent with low density residential development, and therefore consistent with the intent of the RMR zoning district.

Use: The existing parcel is developed with a single-family residence and associated development. The applicant proposes to develop an additional single-family residence, accessory guest cottage and associated development on proposed Parcel 2. Single-family residential uses are principally permitted in the RMR zoning district.

Guest cottages are characterized by the MCC as Accessory Living Units[18], and are defined as "a detached building (not exceeding six hundred forty (640) 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."[19] The proposed guest cottage is depicted in the application materials as six hundred forty (640) square feet, and does not include provisions for the storage or preparation of food. The square footage and contents of the guest cottage will be inspected by a Mendocino County Building Inspector prior to finalizing the building permit application necessary to construct the guest cottage, provided this CDP is issued. **Condition 18** is recommended to ensure the guest cottage is consistent with the provisions of the MCC.

Condition 18: At time of application for a building permit for a guest cottage in reliance on this Coastal Development Permit, the applicant shall place a note on the plot plan stating that the guest cottage will not have a kitchen or cooking facilities, will be clearly subordinate and incidental to the primary dwelling, and will not be separately rented, let, or leased whether compensation be direct or indirect.

Accessory Living Units are permitted as accessory uses in all coastal zoning districts which allow a single-family residence, subject to the approval of a CDP.[20] The subject property is zoned RMR, therefore allowing accessory living units, including guest cottages. The proposed guest cottage is consistent with the use restrictions of the RMR zoning district, subject to the approval of this CDP.

Minimum Lot Area: The minimum lot area for the RMR district varies depending on General Plan designation. The subject parcel is designated RMR:L-20, requiring minimum parcel sizes of twenty (20) acres. The tentative map indicates that proposed Parcel 1 is 27.95 acres, and proposed Parcel 2 is 20.01 acres. Both proposed parcels exceed the minimum required lot area of twenty (20) acres.

Maximum Dwelling Density: The maximum dwelling density in the RMR zoning district is one single-family dwelling per twenty (20) acres. Proposed Parcel 1 is 27.95 acres and proposed Parcel 2 is 20.01 acres,

[17] Mendocino County Code, § II-20.380.005-20.380.050 (1991). Print.
[18] Mendocino County Code, § II-20.380.020(G) (1991). Print.
[19] Mendocino County Code, § II-20.308.050(I) (1991). Print.
[20] Mendocino County Code, § II-20.456.015 (1991). Print.

per the submitted tentative map. There is an existing single-family residence on proposed Parcel 1 and a proposed single-family residence and accessory guest cottage on proposed Parcel 2, resulting in a dwelling density of less than one (1) dwelling per twenty (20) acres.

Yards: The minimum required front, rear and side yards in the RMR zoning district are fifty (50) feet. All existing development is sited at least fifty (50) feet from the proposed property lines. Likewise, all proposed development is sited at least fifty (50) feet from the proposed property lines. Required yard minimums for proposed development will be further verified during review of the building permit application.

Height: The maximum permitted building height in the RMR zoning district is twenty eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway 1. A portion of the subject parcel is in a mapped Highly Scenic Area; however, the entire parcel is east of Highway 1. The maximum permitted building height for the entire parcel, Highly Scenic or otherwise, is twenty-eight (28) feet above natural grade.

The proposed single-family residence is eighteen (18) feet above grade, and the proposed guest cottage is eighteen (18) feet above grade. The proposed development will not exceed the RMR zoning district maximum building height limit.

Lot Coverage: The maximum permitted lot coverage in the RMR zoning district is ten (10) percent for parcels greater than five (5) acres in size. The proposed parcels are approximately 27.95 acres and 20.01 acres, permitting a maximum lot coverage of approximately 121,750 square feet and approximately 87,163 acres, respectively. The proposed development does not threaten to exceed the permitted lot coverage maximum for the RMR zoning district.

Development Limitations Combining District

The *Albion* LCP map indicates that a portion of the property is subject to the Development Limitations (DL) Combining District. The DL Combining District is intended to be used in conjunction with another land use classification on parcels or portions of parcels that have serious constraints that may prevent or seriously limit development. Constraints include slopes over thirty (30) percent, erosion or landslide potential, or other geophysical hazards. [21]

MCC Section 20.500 specifically addresses hazard areas, and states that "in areas of known or potential geologic hazards such as shoreline and blufftop lots and in areas delineated on the hazard maps, a geologic investigation and report prior to development approval, shall be required." The following resources were reviewed by staff to conclude that a geologic investigation and report are not necessary for this project:

- *Earthquake Fault Zones*
  The proposed project does not fall within a mapped Earthquake Fault Zone or Landslide and Liquefaction Zone (Special Study Zone), based on mapping provided by the California Department of Conservation.

- *Land Capabilities / Natural Hazards*[22]
  The proposed project does not fall within the mapped boundaries for "Marine Terrace Deposits" or "Beach Deposits and Stream Alluvium and Terraces," which indicate "strong" and "intermediate" ground shaking, respectively.

Available hazard maps do not delineate known or potential geologic hazards in the proposed project area. Furthermore, the proposed structures will be subject review for a building permit. The Building Division will ensure the structures are consistent with the minimum design standards for International Building Code Seismic Requirements. The minimum *Seismic Design Category* (a classification assigned to a

[21] Mendocino County Code, § II-20.416 (1991). Print.
[22] *Albion* [map]. County of Mendocino Coastal Zone, Land Capabilities / Natural Hazards, Number 18. County of Mendocino Planning and Building.

structure based on its occupancy or use, and on the level of expected soil modified seismic ground motion) will be *Seismic Design Category* (*SDC*) *D*. *SDC D* is applied to areas with high seismic vulnerability, and *SDC E* and *F* are applied to areas of very high seismic vulnerability and near a major fault.

The lack of delineated known or potential geologic hazards in the proposed project area on available hazard maps, and the high level of scrutiny that will be applied to the building design satisfy Sections 20.416 and 20.500 and of the MCC for Development Limitations and Hazard Areas.

- **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

☒ *Consistent (with conditions of approval)*

A draft Initial Study and Proposed Mitigated Negative Declaration has been prepared for the project drawing off of supporting materials provided by the applicant and consulting agents. The said materials were used in part to identify potentially significant impacts pursuant to CEQA Guidelines Section 15063. The draft environmental document is attached. All application materials are available for review at the Fort Bragg office of the Department of Planning and Building Services.

With the recommended mitigation measures proposed in the Proposed Mitigated Negative Declaration, the proposed development will not have any significant adverse impacts on the environment within the meaning of CEQA.

- **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

☒ *Consistent (with conditions of approval)*

On February 12, 2014, the project was referred to the Mendocino County Archaeological Commission to review an archaeological survey prepared for the parcel by Jay Flaherty dated August 20, 1989. The Archaeological Commission determined that no further survey would be required, as the previous survey found no cultural, historical or archaeological sites on the property.

The Archaeological Commission advised the applicant of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 12** similarly advises the applicant of the Discovery Clause, which prescribes the procedures governing the discovery of any cultural resources during construction of the project.

> **Condition 12**: A note shall appear on the Parcel Map that 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.

- **20.532.095(A)(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.**

☒ *Consistent (without conditions of approval)*

<u>Solid Waste</u>: The Albion Transfer Station is located approximately seven (7) miles from the project site, providing for the disposal of solid waste resulting from the existing residential use on proposed Parcel 1 and the proposed residential use on proposed Parcel 2. Additionally, curbside pickup is available, should the owner choose to purchase the service. Solid waste disposal is adequate to serve the proposed development.

<u>Roadway Capacity</u>: The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located on Buckhorn Cove Road East (private), which intersects with Highway 1. The nearest data breakpoint in the study is located approximately one (1) mile north of the

property at the intersection of Little River-Airport Road (CR 404) and Highway 1 at milepost 47.5. The existing level of service at peak hour conditions at this location is considered Level of Service B.[23]

Per Traffic Census data provided by Caltrans, the traffic volume at peak hour has decreased slightly between 2002 and 2013 at Highway 1's intersection with Little River-Airport Road (the nearest data collection point to the parcel subject to this application), and has maintained a Level of Service of B or better over the same time frame.[24] This Level of Service is adequate to serve the proposed development, and any impacts the development will have on existing traffic volumes will be less than significant.

- **20.532.095(B)(1) If the proposed Development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made: The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

☒ *Not Applicable*

The subject property is located east of Highway 1, and therefore not between the first public road and the sea; therefore, this finding is not required for this application. Nonetheless, the proposed development is not adjacent any public recreation area. The parcel is not designated as a potential public access trail on the certified LCP maps. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast. The proposed development is in conformity with the public access and public recreation policies of the Coastal Act and the Coastal Element of the General Plan.

20.532.100 (A) Resource Protection Impact Findings	**Inconsistent**	**Consistent (With Conditions of Approval)**	**Consistent (Without Conditions of Approval)**	**Not Applicable**
(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:				
(a) The resource as identified will not be significantly degraded by the proposed development.	☐	☒	☐	☐
(b) There is no feasible less environmentally damaging alternative.	☐	☐	☐	☒
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	☐	☒	☐	☐
(2) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:				
(a) The proposed use is compatible with the long-term protection of resource lands.	☐	☐	☐	☒

- **20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made…**

☒ *Consistent (with conditions of approval)*

[23] *State Route 1 Corridor Study Update for the County of Mendocino*. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Print.
[24] *2013 Traffic Volumes on California State Highways*. Rep. Sacramento: Department of Transportation – Division of Traffic Operations, 2013. Print.

The Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

Spade Natural Resources Consulting prepared a Botanical Survey and Biological Scoping Survey, dated March 15, 2013, to determine the extent of any ESHA that may be present on the subject parcel. The biologist's survey identifies a riparian area and spring box on the southwest portion of the parcel, south of the proposed single-family residence. To mitigate potential impacts to the riparian area, the biologist recommends "the riparian habitat present should be protected by a 100-foot buffer. If any development is proposed within 100-feet of the riparian area, a reduced buffer analysis should be conducted."[25]

Additionally, the biological survey identified the presence of harlequin lotus, a species which is known to support the federally endangered Lotis blue butterfly. The biologist determined that "the relatively small number of potential host plants present is unlikely to be enough to support a viable population of Lotis blue butterflies." The project and biological survey was referred to United States Fish and Wildlife Service (USFWS) to determine the potential for unauthorized take of the endangered species.

A letter from USFWS to the project biologist dated October 9, 2014, states the following:

> *The USFWS has determined that this project as described may proceed and that it would be unlikely to result in unauthorized take of the federally listed Lotis blue butterfly….This determination by the USFWS is contingent upon the establishment of 100-foot buffers around all occurrences of* Hosackia gracilis *[Lotis blue butterfly], within which there will be no vegetation removal or cutting, and no ground disturbance.*[26]

The LCP provides criteria for development within one hundred (100) feet of any ESHA. The submitted site plan depicts all development greater than one hundred (100) feet from the identified riparian area (the only ESHA discovered by the biological survey). While the harlequin lotus does not qualify as an ESHA, the federally protected Lotis blue butterfly relies on the plant for habitat. The project application did not include a species-specific survey for Lotis blue butterfly; however, siting development greater than one hundred (100) feet from the documented occurrences of harlequin lotus will prevent unauthorized take of the federally listed Lotis blue butterfly, per USFWS.

The following conditions are recommended to ensure all development will maintain a minimum one hundred (100) foot buffer from the riparian area (ESHA) and the documented occurrences of harlequin lotus, and to protect against impacts of rare and/or threatened species that have the potential to exist on the site, yet were not discovered by the biological survey. As all development is proposed beyond one hundred (100) feet from any ESHA, no analysis of alternatives is required by the LCP.

> **Condition 8**: All development shall maintain a minimum one hundred (100) foot buffer from the mapped riparian area and from the occurrences of harlequin lotus identified in the Biological Scoping Survey prepared by Spade Natural Resources Consulting, dated March 15, 2013.
>
> **Condition 9**: If construction occurs during the red-legged frog dispersal season, beginning November 1 and concluding May 1, construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any silt fences to detect California red-legged frogs. If a California red-legged frog is detected, construction crews will contact the U.S. Fish and Wildlife Service and the Department of Planning and Building Services prior to re-initiating work.
>
> **Condition 10**: Clearing of vegetation and the initiation of construction should be done in the migratory bird non-breeding season between September 1 and January 31. If these activities

[25] Spade, Asa B. *Botanical Survey and Biological Scoping Survey*. Rep. 2013. Print.
[26] Hunter, John E. "Hervilla Project." Message to Asa B. Spade. 9. Oct. 2014. E-mail.

cannot be done in the non-breeding season, a qualified biologist shall perform pre-construction breeding bird surveys within fourteen (14) days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum one hundred (100) foot exclusion zone. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

Condition 11: The subdivider shall submit to the Department of Planning and Building Services an Exhibit Map defining a building envelope on proposed Parcel 2, which will avoid rare plant communities in accordance with the Botanical Survey prepared by Spade Natural Resources Consulting dated March 15, 2012. A note shall be placed on the Parcel Map stating that the development will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.

If the subdivision and development are approved with the recommended conditions of approval, the project will be consistent with LCP policies protecting the ESHA identified on the site.

20.532.100 (B) Agricultural Land Impact Findings	**Inconsistent**	**Consistent (With Conditions of Approval)**	**Consistent (Without Conditions of Approval)**	**Not Applicable**
(1) Conversion of Prime Agricultural or Williamson Act Contracted Lands. Conversion of prime land and/or land under Williamson Act Contract to non-agricultural uses is prohibited, unless all of the following findings are made. For the purposes of this section, conversion is defined as either development in the AG or RL designation not classified as a residential, agricultural or natural resource use type.				
(a) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable.	☐	☐	☐	☒
(b) Agricultural use of the soils cannot be successfully continued or renewed within a reasonable period of time, taking into account economic, environmental, social and technological factors.	☐	☐	☐	☒
(c) Clearly defined buffer areas are established between agricultural and non-agricultural uses.	☐	☒	☐	☐
(d) The productivity of any adjacent agricultural lands will not be diminished, including the ability of the land to sustain dry farming or animal grazing.	☐	☐	☐	☒
(e) Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.	☐	☐	☐	☒
(f) For parcels adjacent to urban areas, the viability of agricultural uses is severely limited by contacts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.	☐	☐	☐	☒

- **20.532.100(B)(2) Conversion of prime land and/or land under Williamson Act Contract to non-agricultural uses is prohibited, unless all of the following findings are made…**

☒ *Consistent (with conditions of approval)*

The project is proposed on land designated by the General Plan and the MCC as RMR, and is not under Williamson Act contract. Findings relating to the conversion of agricultural land are not applicable to this application.

However, the project adjoins properties zoned Timberland Production. Mendocino County Code Chapter 10A.13 addresses Nuisance and Consumer Disclosure, and **Condition 6** is recommended to require a note on the Parcel Map acknowledging that the property is near a parcel zoned Timberland Production, and may be subject to nuisance.

> **Condition 6**: Pursuant to Mendocino County Code Chapter 10A.13 (Nuisance and Consumer Disclosure), a notation shall appear on the Parcel Map that the property is adjacent to or within 300 feet of Timber Production Zoning and may be subject to inconvenience or discomfort arising from agricultural practices which occasionally generate dust, noise, smoke and odors.

Land Division Findings **20.532.100 (C)(1) All Coastal Land Divisions** **No coastal lands shall be divided unless the following findings are made:**	**Inconsistent**	**Consistent (With Conditions of Approval)**	**Consistent (Without Conditions of Approval)**	**Not Applicable**
(a) The new lots created have or will have adequate water, sewage, including a long term arrangement for septage disposal, roadway and other necessary services to serve them.	☐	☒	☐	☐
(b) The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources.	☐	☒	☐	☐
(c) The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands.	☐	☐	☒	☐
(d) Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels.	☐	☐	☒	☐
(e) The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element.	☐	☐	☒	☐

- **20.532.100(C)(1)(a) The new lots created have or will have adequate water, sewage, including a long term arrangement for septage disposal, roadway and other necessary services to serve them.**

☒ *Consistent (with conditions of approval)*

<u>Water</u>
Proposed Parcel 1 contains an existing single-family residence with a functional well. Proposed Parcel 2 is currently vacant, and is proposed to be developed with a single-family residence, guest cottage and associated infrastructure, including a well. The Coastal Element of the General Plan and the MCC provide guidance for determining the adequacy of water on a newly created parcel. Coastal Element Policy 3.8-9

states in part, “demonstration of the proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study dated June 1982.”

As discussed previously in this checklist under Finding 20.532.095(A)(2), the proposed development is located in an area designated by the Department of Water Resources as “Marginal Water Resources.” Table 1 of the Mendocino Coastal Groundwater Study states no water supply investigation is necessary for Minor and Major Subdivisions located in areas designated as “Marginal Water Resources” where the dwelling density is greater than five acres per dwelling unit. The proposed development will consist of an approximately twenty (20) acre parcel and an approximately 27.95 acre parcel, which will provide for a dwelling density of greater than five acres per dwelling unit. As such, no investigation is necessary to show that the proposed development will be served by adequate water.

Nonetheless, the applicant retained Carl Rittiman & Associates, Inc. to complete a proof of water test on proposed Parcel 2. A test well was drilled on October 30, 2014, and found that the “well has been demonstrated to be an acceptable water source to support the proposed new parcel.” The proposed subdivision and the proposed single-family residential development will be served by adequate water supply, subject to the conditions recommended by Environmental Health. The conditions recommended by Environmental Health are enumerated previously in this checklist, under the discussion relating to Finding 20.532.095(A)(2).

Septic

A permitted septic system is currently situated on proposed Parcel 1, supporting the existing permitted single-family residence. The applicant requests, as a portion of the CDP and in conjunction with the CDMS, to develop a septic system on proposed Parcel 2 to support the proposed single-family residence. The application was referred to the Mendocino County Division of Environmental Health, and the Division recommended conditional approval of the project, subject to the conditions previously enumerated in the discussion relating to Finding 20.532.095(A)(2).

Roadways

As previously discussed, the project was referred to Mendocino County Department of Transportation (MDOT) and CalTrans to review the access proposed for this application. Access to the subdivision is currently provided by Buckhorn Cove Road East (private). The existing private road is paved with an asphalt concrete surface of sixteen (16) to eighteen (18) feet wide, within a sixty (60) foot wide non-exclusive roadway and public utility easement. Buckhorn Cove Road East was constructed as a minor subdivision road per MS 1989-0017 to provide access for three (3) parcels and the subject remainder parcel (currently proposed for subdivision into two (2) parcels). Parcel 1 and Parcel 2, as proposed on the tentative map, are to be accessed by a forty (40) foot wide access and utility easement (which contains an existing power line). The existing roadway serving the existing residence on proposed Parcel 1 is surfaced with asphalt concrete twelve (12) feet wide.

The applicants have requested an exception to Road Development Standards MCC 17-53 (B) Road Width Standards. The existing road surfacing width in some areas is less than eighteen (18) feet, but at least sixteen (16) feet of asphalt concrete surfacing. Current Mendocino County road standards for a Level B Private Minor Subdivision would be twenty two (22) foot wide base width with eighteen (18) foot wide, double chip seal surface. The applicant is requesting an exception to the requirement for additional base width.

MDOT, CalFire, and the Albion Little River Fire Protection District (ALRFPD) have agreed to a set of conditions that duly satisfies fire protection and access requirements for the subdivision. Provided the project is developed consistent with the conditions recommended by MDOT, CalFire and ALRFPD, outlined previously in this checklist, the proposed development will be served by adequate roadways.

- **20.532.100(C)(1)(b) The new lots created will not have, individual or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources.**

☒ *Consistent (with conditions of approval)*

As previously discussed, the Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

Spade Natural Resources Consulting prepared a Botanical Survey and Biological Scoping Survey, dated March 15, 2013, to determine the extent of any ESHA that may be present on the subject parcel. The biologist's survey identifies a riparian area and spring box on the southwest portion of the parcel, south of the proposed single-family residence. To mitigate potential impacts to the riparian area, the biologist recommends "the riparian habitat present should be protected by a 100-foot buffer. If any development is proposed within 100-feet of the riparian area, a reduced buffer analysis should be conducted."

Additionally, the biological survey identified the presence of harlequin lotus, a species which is known to support the federally endangered Lotis blue butterfly. The biologist determined that "the relatively small number of potential host plants present is unlikely to be enough to support a viable population of Lotis blue butterflies." The project and biological survey was referred to United States Fish and Wildlife Service (USFWS) to determine the potential for unauthorized take of the endangered species, and concluded that the development is "unlikely to result in unauthorized take of the federally listed Lotis blue butterfly" with the implementation of a one hundred (100) foot buffer around the harlequin lotus.

The LCP provides criteria for development within one hundred (100) feet of any ESHA. The submitted site plan depicts all development greater than one hundred (100) feet from the identified riparian area (the only ESHA discovered by the biological survey). While the harlequin lotus does not qualify as an ESHA, the federally protected Lotis blue butterfly relies on the plant for habitat. The project application did not include a species-specific survey for Lotis blue butterfly; however, siting development greater than one hundred (100) feet from the documented occurrences of harlequin lotus will prevent unauthorized take of the federally listed Lotis blue butterfly.

The survey biologist recommended conditions, enumerated previously in this checklist, to ensure all development will maintain a minimum one hundred (100) foot buffer from the riparian area (ESHA) and the documented occurrences of harlequin lotus, and to protect against impacts to rare or threatened species that have the potential to exist on the site, yet were not discovered by the biological survey. As all development is proposed beyond one hundred (100) feet from any ESHA, no analysis of alternatives is required by the LCP.

- **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.**

☒ *Consistent (without conditions of approval)*

Parcels to the north and to the east of the subject property are zoned Timber Production (TP). The MCC requires buffer areas to protect the long-term productivity of agricultural or timber lands, specifically requiring that new residential development be sited at least two hundred (200) feet from adjacent resource preserves. Furthermore, the MCC requires that new parcels created adjacent to resource preserves must be a minimum of ten (10) acres.[27]

Proposed Parcel 2 will be greater than ten (10) acres, as twenty (20) acre lot sizes are the minimum required by the RMR zoning district. Additionally, the proposed single-family residence and accessory guest cottage on proposed Parcel 2 is greater than two hundred (200) feet from any parcel zoned TP.

The newly created parcels will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands.

[27] *Mendocino County Code*, § II-20.510.020(A) (1991). Print.

- **20.532.100(C)(1)(d) Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels.**

☒ *Consistent (without conditions of approval)*

Solid Waste: The Albion Transfer Station is located approximately seven (7) miles from the project site, providing for the disposal of solid waste resulting from the existing residential use on proposed Parcel 1 and the proposed residential use on proposed Parcel 2. Additionally, curbside pickup is available, should the owner choose to purchase the service. Solid waste disposal is adequate to serve the proposed development.

Roadway Capacity: The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located on Buckhorn Cove Road East (private), which intersects with Highway 1. The nearest data breakpoint in the study is located approximately one (1) mile north of the property at the intersection of Little River-Airport Road (CR 404) and Highway 1 at milepost 47.5. The existing level of service at peak hour conditions at this location is considered Level of Service B.

Per Traffic Census data provided by Caltrans, the traffic volume at peak hour has decreased slightly between 2002 and 2013 at Highway 1's intersection with Little River-Airport Road (the nearest data collection point to the parcel subject to this application), and has maintained a Level of Service of B or better over the same time frame. This Level of Service is adequate to serve the proposed development, and any impacts the development will have on existing traffic volumes will be less than significant.

- **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.**

☒ *Consistent (without conditions of approval)*

Policy 3.9-2 of the Coastal Element of the General Plan requires that no new parcels be created unless at least fifty (50) percent of the existing usable parcels within the surrounding area have been developed. The policy goes on to describe the market areas used for analysis. The proposed project falls within Market Area 3, which includes all lands in the Coastal Zone from the southern boundary of the City of Fort Bragg to the Navarro River.[28]

Results of Studies Reviewing Percentage of Usable Parcels Developed in Market Area 3			
Date of Study	**Developed Parcels**	**Total Usable Parcels**	**Percentage of Usable Parcels Developed**
April, 1997	1228	1842	66.6
February, 2001	1231	1847	66.6
September, 2006	1318	1853	71.1
October, 2009	1342	1867	71.8

The most recent data on usable parcel development in Market Area 3 shows that approximately 71.8 percent of usable parcels in Market Area 3 have been developed. Since the date of the most recent study, the number of developed parcels has not decreased, nor has the quantity of usable parcels increased to a degree that would place the percentage of developed parcels near or below fifty (50) percent. The proposed subdivision and development are consistent with LCP policies relating to development percentages in the surrounding area.

This checklist identifies myriad policies and regulations contained within the LCP, including the requirements of Chapter 20.524. With the stated conditions of approval, the project meets the requirements of 20.524 and is consistent with all applicable policies of the Coastal Element of the General Plan.

[28] Chapter 3.9-2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan.* 1991. Ukiah, CA.

DATE: October 15, 2015

CASE NUMBER: CDMS 2013-0005, CDP 2013-0014
OWNER/APPLICANT: CHARLES AND DALPHINIA HERVILLA
PROJECT DESCRIPTION: Coastal Minor Subdivision and a Coastal Development Permit to create two (2) parcels of 20.01± and 27.95± acres, and construct a 3,000± square foot single-family residence with an attached 576± square foot garage, and 640 square foot or less guest cottage on proposed Parcel 2. Additional development includes a 7,500± linear foot gravel driveway, and placement of septic, well and utilities, and an "exception" to subdivision road requirements to allow for an existing sixteen (16) foot street where an eighteen (18) foot street is required.
LOCATION: In the Coastal Zone, 1± mile south of Little River, situated north of Buckhorn Cove Road East (private), and 0.5± miles east of its intersection with Highway 1, located at 40001 Buckhorn Cove Road East, Little River.

Environmental Checklist.

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology /Soils
☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials	☐	Hydrology / Water Quality
☐	Land Use / Planning	☐	Mineral Resources	☐	Noise
☐	Population / Housing	☐	Public Services	☐	Recreation
☐	Transportation/Traffic	☐	Utilities / Service Systems	☐	Mandatory Findings of Significance

I. AESTHETICS. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect on a scenic vista?	☐	☒	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☒	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

The subject parcel lies east of Highway 1, south of Buckhorn Creek and north of Albion. This highway segment runs past the property, through a wooded rural residential area, where the public view east of the highway is dominated by dense woodland vegetation with glimpses of residential structures and visitor accommodation services. The public view west of the highway is also heavily wooded with more frequent views of residential development. There are no other public places or scenic vistas in the vicinity of the project site. State Highway 1 is not a designated state scenic highway.

The Local Coastal Program Land Use Map (Sheet 18) shows the project is located on a parcel partially within a mapped Highly Scenic Area. In order to determine the applicability of particular Local Coastal Program policies, staff charged the applicant with providing evidence as to the location of proposed development in relationship to the highly scenic area boundary. Staff provided the applicant with a map of the highly scenic area, which the applicant superimposed on the proposed site plan. The submitted exhibit depicts the proposed single-family residence, accessory guest cottage and associated development outside the boundary of the highly scenic area. The exhibit provided by the applicant was inspected by the Cartographer for accuracy, and staff is satisfied that the proposed development is not in the mapped highly scenic area.

The Coastal Element of the General Plan states, “development on a parcel located partly within the highly scenic areas delineated on the Land Use Maps shall be located on the portion outside the viewshed if feasible.” The exhibit submitted by the applicant and verified by the PBS depicts development outside the highly scenic area; therefore, the project is consistent with the Coastal Element policy regarding parcels partially in highly scenic areas. **Condition 1** and **Condition 2** are recommended verify that the house site is outside the mapped highly scenic area.

Although the proposed development is sited outside the Highly Scenic Area, the Coastal Zoning Code includes development standards and resource protection requirements that help ensure the establishment of new uses, including the location and scale of new structures, are subordinate to the existing landscape setting. The proposed project would create a new parcel zoned for a principally permitted single-family residence, and would place a new single-family residence and accessory guest cottage approximately 800 feet east of Highway 1, where it will stand amongst existing vegetation. The proposed location of the structures against the woodland backdrop will make it appear as a minor or subordinate element in the existing landscape. The height of the single-family residence and guest cottage is proposed to be less than eighteen (18) feet above natural grade, lower than the woodland canopy and will thus not appear as a silhouette against the sky from Highway 1 or any other public vantage point. It will appear similar to the existing single-family residence to the north on proposed Parcel 1, and similar to other single-family residences in the vicinity that are located east of Highway 1.

To ensure existing vegetation will screen the proposed development from Highway 1 to the greatest extent possible, **Condition 3** is recommended, limiting vegetation removal associated with this project to only that which is required to comply with the conditions and standards set by California Department of Forestry for fire protection and which is required to site the proposed development.

Additionally, the project application indicates proposed materials and colors for all structures on the property as follows:

Proposed Project Materials and Colors		
Element	**Materials**	**Color**
Siding	Hardie-Panel	Shake Redwood Stain
Roof	Certainteed fiberglass	Platinum
Doors	Wood	Sherwin Williams Rookwood Brown
Trim	Hardie-Trim	Sherwin Williams Rookwood Brown
Window Frames	Marvin aluminum	Bahama Brown

Staff recommends **Condition 4** requiring the single-family residence and guest cottage be constructed with the proposed materials and colors.

The Coastal Zoning Code provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and also must be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel.

The lighting shown on the proposed elevations includes a note that lighting is "shielded downcast, low wattage exterior light, typ [sic]." **Condition 5** is recommended to ensure that any exterior lighting will comply with lighting policies.

The proposed project is will not have a significant impact on aesthetic resources, provided the recommended conditions are adopted as mitigation measures.

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☒	☐	☐

The project site is located in an area designated as "Farmland of Local Potential" by the State of California Department of Conservation. The parcel is zoned Remote Residential, and while limited agricultural uses are permitted in the Remote Residential zoning district, approval of this application would not convert any agriculturally zoned lands to non-agricultural uses. The project would not convert any state designated agricultural land to non-agricultural uses.

Parcels to the north and to the east of the subject property are zoned Timber Production. The Coastal Zoning Code requires buffer areas to protect the long-term productivity of agricultural or timber lands, specifically requiring that new residential development be sited at least two hundred (200) feet from adjacent resource preserves. Furthermore, the Coastal Zoning Code requires that new parcels created adjacent to resource preserves must be a minimum of ten (10) acres.

Proposed Parcel 2 will be greater than ten (10) acres, as twenty (20) acre lot sizes are the minimum required by the Remote Residential Zoning District. Additionally, the proposed single-family residence on proposed Parcel 2 is greater than two hundred (200) feet from any parcel zoned Timber Production.

Mendocino County Code Chapter 10A.13 addresses Nuisance and Consumer Disclosure, and **Condition 6** is recommended to require a note on the Parcel Map acknowledging that the property is near a parcel zoned Timberland Production, and may be subject to nuisance.

The biological study prepared for the project by Spade Natural Resources Consulting and dated March 15, 2013, found that the property is dominated by mixed coniferous forest. There are no existing forestland uses on the property. The project will locate a residential use within the existing forest, requiring the removal of vegetation to site the structures and driveway. The removal of these individual trees will not diminish the capacity of the property to sustain the existing forest, nor will it reduce the property's existing potential to support a future forest use, as allowed by the current Remote Residential zoning.

The newly created parcels will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands, and there will be no impact to coastal agricultural and forestry uses.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Conflict with or obstruct implementation of any applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

The project is located within the jurisdiction of the Mendocino County Air Quality Management District (AQMD). Any new emission point source is subject to an air quality permit, consistent with the district's air quality plan, prior to project construction. The AQMD also enforces standards requiring new construction, including houses, to use energy efficient, low-emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions.

While the project will not include a new point source, it may contribute to area source emissions by generating wood smoke from residential stoves or fireplaces. The County's building permit plan check process ensures that this and similar combustion source requirements are fulfilled before construction is permitted to begin, consistent with the current air quality plan. Consequently, the County's building permit approval process will help to ensure new development, including this project, is consistent with and will not obstruct the implementation of the air quality plan.

The generation of dust during grading activities, another type of area-source emission, will be limited by the County's standard grading and erosion control requirements (Coastal Zoning Code Sections 20.492.010; -020). These policies limit ground disturbance and require immediate revegetation after the disturbance. Consequently, these existing County requirements will help to ensure PM10 generated by the project will not be significant and that the project will not conflict with nor obstruct attainment of the air quality plan PM10 reduction goals.

The project will establish a new single-family dwelling in a low density rural residential coastal setting, consistent with the County's land use plan. Approval of this project will not permit large-scale development that may result in a cumulatively considerable net increase in air pollution, including PM10.

The proposed gravel driveway is subject to air quality standards regarding fugitive dust and asbestos. **Condition 7** is recommended to ensure that the access road, driveway and interior circulation routes be maintained consistent with Air Quality Management District Regulation 1, Rule 430.

Additionally, there are no short-term or long-term activities or processes associated with the single-family residence that will create objectionable odors. Nor are there any uses in the surrounding area that are commonly associated with a substantial number of people (i.e., churches, schools, etc.) that could be affected by any odor generated by the project.

IV. BIOLOGICAL RESOURCES: **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Spade Natural Resources Consulting prepared a Botanical Survey and Biological Scoping Survey, dated March 15, 2013, to determine the extent of any Environmentally Sensitive Habitat Area (ESHA) that may be present on the subject parcel. The biologist's survey identifies a riparian area and spring box on the southwest portion of the parcel, south of the proposed single-family residence. To mitigate potential impacts to the riparian area, the biologist recommends "the riparian habitat present should be protected by a 100-foot buffer. If any development is proposed within 100-feet of the riparian area, a reduced buffer analysis should be conducted."

Additionally, the biological survey identified the presence of harlequin lotus, a species which is known to support the federally endangered Lotis blue butterfly. The biologist determined that "the relatively small number of potential host plants present is unlikely to be enough to support a viable population of Lotis blue butterflies." The project and biological survey was referred to United States Fish and Wildlife Service (USFWS) to determine the potential for unauthorized take of the endangered species.

A letter from USFWS to the project biologist dated October 9, 2014, states the following:

> *The USFWS has determined that this project as described may proceed and that it would be unlikely to result in unauthorized take of the federally listed Lotis blue butterfly….This determination by the USFWS is contingent upon the establishment of 100-foot buffers around all occurrences of* Hosackia gracilis *[Lotis blue butterfly], within which there will be no vegetation removal or cutting, and no ground disturbance.*

The Local Coastal Program provides criteria for development within one hundred (100) feet of any ESHA, intended to mitigate the impacts of development on these areas to levels less than significant. The submitted site plan depicts all development greater than one hundred (100) feet from the identified riparian area (the only ESHA discovered by the biological survey). While the harlequin lotus does not qualify as an ESHA, the federally protected Lotis blue butterfly relies on the plant for habitat. The project application did not include a species-specific survey for Lotis blue butterfly; however, siting development greater than one hundred (100) feet from the documented occurrences of harlequin lotus will prevent unauthorized take of the federally listed Lotis blue butterfly, per USFWS.

The vegetation removal required to site the development, as determined by the submitted biological survey, will not include the removal of any protected species or habitats.

Condition 8, **Condition 9**, **Condition 10**, and **Condition 11** are recommended to ensure all development will maintain a minimum one hundred (100) foot buffer from the riparian area (ESHA) and the documented occurrences of harlequin lotus, and to protect against impacts to rare or threatened species that have the potential to exist on the site, yet were not discovered by the biological survey. As all development is proposed beyond one hundred (100) feet from any ESHA, impacts to biological resources will be less than significant.

V. CULTURAL RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

On February 12, 2014, the project was referred to the Mendocino County Archaeological Commission to review an archaeological survey prepared for the parcel by Jay Flaherty, dated August 20, 1989. The Archaeological Commission determined that no further survey would be required, as the previous survey found no cultural, historical or archaeological sites on the property.

The Archaeological Commission advised the applicant of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 12** similarly advises the applicant of the Discovery Clause, which prescribes the procedures governing the discovery of any cultural resources during construction of the project. Impacts to cultural resources, provided the recommended mitigation is adopted, will be less than significant.

VI. GEOLOGY AND SOILS. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐

The property does not lie within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault area or Landslide and Liquefaction Zone, per California Division of Mines and Geology mapping. The San Andreas fault is located over five (5) miles west of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

The project development site is located approximately 1,000 feet from the edge of the coastal bluff. Development associated with the project is subject to the County's erosion control and post construction drainage requirements, found in the Coastal Zoning Code and Stormwater Ordinance, and implemented with the approval of a building permit.

The project will not result in substantial soil erosion or loss of topsoil with the implementation of typical erosion control measures. These measures will be in place before site grading may commence, and must be maintained during construction activities. The completed project will include drainage improvements at the development site, as required by the Stormwater Ordinance, that will prevent concentrated runoff from entering any water body, including the Pacific Ocean.

Furthermore, drainage is subject to Section 20.492.025 of the Coastal Zoning Code. The proposed development will increase the amount of impervious surfaces on this parcel, increasing post-construction runoff. Increases in impervious surfaces in a watershed, such as roofs and roads, increases surface runoff from a site creating the potential to cause erosion and degrade aquatic health. Development in any watershed can have cumulative impacts on watershed health; therefore, it is recommended that rooftop and driveway runoff be directed to landscaped areas to slow the rate of runoff and increase infiltration. Native and drought tolerant plants are recommended for landscaped areas. **Condition 13** and **Condition 14** are recommended to reduce impacts from increasing the impervious area, and to provide the development with adequate drainage.

VII. GREENHOUSE GAS EMISSIONS. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHG) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (AQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO2e (CO2 equivalent) of operation emission on an annual basis. This project as proposed, creating one additional parcel and one single-family residence, will have no impact and be below the threshold for project significance of 1,100 metric tons CO2e.

Additionally, Mendocino County's building code requires new construction to include energy efficient materials and fixtures. Given the limited scale of the new house, the GHG generated by the project will not have a significant impact on the environment.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions	☐	☐	☐	☒

involving the release of hazardous materials into the environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☒	☐	☐

The project will establish a residential use involving the routine transport, use and disposal of hazardous materials in small or limited quantities. These materials include construction materials, household cleaning supplies, and other materials including but not limited to fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. Storage of these materials in the open may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean.

This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site and then disposed at an approved collection facility such as the nearby Albion Transfer Station. Cleaning supplies and other household hazardous materials are less of a concern as they are routinely collected with the household waste and transported by waste haulers to approved disposal facilities. The nearest school is located approximately three (3) miles from the project site, and will not be impacted by the limited quantities of hazardous materials present at or discarded from the project. Consequently, potential impacts involving the transport, use or disposal of hazardous materials is less than significant.

The nearest airport (Little River Airport) is approximately one (1) mile from the project site, and the Land Use Compatibility Map for Little River Airport depicts *Zone C*, the outer boundary of the Common Traffic Pattern Zone, beyond the extent of the parcel boundaries. The project site is not subject to any airport land use plan.

The project will not result in any physical change to the existing roadway that would impair its use as an evacuation route. However, to ensure the project will not expose people or structures to impacts involving wildland fires, **Condition 15** and **Condition 16** are recommended. These conditions are recommended at the behest of CalFire, Albion Little River Fire Protection District (ALRFPD), and Mendocino Department of

Transportation. The recommended conditions will reduce impacts of hazards and hazardous materials to a less than significant level.

IX. HYDROLOGY AND WATER QUALITY. Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Mendocino Coastal Zoning Code Sections 20.524.010 and 20.308.095, and General Plan Policy 3.8-9 provide guidance for determining if there is adequate water supply to accommodate the proposed subdivision without adversely affecting the groundwater table of contiguous or surrounding areas. Policy 3.8-9 reads as follows:

> ***3.8-9*** *Approval of the creation of any new parcels shall be contingent upon an adequate water supply during dry summer months which will accommodate the proposed parcels, and will not adversely affect the groundwater table of contiguous or surrounding areas. Demonstration of the*

proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study dated June 1982, as revised from time to time and the Mendocino County Division of Environmental Health's Land Division requirements as revised (emphasis added).

The proposed development is located in an area designated by the Department of Water Resources as "Marginal Water Resources." Table 1 of the Mendocino Coastal Groundwater Study states no water supply investigation is necessary for Minor and Major Subdivisions located in areas designated as "Marginal Water Resources" where the dwelling density is greater than five acres per dwelling unit. The proposed development will consist of an approximately 20.01 acre parcel and an approximately 27.95 acre parcel, which will provide for a dwelling density of greater than five acres per dwelling unit. As such, no investigation is necessary to show that the proposed development will be served by adequate water.

Nonetheless, the applicant retained Carl Rittiman & Associates, Inc. to complete a proof of water test on proposed Parcel 2. A test well was drilled on October 30, 2014, and found that the "well has been demonstrated to be an acceptable water source to support the proposed new parcel." The proposed subdivision and the proposed single-family residential development will be served by adequate water supply and wastewater disposal, subject to the conditions recommended by Environmental Health.

The proposed density of the project—less than one dwelling per twenty acres—maximizes the development potential of the existing approximately 47.96 acre parcel. The General Plan designation (Remote Residential – 20) and zoning district (Remote Residential – 20) of the subject site precludes any further subdividing. Additionally, the Coastal Zoning Code does not allow second residences on the proposed parcels. The low-density nature of the project, and the lack of potential for future development will ensure that local groundwater supplies are not substantially depleted.
The project is not located within a mapped 100-year flood hazard area, and therefore will not impede or redirect flood flows, and will not expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam.

Hydrology and water quality impacts will be less than significant, without mitigation.

X. LAND USE AND PLANNING. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

The project site is situated in a long established rural residential area, and proposed adjacent to an existing residential development. The low-density development will be consistent with the established community.

The project is located in the County's Coastal Zone, and is subject to the County Local Coastal Plan and Coastal Zoning Code, which contain policies and regulations that help to ensure new development in the Coastal Zone will avoid or mitigate adverse effects on coastal resources. Mendocino County, which has land use permit jurisdiction over the project, cannot approve Coastal Development Permits or Coastal Development Minor Subdivisions if the project conflicts with these policies or regulations. Therefore, the project will not conflict with any provision, policy or regulation contained in the County's Local Coastal

Program or Coastal Zoning Code that were adopted for the purpose of avoiding or mitigating impacts to coastal resources.

The proposed development is not located in an area subject to a habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

The project is not located in an area of known mineral resources. No impact is expected and no mitigation is required.

XII. NOISE. **Would the project result in:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

With the exception of short-term construction related noise, the proposed development will not create a new source of noise that will impact the community. The proposed development is centrally located on an approximately twenty (20) acre parcel. Noise created by the single-family residence and guest cottage is not anticipated to be significant, and no mitigation is required.

XIII. POPULATION AND HOUSING. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The project would create a new approximately twenty (20) acre parcel and new single-family residence, guest cottage, and associated development in a zoning district and General Plan land use designation intended for residential development. The project would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. The project will not remove any existing house, and will not require the displacement of any person living or working the area. No impacts are expected, and no mitigation is required.

XIV. PUBLIC SERVICES.	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☒	☐
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

The project site is served by CalFire and the Albion Little River Fire Protection District. The increase of one additional parcel and one single-family residence with accessory development in an existing community would not create additional significant service demands or result in adverse physical impacts associated with delivery of fire, police, parks or other public services.

XV. RECREATION.	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might	☐	☐	☐	☒

have an adverse physical effect on the environment?				

The project site is located east of Highway 1, and is not designated as a potential public access trail location on the Local Coastal Plan maps. There is no evidence of prescriptive access on the site, nor would the development generate enough recreation demand to require the construction of additional facilities. The project would have no impact on public access or recreation, and no mitigation is required.

XVI. TRANSPORTATION/TRAFFIC. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☒	☐	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Access to the subdivision is currently provided by Buckhorn Cove Road East (private). The existing private road is paved with an asphalt concrete surface of sixteen (16) to eighteen (18) feet wide, within a sixty (60) foot wide non-exclusive roadway and public utility easement. Buckhorn Cove Road East was constructed as a minor subdivision road per MS 1989-0017 to provide access for three (3) parcels and the subject remainder parcel (currently proposed for subdivision into two (2) parcels). Parcel 1 and Parcel 2, as proposed on the tentative map, are to be accessed by a forty (40) foot wide access and utility easement (which contains an existing power line). The existing roadway serving the existing residence on proposed Parcel 1 is surfaced with asphalt concrete twelve (12) feet wide. There are no other transportation facilities that serve the property.

The proposed residential use is consistent with Mendocino County's Local Coastal Program for the area and is a low-trip generating use, which will not degrade performance of the existing private roadway. The project is not located within an area subject to a congestion management program.

Little River Airport is located approximately one mile northeast of the subject property. The creation of one approximately twenty acre parcel and the development of one single-family residence and accessory development will not have any effect on local air traffic patterns.

The applicants have requested an exception to Road Development Standards MCC 17-53 (B) Road Width Standards. The existing road surfacing width in some areas is less than eighteen (18) feet, but at least sixteen (16) feet of asphalt concrete surfacing. Current Mendocino County road standards for a Level B Private Minor Subdivision would be twenty two (22) foot wide base width with eighteen (18) foot wide, double chip seal surface. The applicant is requesting an exception to the requirement for additional base width.

Mendocino County Department of Transportation (MDOT) was invited to provide comment on the application to inform staff of potential impacts to applicable circulation or transportation plans in the area. MDOT conducted a field review of the existing road on November 4, 2013, and subsequently provided a letter to Planning and Building Services dated December 10, 2013, which states:

> *DOT has determined that because of the existing terrain that it would take considerable grading to add an additional four (4) feet of shoulder width to the existing roadway. DOT would consider recommending approval of the Exception to Road Development Standards if one turnout were constructed approximately midway between State Highway 1 and the turnaround at the end of Buckhorn Cove East if Albion Little River Fire District and CalFire also approve the exception to road width request.*

In further correspondence between the applicant and referral agencies, an agreement was reached regarding the request for an exception to access requirements. A letter from MDOT dated February 27, 2014, states the following:

> *In consideration of these two letters from the fire protection agencies having jurisdiction of this site, the Mendocino County Department of Transportation recommends approval of the Exception to 17-53(B) Eighteen (18) foot Street Width to the Planning Commission.*[1]

As a result, staff recommends **Condition 19**, **Condition 20**, and **Condition 21**. **Condition 19** requires the applicant to record access and public utility easements over Buckhorn Cove Road East, consistent with MDOT standards. **Condition 20** requires all easements to be shown on the Parcel Map, and requires all utility lines to be shown as easements. **Conditions 21** compels the applicant to notify MDOT of improvements made by the subdivider in association with required conditions of approval.

These conditions work in concert with those recommended by CalFire and ALRFPD for fire prevention, discussed previously under Section VIII – Hazards and Hazardous Materials, Provided the development satisfies access requirements as conditionally approved by MDOT, CalFire and ALRFPD, the project will not have significant impacts to transportation or traffic.

XVII. UTILITIES AND SERVICE SYSTEMS. **Would the project:**	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental	☐	☐	☐	☒

[1] Peters, Tom. "Coastal Development Minor Subdivision No. CDMS 5-13 (Hervilla)." Letter to Mary Lynn Hunt. 27 Feb. 2014.

effects?				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

The project will generate domestic wastewater processed by a proposed on-site septic system, which will be required to meet local standards for septic design and location. The Mendocino County Division of Environmental Health reviewed the project application and recommended conditional approval.

The project will not require a new stormwater drainage facility, nor will it necessitate the expansion of an existing drainage facility. All of the project's stormwater runoff will be contained on site. Small-scale land disturbance activities (i.e., construction, grading and other construction activities impacting less than one acre) are subject to the County's stormwater ordinance. This ordinance requires construction site controls and permanent controls to prevent storm water from transporting sediment into water bodies, including the Pacific Ocean. The project developer is required to prepare and implement a stormwater management plan in conjunction with the approval of a building permit to construct the house, driveway and other site improvements.

The County's Stormwater Ordinance will ensure construction activities on the site will limit the project's stormwater impacts to a level that is not significant.

Mendocino Coastal Zoning Code Sections 20.524.010 and 20.308.095, and General Plan Policy 3.8-9 provide guidance for determining if there is sufficient water supply to accommodate the proposed parcels without adversely affecting the groundwater table of contiguous or surrounding areas. Policy 3.8-9 reads as follows:

> ***3.8-9*** *Approval of the creation of any new parcels shall be contingent upon an adequate water supply during dry summer months which will accommodate the proposed parcels, and will not adversely affect the groundwater table of contiguous or surrounding areas. Demonstration of the proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study dated June 1982, as revised from time to time and the Mendocino County Division of Environmental Health's Land Division requirements as revised* (emphasis added).

The proposed development is located in an area designated by the Department of Water Resources as "Marginal Water Resources." Table 1 of the Mendocino Coastal Groundwater Study states no water supply investigation is necessary for Minor and Major Subdivisions located in areas designated as "Marginal Water Resources" where the dwelling density is greater than five acres per dwelling unit. The proposed development will consist of an approximately 20.01 acre parcel and an approximately 27.95

acre parcel, which will provide for a dwelling density of greater than five acres per dwelling unit. As such, no investigation is necessary to show that the proposed development will be served by adequate water.

Nonetheless, the applicant retained Carl Rittiman & Associates, Inc. to complete a proof of water test on proposed Parcel 2. A test well was drilled on October 30, 2014, and found that the "well has been demonstrated to be an acceptable water source to support the proposed new parcel." The proposed subdivision and the proposed single-family residential development will be served by sufficient water supply and wastewater disposal, subject to the conditions recommended by Environmental Health.

Solid waste collected in Mendocino County, including at the project site, is currently collected and transported to a landfill at Potrero Hills in Suisun City. The amount of solid waste generated by the project is individually limited and will not cause the landfill to exceed its permitted capacity. Mendocino Solid Waste Management Authority (MSWMA) oversees the collection and disposal of solid waste collected in the County, which is subject to and implements federal, state and local statutes related to solid waste. The MSWMA will continue to ensure solid waste generated by the project will be transported and disposed in accordance with these statutes and regulations.

Impacts related to utilities and service systems are less than significant.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

The project's potential to degrade the quality of the environment, as described in the first Mandatory Finding of Significance, will be less than significant provided it incorporates the mitigation measures recommended in this Initial Study.

None of the of the project mitigated impacts are cumulatively considerable because the project's potential impacts are limited to the project site, and the approval and establishment of the project will not alter the existing setting nor amend an existing regulation that would create a circumstance where the incremental effect of a probable future project will generate a potentially significant environmental impact.

The project will not generate any potential direct or indirect environmental effect that will have a substantial adverse impact on human beings including, but not limited to, exposure to geologic hazards, air quality, water quality, traffic hazards, noise and fire hazards.

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

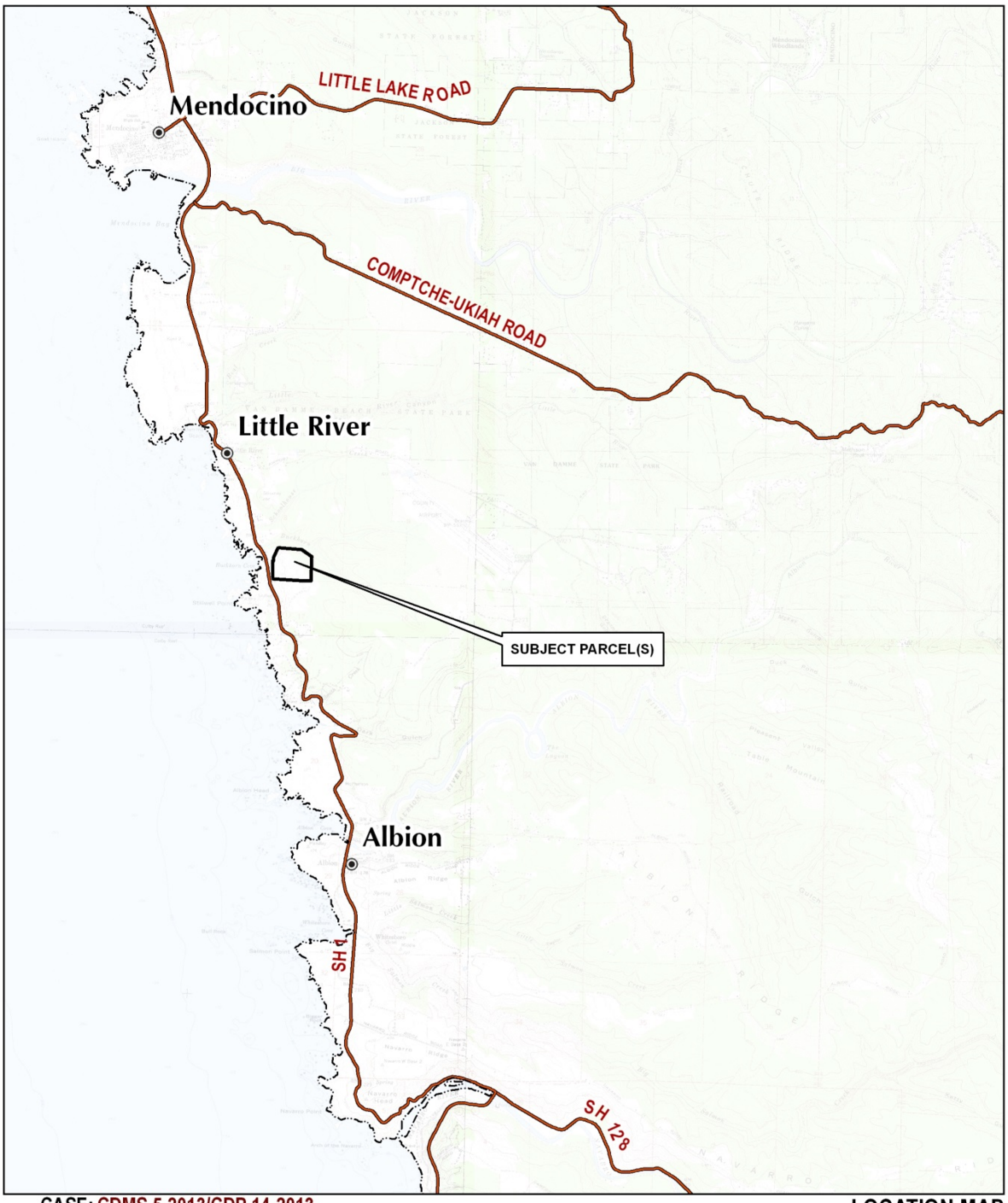
☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

DATE

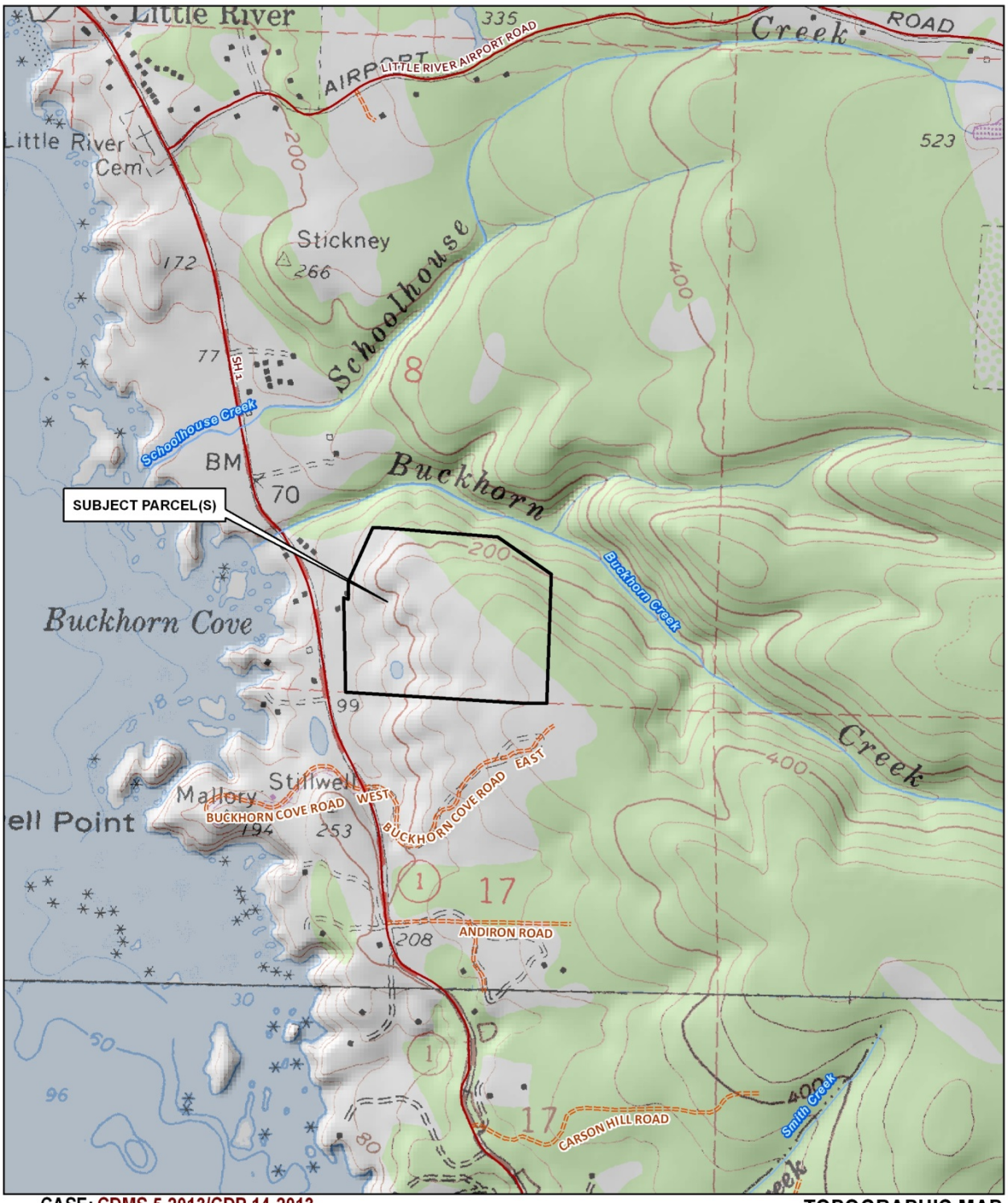
SCOTT PERKINS
PLANNER I



CASE: CDMS 5-2013/CDP 14-2013
OWNER: Charles & Dalphinia Hervilla, Melissa Pyore
APN: 121-020-20
AGENT: Amy Wynn
ADDRESS: 40001 Buckhorn Cove Road, Little River

LOCATION MAP

0 2,550 5,100 Feet
0 0.5 1 Miles
1:63,360



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TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

0 500 1,000 Feet
0 0.075 0.15 Miles
1:12,000

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AGENT: Amy Wynn
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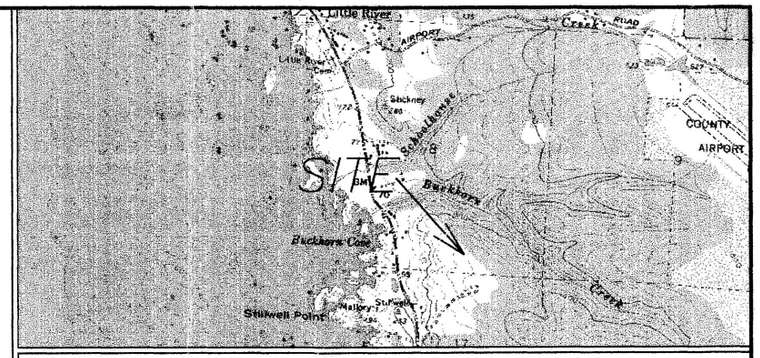
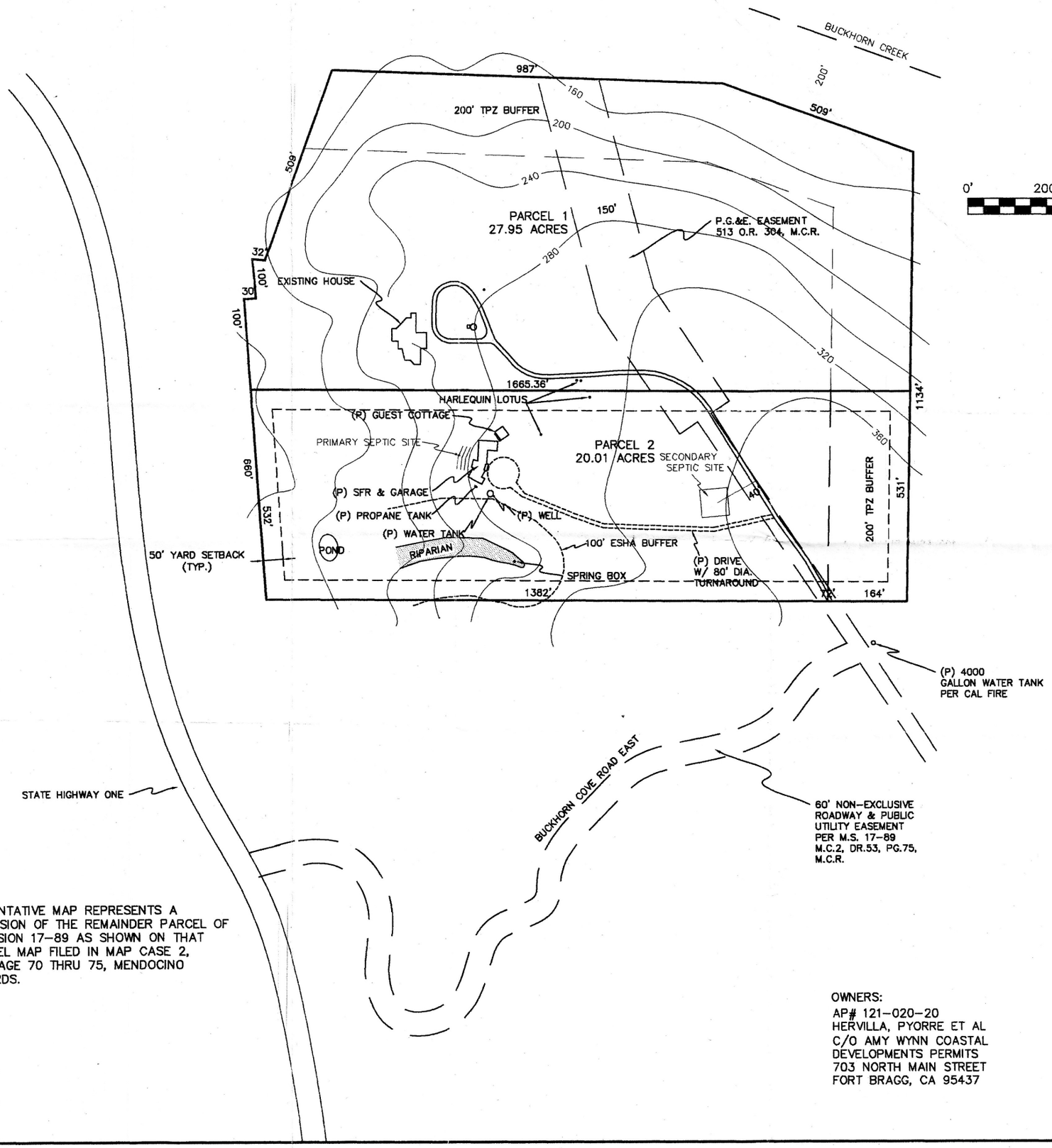
2012 NAIP AERIAL ORTHOPHOTO

0 150 300 Feet
0 0.0275 0.055 Miles
1:3,600



VICINITY MAP NO SCALE



0' 200' 400' 600'

MAP PREPARED BY: FORREST FRANCIS, LAND SURVEYOR
P. O. BOX 1162
MENDOCINO, CALIFORNIA 95460
(707) 937-9900

FORREST FRANCIS L.S.5121

NOTE: THIS TENTATIVE MAP REPRESENTS A PROPOSED DIVISION OF THE REMAINDER PARCEL OF MINOR SUBDIVISION 17-89 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN MAP CASE 2, DRAWER 53, PAGE 70 THRU 75, MENDOCINO COUNTY RECORDS.

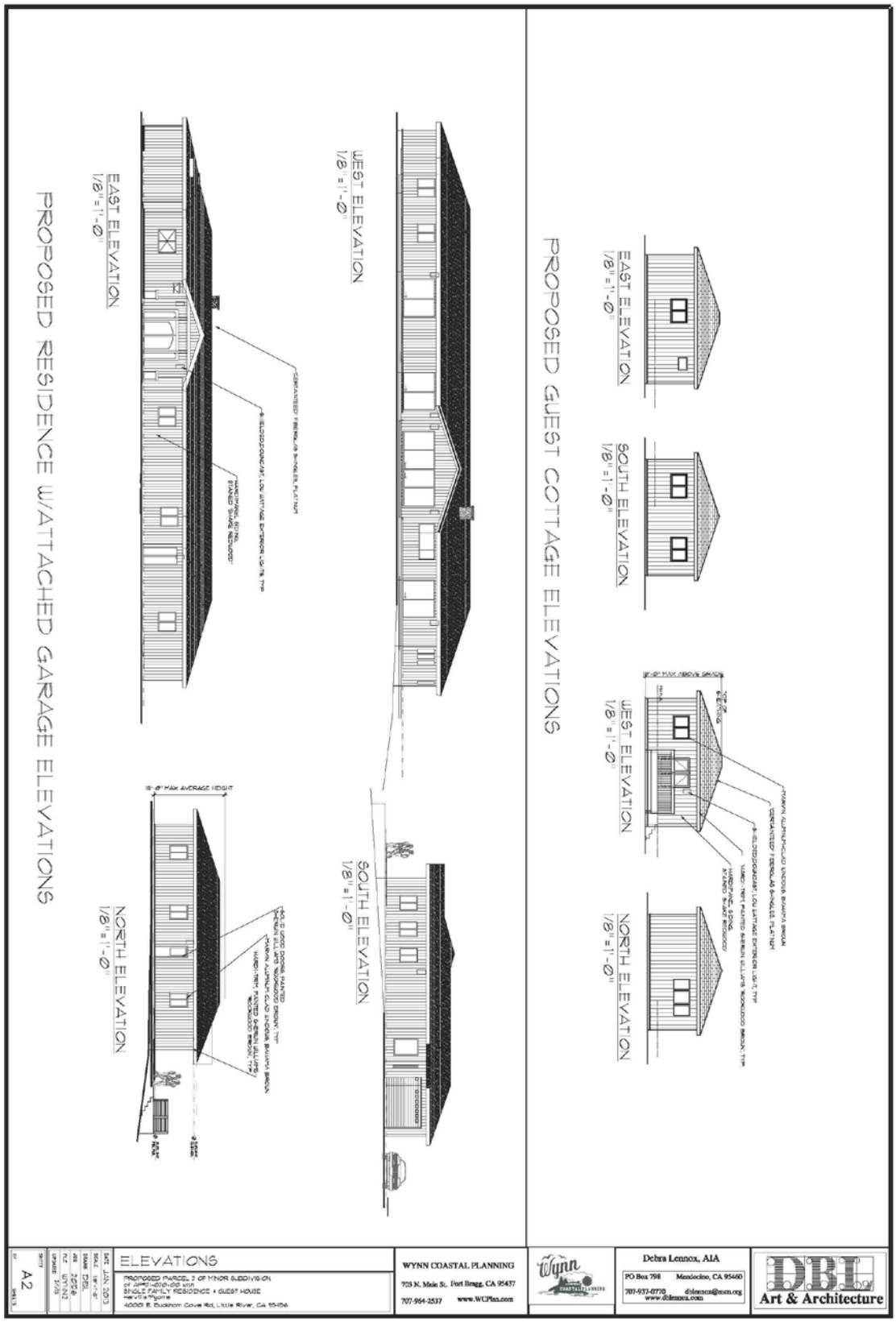
OWNERS:
AP# 121-020-20
HERVILLA, PYORRE ET AL
C/O AMY WYNN COASTAL
DEVELOPMENTS PERMITS
703 NORTH MAIN STREET
FORT BRAGG, CA 95437

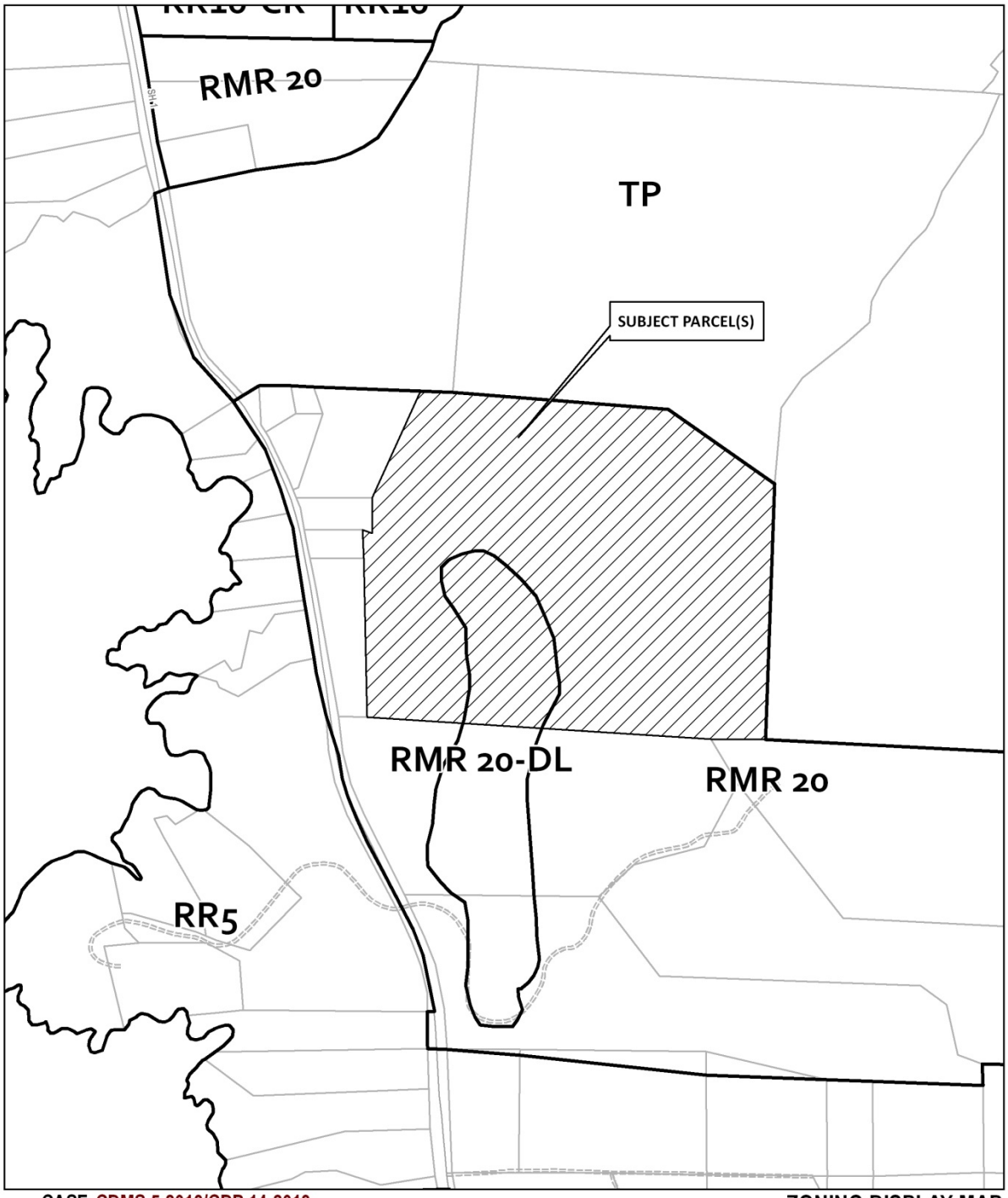
Tentative Map

OF PROPOSED MINOR SUBDIVISION
OF A.P. NO. 121-020-20
BEING A PORTION OF SECTION 8
TOWNSHIP 16 NORTH,
RANGE 17 WEST, M.D.B.&M.

MENDOCINO COUNTY, CALIFORNIA
JUNE, 2013

CDMS 5-2013
Hervilla

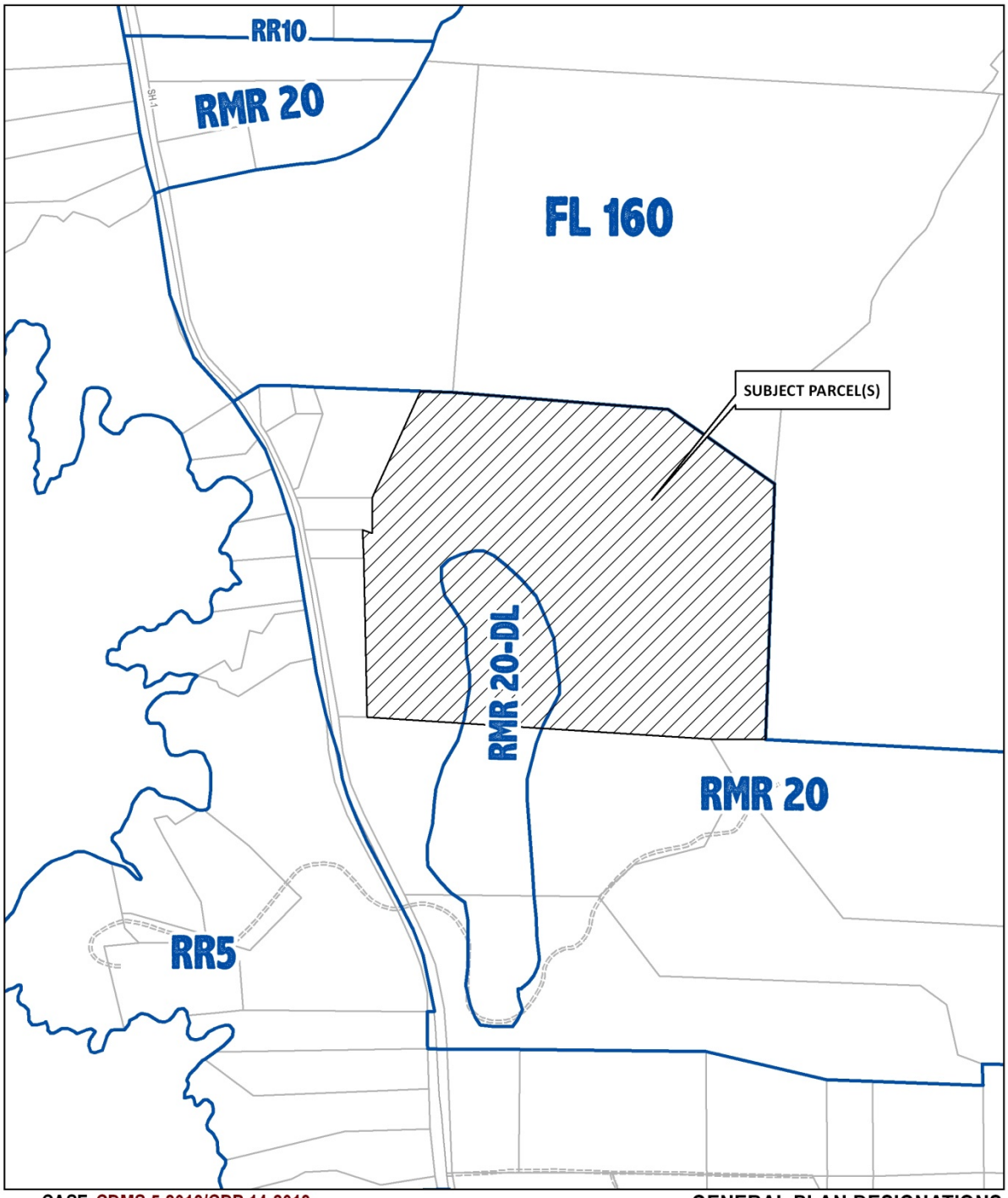

PROPOSED GUEST COTTAGE ELEVATIONS
EAST ELEVATION
1/8" = 1'-0"
SOUTH ELEVATION
1/8" = 1'-0"
WEST ELEVATION
1/8" = 1'-0"
NORTH ELEVATION
1/8" = 1'-0"
PROPOSED RESIDENCE W/ATTACHED GARAGE ELEVATIONS
EAST ELEVATION
1/8" = 1'-0"
WEST ELEVATION
1/8" = 1'-0"
SOUTH ELEVATION
1/8" = 1'-0"
NORTH ELEVATION
1/8" = 1'-0"
ELEVATIONS
PROPOSED PARCEL 2 OF MINOR SUBDIVISION
OF APN 017-010-010 with
SINGLE FAMILY RESIDENCE + GUEST HOUSE
Mendocino County
40001 E. Buckhorn Cove Rd, Little River, CA 95456
WYNN COASTAL PLANNING
703 N. Main St. Fort Bragg, CA 95437
707-964-2537 www.WCPlan.com
Debra Lennox, AIA
PO Box 798 Mendocino, CA 95460
707-937-0770 dblennox@mcn.org
www.dblennox.com
DBL
Art & Architecture
SHEET A2



CASE: CDMS 5-2013/CDP 14-2013
OWNER: Charles & Dalphinia Hervilla, Melissa Pyorre
APN: 121-020-20
GP/ZONE: RMR 20/RMR
ADDRESS: 40001 E. Buckhorn Cove Road, Little River

ZONING DISPLAY MAP

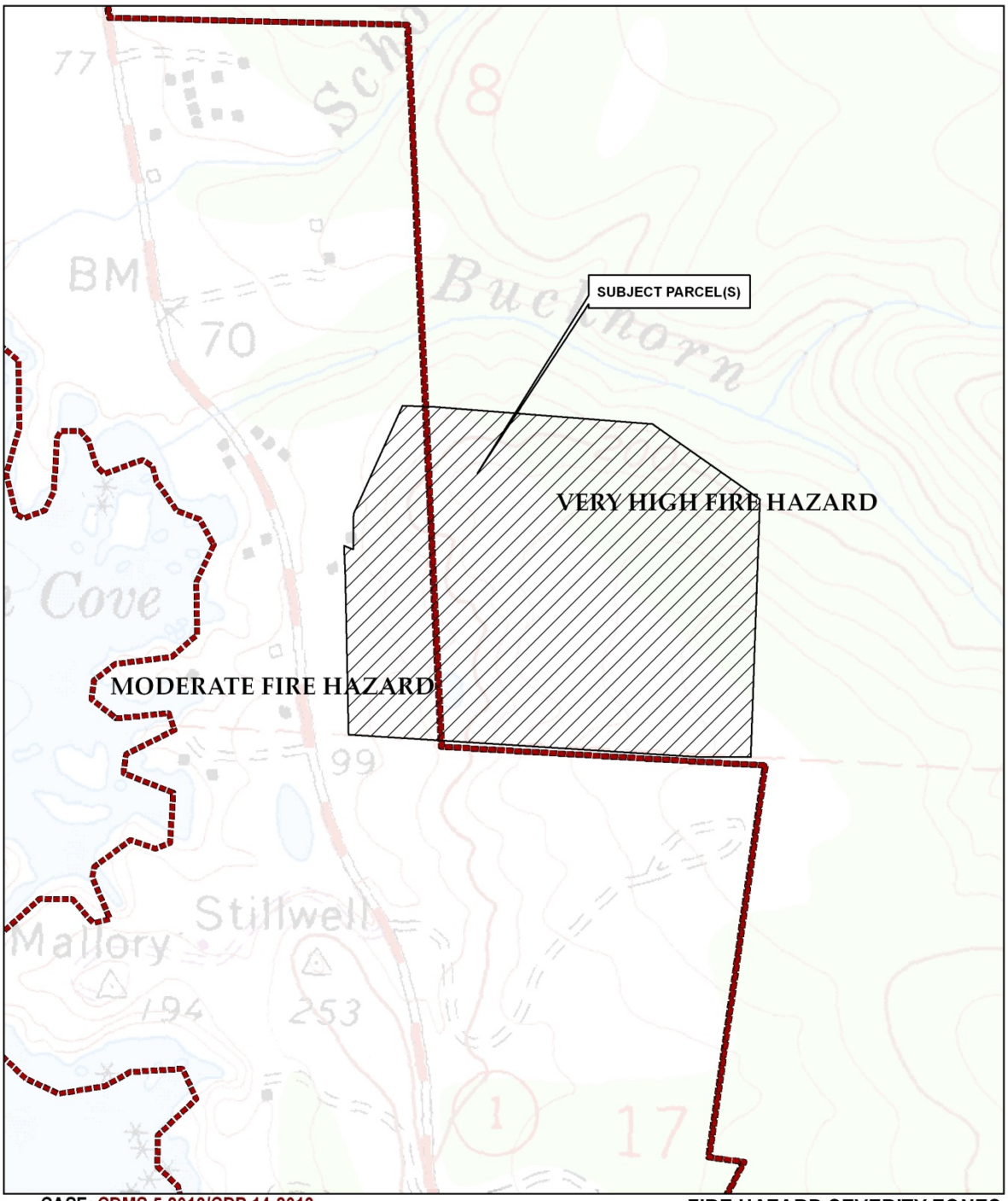
0 250 500 Feet
0 0.05 0.1 Miles
1:6,000



CASE: CDMS 5-2013/CDP 14-2013
OWNER: Charles & Dalphinia Hervilla, Melissa Pyorre
APN: 121-020-20
GP/ZONE: RMR 20/RMR
ADDRESS: 40001 E. Buckhorn Cove Road, Little River

GENERAL PLAN DESIGNATIONS

0 250 500 Feet
0 0.05 0.1 Miles
1:6,000



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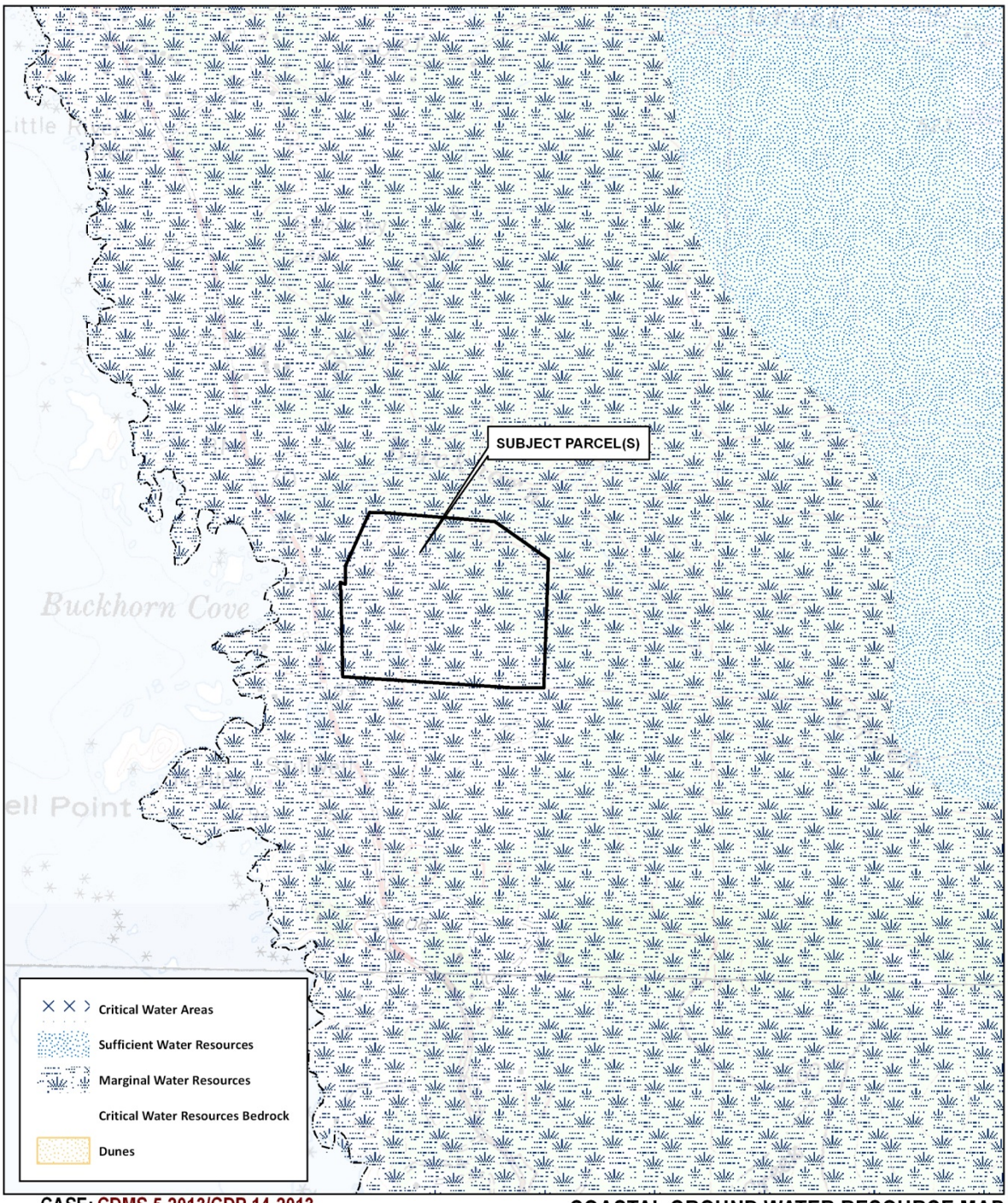
AGENT: Amy Wynn
ADDRESS: 40001 Buckhorn Cove Road, Little River

FIRE HAZARD SEVERITY ZONES
ALBION-LITTLE RIVER FIRE DISTRICT

0 250 500 Feet
0 0.05 0.1 Miles
1:6,000



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APN: 121-020-20
AGENT: Amy Wynn
ADDRESS: 40001 Buckhorn Cove Road, Little River

COASTAL GROUND WATER RESOURCE MAP

0 500 1,000 Feet
0 0.075 0.15 Miles
1:12,000

CASE: CDMS 5-2013/CDP 14-2013
OWNER: Charles & Dalphinia Hervilla, Melissa Pyorre
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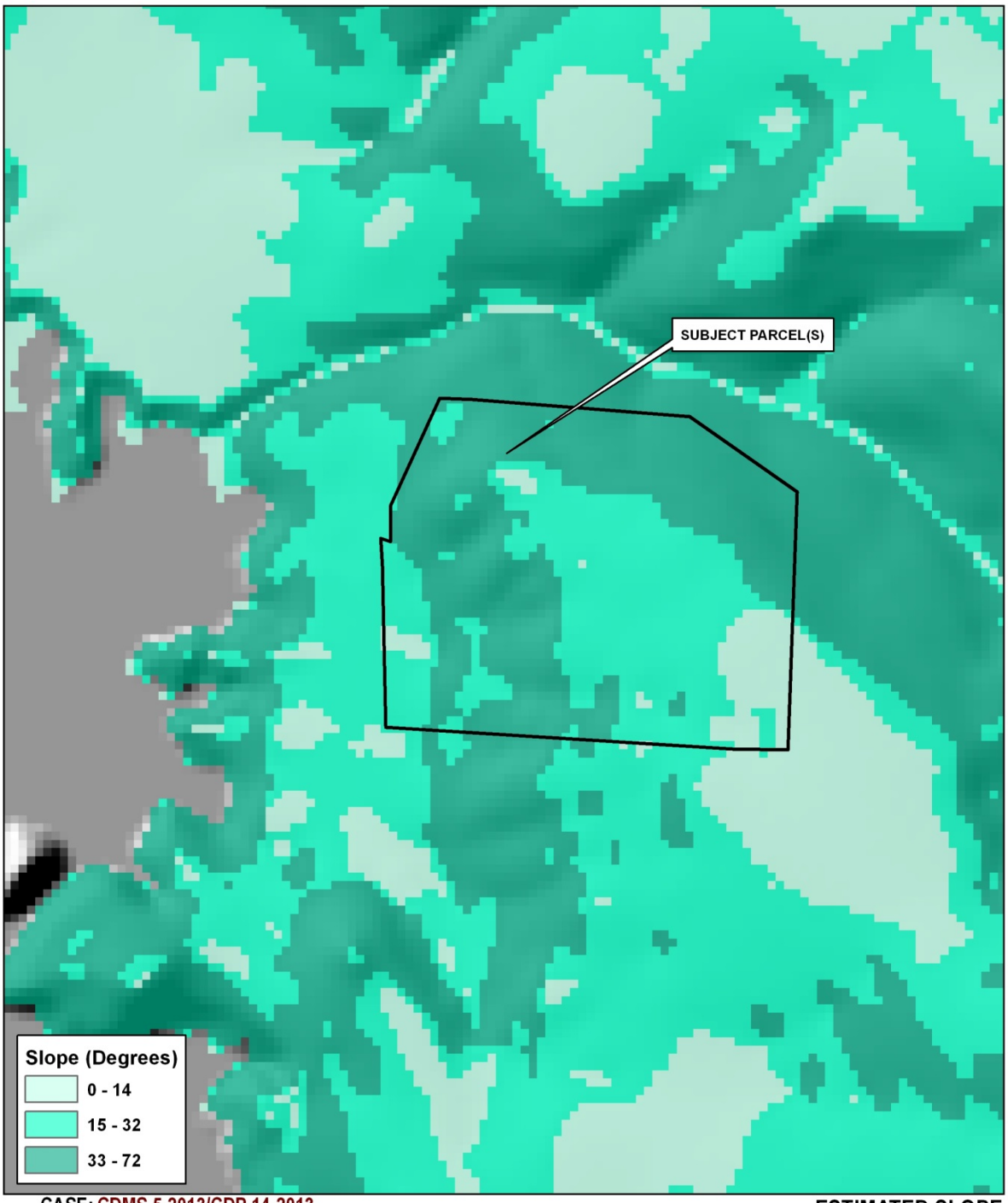
AGENT: Amy Wynn
ADDRESS: 40001 Buckhorn Cove Road, Little River

HIGHLY SCENIC EXHIBIT

NO SCALE



CASE: CDMS 5-2013/CDP 14-2013
OWNER: Charles & Dalphinia Hervilla, Melissa Pyore
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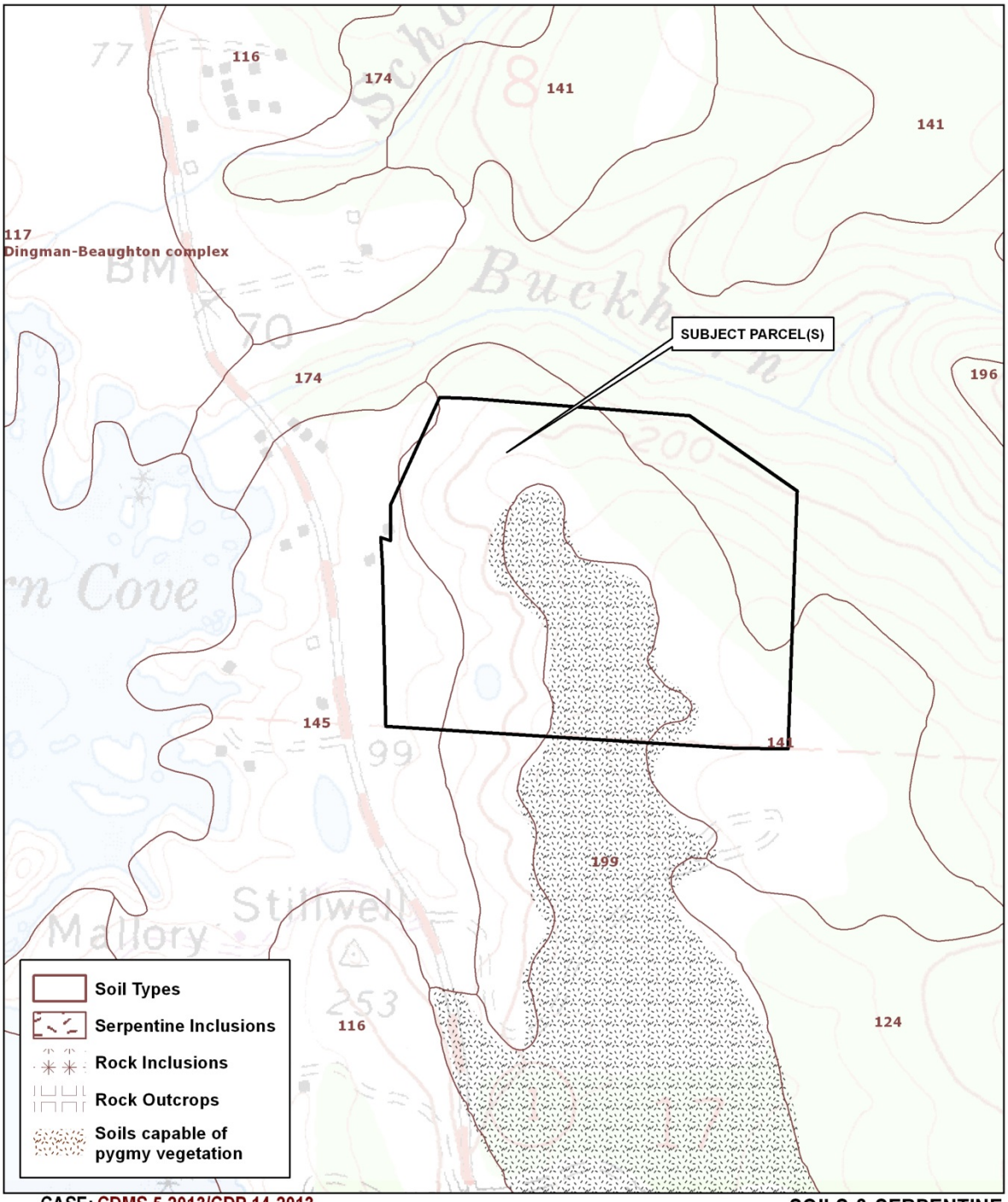
ESTIMATED SLOPE

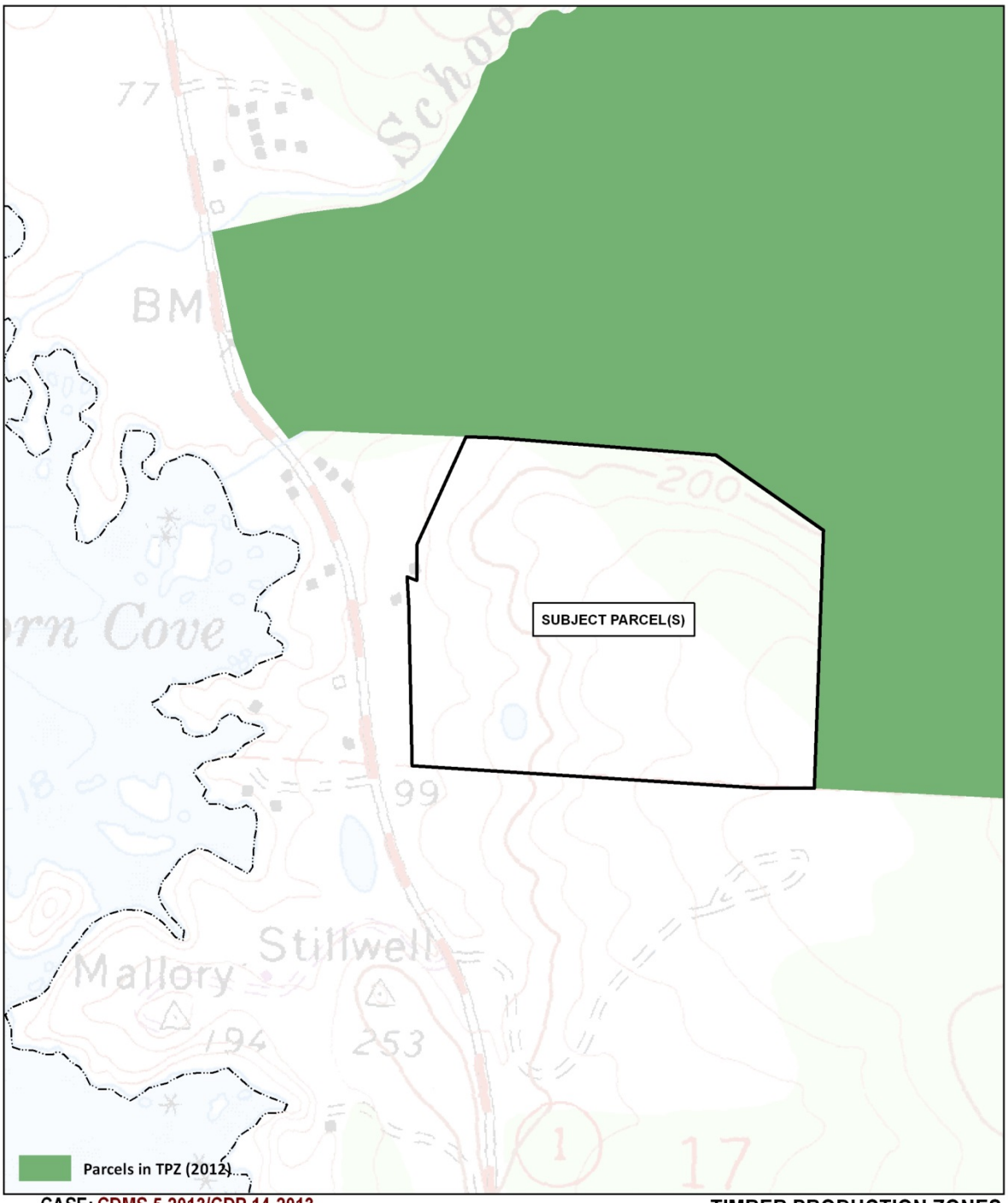
0 250 500 Feet
0 0.05 0.1 Miles
1:6,000



CASE: CDMS 5-2013/CDP 14-2013
OWNER: Charles & Dalphinia Hervilla, Melissa Pyore
APN: 121-020-20
AGENT: Amy Wynn
ADDRESS: 40001 Buckhorn Cove Road, Little River

SOILS & SERPENTINE

0 250 500 Feet
0 0.05 0.1 Miles
1:6,000



CASE: CDMS 5-2013/CDP 14-2013
OWNER: Charles & Dalphinia Hervilla, Melissa Pyore
APN: 121-020-20
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TIMBER PRODUCTION ZONES

0 250 500 Feet
0 0.05 0.1 Miles
1:6,000