

**SUMMARY**

**OWNER/APPLICANT:** ROBERT AND EDYTHE MICHEL  
712 SPARKS AVENUE  
AUSTIN, TEXAS 78705

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

**REQUEST:** Coastal Development Use Permit for the construction of a single family residence and ag barn/music studio. Legalize existing single family residence for farm employee residence, guest cottage, and accessory development.

**LOCATION:** In the Coastal Zone, 2± miles south of the City of Point Arena, off of a private roadway leading north off of Iversen Road (CR 503), 1± mile east of its intersection with State Highway 1, located at 46030 Iversen Road, Gualala; APN 027-511-28.

**APPEALABLE AREA:** No

**PERMIT TYPE:** Coastal Development Use Permit

**TOTAL ACREAGE:** 69.68± Acres

**GENERAL PLAN:** Forest Lands - 160 acre minimum (FL-160)

**ZONING:** Timberland Production-160 acre minimum

**EXISTING USES:** Residential/Light Agriculture

**ADJACENT ZONING:** North: Timberland Production  
East: Timberland Production/Remote Residential  
South: Remote Residential  
West: Timberland Production

**SURROUNDING LAND USES:** North: Residential/Agricultural  
East: Residential/Agricultural  
South: Residential/Agricultural  
West: Residential/Agricultural

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL REVIEW:** Exempt from CEQA – Class 3(a)

**BACKGROUND**

**PROJECT DESCRIPTION:** The project includes 1) legalizing an existing unpermitted 476± square foot residence and a proposed 775± square foot addition to be used as Farm Employee Housing; 2) legalizing an existing unpermitted 547± square foot shed; 3) legalizing an existing unpermitted less than 640± square foot guest cottage; 4) legalizing an existing unpermitted 100± square foot utility shed; 5) permitting

a proposed 3,000± square foot single family residence; 6) permitting a proposed 3,100± square foot structure containing 2,050± square feet of barn use and a 1,050 ±square foot music studio; 7) permitting a proposed one acre Asian pear orchard; and 8) permitting associated existing unpermitted development including a water tower, water tank, ground-mounted solar panels, and approximately 1,000 feet of dirt/gravel drive.

The development will take access from Iversen Road (CR 503) off an existing private driveway. The property is currently developed with unpermitted residential and agricultural structures, the unpermitted driveway approach, and associated utility development. Water will be provided by the existing well. An existing on-site septic disposal system will serve the existing and proposed development. At the tallest point of the proposed and existing structures, the height will be 21± feet.

**SITE DESCRIPTION:** The subject parcel is located due east of the termination of Schooner Gulch into the Pacific Ocean, approximately one mile from the coast, north of Iversen Road and east of Highway 1. Adjacent parcels on all sides contain a mixture of timber, agricultural and rural residential uses.

The parcel is comprised of a mixture of wooded areas and grasslands, with Schooner Gulch intersecting the northern boundary of the parcel and Bobcat Creek flowing through the northeast portion of the parcel.

**APPLICANT'S STATEMENT:** Coastal Development Use Permit for FARM EMPLOYEE HOUSING, Coastal Development Permit for Single-Family Residence, Barn, and Guest Cottage/Studio.

Requesting legalization of existing 476 square foot cabin and construction of 775 square foot addition to cabin for the use of Farm Employee Housing located on property, supporting a bona fide farm operation for cultivation of Asian pear crops. At present the orchard is planted with 30 Asian pear trees with plans to expand up to 15 acres [Subsequently reduced to one (1) acre.] of Asian Pear Orchard (please see botanical report by Kim Fitts, 2012). The orchard practices will maintain California organic standards. The need for Farm Employee Housing is due to the owner primarily living in Austin, Texas. The Cabin will house the foreman of the Ag operation.

The applicants propose construction of 3000 square foot Single Family Residence, construction of 3204 square foot Ag Barn that houses storage of agricultural products and supplies (as well as a Music Studio in portion), legalization of existing 640 square foot guest cottage/studio, legalization of existing 100 square foot utility shed. Installation/legalization of supporting infrastructure including septic system, fee standing solar panel, water tank, and well.

**RELATED APPLICATIONS ON-SITE:** CDP 55-2005: Coastal Development Permit approving a single family residence, horse barn, art studio, and workshop. No building permits were pulled in association with this approved Coastal Development Permit, and it has since expired.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	FL 160	Timberland Production	156 acres	Residential/Agricultural
<b>EAST</b>	FL 160	Timberland Production/Remote Residential	32+ acres	Residential/Agricultural
<b>SOUTH</b>	RMR 20	Remote Residential	35 acres	Residential/Agricultural
<b>WEST</b>	FL 160	Timberland Production	86 acres	Residential/Agricultural

**PUBLIC SERVICES:**

Access: Private Road  
 Fire District: Redwood Coast  
 Water District: NA  
 Sewer District: NA  
 School District: Arena Union Elementary

**AGENCY COMMENTS:** On April 21, 2014 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comments that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Department of Transportation		Comment - Recommends approval	5/27/14
Environmental Health-FB/Ukiah		Comment - Recommends conditional approval	07/08/14
Building Services-Fort Bragg PBS		No Comment	4/29/14
Department of Forestry		Comment - CALFIRE 4290 conditions recommended	3/20/16
Planning (Ukiah)		No Response	
Agriculture Commissioner		No Response	
Forestry Advisor		No Response	
Assessor		No Response	
CalFire Resource Division		No Response	
USFWS		No Response	
California Coastal Commission		Comments received and addressed in staff report	12/23/14
Air Quality Management District		Comment Letter informing applicant of other permits that may be necessary	4/25/14
CDFW		No comment (no development within 100' of ESHA)	
County Addresser		No Response	
Gualala Municipal Advisory Council		Comments received and addressed in staff report	06/09/14
Redwood Coast Fire District		No Response	

**KEY ISSUES:** Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Coastal Zoning Code (MCC). The Coastal Approval Checklist (Checklist) individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project.

The issues listed below are drawn from the Coastal Approval Checklist and have been determined to be “key issues” because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

**1. General Plan – Coastal Element:**

*a. Land Use Plan Consistency (Forest Lands)*

The parcel subject to the application is classified as Forest Lands by the Coastal Element of the Mendocino County General Plan, which is “intended to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products.” The Forest Lands classification includes lands eligible to be zoned Timberland Production (TPZ). The subject parcel is classified TPZ. The Coastal Element’s description of the Forest Lands map designation separates policy by parcels that are designated Timber Production Zones and parcels that are not designated Timber Production Zones. The principal permitted use on the parcel, per the General Plan, is “forest production and processing and associated uses, including: one single family dwelling and home occupations.” Conditionally permitted uses are also listed relating to this application, specifically farm employee housing.

The intent of the Forest Land district specifies a finding required to grant use permits for Forest Land designated Timber Production Zones. The Coastal Element states, "no use permit shall be granted for areas designated FL in TPZ until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products." The proposed farm employee housing, who is the subject of the use permit portion of the Coastal Development application, will serve the proposed agricultural operation on the parcel. The application proposes no vegetation removal associated with the development, therefore not reducing any future production potential of timber resources on the parcel. Additionally, the nearest adjacent parcel (APN 027-501-02), located over three hundred feet to the east, is zoned for residential use. There will be no impact to the timberland resources of the adjacent Forest Land parcels to the north and west. The development of farm employee housing also has the potential to serve future growing and harvesting of timber and timber products, demonstrating consistency with the policies of the Forest Land district in TPZ.

It is paramount to, maintain conformity with the Forest Lands classification that no major vegetation removal may occur in conjunction with this application. Any future major vegetation removal, as defined in MCC Section 20.308.080(C), may be subject to Coastal Development Permits and/or Board of Forestry conversion policies.

*b. Hazard Management*

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone. The project is not exposed to any significant seismic, landslide, flooding, or erosion hazards, as discussed in greater detail in the Checklist.

The project is located in an area that has a *very high* fire hazard severity rating, as determined by the California Department of Forestry and Fire Prevention (CDF). CDF has submitted recommended conditions of approval (CDF# 54-13), which require adequate address posting, minimum driveway dimension standards and features, and a minimum thirty foot fire safety setback from all structures. **Condition 8** is recommended to achieve compliance with CDF fire safety standards.

The application was also referred to the Redwood Coast Fire District, who did not reply with comments.

*c. Visual Resources*

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and Section 20.504 of the Mendocino County Coastal Zoning Code (MCC).

The subject property lies approximately one mile east of Highway One, north of Iversen Road in Gualala. Iversen Road runs past the property, through a wooded rural agricultural and residential area. The parcel is not visible from Iversen Road, as it is accessed by a private roadway through an adjacent parcel.

The project is located in an area that is designated Conditionally Highly Scenic. Because the parcel is not visible from Highway One or any other scenic vista or public place, the project is not subject to Local Coastal Program Visual Resource policy. However, the Coastal Element of the General Plan includes development standards and resource protection requirements that require new development to be sited and designed to be visually compatible with the character of surrounding areas. Additionally, the project is proposed in an area designated as the Gualala Special Community, which further stresses the need for development to be within the scope and character of existing development.

The proposed development will be entirely hidden from the view of motorists traveling on Highway One and on Iversen Road. The proposed and existing unpermitted development will not be visible from any other scenic vista or public place. The proposed height of the structures (a maximum of twenty-one feet) is lower than the maximum allowed in the zoning district (twenty-eight feet), and will not appear as a silhouette against the sky from any public vantage point. The project will appear similar to the existing residential and agricultural uses in the vicinity.

Section 20.504.035 of the Coastal Zoning Code (Exterior Lighting Regulations) addresses lighting issues related to the visual resources components of the Local Coastal Program:

- (A) *Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.*
- (2) *Where possible, all lights, whether installed for security, safety, or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.*
- (5) *No lights shall be installed so that they distract motorists.*

No lighting is shown on the proposed site plan or building elevations. **Condition 9** is recommended for the Coastal Development Permit to ensure that any exterior lighting will comply with Coastal Zoning Code lighting standards.

Consequently, the project will be visually compatible with the character of the surrounding areas and existing development, and is in conformity with the visual resources policies of the Local Coastal Program.

## **2. Special Communities – Gualala Municipal Advisory Council**

The subject parcel falls within the Gualala Municipal Advisory Council (GMAC) boundary. The GMAC met on June 9, 2014, and voted unanimously to recommend approval of the application. In addition to comments regarding fulfillment of standard building and grading permit requirements, the GMAC noted *there is no evidence of an existing Asian Pear Orchard planted with 30 Asian pear trees, nor is there a clearly identified location on-site for the 15 acres of proposed orchard expansion.*

**Conditions 11 and 12**, treated in greater detail within the discussion of zoning uses associated with Finding 20.532.095(A)(3) below, are recommended to ensure proper phasing of development to maintain consistency with Coastal Element and Coastal Zoning Ordinance policy.

## **3. Adequate Utilities, Access Roads, Drainage, and Other Necessary Facilities**

The parcel has existing septic and well improvements that have been reviewed and conditionally approved by Mendocino County Division of Environmental Health. Access roads currently serve the existing development, and no new driveways or roads are proposed. Further discussion regarding Department of Transportation and Environmental Health review of the project can be found in the Checklist. No conditions of approval are necessary to provide the development with adequate utilities and access roads.

Drainage is subject to Section 20.492.025 of the Mendocino County Coastal Zoning Code (MCC). 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 10** is recommended to reduce impacts from increasing the impervious area, and to provide the development with adequate drainage.

## **4. Zoning Consistency (Timberland Production)**

The parcel is zoned Timberland Production. MCC Sec. 20.364.005 states the intent of the district is “to encompass lands within the Coastal Zone which because of their soil types and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such.” The proposed development would align more closely with the intent of the district by providing housing for on-site labor associated with an agricultural use type (tree crops), which is a principally permitted use in the Timberland Production district.

**Table 1: Proposed Uses** describes the various uses proposed in the application, their consistency with the Timberland Production zoning district, and what conditions of approval are recommended to achieve or ensure zoning consistency.

Table 1: Proposed Uses		
Proposed Use	Zoning Consistency	Conditions of Approval
Family Residential: Single Family	Principally Permitted Use	Condition 12
Tree Crops	Principally Permitted Use	None Required
Farm Employee Housing	Conditionally Permitted Use	Condition 11
Accessory Living Unit – Guest Cottage	Permitted Accessory Use	Condition 13
Accessory Use – Barn	Permitted Accessory Use	Condition 14
Accessory Use – Shop (non-business purposes)	Permitted Accessory Use	Condition 16
Accessory Building – Shed (2)	Permitted Accessory Use	Condition 15

Farm Employee Housing: The application proposes a 775 square foot addition to an existing unpermitted 476 square foot residence for the purpose of Farm Employee Housing in support of an Asian pear orchard. Farm Employee Housing is listed in Section 20.364.014 as a Conditional Residential Use Type in the TP district. Section 20.316.020 defines Farm Employee Housing, in pertinent part, as, “Occupancy by a farm employee and his/her family within a single-family dwelling, or trailer coach which occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation...Farm employee housing shall be limited to one (1) unit per ownership and shall not be required to meet density requirements of the base zoning district...”

The proposed Farm Employee Housing can only be permitted if it occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation. The original project description by the applicant stated that “at present, the orchard is planted with 30 Asian pear trees with plans to expand up to 15 acres of Asian pear orchard.” Updated information provided by the applicant stated that there are currently 18 Asian pear trees and 7 apple trees planted on the property and that the owner has determined based on further research that there will need to be “no more than 1 acre of existing grasslands and cleared meadow to achieve his goals for a bona-fide pear farm.” Planning staff has reviewed and concurs with the additional information provided by the applicant that the 1 acre pear orchard would constitute a “bona-fide agricultural operation”. The expansion of the existing 476 square foot unpermitted residence cannot be permitted until such time that the agricultural operation (Asian pear orchard) is as substantial as described in the updated project description, and constitutes a “bona-fide agricultural operation” warranting an exclusively associated dwelling to the satisfaction of the Planning Department, with guidance from the Mendocino County Agricultural Commissioner. To ensure the Farm Employee Housing is consistent with the purpose and intent of the Mendocino County Coastal Zoning Code, **Condition 11** is recommended as a condition of approval. **Condition 11** specifies that the existing residence, proposed as Farm Employee Housing, will not be recognized as Farm Employee Housing until such time as a bona-fide agricultural operation exists on the parcel, subject to the inspection and approval by the Planning Department and the Agricultural Commissioner.

Tree Crops: Tree Crops is defined by Section 20.336.055 as “premises devoted to the cultivation of tree-grown agricultural products such as pears, apples, walnuts, and Christmas trees, but excluding other forestry products.” Updated information provided by the applicant stated that there are currently 18 Asian pear trees and 7 apple trees planted on the property and that the owner has determined based on further research that there will need to be “no more than 1 acre of existing grasslands and cleared meadow to achieve his goals for a bona-fide pear farm (Michel PBS RFI Response 4/4/16).” Any existing or future Asian pear orchard is identified by the MCC as a “Tree Crops” agricultural use, which is principally permitted in the TP district per Section 20.364.010. The application does not include the removal of any existing vegetation in support of the tree crops use. Additionally, the tree crops use must be in effect prior to the development of Farm Employee Housing in exclusive association with the Asian pear orchard.

Family Residential: Single Family: The MCC defines Family Residential: Single Family as “the use of a parcel for only one (1) dwelling unit.” Single Family Residential development is a principally permitted use in the TP district, per MCC Section 20.364.010. However, at time of application, the existing 476 unpermitted residence (which is proposed to be expanded as Farm Employee Housing) exhausts the parcel’s maximum residential density of one dwelling unit. Until such time as the existing 476 square foot residence is converted to Farm Employee Housing (following the development of the bona-fide agricultural operation, as explained above), development of the proposed 3,000 square foot single family residence is not permitted. **Condition 12** is recommended to maintain the maximum allowed number of residential units on the parcel, as stipulated by the Mendocino County Coastal Zoning Code.

Accessory Living Unit – Guest Cottage: The application proposes to permit an existing 640 square foot guest cottage in the northern portion of the development boundary. Guest cottages are considered an Accessory Living Unit, and permitted as an Accessory Use in the TP district with the benefit of a Coastal Development Permit (Coastal Act Section 13250(a)(2)). Guest cottages are defined in Section 20.308.050 of the MCC 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.” 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 legalize the existing guest cottage, provided this Coastal Development Use Permit is issued. **Condition 13** is recommended to ensure the guest cottage is consistent with the provisions of the Mendocino County Zoning Code.

Accessory Use – Barn: Accessory Uses are permitted in the TP district by MCC Section 20.456.010(A). Barns are identified as permitted accessory uses in Section 20.456.014(E). Section 20.308.025(B) defines a barn as “a building used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of farm equipment and agricultural supplies.” The application project description proposes an approximately 3,100 square foot structure, of which approximately 2,050 square feet are identified as a barn use on the submitted proposed floor plans. The structure is proposed west of the proposed residence and north of the proposed Asian pear orchard. **Condition 14** is recommended to ensure the barn is developed as it is defined by the Mendocino County Zoning Code.

Accessory Building – Shed (1): The application includes an existing unpermitted 547 square foot structure, identified on the plot plan as an “equipment and tool shed” and located west of the existing 476 square foot residence. An Accessory Building is defined by MCC Section 20.308.020 as “a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site, i.e., private garage, storage shed, farm outbuildings, etc....” Accessory buildings are permitted as uses accessory to principally permitted uses, per Section 20.456.010(B). **Condition 15** is recommended to ensure the tool shed is not utilized for human occupancy.

Accessory Building – Shed (2): The application also includes a second existing unpermitted 100 square foot shed, located in the northern portion of the development area and identified on the submitted plot plan as a “utility shed.” During a visit to the property by Planning Department staff on July 2, 2014, it was found that the structure contains a power inverter and is furnished with carpeting. MCC Section 20.308.020(F) states that “accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy except as provided in Chapter 20.456.” **Condition 15** is recommended to ensure the shed is not utilized for human occupancy.

Accessory Use – Shops (non-business purposes): The application project description identifies approximately 1,050 square feet of the approximately 3,100 square foot structure to be utilized as a music studio. Music studios are not expressly listed as permitted accessory buildings by Section 20.456.015 of the MCC. However, Section 20.456.010 permits “other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental and subordinate to, such principal permitted uses, based on the Director’s evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal permitted uses and the relationship between the proposed accessory use and the principal use.” Artist studios have historically been interpreted as resembling the identified permitted accessory use “shops (non-business purposes).” A music studio, which is a specific type of artist studio, also resembles the “shop” accessory use. The proposed music studio (shop) includes a half bathroom. The accessory shop use shall not contain any sleeping quarters or kitchen facilities, and shall not be intended for human habitation. As such, **Condition 16** is recommended to ensure the shop does not contain a bath/shower or kitchen facilities, and is consistent with a shop use.

## 5. Development Standards

Development Density: Section 20.364.025 of the MCC states the maximum dwelling density for the TP district as, "One (1) unit per one hundred sixty (160) acres except as provided pursuant to Section 20.316.020 (Farm Employee Housing), Section 20.316.025 (Farm Labor Housing), Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit). In no case shall there be more than four (4) dwellings per parcel whether single family residential, farm employee housing, farm labor housing, accessory living unit or family care unit, except where Chapter 20.412 'Clustering Development Combining District' applies."

The proposed built-out dwelling density of the parcel includes one single family residence, one farm employee housing unit, and one guest cottage, resulting in three total dwellings. In order to maintain conformance with the maximum dwelling density allowed by Section 20.364.025, **Condition 12**, as required above in the section pertaining to the Family Residential: Single Family use, is recommended.

Yards and Height: Minimum required front, rear and side yards in the TP district are fifty feet per MCC Section 20.364.030. The submitted plot plan depicts all proposed and existing unpermitted structures located greater than fifty feet from all property lines, consistent with the yard requirements of the TP district.

Section 20.364.040 of the MCC specifies a maximum height of twenty-eight feet above natural grade since the subject parcel is not located in a designated Highly Scenic Area. All proposed and existing unpermitted structures are less than twenty-one feet in height, per structure elevations submitted with the application. The project is consistent with the height limits of the TP district.

## 6. Cultural Resources

The parcel was surveyed June 9 and 14, 1996 in conjunction with a previous Coastal Development Permit application (CDP 55-2005). The previous survey was accepted by the Mendocino County Archaeological Commission. The report indicated one "isolated find," a "partial obsidian point was found in the road immediately to the west of the residence in the center of the property." No other known archaeological or paleontological resources are present on the site. Nonetheless, **Condition 18** is recommended, advising the applicant of the requirements of the County's Archaeological Ordinance (Chapter 22.12 of the Mendocino County Code) in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

If developed in compliance with the above recommended condition of approval, the proposed project will not have any adverse impacts on any known archaeological or paleontological resource.

## 7. Natural Resources

In order to determine if any of the existing unpermitted or proposed development has the potential to impact an Environmentally Sensitive Habitat Area (ESHA), staff follows the policy outlined in Section 20.496 of the MCC. Section 20.496.015(A) states that development on a parcel "identified on the land use plan map with a rare and/or endangered species symbol" is subject to a biological survey. The Natural Diversity Database (NDDB), maintained by the California Department of Fish and Wildlife (DFW), lists the potential for Swamp Harebell and indicates thirteen documented occurrences of Spotted Owl.

Per Section 20.496.015(A), this indication on the NDDB required the applicant to obtain a biological survey, "prepared by a qualified biologist, to determine the extent of the sensitive resource, to document potential negative impacts, and to recommend appropriate mitigation measures." The applicant submitted reports titled *ESHA Assessment and Rare Plant Survey* (dated July 2012), and a *Habitat Assessment for California Red-legged Frog* (dated August 2012), each authored by BioConsultant LLC. Additionally, the biological reports identify an ESHA at the southwest corner of the parcel crossed and created by an existing driveway. A letter from the biologist dated August 7, 2014, and discussed in greater detail below, comments on the nature of this ESHA.

***ESHA Assessment and Rare Plant Survey***

The *ESHA Assessment and Rare Plant Survey* determined that there are “several on-site sensitive biotic resources, two of which meet the definition of environmentally sensitive habitat areas (ESHAs) under the County of Mendocino’s Local Coastal Program.” The report identifies watercourse/pond features and a swamp harebell population. The report goes on to state the potential for California red-legged frog in the grassland and aquatic areas of the parcel due to a previously observed overland occurrence.

The report concludes that:

*The project as proposed should have no adverse impact on special status wildlife species and if present should continue to utilize the habitats of the Project Site. The small scale residential and mini-orchard development proposal does not include any tree removal or change to the current forest character which includes snags, wildlife trees and high levels of wildlife habitat diversity. The watercourses and pond will have greater than 100 ft. setbacks from all construction / ground-breaking activities. The residential development in the meadow and agricultural operation in the grassland shall incorporate mitigation measures designed to avoid incidental take [of California red-legged frog].*

While the report states that the proposed and existing unpermitted development will not impact any of the special status resources due to a greater than 100 foot buffer, the report included several mitigation measures to avoid potential impacts to the aquatic habitats, swamp harebell, harlequin lotus, and California red-legged frog. These mitigation measures require exclusionary fencing and sensitive construction practices to avoid impacts to the protected species and habitats. The recommended mitigation measures are included as **Condition 17**.

***Habitat Assessment for California Red-legged Frog:*** The preliminary biological survey (*ESHA Assessment and Rare Plant Survey*) identified three on-site watercourses with some potential to support California red-legged frog. After consultation between the United States Department of Fish and Wildlife Service and the consulting biologist, a site assessment for California red-legged frog was conducted. The *Habitat Assessment for California Red-legged Frog* report presents the results of the site assessment and offers measures to avoid incidental take of the California red-legged frog.

The report concludes that the aquatic features of the parcel are unlikely to represent breeding habitats for the California red-legged frog. However, according to the report, the grasslands and watercourses “can provide movement corridors and foraging and summer habitat.” As such, the habitat assessment proposes mitigation and avoidance measures to avoid negative impacts to the habitat and avoid take of California red-legged frog through sensitive construction practices. The mitigation and avoidance measures are in kind with those recommended in the *ESHA Assessment and Rare Plant Survey* and included in **Condition 17**.

The two biological reports were referred to DFW with a copy of the application for further review. In an email to Planning staff dated June 20, 2014, DFW stated that since the application is “not requesting an ESHA buffer of less than 100 feet,” they would not be providing comments or recommendations.

The submitted biological reports and analysis by DFW concluded that none of the existing unpermitted or proposed development falls within an ESHA, therefore the Resource Protection Impact Findings for developments within an ESHA do not apply. However, the above-mentioned Conditions of Approval are necessary to prevent impact to the ESHAs and to ensure project consistency with MCC Section 20.496 pertaining to ESHAs.

***Biologist Letter dated August 7, 2014:*** The biological reports discuss an un-named creek at the southwest corner of the parcel “that deepens into a smallish-sized pond resulting from the construction of the elevated west access driveway. Water is retained in the pond during the summer by blocking the driveway culvert. The pond is approximately 40 feet long by 20 feet wide.”

The existing “elevated west access driveway” was created in the 1960’s, according to BioConsultant’s *ESHA Assessment and Rare Plant Survey*, and also the letter from the biologist on August 7, 2014. The date of the construction of this driveway, per MCC Section 20.480, indicates that it is legally

nonconforming development, and therefore does not require a Coastal Development Permit for its encroachment into the un-named creek ESHA.

The practice of blocking the driveway culvert resulting in the creation of the pond was addressed by the biologist's letter. The letter states, "if the culvert blocking practice is discontinued the pond would drain away throughout the summer months and the pond ESHA would evaporate...thus if the culvert-blocking practice is discontinued the action could potentially impact CRF (California Red-legged Frog)."

In summary, the existing structure (elevated driveway) documented in the *ESHA Assessment and Rare Plant Survey* is legally nonconforming. The culvert-blocking practice does not significantly degrade the ESHA (it, in fact, creates it), and the alternative would be more environmentally damaging. The proposed and existing unpermitted development included in the application is not located in the other ESHAs identified on the site; however, mitigation measures (**Condition 17**) are recommended to reduce impacts during the construction phase of development.

**Resource Lands:** Because the project is located on a parcel with a General Plan Land Use designation of FL, the proposed use must be compatible with the long-term protection of resources lands, per the supplemental impact finding for resources lands stated in MCC Section 20.532.100(A)(2)(a).

The proposed farm employee housing, which is the subject of the use permit portion of the Coastal Development application, will serve the proposed agricultural operation on the parcel. The application proposes no vegetation removal associated with the development, therefore not reducing any future production potential of timber resources on the parcel. Additionally, the nearest adjacent parcel (APN 027-501-02), located over three hundred feet to the east of the proposed development, is zoned for residential use; therefore, there will be no impact to adjacent timberland resources. The development of farm employee housing also has the potential to serve future timber harvesting and production operations on the parcel, demonstrating consistence with the policies of the Forest Land General Plan designation.

It is paramount to maintain conformity with the Forest Lands classification and to guarantee the long-term protection of these resource lands, that no major vegetation removal may occur in conjunction with this application. Any future major vegetation removal may be subject to Coastal Development Permits and/or Board of Forestry conversion policies.

## 8. Environmental Protection

The project is Categorically Exempt from the provisions of CEQA, pursuant to Class 3 of Article 19 of the California Environmental Quality Act Guidelines. The Class 3 exemption finds that "construction and location of limited numbers of new, small facilities or structures", meeting the criteria of Section 15303, has "been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA."

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

### RECOMMENDATION

By resolution, accept the Class 3 Categorical Exemption and grant approval of Use Permit, U\_2014-0006, as conditioned, based on the facts and findings and subject to the conditions of approval.

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DATE

Signature on file

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BILL KINSER  
SENIOR PLANNER

Appeal Period: 10 days  
Appeal Fee: \$1855.00

**ATTACHMENTS:**

- A. Location Map
- B. Topography Map
- C. Aerial map
- D. Site Plan
- E. Barn and Shop Detail
- F. Farm Housing Detail
- G. Tool Shed Detail
- H. Guest Cottage Detail
- I. Zoning Map
- J. General Plan Map
- K. Local Coastal Program Map
- L. CDP Exclusions
- M. Adjacent Parcels
- N. Fire Hazard Zones
- O. Wildland Urban Interface
- P. Coastal Groundwater Resources
- Q. Highly Scenic Area
- R. Slope Map
- S. Soils Map
- T. Timber Production Zones
- U. Biologist letter dated August 7, 2014

**COASTAL APPROVAL CHECKLIST**

**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**

**COASTAL APPROVAL CHECKLIST**

**CDU 2014-0006 (MICHEL)**

**NOVEMBER 17, 2016**

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:</b>				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>(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:</b>				
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Findings**

- **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 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 Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The Local Coastal Program serves as an element of the General Plan and includes Zoning Regulations for the Coastal Zone, and its policies must be consistent with the goals of the California Coastal Act.

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

**General Plan Land Use – Forest Lands**

The parcel subject to the application is classified as Forest Lands by the Coastal Element of the Mendocino County General Plan, which is “intended to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products.” The Coastal Element’s description of the Forest Lands map designation separates policy by parcels that are designated Timber Production Zones and parcels that are not designated Timber Production Zones. The subject parcel is not a designated Timber Production Zone, therefore the principal permitted use on the parcel, per the General Plan, is “forest production and processing and associated uses, including: one single family dwelling, home occupations and light agriculture.” Conditionally permitted uses are also listed relating to this application, specifically farm employee housing.

The intent of the Forest Land district specifies a finding required to grant use permits for Forest Land not designated Timber Production Zones. The Coastal Element states, “no use permit shall be granted for areas designated FL until a specific finding has been made that the proposed use is compatible with the long term protection of timber resource lands.” The proposed farm employee housing, which is the subject of the use permit portion of the Coastal Development application, will serve the proposed agricultural operation on the parcel. The application proposes no vegetation removal associated with the development, therefore not reducing any future production potential of timber resources on the parcel.

Additionally, the nearest adjacent parcel (APN 027-501-02), located over three hundred feet to the east, is zoned for residential use. There will be no impact to the timberland resources of the adjacent Forest Land parcels to the north and west. The development of farm employee housing also has the potential to serve future timber harvesting and production operations on the parcel, demonstrating consistency with the policies of the Forest Land district.

It is paramount, to maintain conformity with the Forest Lands classification, that no major vegetation removal may occur in conjunction with this application. Any future major vegetation removal, as defined in MCC Section 20.308.080(C), may be subject to Coastal Development Permits and/or Board of Forestry conversion policies.

**Hazards**

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone. The San Andreas Fault is located approximately two miles to the east of the project site and is the nearest active fault. There is no evidence to suggest there is an unrecognized fault on the site. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction. Any potential ground shaking would be associated with the construction phase of the development, and would only be temporary in nature.

Landslides: The slope of the parcel is minimal and not located in a mapped Landslide Zone, on the California Department of Conservation Geologic and Geomorphic Features map.

Erosion: The project development site is located over 800 feet from the edge of an ocean bluff. This site consists of relatively flat terrain. The entire parcel consists of Shinglemill-Gibney complex soils, where available water capacity is high. According to the Soil Survey of Mendocino County, Western part, surface runoff on these soils is slow or medium, and the hazard of water erosion is slight or moderate if the surface is left bare.

Development associated with the project is subject to the construction site erosion control and post construction drainage requirements of the County’s Coastal Zoning Ordinance and Stormwater Ordinance and implemented with the approval of a building permit.

Flooding: There are no mapped 100-year flood zones, as mapped by the Federal Emergency Management Administration (FEMA) on the subject parcel.

Fire: The project is located in an area that has a *very high* fire hazard severity rating, as determined by the California Department of Forestry and Fire Prevention (CDF). CDF has submitted recommended conditions of approval (CDF# 54-13), which require adequate address posting, minimum driveway dimension standards and features, and a minimum thirty foot fire safety setback from all structures. **Condition 8** is recommended to achieve compliance with CDF fire safety standards.

The application was also referred to the Redwood Coast Fire District, who did not reply with comments.

### Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and Section 20.504 of the Mendocino County Coastal Zoning Code (MCC).

The subject property lies approximately one mile east of Highway One, north of Iversen Road in Gualala. Iversen Road runs past the property, through a wooded rural agricultural and residential area. The parcel is not visible from Iversen Road, as it is accessed by a private roadway through an adjacent parcel.

The project is located in an area that is designated Conditionally Highly Scenic. Because the parcel is not visible from Highway One or any other scenic vista or public place, the project is not subject to Local Coastal Program Visual Resource policy. However, the Coastal Element of the General Plan includes development standards and resource protection requirements that require new development to be sited and designed to be visually compatible with the character of surrounding areas. Additionally, the project is proposed in an area designated as the Gualala Special Community, which further stresses the need for development to be within the scope and character of existing development.

The proposed development will be entirely hidden from the view of motorists traveling on Highway One and on Iversen Road. The proposed and existing unpermitted development will not be visible from any other scenic vista or public place. The proposed height of the structures (a maximum of twenty-one feet) is lower than the maximum allowed in the zoning district (twenty-eight feet), and will not appear as a silhouette against the sky from any public vantage point. The project will appear similar to the existing residential and agricultural uses in the vicinity.

Section 20.504.035 of the Coastal Zoning Code (Exterior Lighting Regulations) addresses lighting issues related to the visual resources components of the Local Coastal Program:

- (A) *Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.*
- (2) *Where possible, all lights, whether installed for security, safety, or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.*
- (5) *No lights shall be installed so that they distract motorists.*

No lighting is shown on the proposed site plan or building elevations. **Condition 9** is recommended for the Coastal Development Permit to ensure that any exterior lighting will comply with Coastal Zoning Code lighting standards.

Consequently, the project will be visually compatible with the character of the surrounding areas and existing development, and is in conformity with the visual resources policies of the Local Coastal Program.

### Special Communities – Gualala Municipal Advisory Council

The subject parcel falls within the Gualala Municipal Advisory Council (GMAC) boundary. The GMAC met on June 9, 2014, to discuss the application. The Council voted unanimously to recommend approval of the application, and provided the following concerns and advisements regarding the project.

1. *A seismic/structural review of the water tower and 5,000 gallon fiberglass water tank would be recommended.*

All proposed and unpermitted structures pursuant to this application will require Building Permits through the Building Division of the Department of Planning and Building Services. The structures will be evaluated at such time for compliance with applicable California building code requirements. **Condition 5** requires that proper permits be obtained, including building permits.

- 2. The existing structures consist of post and pier construction and should also be reviewed for seismic and construction standards.*

Similarly, all structures will require proper permitting and will be subject to review and inspection by the Mendocino County Building Division.

- 3. An approximately one acre open area just north of the well was observed to have been recently graded level, and it appears that tree stumps were bulldozed into the Bobcat Creek ESHA buffer area with no erosion protection provided.*

The agent for the applicant provided comment that "grading has not been performed on the property, contrary to the GMAC letter." During a site visit on July 2, 2014, Planning staff observed the area in question, and no determination was made as to the likelihood of grading and clearing practices on the site. Any grading on the site may be subject to further Coastal Development Permit and grading or building permit requirements.

- 4. All of the existing and proposed construction, including roadways, the proposed new and existing structures, and the orchard areas, shall include runoff drainage and erosion control.*

**Condition 10** is recommended to ensure all construction activities comply with applicable erosion and stormwater runoff Best Management Practices.

- 5. The "Exhibit (Site Plan)" supplied is inadequately detailed and lacks a scale, contours and drainage, accurate location(s) of solar panels, propane tank and underground conduits.*

Further detail regarding drainage and specific locations of structures will be provided at time of application for building permits for all proposed and unpermitted structures.

- 6. There is no evidence of an existing Asian Pear Orchard planted with 30 Asian pear trees, nor is there a clearly identified location on-site for the 15 acres of proposed orchard expansion.*

**Conditions 11 and 12**, treated in greater detail within the discussion of zoning uses associated with Finding 20.532.095(A)(3) below, is recommended to ensure proper phasing of development to be consistent with Coastal Element and Coastal Zoning Ordinance policy.

**Summary of Conditions:** If developed in compliance with the above recommended conditions of approval, and the additional findings relating to the Local Coastal Program enumerated elsewhere in this checklist can be made, the proposed development will be in conformity with the certified Local Coastal Program.

**Condition 5:** The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.

**Condition 8:** The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF# 54-14) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the building permit, 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.

Condition 9: Prior to issuance of the building permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all the exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Section 20.504.035 of the Mendocino County Coastal Zoning Code.

Condition 10: Prior to issuance of any building permit for the projects in this Use Permit, the applicant shall submit for approval by Planning Staff, a drainage and erosion control plan. The plan shall detail erosion and sediment control Best Management Practices, including concrete wash out area, staging, stock pile locations, and tree protection areas. Roof down spouts shall be directed to landscaped areas and avoid discharging off the parcel. Native and drought tolerant plants are recommended for landscaped areas.

Condition 11a: The existing 476 square foot residence (and the proposed 775 square foot addition) shall be recognized as a Single Family Residence (as defined in MCC Section 20.364.010) and not as Farm Employee Housing (as defined in MCC Section 20.316.020) until such time as a bona-fide agricultural operation exists on the parcel, subject to inspection and approval by the Planning Department and the Agricultural Commissioner.

Condition 11b: The applicant shall provide proof of farm labor employment by furnishing copies of W-2 Forms or contract(s) establishing status as farm labor to the Department of Planning and Building Services for residents of the farm employee housing unit. Copies shall be provided on an annual basis thereafter to verify continued farm labor uses of the said unit. Should necessity for farm employee housing on the parcel cease, the structure shall be converted to a permitted use or removed, subject to the securing of all necessary permits for the proposed conversion or demolition from County, State and Federal agencies having jurisdiction.

Condition 12: Prior to issuance of a building permit for the proposed 3,000 square foot Single Family Residence, the existing 476 square foot residence (and the proposed 775 square foot addition) shall be recognized by the Department of Planning and Building Services as Farm Employee Housing, as defined in MCC Section 20.316.020, and Special Condition 3 shall have been satisfied.

- **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**

Mendocino County Division of Environmental Health (DEH) reviewed the septic and well portions of the application. In a letter dated May 6, 2014, DEH recommended conditional approval of the project, referencing DEH Policy 4211.05. The letter specified that "if more than 12 months have elapsed since the last use of the sewage system serving the guest cottage, then the property owner shall cause to be discovered to DEH the following, at a minimum: the general condition of the system, its dimensions and soil/site conditions in the immediate vicinity." Correspondence from the agent for the applicant, in a letter dated June 25, 2014, stated, "The bathroom in structure mentioned has been used periodically." In response to the agent's statement, DEH wrote on July 8, 2014, that "as the information provided demonstrates that the system has been in use periodically, no additional information is required by DEH at this time to allow for continued use of the system." No conditions of approval are necessary to provide the development with adequate utilities.

Additional information provided by the agent for the applicant states that the Asian pear tree crop will be dry farmed and there will be no installation of irrigation systems. There is an existing water system with two storage tanks. Further, the farm labor housing cannot be established until the Asian pear orchard is established as a bona-fide agricultural operation, at which point the orchard will not need regular irrigation (Michel PBS RFI Response 4/4/16).

**Access Roads**

California Department of Transportation (Caltrans) and Mendocino County Department of Transportation (MDOT) had the opportunity to comment on the application concerning access. Caltrans did not reply to the application referral. MDOT commented, "Access to the site from Iverson Road is provided by a County-approved private driveway approach (Encroachment Permit No. TU\_2005-0123) and a twelve-foot wide gravel driveway across a deeded 20-foot wide easement (Recorded in Book 2088, Page 357, M.C.R.). We recommend approval of this use permit request as it will not directly impact a County road." No conditions of approval are necessary to provide the development with adequate access.

**Drainage**

Drainage is subject to Section 20.492.025 of the Mendocino County Coastal Zoning Code (MCC), which states in pertinent part:

- (A) *Water flows in excess of natural flows resulting from project development shall be mitigated.*
- (C) *The acceptability of alternative methods of stormwater retention shall be based on appropriate engineering studies. Control methods to regulate the rate of stormwater discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipaters.*
- (D) *Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.*
- (E) *Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes.*

The proposed development will increase the amount of impervious surfaces on this parcel, therefore 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 10** is recommended to reduce impacts from increasing the impervious area, and to provide the development with adequate drainage.

**Summary of Conditions:**

If developed in compliance with the above-recommended condition of approval, the proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.

Condition 10: Prior to issuance of the building permit, the applicant shall submit for approval by Planning 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. Roof down spouts shall be directed to landscaped areas and avoid discharging off the parcel. Native and drought tolerant plants are recommended for landscaped areas.

- **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 parcel is zoned Timberland Production. MCC Sec. 20.364.005 states the intent of the district is "to encompass lands within the Coastal Zone which because of their soil types and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such." The proposed development would align more closely with the intent of the district by providing housing for on-site labor associated with an agricultural use type (tree crops).

**Use**

**Table A1: Proposed Uses** describes the various uses proposed in the application, their consistency with the Timberland Production zoning district, and what conditions of approval are recommended to achieve or ensure zoning consistency.

Table A1: Proposed Uses		
Proposed Use	Zoning Consistency	Conditions of Approval
Family Residential: Single Family	Principally Permitted Use	Condition 12
Tree Crops and associated deer fencing	Principally Permitted Use	None Required
Farm Employee Housing	Conditionally Permitted Use	Condition 11
Accessory Living Unit – Guest Cottage	Permitted Accessory Use	Condition 13
Accessory Use – Barn	Permitted Accessory Use	Condition 14
Accessory Use – Shop (non-business purposes)	Permitted Accessory Use	Condition 16
Accessory Building – Shed (2)	Permitted Accessory Use	Condition 15

Farm Employee Housing: The application proposes a 775 square foot addition to an existing unpermitted 476 square foot residence for the purpose of Farm Employee Housing in support of an Asian pear orchard. Farm Employee Housing is listed in Section 20.364.014 as a Conditional Residential Use Type in the TP district. Section 20.316.020 defines Farm Employee Housing, in pertinent part, as, “Occupancy by a farm employee and his/her family within a single-family dwelling, or trailer coach which occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation...Farm employee housing shall be limited to one (1) unit per ownership and shall not be required to meet density requirements of the base zoning district...”

The proposed Farm Employee Housing can only be permitted if it occurs exclusively in association with the performance of agricultural labor for a bona-fide agricultural operation. The original project description by the applicant stated that “at present, the orchard is planted with 30 Asian pear trees with plans to expand up to 15 acres of Asian pear orchard.” Updated information provided by the agent for the applicant stated that there are currently 18 Asian pear trees and 7 apple trees planted on the property and that the owner has determined based on further research that there will need to be “no more than 1 acre of existing grasslands and cleared meadow to achieve his goals for a bona-fide pear farm (Michel PBS RFI Response 4/4/16).” Planning staff has reviewed and concurs with the additional information provided by the applicant that the one-acre pear orchard would constitute a “bona-fide agricultural operation”. The expansion of the existing 476 square foot unpermitted residence cannot be permitted until such time that the agricultural operation (Asian pear orchard) is as substantial as described in the updated project description, and constitutes a “bona-fide agricultural operation” warranting an exclusively associated dwelling to the satisfaction of the Planning Department, with guidance from the Mendocino County Agricultural Commissioner. To ensure the Farm Employee Housing is consistent with the purpose and intent of the Mendocino County Coastal Zoning Code, **Condition 11** is recommended as a condition of approval. **Condition 11** specifies that the existing residence, proposed as Farm Employee Housing, will not be recognized as Farm Employee Housing until such time as a bona-fide agricultural operation exists on the parcel, subject to the inspection and approval by the Planning Department and the Agricultural Commissioner.

Tree Crops: Tree Crops is defined by Section 20.336.055 as “premises devoted to the cultivation of tree-grown agricultural products such as pears, apples, walnuts, and Christmas trees, but excluding other forestry products.”. Updated information provided by the agent for the applicant stated that there are currently 18 Asian pear trees and 7 apple trees planted on the property and that the owner has determined based on further research that there will need to be “no more than 1 acre of existing grasslands and cleared meadow to achieve his goals for a bona-fide pear farm (Michel PBS RFI Response 4/4/16).” Any existing or future Asian pear orchard is identified by the MCC as a “Tree Crops” agricultural use, which is principally permitted in the TP district per Section 20.364.010. The application does not include the removal of any existing vegetation in support of the tree crops use. Additionally, the tree crops use must be in effect prior to the development of Farm Employee Housing in exclusive association with the Asian pear orchard.

Family Residential: Single Family: The MCC defines Family Residential: Single Family as “the use of a parcel for only one (1) dwelling unit.” Single Family Residential development is a principally permitted use

in the TP district, per MCC Section 20.364.010. However, at time of application, the existing 476 unpermitted residence (which is proposed to be expanded as Farm Employee Housing) exhausts the parcel's maximum residential density of one dwelling unit. Until such time as the existing 476 square foot residence is converted to Farm Employee Housing (following the development of the bona-fide agricultural operation, as explained above), development of the proposed 3,000 square foot single family residence is not permitted. **Condition 12** is recommended to maintain the maximum allowed number of residential units on the parcel, as stipulated by the Mendocino County Coastal Zoning Code.

Accessory Living Unit – Guest Cottage: The application proposes to permit an existing 640 square foot guest cottage in the northern portion of the development boundary. Guest cottages are considered an Accessory Living Unit, and permitted as an Accessory Use in the TP district with the benefit of a Coastal Development Permit (Coastal Act Section 13250(a)(2)). Guest cottages are defined in Section 20.308.050 of the MCC 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.” 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 legalize the existing guest cottage, provided this Coastal Development Use Permit is issued. **Condition 13** is recommended to ensure the guest cottage is consistent with the provisions of the Mendocino County Zoning Code.

Accessory Use – Barn: Accessory Uses are permitted in the TP district by MCC Section 20.456.010(A). Barns are identified as permitted accessory uses in Section 20.456.014(E). Section 20.308.025(B) defines a barn as “a building used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of farm equipment and agricultural supplies.” The application project description proposes an approximately 3,100 square foot structure, of which approximately 2,050 square feet are identified as a barn use on the submitted proposed floor plans. The structure is proposed west of the proposed residence and north of the proposed Asian pear orchard. **Condition 14** is recommended to ensure the barn is developed as it is defined by the Mendocino County Zoning Code.

Accessory Building – Shed (1): The application includes an existing unpermitted 547 square foot structure, identified on the plot plan as an “equipment and tool shed” and located west of the existing 476 square foot residence. An Accessory Building is defined by MCC Section 20.308.020 as “a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site, i.e., private garage, storage shed, farm outbuildings, etc...” Accessory buildings are permitted as uses accessory to principally permitted uses, per Section 20.456.010(B).

Accessory Building – Shed (2): A second existing unpermitted 100 square foot shed is proposed, located in the northern portion of the development area and identified on the submitted plot plan as a “utility shed.” During a visit to the property by Planning Department staff on July 2, 2014, it was found that the structure contains a power inverter and is furnished with carpeting. MCC Section 20.308.020(F) states that “accessory buildings shall not contain any sleeping quarters or kitchen facilities and are therefore not intended for human occupancy except as provided in Chapter 20.456.” **Condition 15** is recommended to ensure the shed is not utilized for human occupancy.

Accessory Use – Shops (non-business purposes): The application project description identifies approximately 1,050 square feet of the approximately 3,100 square foot structure to be utilized as a music studio. Music studios are not expressly listed as permitted accessory buildings by Section 20.456.015 of the MCC. However, Section 20.456.010 permits “other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental and subordinate to, such principal permitted uses, based on the Director’s evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal permitted uses and the relationship between the proposed accessory use and the principal use.” Artist studios have historically been interpreted as resembling the identified permitted accessory use “shops (non-business purposes).” A music studio, which is a specific type of artist studio, also resembles the “shop” accessory use. The proposed music studio (shop) includes a half bathroom. The accessory shop use shall not contain any sleeping quarters or kitchen facilities, and shall not be intended for human habitation. As such, **Condition 16** is

recommended to ensure the shop does not contain a bath/shower or kitchen facilities, and is consistent with a shop use.

### Density

Section 20.364.025 of the MCC states the maximum dwelling density for the TP district as, "One (1) unit per one hundred sixty (160) acres except as provided pursuant to Section 20.316.020 (Farm Employee Housing), Section 20.316.025 (Farm Labor Housing), Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit). In no case shall there be more than four (4) dwellings per parcel whether single family residential, farm employee housing, farm labor housing, accessory living unit or family care unit, except where Chapter 20.412 'Clustering Development Combining District' applies."

The proposed built-out dwelling density of the parcel includes one single family residence, one farm employee housing unit, and one guest cottage, resulting in three total dwellings. In order to maintain conformance with the maximum dwelling density allowed by Section 20.364.025, **Condition 12**, as required above in the section pertaining to the Family Residential: Single Family use, is recommended.

### Yards

Minimum required front, rear and side yards in the TP district are fifty feet per MCC Section 20.364.030. The submitted plot plan depicts all proposed and existing unpermitted structures located greater than fifty feet from all property lines, consistent with the yard requirements of the TP district.

### Height

Section 20.364.040 of the MCC specifies a maximum height of twenty-eight feet above natural grade since the subject parcel is not located in a designated Highly Scenic Area. All proposed and existing unpermitted structures are less than twenty-one feet in height, per structure elevations submitted with the application. The project is consistent with the height limits of the TP district.

### Lot Coverage

The maximum lot coverage for TP districts is defined in Section MCC Section 20.364.045 as ten percent. The subject parcel is greater than sixty-nine acres, allowing for a maximum lot coverage of more than 300,000 square feet. The proposed existing and unpermitted development consists of a gross lot coverage of less than 10,000 square feet, consistent with the requirements of the TP district.

### Summary of Conditions

If developed in compliance with the above recommended conditions of approval, the proposed development is consistent with the purpose and intent of the Timberlands Production zoning district, as well as the provisions of the Mendocino County Coastal Zoning Code and preserves the integrity of the zoning district. **Condition 5** requires that all proposed and unpermitted structures require building permits following approval of a Coastal Development Use Permit.

Condition 5: The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.

Condition 11a: The existing 476 square foot residence (and the proposed 775 square foot addition) shall be recognized as a Single Family Residence (as defined in MCC Section 20.364.010) and not as Farm Employee Housing (as defined in MCC Section 20.316.020) until such time as a bona-fide agricultural operation exists on the parcel, subject to inspection and approval by the Planning Department and the Agricultural Commissioner.

Condition 11b: The applicant shall provide proof of farm labor employment by furnishing copies of W-2 Forms or contract(s) establishing status as farm labor to the Department of Planning and Building Services for residents of the farm employee housing unit. Copies shall be provided on an annual basis thereafter to verify continued farm labor uses of the said unit. Should necessity for farm employee housing on the parcel cease, the structure shall be converted to a permitted use or removed, subject to the securing of all necessary

permits for the proposed conversion or demolition from County, State and Federal agencies having jurisdiction.

Condition 12: Prior to issuance of a Building Permit for the proposed 3,000 square foot Single Family Residence, the existing 476 square foot residence (and the proposed 775 square foot addition) shall be recognized by the Department of Planning as Farm Employee Housing, as defined in MCC Section 20.316.020, and Special Condition 11 shall have been satisfied.

Condition 13: The guest cottage shall not be used for permanent habitation, shall not have a kitchen, food preparation or cooking facilities, shall be clearly subordinate and incidental to the primary dwelling and shall not be separately rented, let, or leased whether compensation be direct or indirect as defined by MCC Section 20.308.050(I).

Condition 14: 2,050 square feet of the proposed 3,100 square foot structure, identified on the site plan as a "barn," shall be developed in conformance with MCC Section 20.308.025(B), as a building used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of farm equipment and agricultural supplies. The barn shall not be used for permanent habitation, and shall not have a kitchen, food preparation or cooking facilities.

Condition 15: The existing 100 square foot structure, identified on the site plan as a "utility shed," shall be developed in conformance with MCC Section 20.308.020(F), as an accessory building, and shall not contain any sleeping quarters or kitchen facilities and is therefore not intended for human occupancy.

Condition 16: 1,050 square feet of the proposed 3,100 square foot structure, identified in the project description as a "music studio," on the site plan as a "workshop," and on the elevation drawings as "work area," shall be developed in conformance with MCC Section 20.308.020(F), as an accessory building, and may contain a restroom without bath or shower, and shall not contain any sleeping quarters or kitchen facilities.

- **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 (Without Conditions of Approval)*

The project is Categorically Exempt from the provisions of CEQA, pursuant to Class 3 of Article 19 of the California Environmental Quality Act Guidelines. The Class 3 exemption finds that "construction and location of limited numbers of new, small facilities or structures", meeting the criteria of Section 15303, has "been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA."

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

- **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)*

The parcel was surveyed June 9 and 14, 1996 in conjunction with a previous Coastal Development Permit application (CDP 55-2005). The previous survey was accepted by the Mendocino County Archaeological Commission. The report indicated one "isolated find," a "partial obsidian point was found in the road immediately to the west of the residence in the center of the property." No other known archaeological or paleontological resources are present on the site. Nonetheless, **Condition 8** is recommended, advising the applicant of the requirements of the County's Archaeological Ordinance

(Chapter 22.12 of the Mendocino County Code) in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

If developed in compliance with the above recommended condition of approval, the proposed project will not have any adverse impacts on any known archaeological or paleontological resource.

**Summary of Conditions:**

Condition 18: If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

- **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)*

The South Coast Transfer Station is less than ten miles from the project site, providing for the disposal of solid waste resulting from the residential and agricultural uses on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. Solid waste disposal is adequate to serve the proposed development.

The application proposes additional accessory uses in addition to the existing unpermitted residential use. The increase in traffic volume will be negligible as a result of this application. Information provided by the agent for the applicant states that the fruit from the Asian pear crop will be transported to local coastal farmers markets in the bed of a ½ ton pick-up truck. There will be no necessity for large trucks for transport of produce. Additionally, CalTrans and Mendocino Department of Transportation reviewed the application and did not provide concerns relating to roadway capacity. The existing roadways and private access are adequate to serve the proposed development.

- **20.532.095(B)(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.**

*Not Applicable*

The proposed development is located east of Highway One, approximately one mile inland from the sea. No existing access and public recreation policies pursuant to Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan are affected by the application.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(1) Development in Environmentally Sensitive Habitat Areas. No Development shall be allowed in an ESHA unless the following findings are made:</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>(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:</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(a) The proposed use is compatible with the long-term protection of resource lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Findings**

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

*Not Applicable*

In order to determine if any of the existing unpermitted or proposed development has the potential to impact an Environmentally Sensitive Habitat Area (ESHA), staff follows the policy outlined in Section 20.496 of the MCC. Section 20.496.015(A) states that development on a parcel "identified on the land use plan map with a rare and/or endangered species symbol" is subject to a biological survey. The Natural Diversity Database (NDDB), maintained by the California Department of Fish and Wildlife (DFW), lists the potential for Swamp Harebell and indicates thirteen documented occurrences of Spotted Owl. Per Section 20.496.015(A), this indication on the NDDB required the applicant to obtain a biological survey, "prepared by a qualified biologist, to determine the extent of the sensitive resource, to document potential negative impacts, and to recommend appropriate mitigation measures." The applicant submitted reports titled *ESHA Assessment and Rare Plant Survey* (dated July 2012), and a *Habitat Assessment for California Red-legged Frog* (dated August 2012), each authored by BioConsultant LLC. Additionally, the biological reports identify an ESHA at the southwest corner of the parcel crossed and created by an existing driveway. A letter from the biologist dated August 7, 2014, and discussed in greater detail below, comments on the nature of this ESHA.

**ESHA Assessment and Rare Plant Survey**

The *ESHA Assessment and Rare Plant Survey* determined that there are "several on-site sensitive biotic resources, two of which meet the definition of environmentally sensitive habitat areas (ESHAs) under the County of Mendocino's Local Coastal Program." The report identifies watercourse/pond features and a swamp harebell population. The report goes on to state the potential for California red-legged frog in the grassland and aquatic areas of the parcel due to a previously observed overland occurrence.

The report concludes that:

*The project as proposed should have no adverse impact on special status wildlife species and if present should continue to utilize the habitats of the Project Site. The small scale residential and mini-orchard development proposal does not include any tree removal or change to the current forest character which includes snags, wildlife trees and high levels of wildlife habitat diversity. The watercourses and pond will have greater than 100 ft. setbacks from all construction / ground-breaking activities. The residential development in the meadow and agricultural operation in the grassland shall incorporate mitigation measures designed to avoid incidental take [of California red-legged frog].*

While the report states that the proposed and existing unpermitted development will not impact any of the special status resources due to a greater than 100 foot buffer, the report included several mitigation measures to avoid potential impacts to the aquatic habitats, swamp harebell, harlequin lotus, and California red-legged frog. These mitigation measures require exclusionary fencing and sensitive

construction practices to avoid impacts to the protected species and habitats. The recommended mitigation measures are included as **Condition 17**.

#### ***Habitat Assessment for California Red-legged Frog***

The preliminary biological survey (*ESHA Assessment and Rare Plant Survey*) identified three on-site watercourses with some potential to support California red-legged frog. After consultation between the United States Department of Fish and Wildlife Service and the consulting biologist, a site assessment for California red-legged frog was conducted. The *Habitat Assessment for California Red-legged Frog* report presents the results of the site assessment and offers measures to avoid incidental take of the California red-legged frog.

The report concludes that the aquatic features of the parcel are unlikely to represent breeding habitats for the California red-legged frog. However, according to the report, the grasslands and watercourses “can provide movement corridors and foraging and summer habitat.” As such, the habitat assessment proposes mitigation and avoidance measures to avoid negative impacts to the habitat and avoid take of California red-legged frog through sensitive construction practices. The mitigation and avoidance measures are in kind with those recommended in the *ESHA Assessment and Rare Plant Survey* and included in **Condition 17**.

The two biological reports were referred to DFW with a copy of the application for further review. In an email to Planning staff dated June 20, 2014, DFW stated that since the application is “not requesting an ESHA buffer of less than 100 feet,” they would not be providing comments or recommendations.

The submitted biological reports and analysis by DFW concluded that none of the existing unpermitted or proposed development falls within an ESHA, therefore the Resource Protection Impact Findings for developments within an ESHA do not apply. However, the above-mentioned Conditions of Approval are necessary to prevent impact to the ESHAs and to ensure project consistency with MCC Section 20.496 pertaining to ESHAs.

#### ***Biologist Letter dated August 7, 2014***

The biological reports discuss an un-named creek at the southwest corner of the parcel “that deepens into a smallish-sized pond resulting from the construction of the elevated west access driveway. Water is retained in the pond during the summer by blocking the driveway culvert. The pond is approximately 40 feet long by 20 feet wide.”

The existing “elevated west access driveway” was created in the 1960’s, according to BioConsultant’s *ESHA Assessment and Rare Plant Survey*, and also the letter from the biologist on August 7, 2014. The date of the construction of this driveway, per MCC Section 20.480, indicates that it is legally nonconforming development, and therefore does not require a Coastal Development Permit for its encroachment into the un-named creek ESHA.

The practice of blocking the driveway culvert resulting in the creation of the pond was addressed by the biologist’s letter. The letter states, “if the culvert blocking practice is discontinued the pond would drain away throughout the summer months and the pond ESHA would evaporate...thus if the culvert-blocking practice is discontinued the action could potentially impact CRF (California Red-legged Frog).”

In summary, the existing structure (elevated driveway) documented in the ESHA is legally nonconforming. The culvert-blocking practice does not significantly degrade the ESHA (it, in fact, creates it), and the alternative would be more environmentally damaging. The proposed and existing unpermitted development included in the application is not located in the other ESHAs identified on the site; however, mitigation measures as conditions of approval are recommended to reduce impacts during the construction phase of development.

#### **Summary of Conditions:**

Condition 17: The following conditions are required conditions of approval to ensure protection of natural resources. All development and construction activities must comply with the mitigation measures detailed in the *ESHA Assessment and Rare Plant Survey* prepared by BioConsultant, LLC, dated July 2012. These include the following:

**Mitigation Measure 1.** Maintain a 100 foot buffer from all construction related activity. If a mini-orchard is to be planted in the adjoining grassland opening, exclusionary fencing along the 100 foot setback is required to avoid encroachment into the rare plant ESHA habitat.

**Mitigation Measure 2.** Prior to the onset of the mini orchard preparation activities, erect exclusionary fencing around the harlequin lotus occurrences as shown in Figure 3. This avoidance measure will not only protect individual lotus plants from direct loss from construction equipment, but it will better delineate the upland area for orchard health.

**Mitigation Measure 3a.** The extent of the residential development footprint within the meadow grassland will be minimized by the designation of a defined Staging Area, to be shown on building permit applications, in which all construction related equipment, building supplies and debris will be contained.

**Mitigation Measure 3b.** The placement of all debris piles shall be sited as far from the watercourse / pond habitat as possible to avoid the inadvertent take of sheltering frogs. The network of compacted roadways is a good location for temporary placement of debris piles.

**Mitigation Measure 3c.** Construction activities will occur between April 15 and October 15, when rain events (and associated overland movements of California red-legged frog) at the project site are unlikely to occur.

**Mitigation Measure 3d.** Prior to construction, the project proponent (landowner), contractor(s) or lead crew member will be trained by a qualified biologist in the identification of California red-legged frog.

**Mitigation Measure 3e.** In the unlikely event that a rain event occurs at the project site during the construction period, all construction-related activities at the site will cease for a period ending no sooner than 24 hours after the rain stops. Prior to resuming construction activities, the trained project proponent or construction crew member(s) will examine the site (i.e., under stacked or stored materials, and along any silt fences) for the presence of California red-legged frog. If no California red-legged frog are found, construction activities may resume immediately. However, if a California red-legged frog is detected, the frog may be photographed (for identification purposes) but will not be touched or moved, and the project proponent or crew member will contact Mendocino County Planning and Building Services; California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service to determine how to proceed before resuming work.

- **20.532.100(A)(2)(a) 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: The proposed use is compatible with the long-term protection of resource lands.**

*Consistent (Without Conditions of Approval)*

The parcel subject to the proposed and existing unpermitted development is not zoned AG, RL or FL; the parcel is zoned TP. However, the General Plan Land Use designation of the parcel is FL, warranting discussion of this Impact Finding for Resource Lands.

The proposed farm employee housing, which is the subject of the use permit portion of the Coastal Development application, will serve the proposed agricultural operation on the parcel. The application proposes no vegetation removal associated with the development, therefore not reducing any future production potential of timber resources on the parcel. Additionally, the nearest adjacent parcel (APN 027-501-02), located over three hundred feet to the east of the proposed development, is zoned for residential use; therefore, there will be no impact to adjacent timberland resources. The development of farm employee housing also has the potential to serve future timber harvesting and production operations on the parcel, demonstrating consistency with the policies of the Forest Land General Plan designation. It is paramount to maintain conformity with the Forest Lands classification and to guarantee the long-term protection of these resource lands, that no major vegetation removal may occur in conjunction with this

application. Any future major vegetation removal may be subject to Coastal Development Permits and/or Board of Forestry conversion policies.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(1) Development in Agricultural Zones. No development subject to a coastal development use permit shall be issued on agricultural land until the following findings are made:</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(a) The project maximizes protection of environmentally sensitive habitat areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The project minimizes construction of new roads and other facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) The project maintains views from beaches, public trails, roads, and views from public viewing areas, or other recreational areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) The project ensures the adequacy of water, waste water disposal and other services.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) The project ensures the preservation of the rural character of the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) The project maximizes preservation of prime agricultural soils.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) The project ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Findings**

➤ **20.532.100(B)(1)(a) The project maximizes protection of environmentally sensitive habitat areas.**

*Consistent (With Conditions of Approval)*

The project and its protection of Environmentally Sensitive Habitat Areas (ESHA) is addressed in greater detail under the discussion of Resource Protection Impact Findings.

In review, the *ESHA Assessment and Rare Plant Survey* determined that “several on-site sensitive biotic resources, two of which meet the definition of environmentally sensitive habitat areas (ESHAs) under the County of Mendocino’s Local Coastal Program.” The report identifies watercourse/pond features and a swamp harebell population. The report goes on to state the potential for California red-legged frog in the grassland and aquatic areas of the parcel due to a previously observed overland occurrence.

The *ESHA Assessment and Rare Plant Survey* concludes that all existing unpermitted and proposed development “should have no adverse impact” on the identified ESHAs since they are proposed well beyond the 100 foot buffer of the ESHAs. To maximize the protection of the ESHAs additional mitigation measures are recommended in **Condition 17**, including exclusionary fencing and sensitive construction practices.

Additionally, a *Habitat Assessment for California Red-legged Frog* was conducted at the recommendation of the United States Department of Fish and Wildlife Service. The habitat assessment concludes that the parcel is unlikely to represent breeding habitats for the California red-legged frog. However, according to the report, the grasslands and watercourses “can provide movement corridors and foraging and summer habitat.” Despite the fact that no occurrences of the special status wildlife species were identified in the biologist’s survey, the sensitive construction practices prescribed in **Condition 17** will maximize the protection of the natural resource.

Finally, the existing legally nonconforming elevated driveway and culvert-blocking practice is the cause of the identified ESHA on the southwest portion of the parcel. Failure to block the culvert in the future would be damaging to the ESHA and could impact California Red-legged Frog.

The two biological reports were referred to DFW with a copy of the application for further review. In an email to Planning staff dated June 20, 2014, DFW stated that since the application is "not requesting an ESHA buffer of less than 100 feet," they would not be providing comments or recommendations.

If developed with the recommended conditions of approval, the project will maximize the protection of the EHSAs identified on the parcel.

### Summary of Conditions:

Condition 17: (See above)

➤ **20.532.100(B)(1)(a) The project minimizes construction of new roads and other facilities.**

*Consistent (Without Conditions of Approval)*

The parcel is currently accessed from Iversen Road, through a private driveway within an existing easement. No new road construction or encroachments into private rights of way are required to provide access to the site.

There are no public utilities extended to the parcel, and none are proposed or necessary for the existing unpermitted and proposed development, as they are served by existing on-site private facilities. This project requires the construction of no new roads or other facilities.

➤ **20.532.100(B)(1)(c) The project maintains views from beaches, public trails, roads, and views from public viewing areas, or other recreational areas.**

*Consistent (Without Conditions of Approval)*

The proposed and existing unpermitted development is proposed on a parcel approximately one mile east of the coast, and is not visible from Highway One, or any other public place. The project, as proposed, maintains views from beaches, public trails, roads, and views from public viewing areas or other recreational areas.

➤ **20.532.100(B)(1)(d) The project ensures the adequacy of water, waste water disposal and other services.**

*Consistent (Without Conditions of Approval)*

Mendocino County Division of Environmental Health (DEH) reviewed the septic and well portions of the application. In a letter dated May 6, 2014, DEH recommended conditional approval of the project, referencing DEH Policy 4211.05. The letter specified that "if more than 12 months have elapsed since the last use of the sewage system serving the guest cottage, then the property owner shall cause to be discovered to DEH the following, at a minimum: the general condition of the system, its dimensions and soil/site conditions in the immediate vicinity." Correspondence from the agent for the applicant, in a letter dated June 25, 2014, stated, "The bathroom in structure mentioned has been used periodically." In response to the agent's statement, DEH wrote on July 8, 2014, that "as the information provided demonstrates that the system has been in use periodically, no additional information is required by DEH at this time to allow for continued use of the system." No conditions of approval are necessary to provide the development with adequate water or waste water disposal.

➤ **20.532.100(B)(1)(e) The project ensures the preservation of the rural character of the site.**

*Consistent (Without Conditions of Approval)*

The proposed future development occurs entirely within the confines of the existing development on the site. The majority of the approximately 70 acres will remain undeveloped and undisturbed, including the environmentally sensitive natural features identified by the biological surveys. The proposed farm labor housing will be instrumental in ensuring the rural, agricultural character of the site.

➤ **20.532.100(B)(1)(f) The project maximizes preservation of prime agricultural soils.**

*Consistent (Without Conditions of Approval)*

Coastal Act Section 30113 and Section 51201 of the California Government Code define prime agricultural land based on four factors, including Soil Conservation Service land use capability classifications, Storie Index Rating thresholds, carrying capacity and fruit/nut tree production. Based on these factors and with the use of United States Department of Agriculture soil mapping resources, no portion of the parcel is prime agricultural land (**Table 1**). The project as proposed has no impact on prime agricultural soils.

Soil No.*	Soil Type*	Soil Capability Rating (not irrigated)**	Soil Capability Rating (irrigated)**	Farmland Class (Prime?)**	Storie Index Rating**
124	Caspar-Quinliven-Ferncreek complex (9 to 30 percent slopes)	4-e	N/A	No	35
174	Irmulco-Tramway complex (50 to 75 percent slopes)	7-e	N/A	No	29
177	Iversen sandy loam (2 to 15 percent slopes)	3-e	N/A	No	20
199	Shinglemill-Gibney complex (2 to 9 percent slopes)	3-w	3-w	No	21

**Table 1: Agricultural Capability of Soils on APN 027-511-28.**

\*Soil Survey of Mendocino County, California, Western Part

\*\*USDA Natural Resource Conservation Service (Soils)

➤ **20.532.100(B)(1)(g) The project ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands.**

*Consistent (Without Conditions of Approval)*

The proposed farm employee housing, which is the subject of the use permit portion of the Coastal Development application, will serve the proposed agricultural operation on the parcel. The application proposes no vegetation removal associated with the development, therefore not reducing any future production potential of timber resources on the parcel. Additionally, the nearest adjacent parcel (APN 027-501-02), located over three hundred feet to the east, is zoned for residential use. There will be no impact to the timberland resources of the adjacent Forest Land parcels to the north and west. The development of farm employee housing also has the potential to serve future timber harvesting and production operations on the parcel, demonstrating consistence with the policies of the Forest Land district.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(2) 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.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(a) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Clearly defined buffer areas are established between agricultural and non-agricultural uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Findings**

- **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...**

*Not Applicable*

Coastal Act Section 30113 and Section 51201 of the California Government Code define prime agricultural land based on four factors, including Soil Conservation Service land use capability classifications, Storie Index Rating thresholds, carrying capacity and fruit/nut tree production. Based on these factors and with the use of United States Department of Agriculture soil mapping resources, no portion of the parcel is prime agricultural land (**Figure 1**). The project as proposed has no impact on prime agricultural soils.

Furthermore, Agricultural Land Impact Finding 20.532.100(B)(2) defines “conversion” for the purposes of Section 20.532.100 as “either development in AG or RL designation not classified as residential,

agricultural or natural resource use type(s)....” The proposed and existing unpermitted development is located in a TP district, and the development is a combination of residential, agricultural and accessory uses; therefore, this Agricultural Land Impact Finding is not applicable to this application.

<b>20.532.100 (B) Agricultural Land Impact Findings</b>	<b>Inconsistent</b>	<b>Consistent (With Conditions of Approval)</b>	<b>Consistent (Without Conditions of Approval)</b>	<b>Not Applicable</b>
<b>(3) Conversion of Non-prime Agricultural Lands. Conversion of all other agricultural lands to non-agricultural uses will be prohibited unless it is found that such development will be compatible with continued agricultural use of surrounding lands and at least one of the following findings applies:</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(a) Continued or renewed agricultural use is not feasible as demonstrated by an economic feasibility evaluation prepared pursuant to Section 20.524.015(C)(3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Such development would result in protecting prime agricultural land and/or concentrate development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Findings**

- **20.532.100(B)(3) Conversion of all other agricultural lands to non-agricultural uses will be prohibited unless it is found that such development will be compatible with the continued agricultural use of surrounding lands and at least one of the following findings applies...**

*Not Applicable*

Agricultural Land Impact Finding 20.532.100(B)(3) relates to the conversion of agricultural land to non-agricultural uses. Section 20.532.100(B)(2) defines conversion for the purposes of Section 20.532.100 as “either development in AG or RL designation not classified as residential, agricultural or natural resource use type(s)....” The proposed and existing unpermitted development is located in a TP district, and the development is a combination of residential, agricultural and accessory uses; therefore, this Agricultural Land Impact Finding is not applicable to this application.

<b>Land Division Findings 20.532.100 (C)(1) All Coastal Land Divisions</b>	<b>Inconsistent</b>	<b>Consistent (With Conditions of Approval)</b>	<b>Consistent (Without Conditions of Approval)</b>	<b>Not Applicable</b>
<b>No coastal lands shall be divided unless the following findings are made:</b>				
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Land Division Findings</b> <b>20.532.100 (C)(1) All Coastal Land Divisions</b>  <b>No coastal lands shall be divided unless the following findings are made:</b>	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Findings**

➤ **20.532.100(C)(1), et seq. No coastal lands shall be divided unless the following findings are made...**

*Not Applicable*

The application includes no division of land, therefore the findings associated with Land Divisions in Section 20.532.100(C)(1), et seq., are not applicable to this application.

<b>Land Division Findings</b> <b>20.532.100 (C)(2) Land Divisions of Prime Agricultural Lands</b>  <b>No land divisions of prime agricultural lands designated AG or RL shall be approved until a Master Plan is completed which shows how the proposed division would affect agricultural uses on the proposed parcel(s), and the overall agricultural operation on the residual ownership and the following findings are made:</b>	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(a) The division will protect continued agricultural use and contribute to agricultural viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) The division will not conflict with continued agricultural use of the subject property and the overall operation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) The division is only for purposes allowed in AG or RL designations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) The division will not contribute to development conflicts with natural resource habitats and visual resource policies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Findings**

➤ **20.532.100(C)(2), et seq. No land divisions of prime agricultural lands designated AG or RL shall be approved until a Master Plan is completed which shows how the proposed division would affect agricultural uses on the proposed parcel(s), and the overall agricultural operation on the residual ownership and the following findings are made...**

*Not Applicable*

The application includes no division of land, therefore the findings associated with Land Divisions in Section 20.532.100(C)(2), et seq., are not applicable to this application.

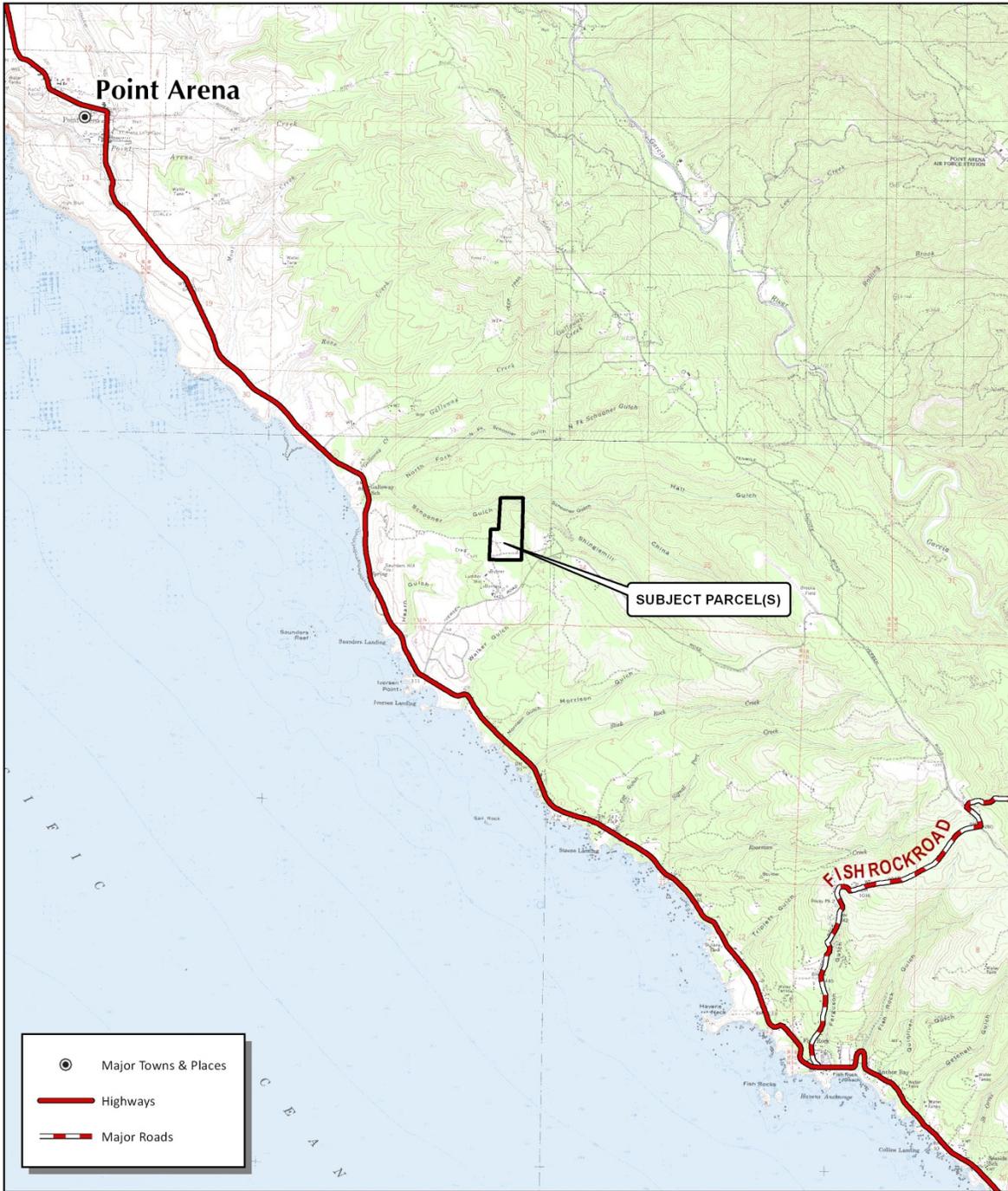
<b>Land Division Findings</b> <b>20.532.100 (C)(3) Land Divisions of Non-Prime Agricultural Lands</b>  <b>No lands designated RL or AG shall be divided or converted to non-agricultural use(s) unless at least one of the following findings are made:</b>	<b>Inconsistent</b>	<b>Consistent (With Conditions of Approval)</b>	<b>Consistent (Without Conditions of Approval)</b>	<b>Not Applicable</b>
(a) Continued or renewed agricultural use is not feasible	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Such conversion would preserve prime agricultural land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Such conversion would concentrate development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Findings**

- **20.532.100(C)(3), et seq. No lands designated RL or AG shall be divided or converted to non-agricultural use(s) unless at least one of the following findings are made...**

*Not Applicable*

The application includes no division of land, therefore the findings associated with Land Divisions in Section 20.532.100(C)(3), et seq., are not applicable to this application.



CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

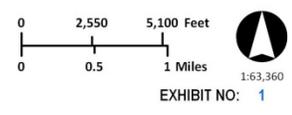
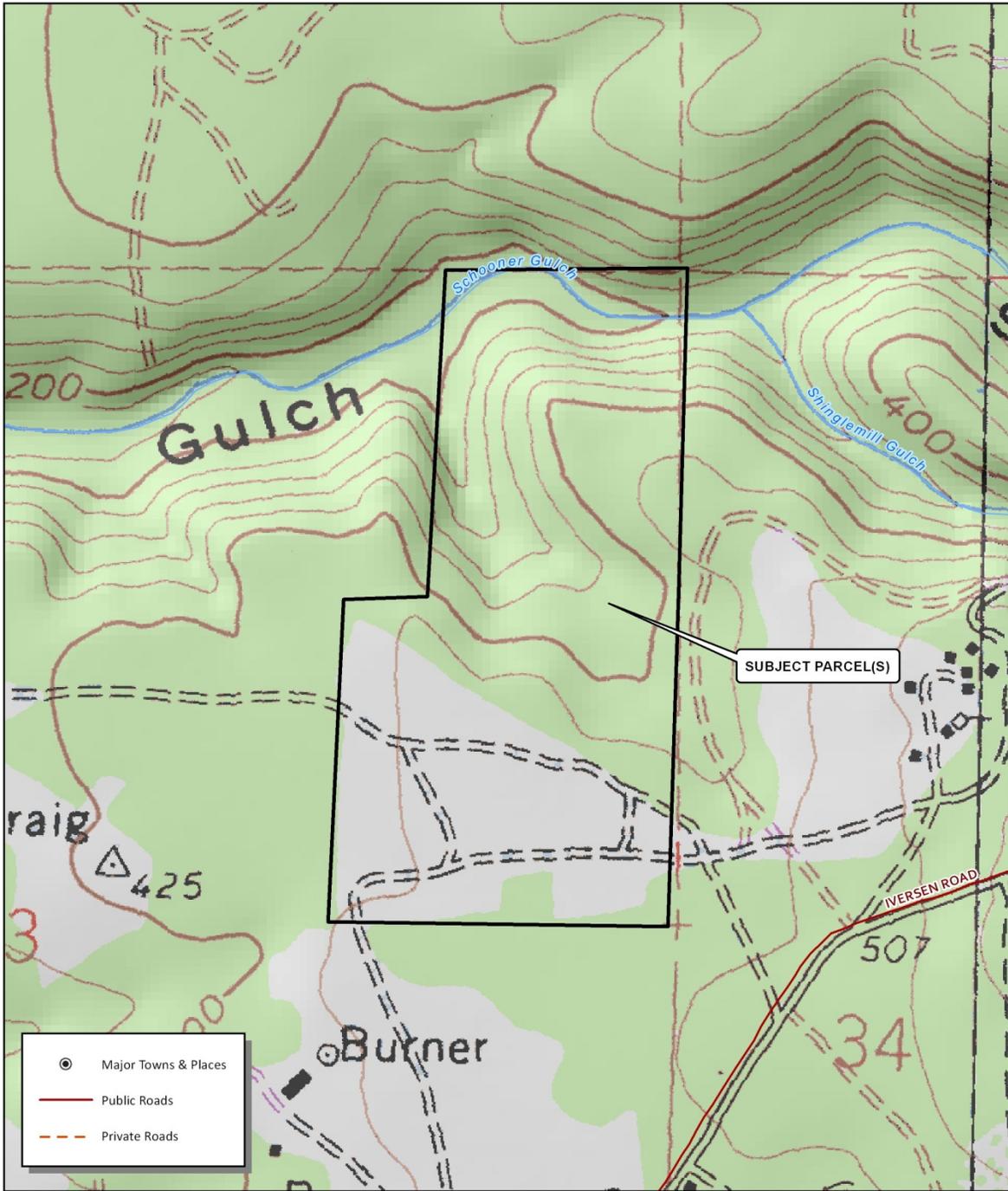


EXHIBIT NO: 1



CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

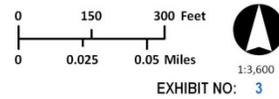


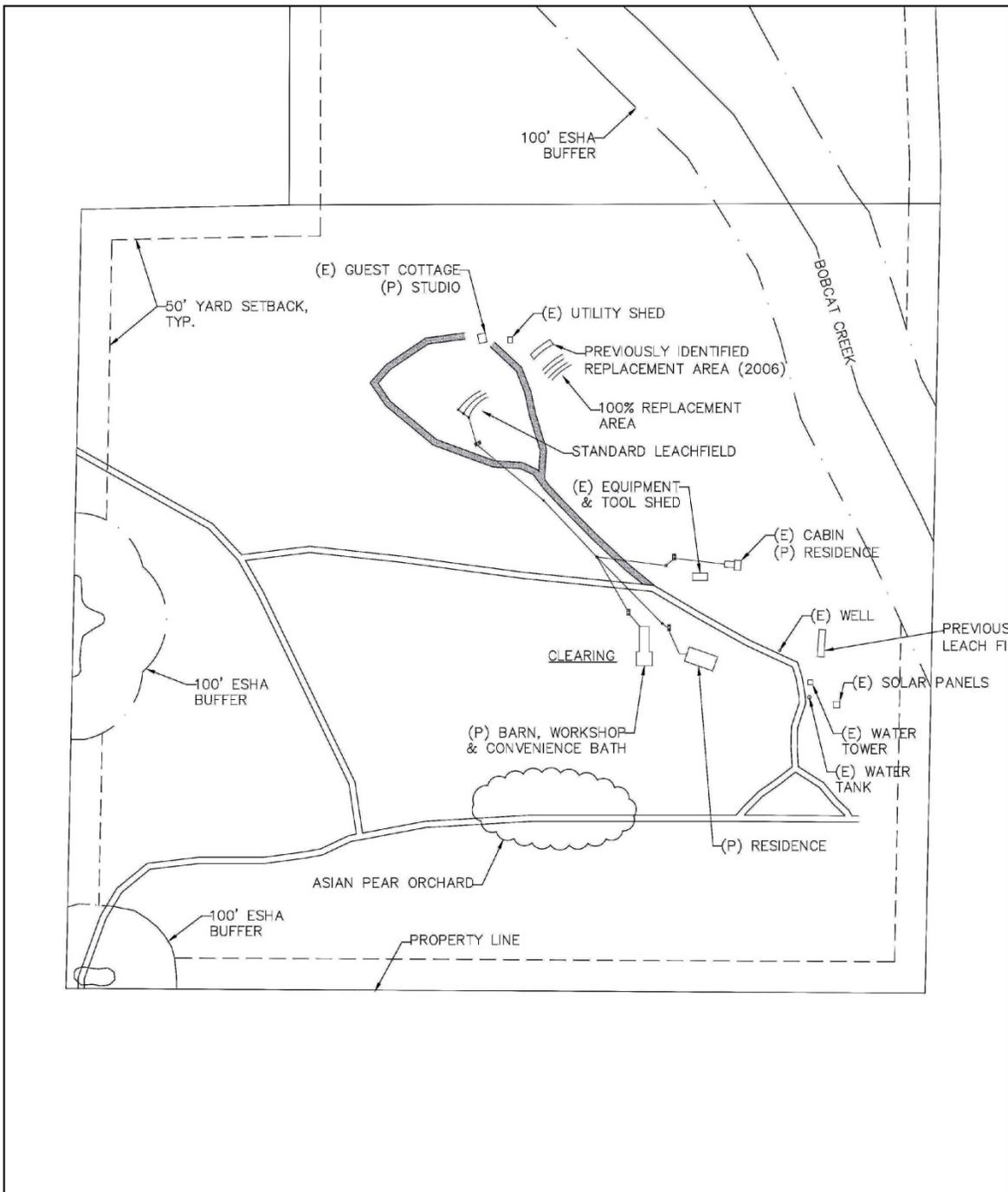
EXHIBIT NO: 2



CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

2010 NAIP AERIAL ORTHOPHOTO





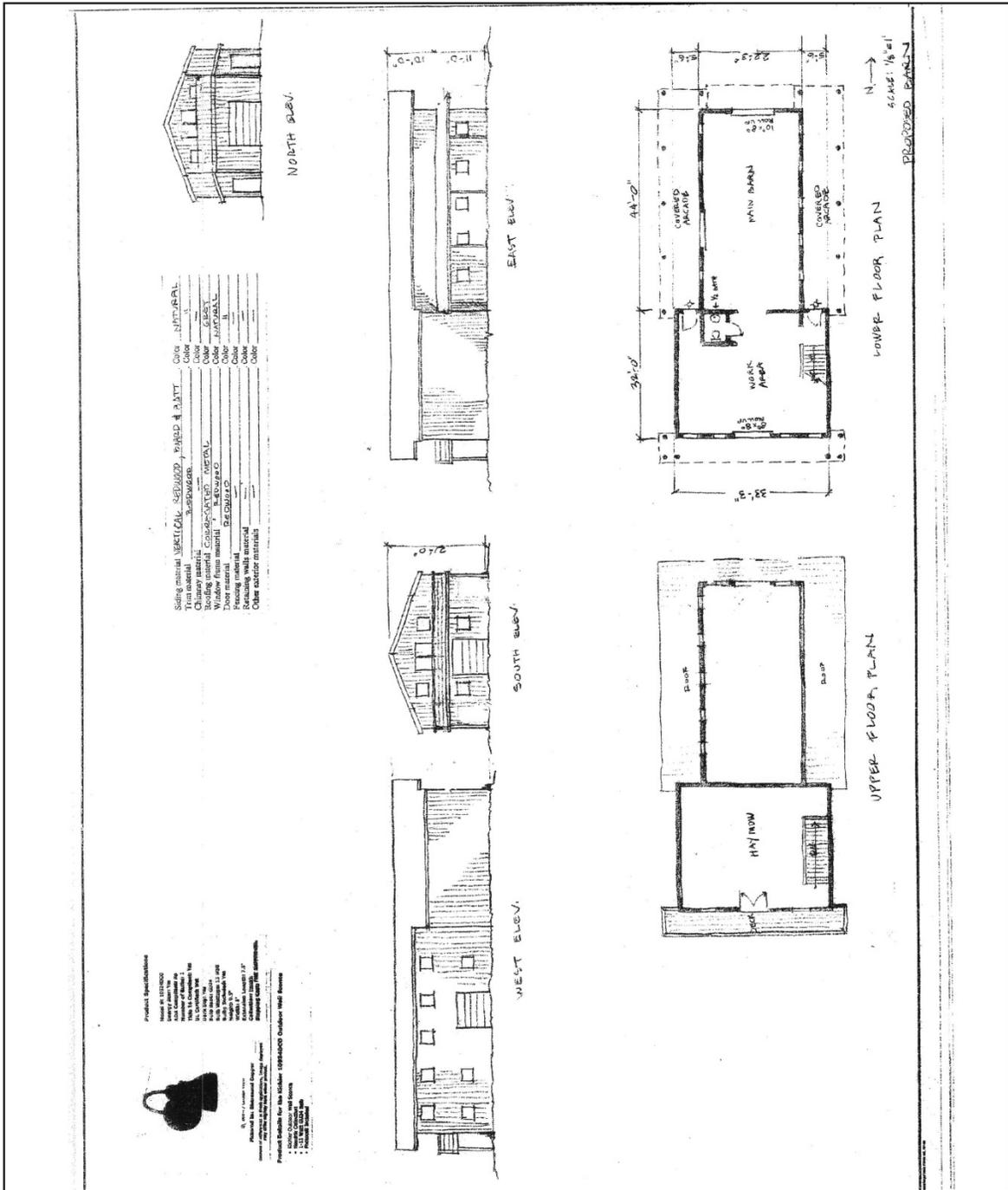
CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

EXHIBIT (SITE PLAN)

NO SCALE

EXHIBIT NO: 4

Exhibit 4b: Barn and Shop Detail (Proposed)



CASE: U 6-2014  
 OWNER: MICHEL, Edythe & Robert  
 APN: 027-511-28  
 AGENT: Amy Wynn  
 ADDRESS: 46030 Iversen Road, Gualala

EXHIBIT (BARN & SHOP PLAN)

NO SCALE

EXHIBIT NO: 4-B

**NORTH ELEV.**

**EAST ELEV.**

**SOUTH ELEV.**

**WEST ELEV.**

**PLAN**

Scale: 1/8" = 1'

EMPLOYEE HOUSING ADDITION

PROPORTIONS TO MATCH EXISTING:

Roof material	MECHANIC SHINGLED	Color	BLACK
Trim material	6.0" x 6.0" S4S	Color	BLACK
Chimney material	6.0" x 6.0" S4S	Color	BLACK
Window frame material	6.0" x 6.0" S4S	Color	BLACK
Door material	6.0" x 6.0" S4S	Color	BLACK
Fencing material	6.0" x 6.0" S4S	Color	BLACK
Other exterior materials		Color	

Product Specifications:  
 Model: 1000000  
 Energy Star: No  
 Number of Panels: 1  
 US Department of Energy: No  
 Date: 08/24/2014  
 Model: 1000000  
 Price: \$1,000.00  
 Manufacturer: [illegible]

Product Specifications:  
 Model: 1000000  
 Energy Star: No  
 Number of Panels: 1  
 US Department of Energy: No  
 Date: 08/24/2014  
 Model: 1000000  
 Price: \$1,000.00  
 Manufacturer: [illegible]

CASE: U 6-2014  
 OWNER: MICHEL, Edythe & Robert  
 APN: 027-511-28  
 AGENT: Amy Wynn  
 ADDRESS: 46030 Iversen Road, Gualala

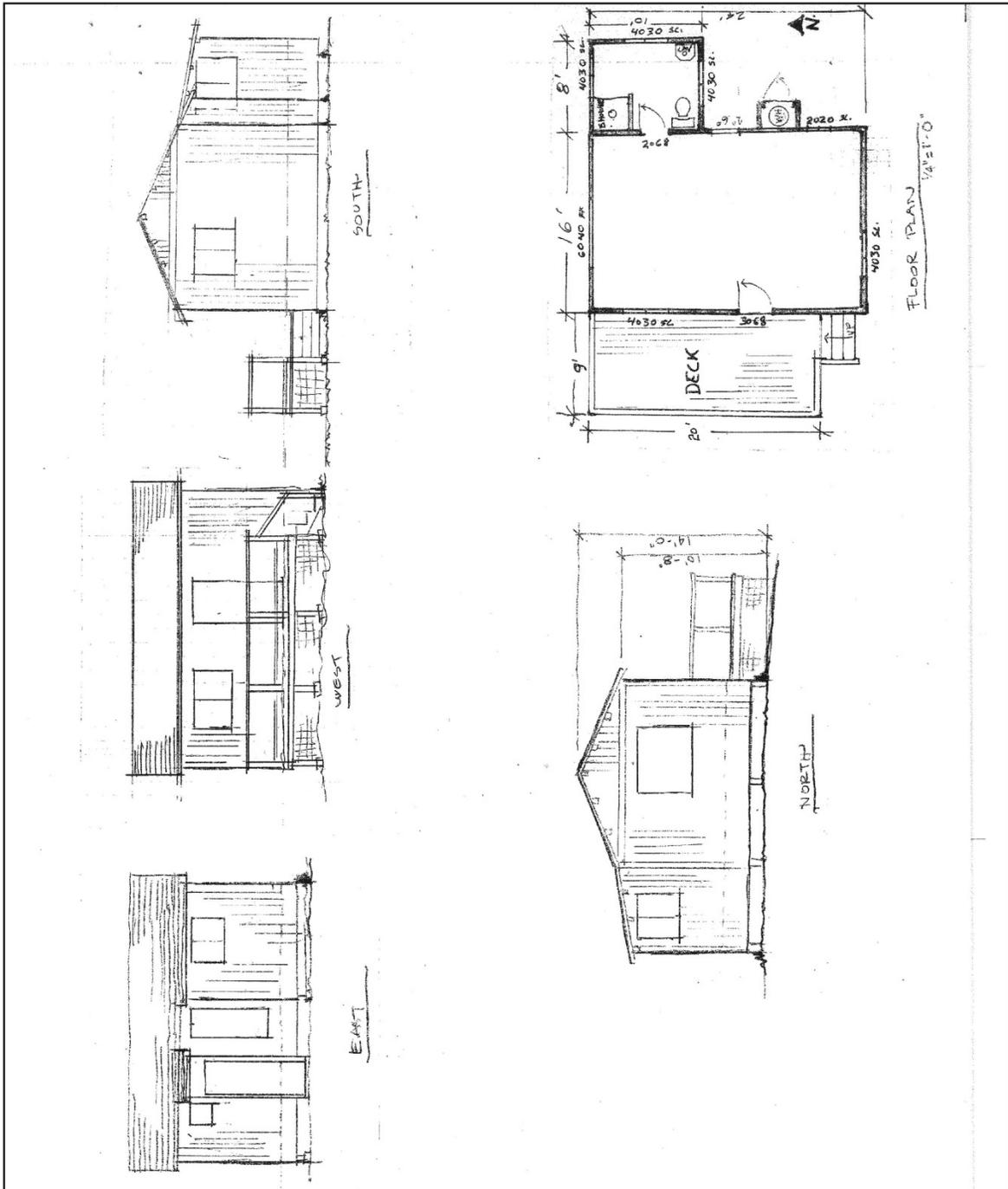
EXHIBIT (FARM HOUSING)

NO SCALE

EXHIBIT NO: 4-C





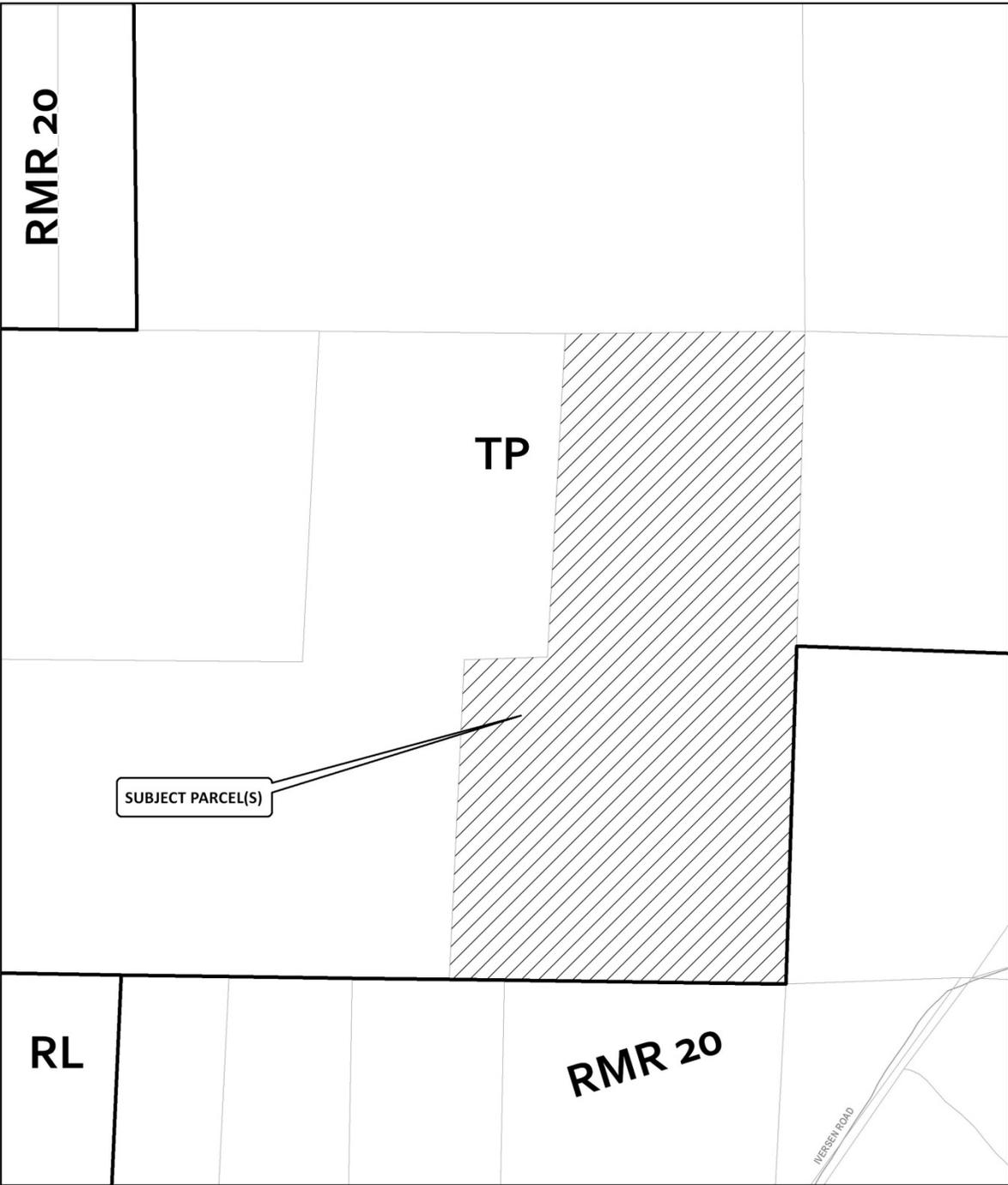


CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

EXHIBIT (GUEST STUDIO)

NO SCALE

EXHIBIT NO: 4-F

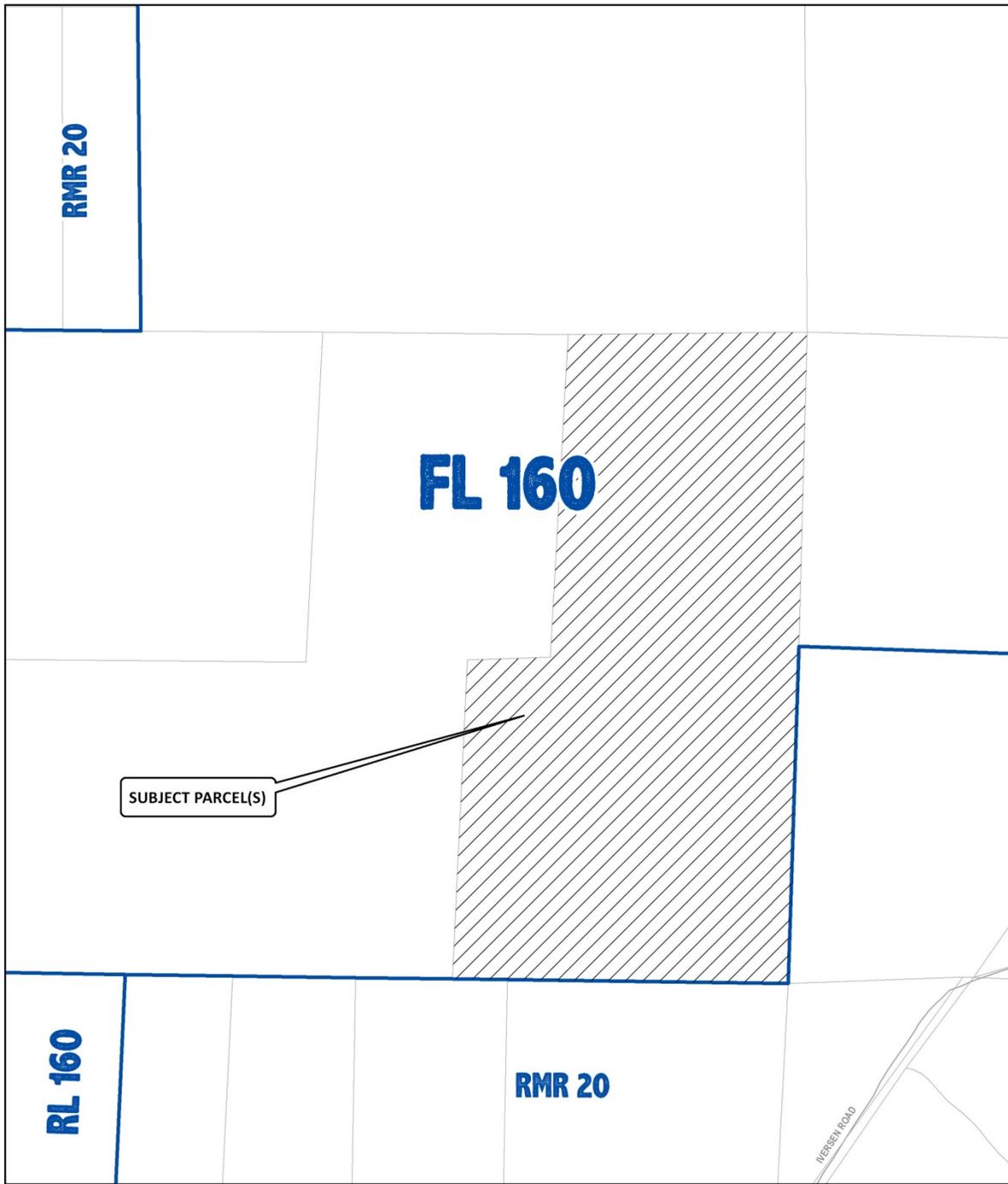


CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
GP/ZONE: FL 160 / TP 160  
ADDRESS: 46030 Iversen Road, Gualala

ZONING DISPLAY MAP



EXHIBIT NO: 5

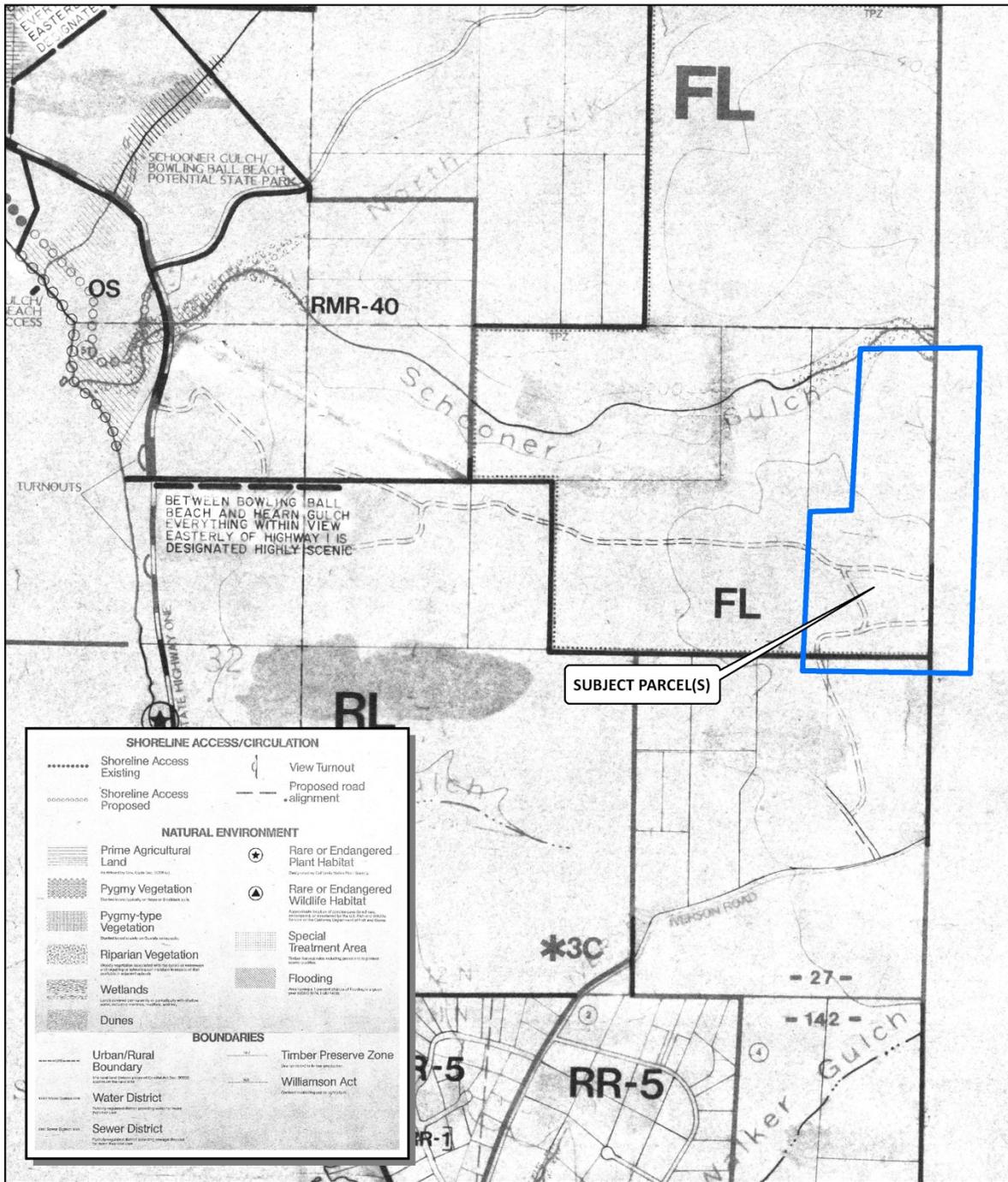


CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
GP/ZONE: FL 160 / TP 160  
ADDRESS: 46030 Iversen Road, Gualala

GENERAL PLAN DESIGNATIONS



EXHIBIT NO: 6

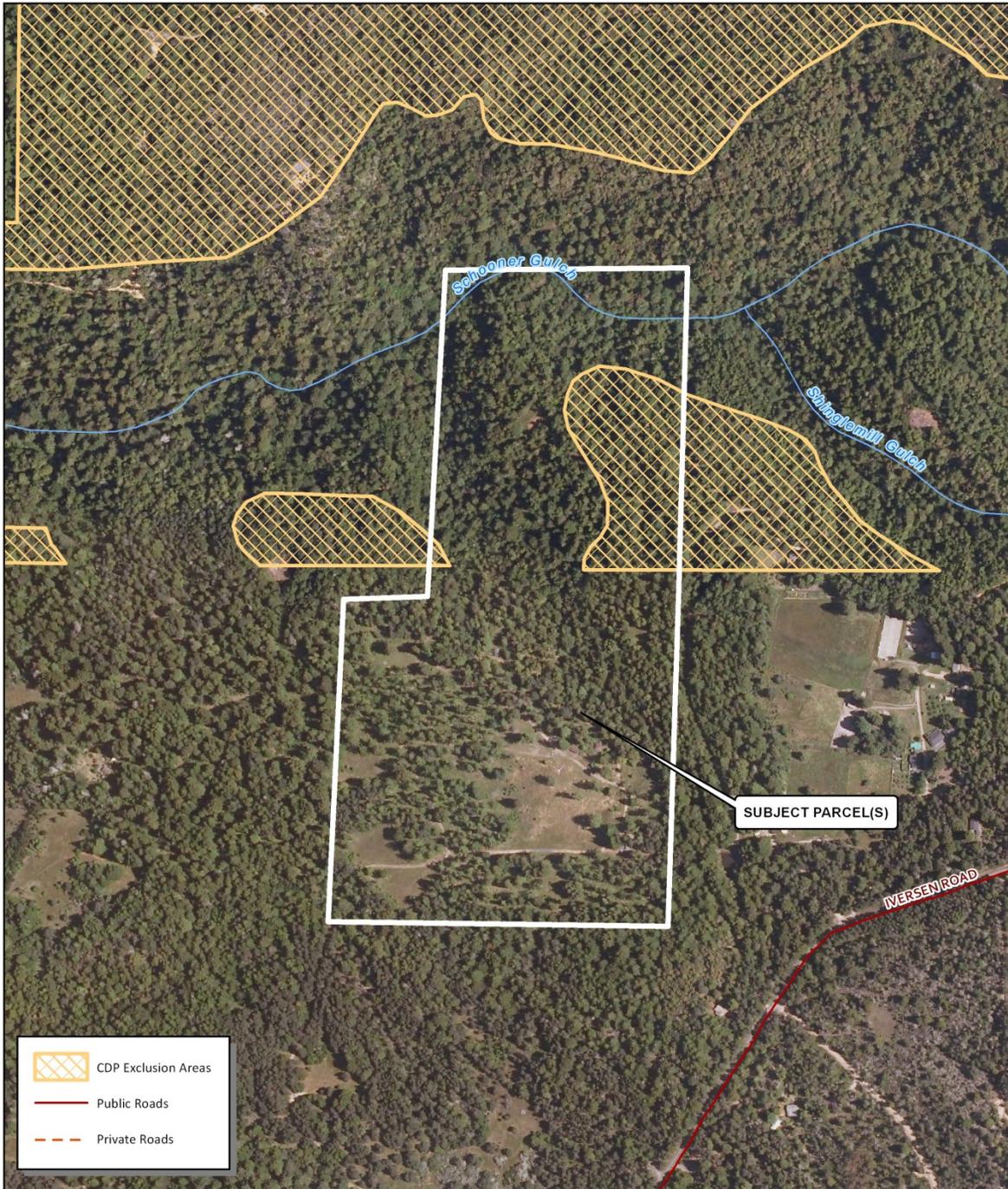


CASE: U 6-2014  
 OWNER: MICHEL, Edythe & Robert  
 APN: 027-511-28  
 GPZONE: FL 160 / TP 160  
 ADDRESS: 46030 Iversen Road, Gualala

LCP MAP 28: Schooner Gulch

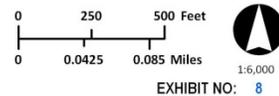
NO SCALE 

EXHIBIT NO: 7



CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

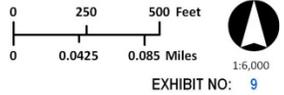
**CDP EXCLUSION AREAS**

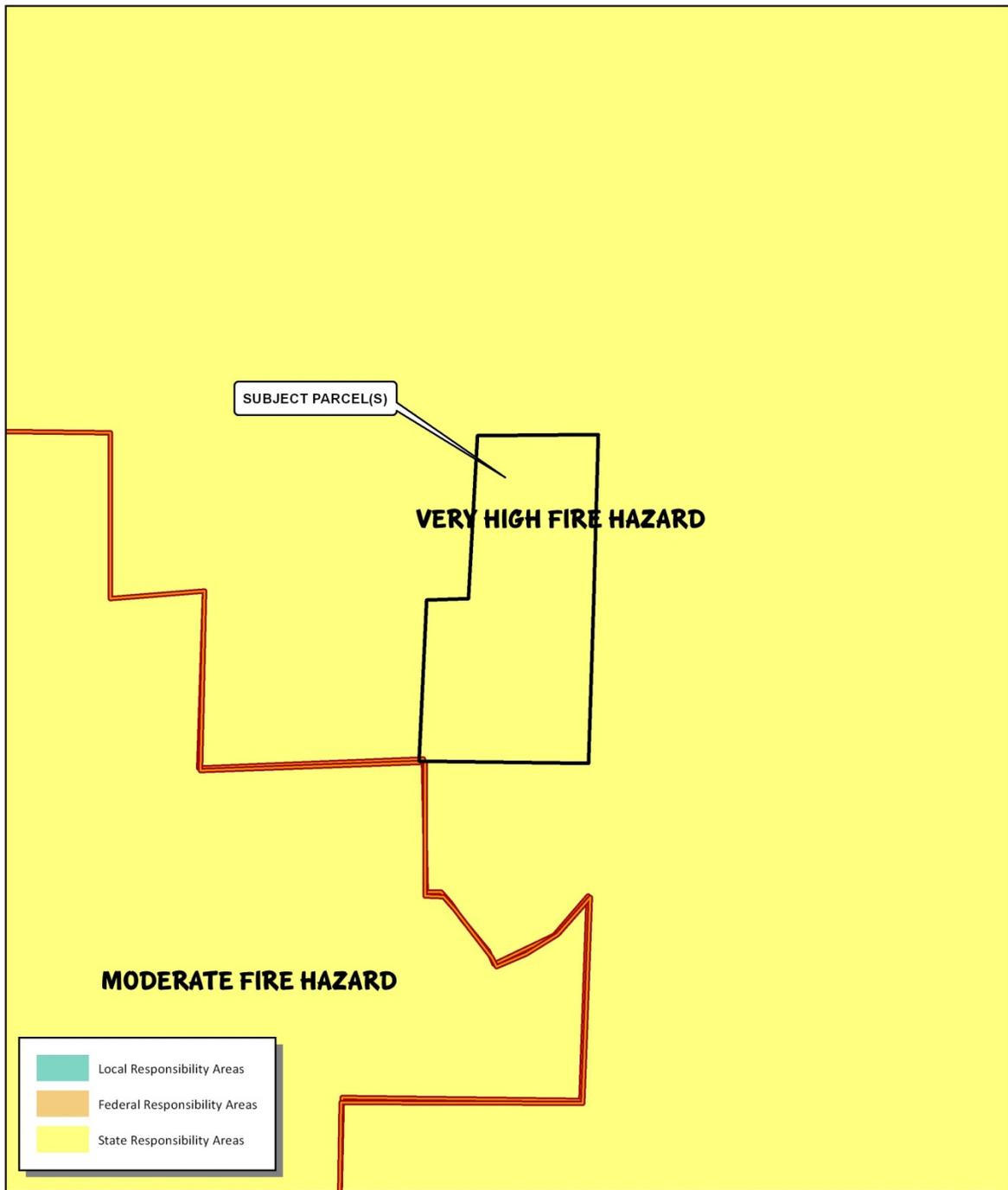




CASE: U 6-2014  
 OWNER: MICHEL, Edythe & Robert  
 APN: 027-511-28  
 AGENT: Amy Wynn  
 ADDRESS: 46030 Iversen Road, Gualala

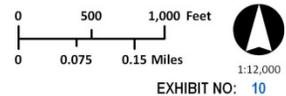
**ADJACENT PARCELS**

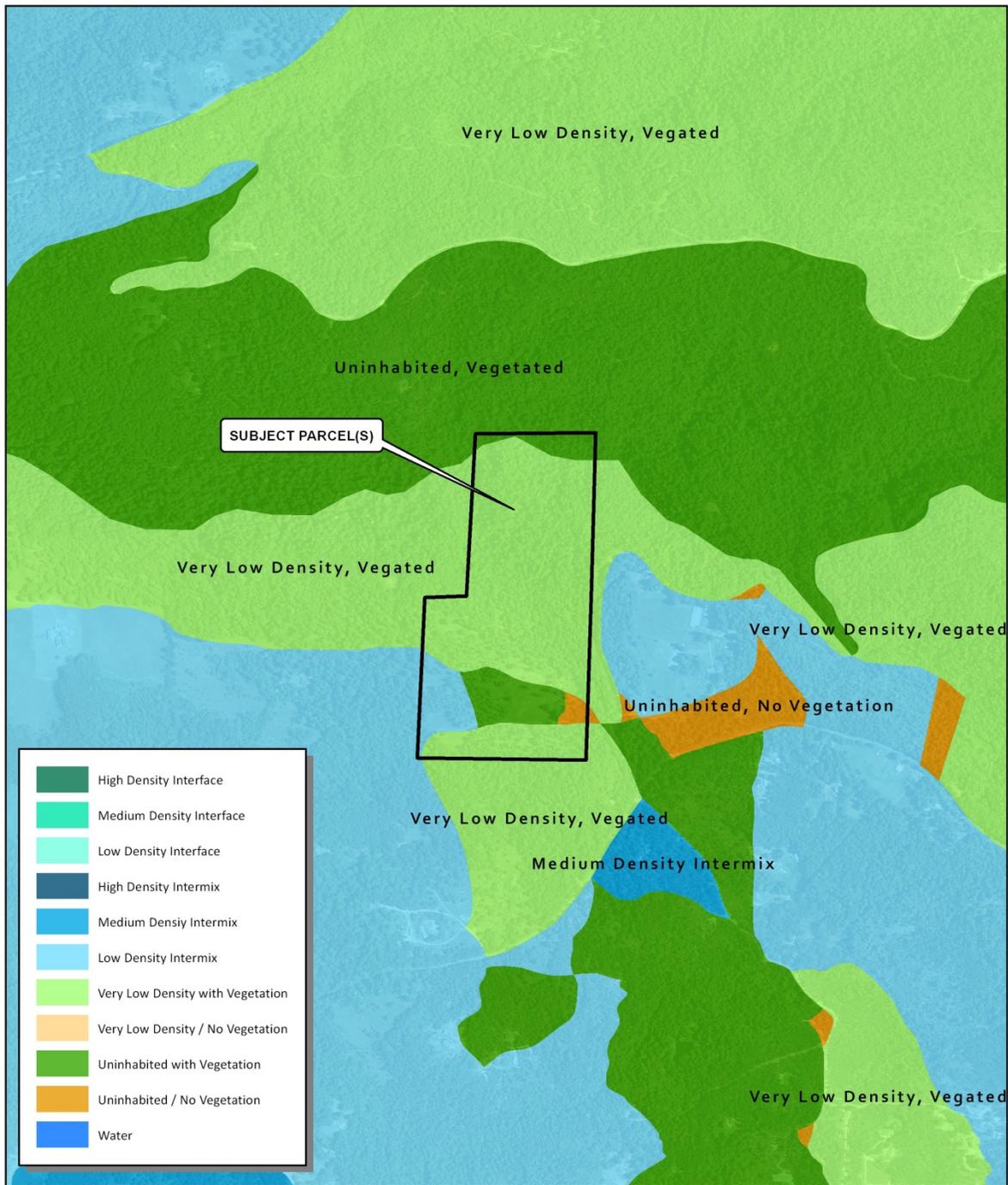




CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

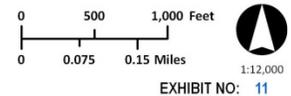
**FIRE HAZARD ZONES**  
REDWOOD COAST FPD

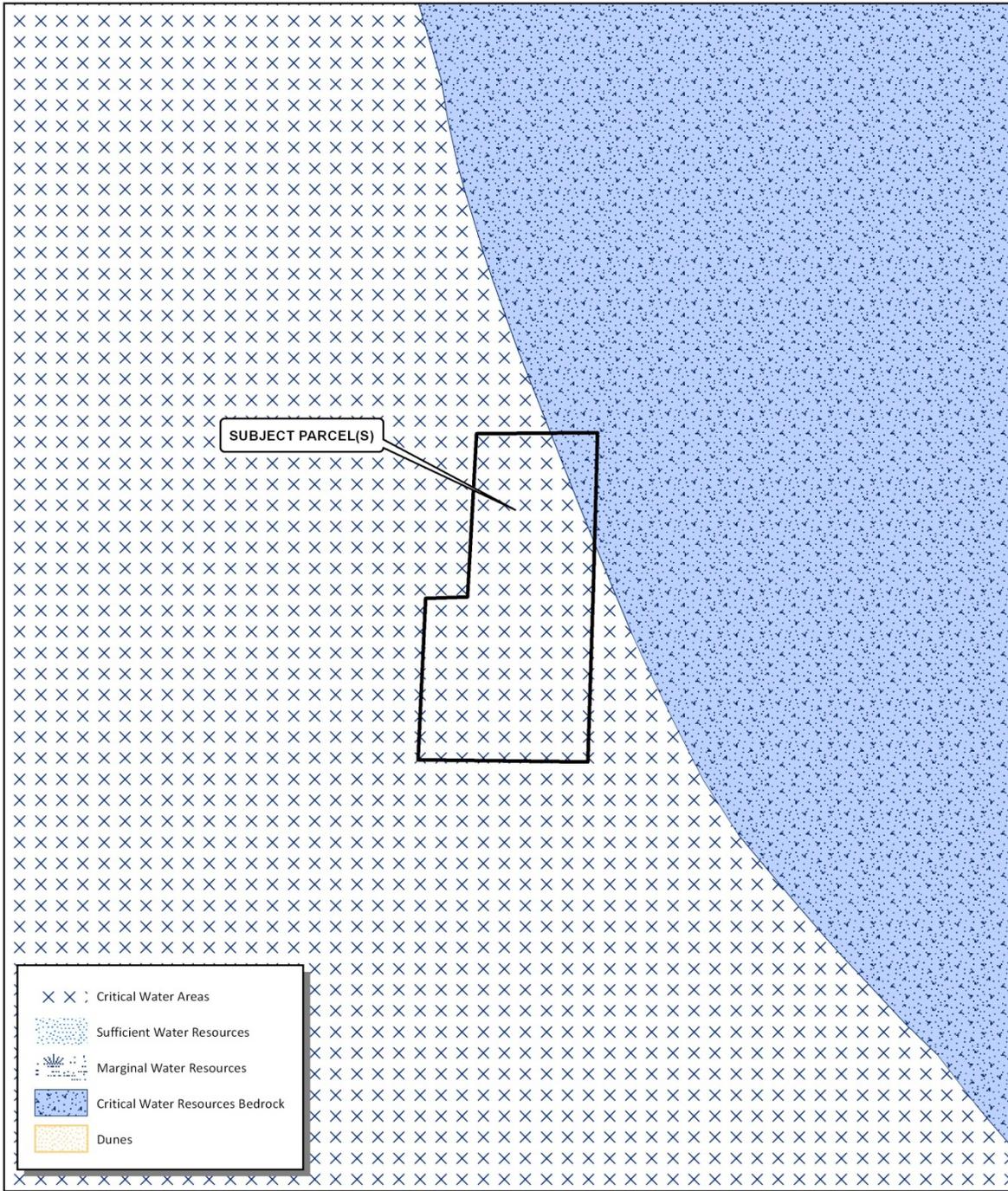




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**WILDLAND URBAN INTERFACE**





CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

COASTAL GROUND WATER RESOURCE AREAS

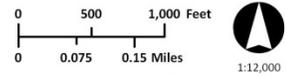
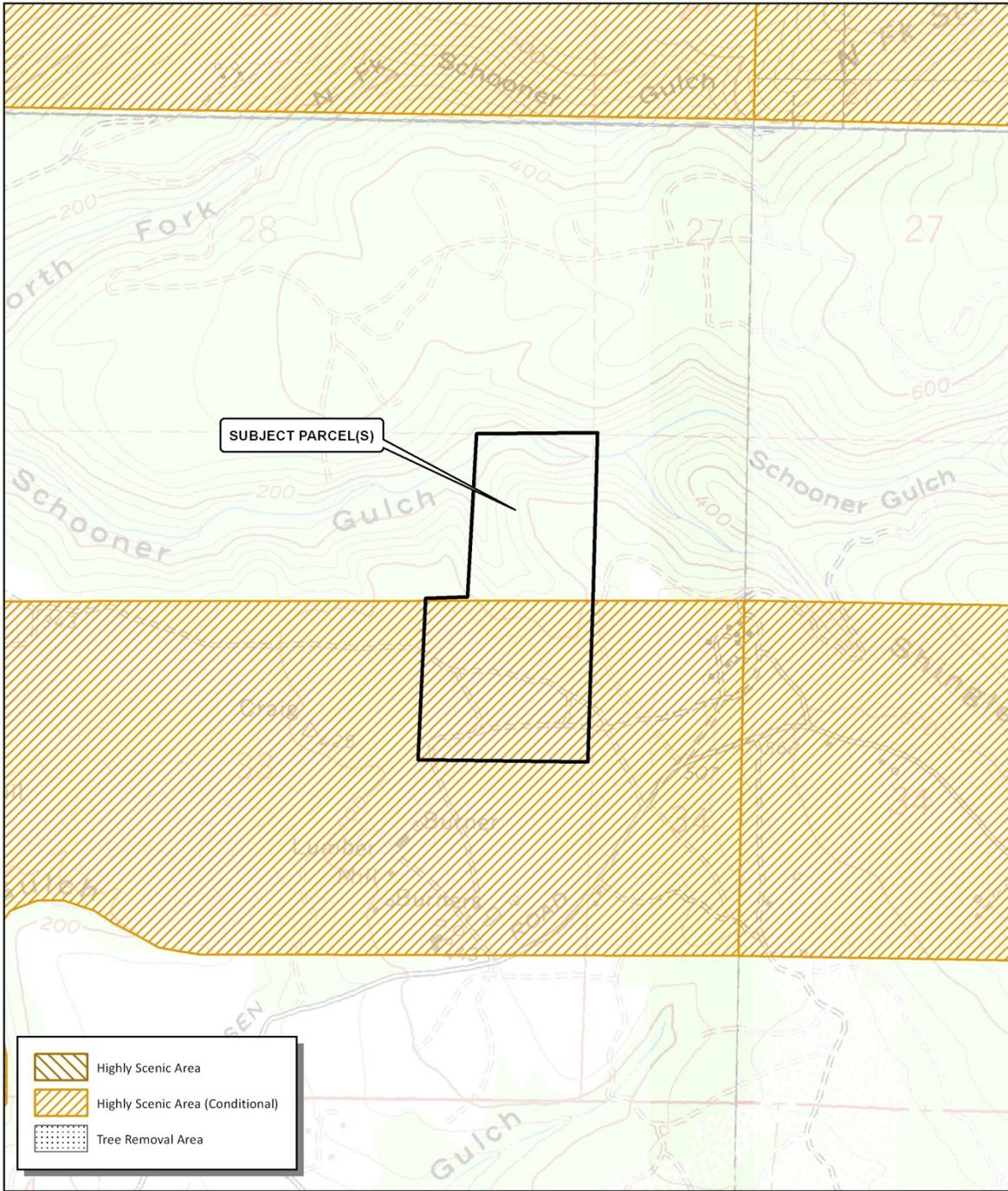
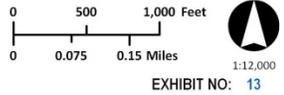


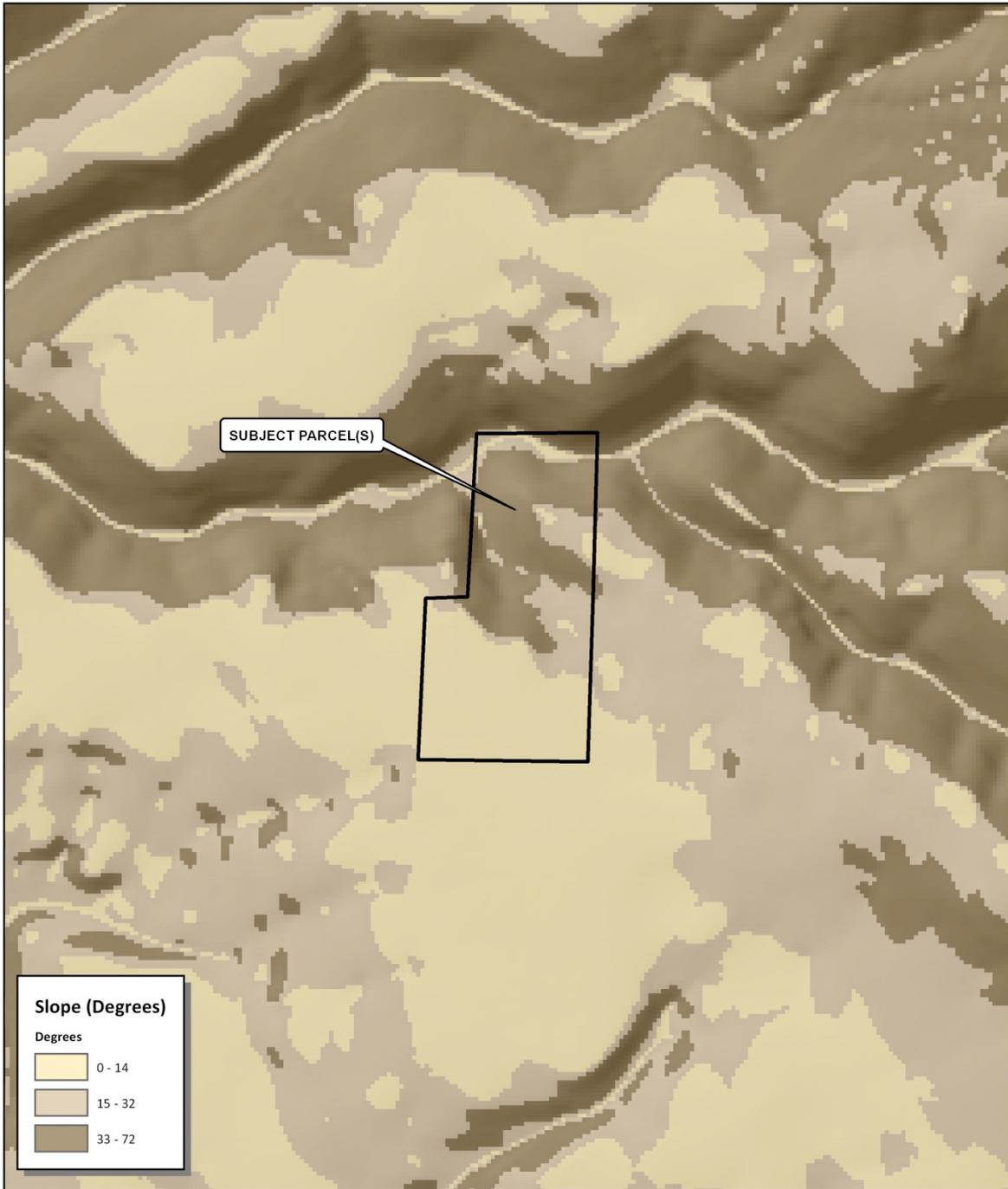
EXHIBIT NO: 12



CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

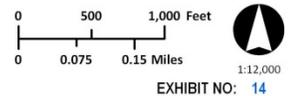
HIGHLY SCENIC & TREE REMOVAL AREAS

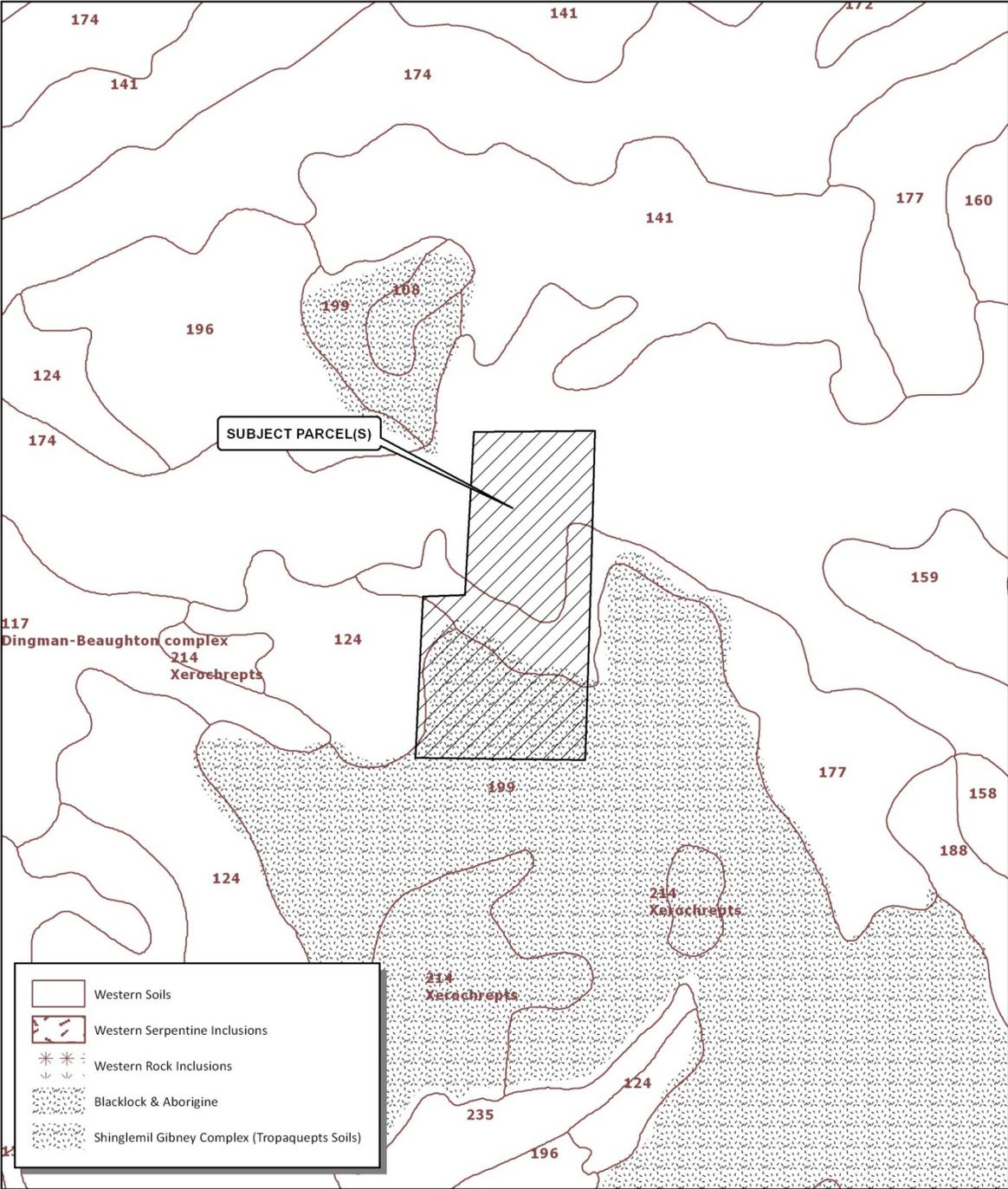




CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

ESTIMATED SLOPE





CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

LOCAL SOILS

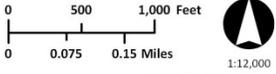
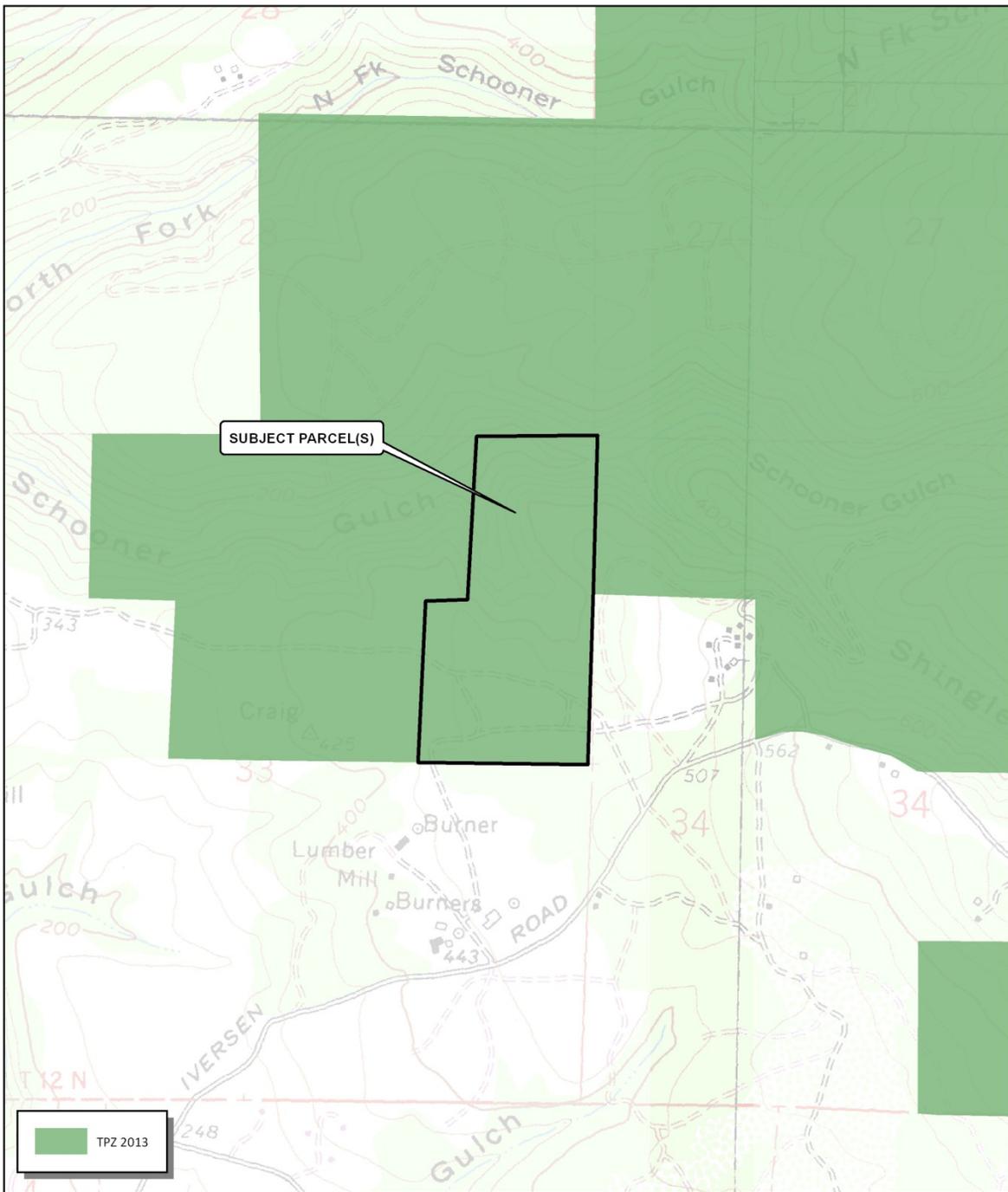
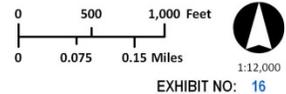


EXHIBIT NO: 15



CASE: U 6-2014  
OWNER: MICHEL, Edythe & Robert  
APN: 027-511-28  
AGENT: Amy Wynn  
ADDRESS: 46030 Iversen Road, Gualala

**TIMBER PRODUCTION ZONES**



County of Mendocino  
Ukiah, California  
November 17, 2016

U\_2014-0006 EDYTHE & ROBERT MICHEL

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CATEGORICAL EXCLUSION AND GRANTING A COASTAL DEVELOPMENT USE PERMIT FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING UNIT AND BARN WITH INCLUDED SHOP (MUSIC STUDIO) AND TO CONVERT AN EXISTING UNPERMITTED SINGLE FAMILY RESIDENCE TO A FARM EMPLOYEE HOUSING UNIT, AND LEGALIZE EXISTING UNPERMITTED GUEST COTTAGE, AND ACCESSORY SITE IMPROVEMENTS (SHEDS, SOLAR PANELS, WATER TANKS, SEPTIC).

WHEREAS, the applicant, Edythe and Robert Michel, filed an application for a Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services for the construction of a single family dwelling unit and barn with included shop (music studio) and to convert an existing unpermitted single family residence to a Farm Employee Housing unit, and legalize existing unpermitted Guest Cottage, and accessory site improvements (sheds, solar panels, water tanks, septic), within the Coastal Zone, approximately 2+/- miles south of the City of Point Arena, off of a private roadway lying north off of Iverson Road (CR 503), approximately 1+/- mile east of its intersection with State Highway One, Located at 46030 Iverson Road, Gualala; APN 027-511-28., General Plan FL160:R; Zoning TP:160; Supervisorial District 5; (the "Project"); and

WHEREAS, a Class 3 Categorical Exemption was prepared for the Project, noticed and made available for agency and public review on October 17, 2016 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, 11/17/2016, at which time they heard and received all relevant testimony and evidence presented orally or in writing regarding the Categorical Exemption and the Project. All interested persons were given an opportunity to hear and be heard regarding the Categorical Exemption and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Board regarding the Categorical Exemption and the Project.

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

**Required Findings for All Coastal Development Permits:**

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 applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
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.

**Supplemental Findings:**

1. Impact Finding for Resource Lands Designated AG, RL and FL.
  - a. The proposed use is compatible with the long-term protection of resource lands.
2. Agricultural Land Impact Findings
  - a. The project maximizes protection of environmentally sensitive habitat areas.
  - b. The project minimizes construction of new roads and other facilities.
  - c. The project maintains views from beaches, public trails, roads, and views from public viewing areas, or other recreational areas.
  - d. The project ensures the adequacy of water, waste water disposal and other services.
  - e. The project ensures the preservation of the rural character of the site.
  - f. The project maximizes preservation of prime agricultural soils.
  - g. The project ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Class 3 Categorical Exemption set forth in the Conditions of Approval. The Planning Commission certifies that the Class 3 Categorical Exemption 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 Categorical Exemption reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Use 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 11<sup>th</sup> day after the date of the Resolution unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

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

ATTEST: ADRIENNE M. THOMPSON  
Secretary to the Planning Commission

By: \_\_\_\_\_

BY: STEVEN D. DUNNICLIFF  
Director

MOLLY WARNER, Chair  
Mendocino County Planning Commission

\_\_\_\_\_

\_\_\_\_\_

## EXHIBIT A

### CONDITIONS OF APPROVAL MICHEL - U\_2014-0006 NOVEMBER 17, 2016

Coastal Development Use Permit for the construction of a single family dwelling unit and barn with included shop (music studio) and to convert an existing unpermitted single family residence to a Farm Employee Housing unit, and legalize existing unpermitted Guest Cottage, and accessory site improvements (sheds, solar panels, water tanks, septic).

**APPROVED PROJECT DESCRIPTION:** Coastal Development Use Permit for the construction of a single family dwelling unit and barn with included shop (music studio) and to convert an existing unpermitted single family residence to a Farm Employee Housing unit, and legalize existing unpermitted Guest Cottage, and accessory site improvements (sheds, solar panels, water tanks, septic).

#### **CONDITIONS OF APPROVAL AND MITIGATION MEASURES:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

8. The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF# 54-14) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the building permit, 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.
9. Prior to issuance of the building permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all the exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Section 20.504.035 of the Mendocino County Coastal Zoning Code.
10. Prior to issuance of any building permit for the projects in this Use 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, stock pile locations, and tree protection areas. Roof down spouts shall be directed to landscaped areas and avoid discharging off the parcel. Native and drought tolerant plants are recommended for landscaped areas.
11. The following conditions are to ensure the Farm Employee Housing is consistent with pertinent zoning regulations:
  - a) The existing 476 square foot residence (and the proposed 775 square foot addition) shall be recognized as a Single Family Residence (as defined in MCC Section 20.364.010) and not as Farm Employee Housing (as defined in MCC Section 20.316.020) until such time as a bona-fide agricultural operation exists on the parcel, subject to inspection and approval by the Planning Department and the Agricultural Commissioner.
  - b) The applicant shall provide proof of farm labor employment by furnishing copies of W-2 Forms or contract(s) establishing status as farm labor to the Department of Planning and Building Services for residents of the farm employee housing unit. Copies shall be provided on an annual basis thereafter to verify continued farm labor uses of the said unit. Should necessity for farm employee housing on the parcel cease, the structure shall be converted to a permitted use or removed, subject to the securing of all necessary permits for the proposed conversion or demolition from County, State and Federal agencies having jurisdiction.
12. Prior to issuance of a building permit for the proposed 3,000 square foot Single Family Residence, the existing 476 square foot residence (and the proposed 775 square foot addition) shall be recognized by the Department of Planning as Farm Employee Housing, as defined in MCC Section 20.316.020, and Special Condition 11 shall have been satisfied.
13. The guest cottage shall not be used for permanent habitation, shall not have a kitchen, food preparation or cooking facilities, shall be clearly subordinate and incidental to the primary dwelling and shall not be separately rented, let, or leased whether compensation be direct or indirect as defined by MCC Section 20.308.050(I).
14. 2,050 square feet of the proposed 3,100 square foot structure, identified on the site plan as a "barn," shall be developed in conformance with MCC Section 20.308.025(B), as a building used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of farm equipment and agricultural supplies. The barn shall not be used for permanent habitation, and shall not have a kitchen, food preparation or cooking facilities.
15. The existing 100 square foot structure, identified on the site plan as a "utility shed," shall be developed in conformance with MCC Section 20.308.020(F), as an accessory building, and shall not contain any sleeping quarters or kitchen facilities and is therefore not intended for human occupancy.

16. 1,050 square feet of the proposed 3,100 square foot structure, identified in the project description as a “music studio,” on the site plan as a “workshop,” and on the elevation drawings as “work area,” shall be developed in conformance with MCC Section 20.308.020(F), as an accessory building, and may contain a restroom without bath or shower, and shall not contain any sleeping quarters or kitchen facilities.
17. The following conditions are required conditions of approval to ensure protection of natural resources. All development and construction activities must comply with the mitigation measures detailed in the ESHA Assessment and Rare Plant Survey prepared by BioConsultant, LLC, dated July 2012. These are the following:

**Mitigation Measure 1.** Maintain a 100 foot buffer from all construction related activity. If a mini-orchard is to be planted in the adjoining grassland opening, exclusionary fencing along the 100 foot setback is required to avoid encroachment into the rare plant ESHA habitat.

**Mitigation Measure 2.** Prior to the onset of the mini orchard preparation activities, erect exclusionary fencing around the harlequin lotus occurrences as shown in Figure 3 (of the *ESHA Assessment and Rare Plant Survey*). This avoidance measure will not only protect individual lotus plants from direct loss from construction equipment, but it will better delineate the upland area for orchard health.

**Mitigation Measure 3a.** The extent of the residential development footprint within the meadow grassland will be minimized by the designation of a defined Staging Area, to be shown on building permit applications, in which all construction related equipment, building supplies and debris will be contained.

**Mitigation Measure 3b.** The placement of all debris piles shall be sited as far from the watercourse / pond habitat as possible to avoid the inadvertent take of sheltering frogs. The network of compacted roadways is a good location for temporary placement of debris piles.

**Mitigation Measure 3c.** Construction activities will occur between April 15 and October 15, when rain events (and associated overland movements of California red-legged frog) at the project site are unlikely to occur.

**Mitigation Measure 3d.** Prior to construction, the project proponent (landowner), contractor(s) or lead crew member will be trained by a qualified biologist in the identification of California red-legged frog.

**Mitigation Measure 3e.** In the unlikely event that a rain event occurs at the project site during the construction period, all construction-related activities at the site will cease for a period ending no sooner than 24 hours after the rain stops. Prior to resuming construction activities, the trained project proponent or construction crew member(s) will examine the site (i.e., under stacked or stored materials, and along any silt fences) for the presence of California red-legged frog. If no California red-legged frogs are found, construction activities may resume immediately. However, if a California red-legged frog is detected, the frog may be photographed (for identification purposes) but will not be touched or moved, and the project proponent or crew member will contact Mendocino County Planning and Building Services; California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service to determine how to proceed before resuming work.

18. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.