



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- CDP_STANDARD**

**MAY 26, 2016
CDP_2015-0011**

SUMMARY

OWNER: JACKSON GRUBE FAMILY
PO BOX 430
MIDDLEBURY, VT 05753

APPLICANT: WILLARD JACKSON
PO BOX 430
MIDDLEBURY, VT 05753

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

REQUEST: A Standard Coastal Development Permit to construct an approximately 1,090 square foot single-family residence with 620 square feet of decks. Construct an approximately 1,525 square foot barn. Install ground mounted solar panels, septic, propane tank, and construct retaining walls of varied length.

DATE DEEMED COMPLETE: April 16, 2015

LOCATION: In the Coastal Zone, approximately four miles south of Westport, lying east of Highway 1 at 31845 N Highway 1 (APNs 015-070-70 and 015-070-71).

TOTAL ACREAGE: APN 015-070-70: 140 Acres
APN 015-070-71: 20 Acres

GENERAL PLAN: APN 015-070-70: Forest Lands (FL)
APN 015-070-71: Range Lands (RL)

ZONING: APN 015-070-70: Timberland Production (TP)
APN 015-070-71: Range Lands (RL)

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically Exempt – Class 3 (a) new single-family residence in a residential zone.

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: JULIA ACKER

BACKGROUND

PROJECT DESCRIPTION:

A Standard Coastal Development Permit to construct an approximately 1,090 square-foot single-family residence with 620 square-feet of decks, ten (10) linear feet of retaining wall and patio (including hot tub) with a maximum building height of eighteen (18) feet above natural grade. Construct an approximately 1,525 square-foot barn with covered storage, 66 linear feet of retaining wall, with a maximum height of eighteen (18) feet above natural grade. Install ground mounted solar panels, septic system (recognize proposed septic replacement field as vested and approved for probably future development with installation of primary), propane tank, trenching for utilities, installation of three (3) turnouts along existing dirt and gravel drive. 109 cubic yards of export material (cut) will be required to accommodate the proposed Barn site. Exported material is to be delivered to Kibesillah Rock Quarry per CDUR #7-94(2011). Access to the site is provided by an existing dirt and gravel driveway, with access directly off Highway 1.

APPLICANTS STATEMENT:

Construct a 1,090 sq. ft single-family residence with 620 sq. ft. of decks, 10 linear feet of retaining wall and patio (including hot tub); maximum building height of 18' above natural grade.

Construct a 1,525 sq. ft. barn with covered storage, 66 linear feet of retaining wall; maximum height of 18' above natural grade.

Install ground mounted solar panels, septic system (recognize proposed septic replacement field as vested and approved for probably future development with installation of primary), propane tank, trenching for utilities. Install 3 turnouts along existing dirt and gravel drive.

109 cubic yards of export material (cut) will be removed from Barn site and delivered to Kibesillah Rock Quarry per CDUR #7-94/2011.

The parcel is located partially within Williamson Act contracted lands. The barn is supportive of agricultural endeavors on this land (presently in cattle production). The residence is located on a steep slope, which is not agriculturally suitable land (too steep for cattle to graze). Therefore, the construction of this residence and barn will not adversely affect long-term productivity of agricultural lands.

RELATED APPLICATIONS:

On-Site

- A #2005-0002 (Agricultural Preserve – Cattle Grazing)
- CE #2015-0030 (Test Well for subject project)
- Certificate of Compliance #CC 39-90 resulted in certificates for four parcels of approximately 120, 160, 160 and 400 acres recorded in April 1995, on the Jackson-Grube Family property. The site of this application is on one of the 160-acre parcel.

Neighboring Property

- CDP #2015-0010 (Pending – Recreation trail under same ownership)
- Coastal Development Use Permit Modification #UM 2012-0005 was granted in March of 2013 revising an inn development previously approved on appeal by the California Coastal Commission. The project, as revised, involves the redevelopment of an inn with up to 8 rental

units including a main building, a cottage with 3 rental units, innkeeper unit, detached bedroom (both to be used as occasional rentals), a ranch manager's unit, equipment barn, and other accessory improvements.

- Use Permit #U 124-81 requesting approval of an inn and recreational vehicle park was continued indefinitely by the Planning Commission in February 1982, and has since expired.
- Preliminary Approval #PA 84-48 was granted in June of 1984 for use of an existing single family residence as a four unit bed and breakfast inn, subject to approval of a use permit.
- In September 1984, the California Coastal Commission approved an application for conversion of a single-family residence into a four-unit bed and breakfast inn, subject to conditions including an offer of dedication of coastal access. Conditions were never met and the permit was never issued.
- Certificate of Compliance #CC 39-90 resulted in certificates for four parcels of approximately 120, 160, 160 and 400 acres recorded in April 1995, on the Jackson-Grube Family property.
- On February 1, 1996, the Planning Commission approved Coastal Development Use Permit #CDU 9-95, allowing for a 10 unit inn including a remodel of the former Orca Inn into two guest units and the construction of eight new individual guest cottages. The project was subsequently appealed and ultimately approved by the Board of Supervisors on May 13, 1996.
- Coastal Development Permit #CDP 101-99, for storm damage repair on Highway One, was approved by the Coastal Permit Administrator on May 25, 2000. The permit was a follow-up to Emergency Permit #EM 05-98, which was granted to allow Caltrans to relocate the highway easterly due to erosion and subsidence on the bluff.
- On August 3, 2000, Coastal Development Use Permit Modification #CDUM 9-95/2000 was approved by the Planning Commission as a means of implementing the terms of a settlement agreement between the County and Jackson-Grube Family. In essence, the approval by the Board of Supervisors of #CDU 9-95 was challenged in court over a condition requiring coastal access on the ground that it violated the nexus requirement of *Nolan v. Coastal Commission*. A settlement was reached where the condition requiring an offer of dedication was dropped in exchange for the following: (1) The Jackson-Grube Family was to execute a deed conveying fee title to the County of a one acre portion of the 400 acre property (AP# 015-330-05) and (2) The Jackson-Grube family was to pay the County the sum of \$25,000.00 toward the development of coastal access in the area. A condition was also added requiring an offer to dedicate an easement for public access through the property along a 15 foot strip on the west side of the Caltrans right-of-way of Highway One.
- The above referenced approval of Coastal Development Use Permit #CDU 9-95 allowed for the development of 10 visitor serving units on the site which featured the remodeling of the former Orca Inn into two guest units and a manager's quarters and the construction of eight individual guest cottages. Substantial modification of the approved design was proposed by the applicant prior to the start of construction on the approved project. As a result of the significant alterations to both the site layout and interior design concepts, it was determined by the Department of Planning and Building Services that an entirely new application would be required for the project.
- On June 21, 2007, Coastal Development Use Permit #CDU 6-2006 was approved by the County Planning Commission on a 5-2 vote allowing for a 7-unit inn to be built in two phases. The project was appealed to the California Coastal Commission by four separate parties, with one of the four consisting of the two dissenting Planning Commissioners.

SITE CHARACTERISTICS:

The project site is located approximately 0.5 miles east of the Pacific Ocean, and approximately four (4) miles south of the Town of Westport. The site is located on the top of a forested ridge with elevations ranging between approximately 600 and 750 feet above sea level. The surrounding area consists of an open coastal terrace that extends approximately 0.25 mile from the coastal hills east of Highway 1 to the ocean bluff edge west of the highway. The project site is located partially within Williamson Act contracted lands.

The project area is comprised of four plant communities: Douglas fir forest, grand fir forest, coyote brush scrub and non-native grassland. Non-native grassland is present at the ridgetop in the flatter areas at the top of the ridge near the existing access road. The hillslopes are forested, with Douglas fir dominating the south and west facing slopes and grand fir on the north and east facing slopes. Coyote brush scrub is present at the sloped forest edges.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	FL	TP	160 to 515 Acres	Vacant / Quarry
EAST	FL	TP	160 Acres	Vacant
SOUTH	FL	TP	20 to 160 Acres	Agricultural
WEST	RL	RL	160 Acres	Visitor Accomodation

PUBLIC SERVICES:

Access: EXISTING DIRT/GRAVEL DRIVEWAY OFF HIGHWAY 1
 Fire District: CALFIRE
 Water District: NONE
 Sewer District: NONE
 School District: FORT BRAGG

AGENCY COMMENTS:

On April 16, 2015 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.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Department of Transportation	None	No Comment	4/21/2015
Environmental Health-FB	Septic Permit: ST26482	Comments	Initial: 4/23/2015 Final Clearance: 1/25/2016
Building Services-Ukiah PBS	None	No Comment	4/21/2015
Agriculture Commissioner	N/A	No Response	N/A
Forestry Advisor	N/A	No Response	N/A
US Fish and Wildlife Service	N/A	No Response	N/A
Caltrans	N/A	No Response	N/A
Archaeological Commission	None	Comments	5/13/2015
Calfire	None	Comments	4/30/2015
California Coastal Commission	None	Comments	7/29/2015

CA Dept. of Fish & Wildlife (CDFW)	None	Comments	Initial: 5/4/2015 Final Clearance: 3/2/2016
Division of Mines & Geology	N/A	No Response	N/A
Resource Lands Protection Committee	None	Comments	12/17/2015

KEY ISSUES

1. General Plan and Zoning Consistency:

The subject parcels are designated as Range Lands (APN 015-070-70) and Forest Lands (APN 015-070-71) by the Coastal Element of the Mendocino County General Plan. The bulk of the proposed development is to be located on the parcel classified as Range Lands, with only the two require parking spaces and proposed well and pumphouse on the parcel classified as Forest Lands. The proposed development includes a single-family residence, barn with covered storage and ground mounted solar panels. The single family residence is a principally permitted use in the Range Lands and Forest Lands designations in the Coastal Element of the General Plan. The additional development includes permitted accessory structures to the principal use—single-family residential. The proposed project is therefore consistent with the uses permitted in the Range Lands and Forest Lands land use designations.

The parcels subject to the application are zoned Range Lands (APN 015-070-70) and Timberland Production (APN 015-070-71). Single-family residences are principally permitted uses within both the Range Lands and Timberland Production zoning districts. The proposed barn and supportive infrastructure proposed for the property are considered accessory uses to the principally permitted single-family residential use on the property and are therefore permissible within the zoning districts for the property. The proposed project is consistent with required yard setbacks, height limitations and lot coverage for both of the zoning districts in which the development is situated.

2. Hazards:

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone. A Geotechnical/Geologic Hazard Investigation was prepared by SHN Consulting Engineers & Geologists, Inc. in December 2014 for the proposed project. The Investigation discussed several potential hazards to the proposed development including seismic activity, landslides, and erosion. Based upon the recommendations of the Investigation, **Condition 9** is suggested requiring that SHN review the construction drawings to ensure compatibility between the design and interpreted subsurface conditions and further that SHN be retained during the construction phase to verify the implementation of their recommendations related to earthwork and foundation installation for certain phases of the construction. Grading and Earthwork recommendations have been provided for the proposed project in the Investigation and are incorporated in this report as **Condition 10**. Building setback recommendations have been incorporated in this report as **Condition 10**.

The project is located in an area that has a high fire hazard severity rating. Calfire stated that the applicant is expected to adhere to the Calfire 4290 Regulations as stated in the 305-14 Fire Safety Application. The recommendations of Calfire are included as **Condition 11**.

3. Visual Resources:

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504. The project is located in an area that is designated Highly Scenic by the Local Coastal Program and is subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. Pertinent development criteria include protection of public coastal views, siting of structures on the parcel, and location of access roads in areas where they cause minimal visual impact. The proposed project has been designed to be consistent with the criteria for development in a Highly Scenic Area.

The structures have been sited to blend with the setting, including consideration of the backdrop in which they are set. The proposed structure is designed to be a maximum of eighteen (18) feet in height, consistent with height limitations for development in a Highly Scenic Area. Exterior finishes will be natural wood, including non-glare windows (the barn includes sliding wooden panels to cover the windows when not in use), and will blend in hue and brightness with the surrounding environment (open grasslands and forested background). **Condition 12** is recommended requiring that any changes to the proposed colors and materials of the structure be approved by the Coastal Permit Administrator for the life of the project.

4. Natural Resources:

The certified Mendocino County LCP includes sections in both MCC Chapter 20.496 and Section 3.1 of the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). Several studies were prepared in association with this project, Spade Natural Resources Consulting (SNRC) prepared a Biological Scoping and Botanical Survey Report (SNRC, 2014), a Letter in response to Coastal Commission comments (SNRC, 2015), and a Sonoma Tree Vole Survey Report (SNRC, 2016). Out of the documented plant communities, the grand fir forest (*Abies grandis* Forest Alliance) is the only resource considered to meet the definition of an ESHA. The proposed residence and barn structures will be located greater than 100 feet from the identified grand fir forest. While the residence is located over 100 feet from identified ESHA, the proposed leach line trenching and required parking spaces will be located between 50 and 100 feet from the identified ESHA. A Reduced Buffer Analysis was performed as part of the Biological Scoping and Botanical Survey Report (SNRC, 2014). The reduced buffer of 50 feet has been agreed upon by County staff and CDFW, as required by Mendocino County Code. Protective measures have been recommended by SNRC and CDFW to ensure that coastal resources are protected during construction and future use of the site. These measures are recommended as **Condition 13**.

RECOMMENDATION

By resolution, adopt a Categorical Exemption and grant the Standard Coastal Development Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

DATE

JULIA ACKER
PLANNER II

Appeal Period: 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 (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Site Map
- D. House Elevations
- E. House Floor Plan
- F. House Foundation Plan
- G. Barn Elevations
- H. Barn Floor Plan
- I. Barn Foundation Plan
- J. ESHA Exhibit
- K. Fire Safe Plan
- L. Adjacent Owner Map
- M. Zoning Map
- N. General Plan/LCP Map
- O. Fire Hazards Map
- P. Highly Scenic/Tree Removal
- Q. Williamson Act Map
- R. Timber Production Map

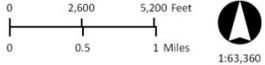
COASTAL PERMIT APPROVAL CHECKLIST

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A)



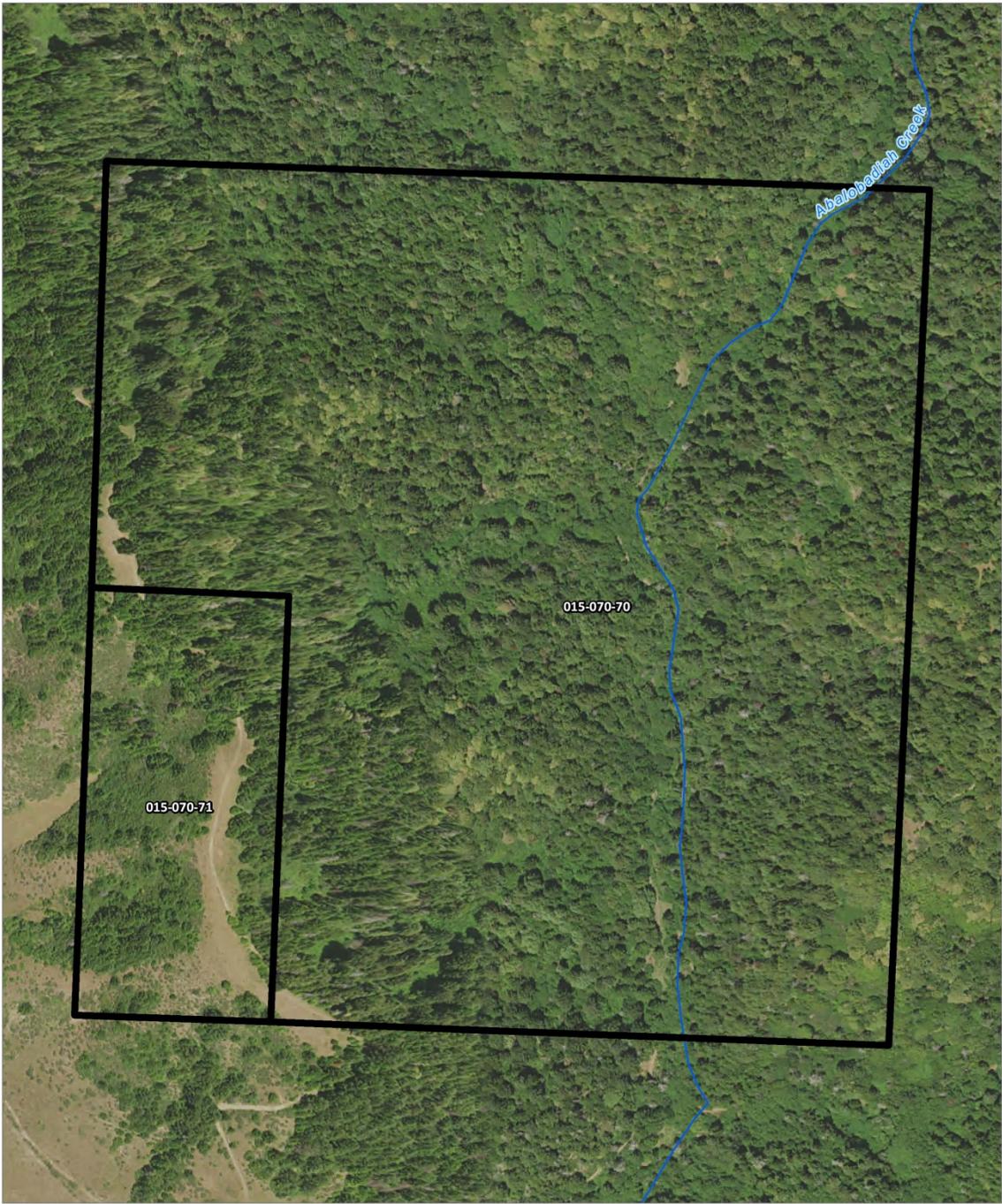
CASE: CDP 2015-0011
OWNER: Jackson Grube Family, Inc.
APN: 015-070-70, 71
APLCT: Willard Jackson
ADDRESS: 31485 N. Hwy. 1, WE

-  Major Rivers
-  Highways
-  Major Roads



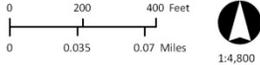
LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, April, 2015
All spatial data is approximate. Map provided without warranty of any kind.



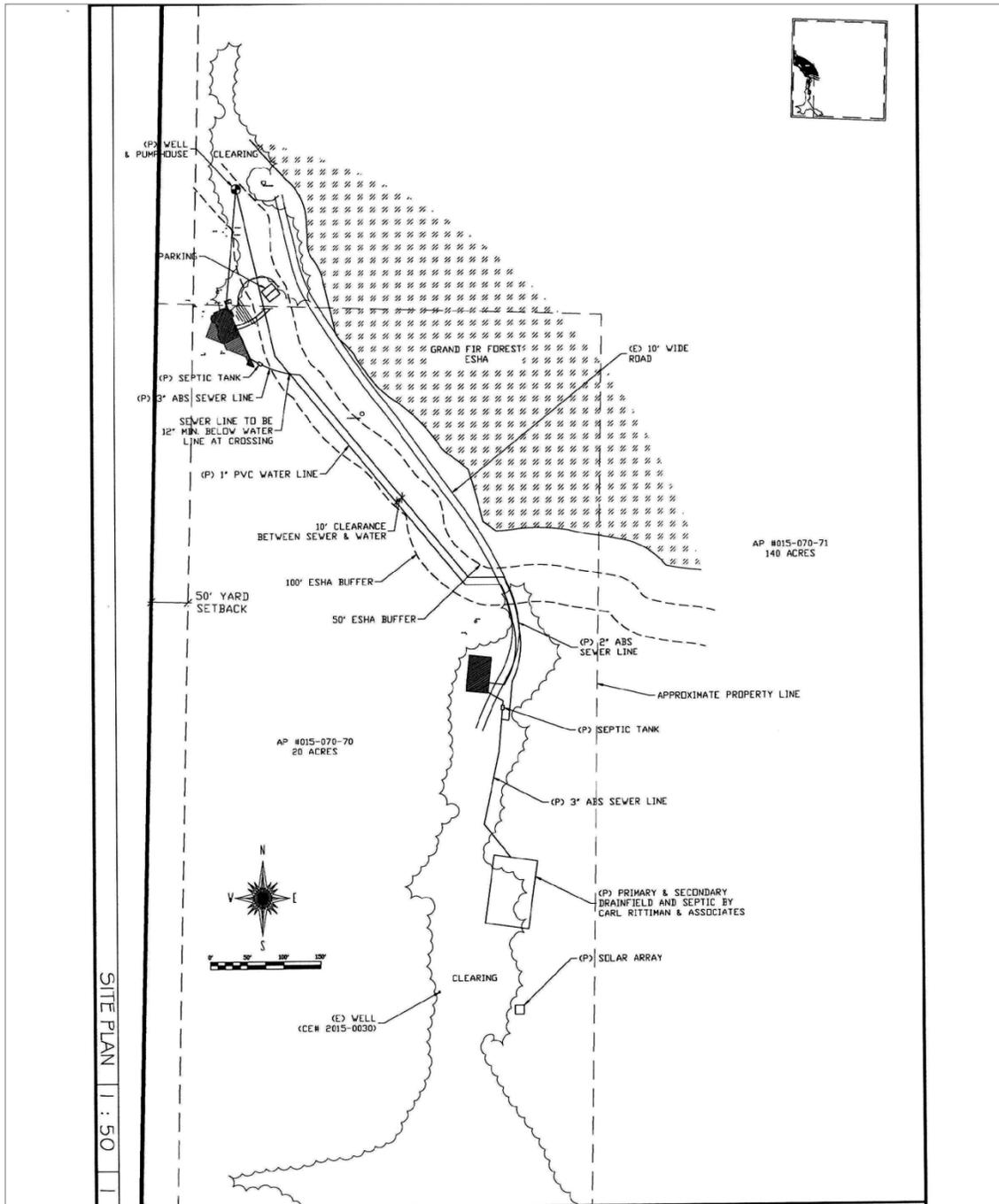
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— Named Rivers



2014 NAIP AERIAL ORTHOPHOTO

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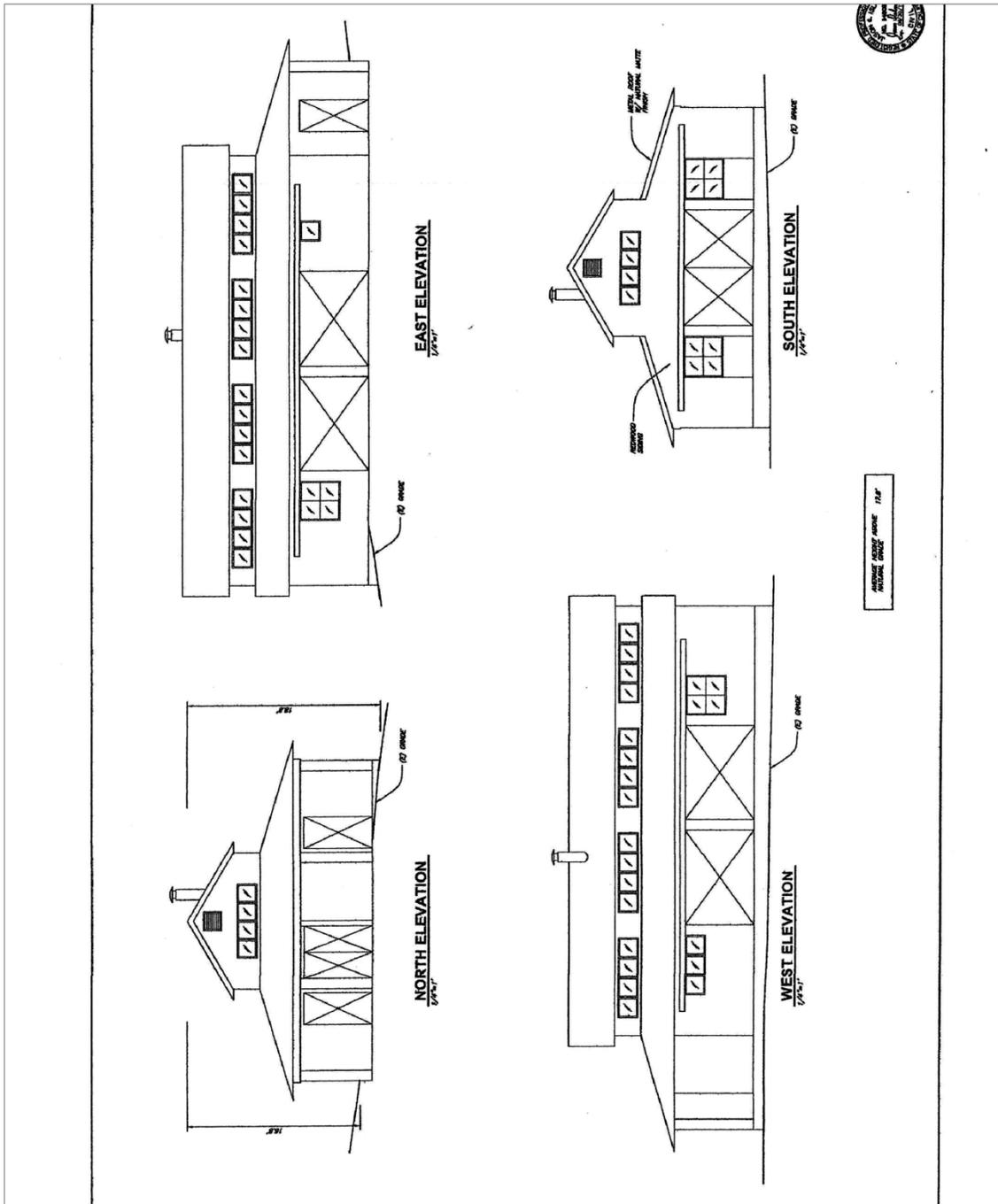


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NO SCALE

SITE PLAN

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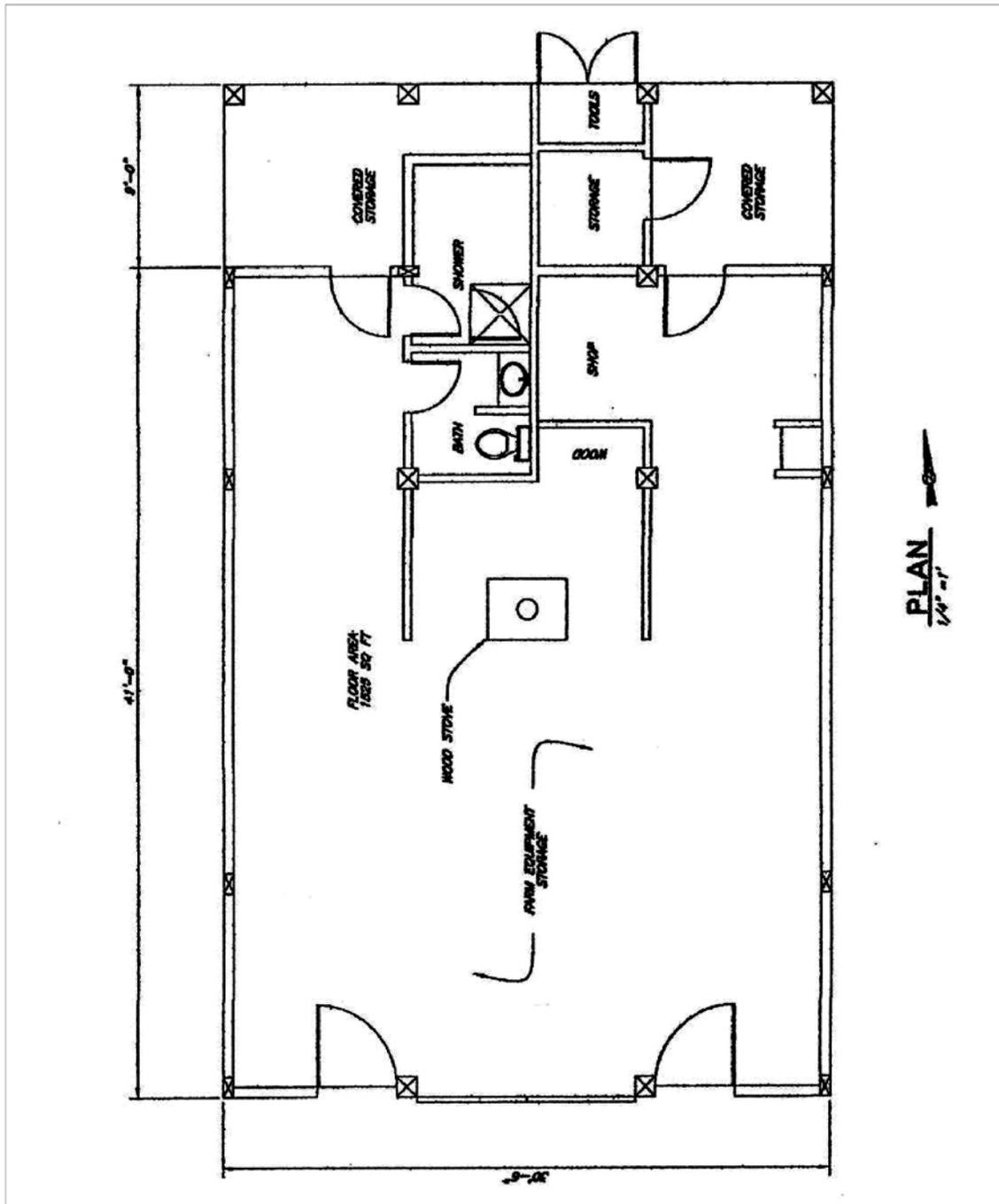


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NO SCALE

BARN ELEVATIONS

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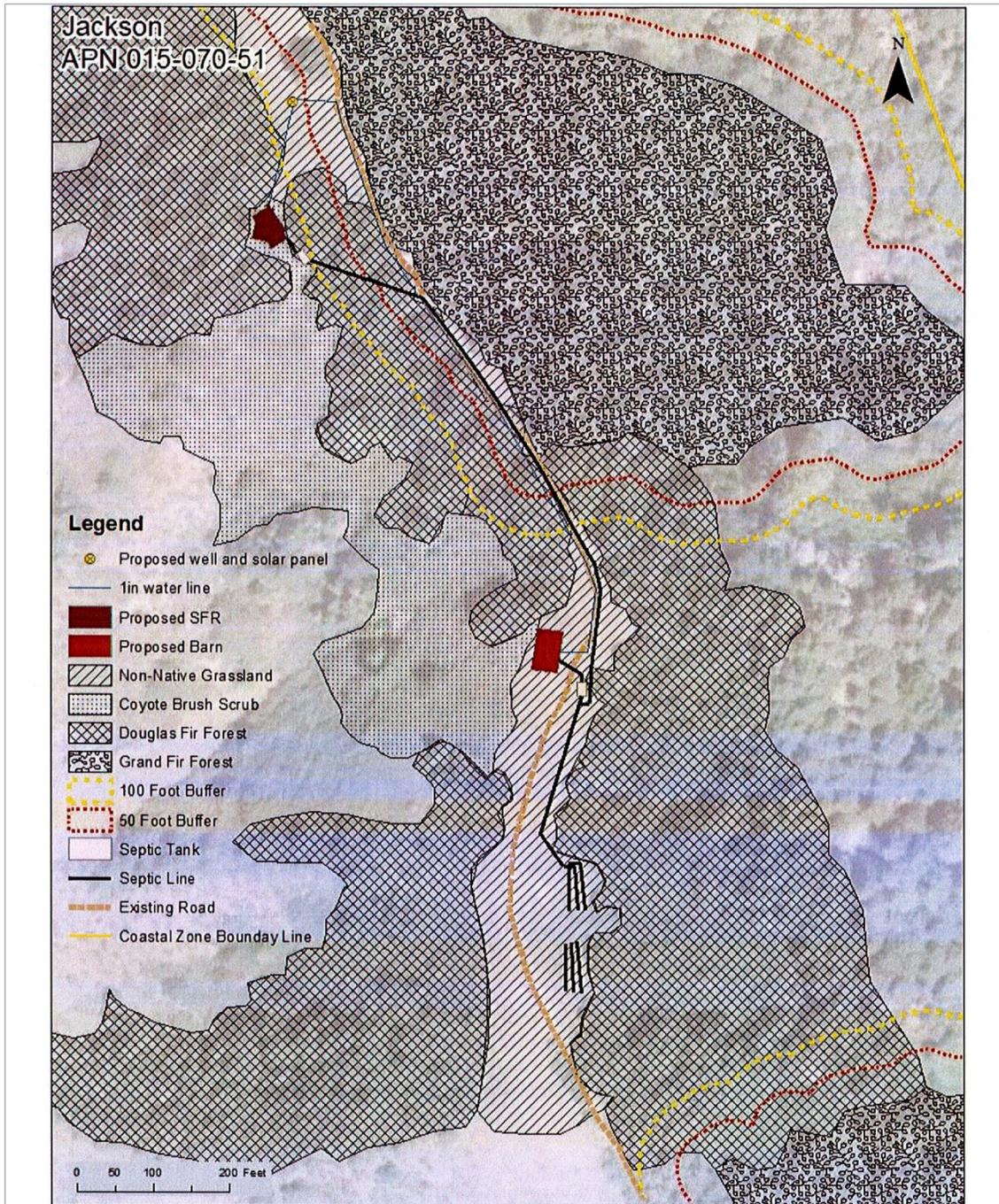


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NO SCALE

BARN FLOOR PLAN

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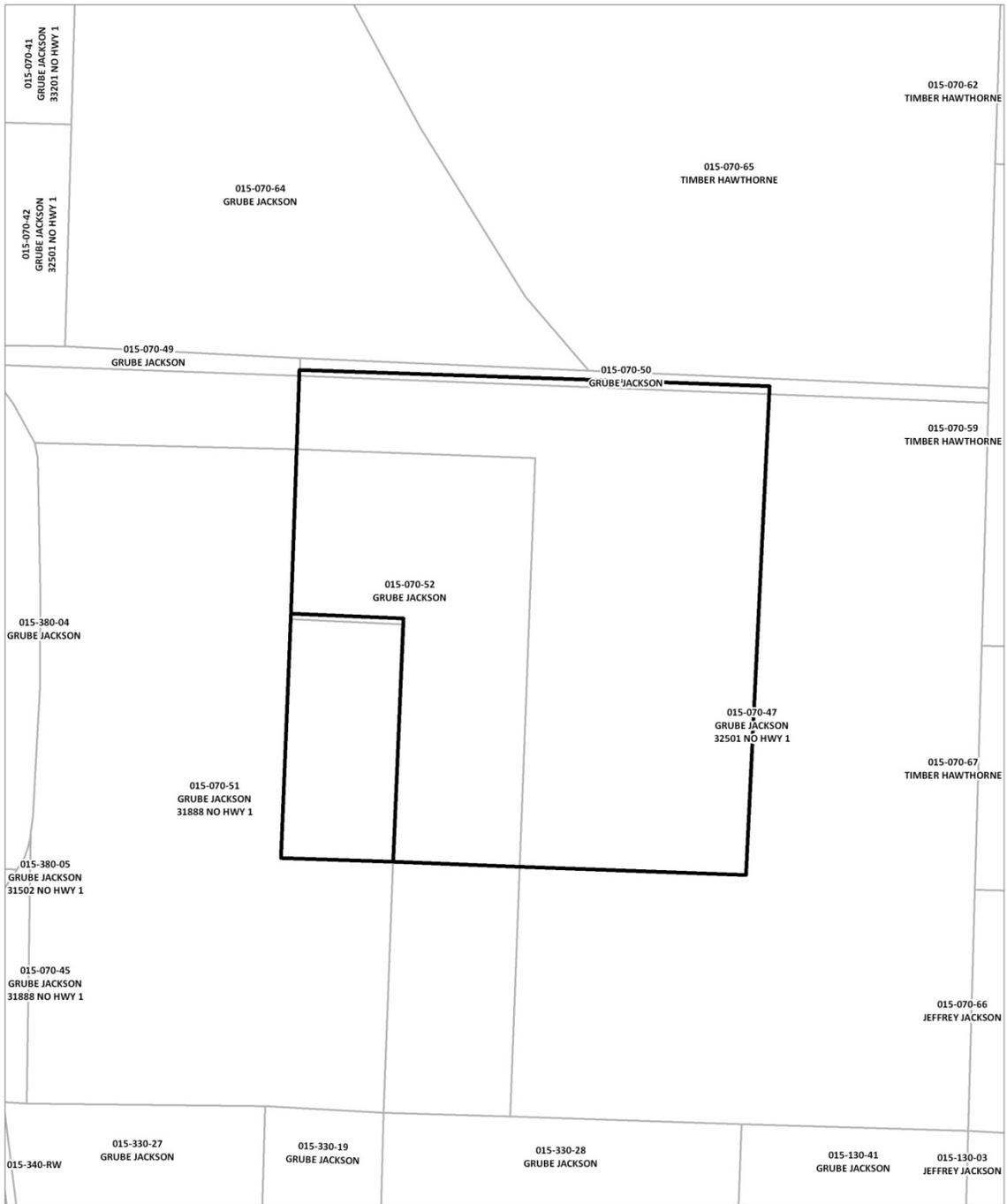


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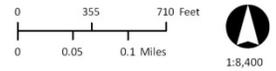
NO SCALE

ESHA EXHIBIT

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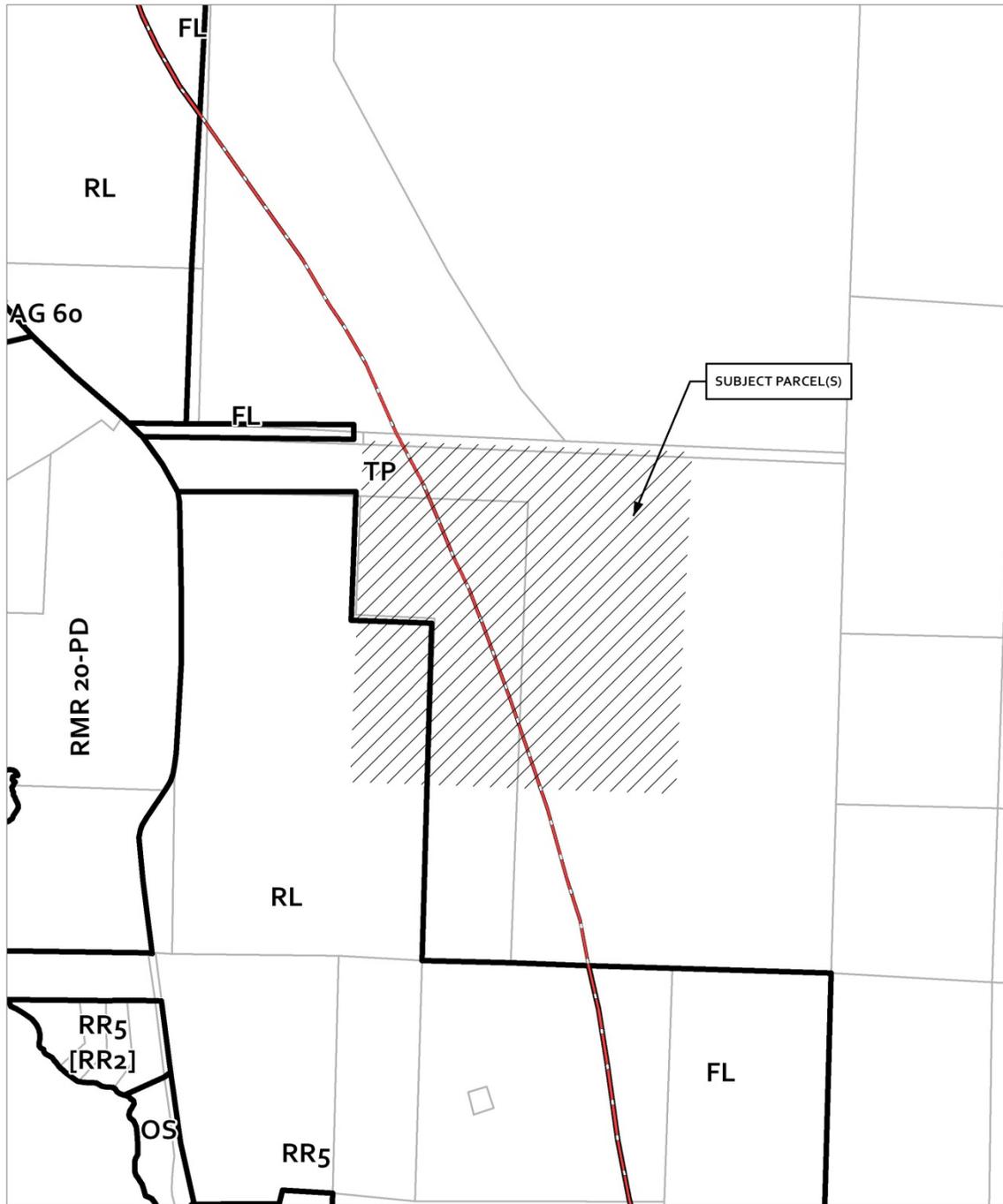


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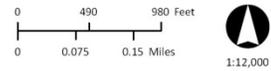
ADJACENT PARCELS

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— Coastal Zone Boundary
□ Zoning Master



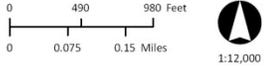
ZONING DISPLAY MAP

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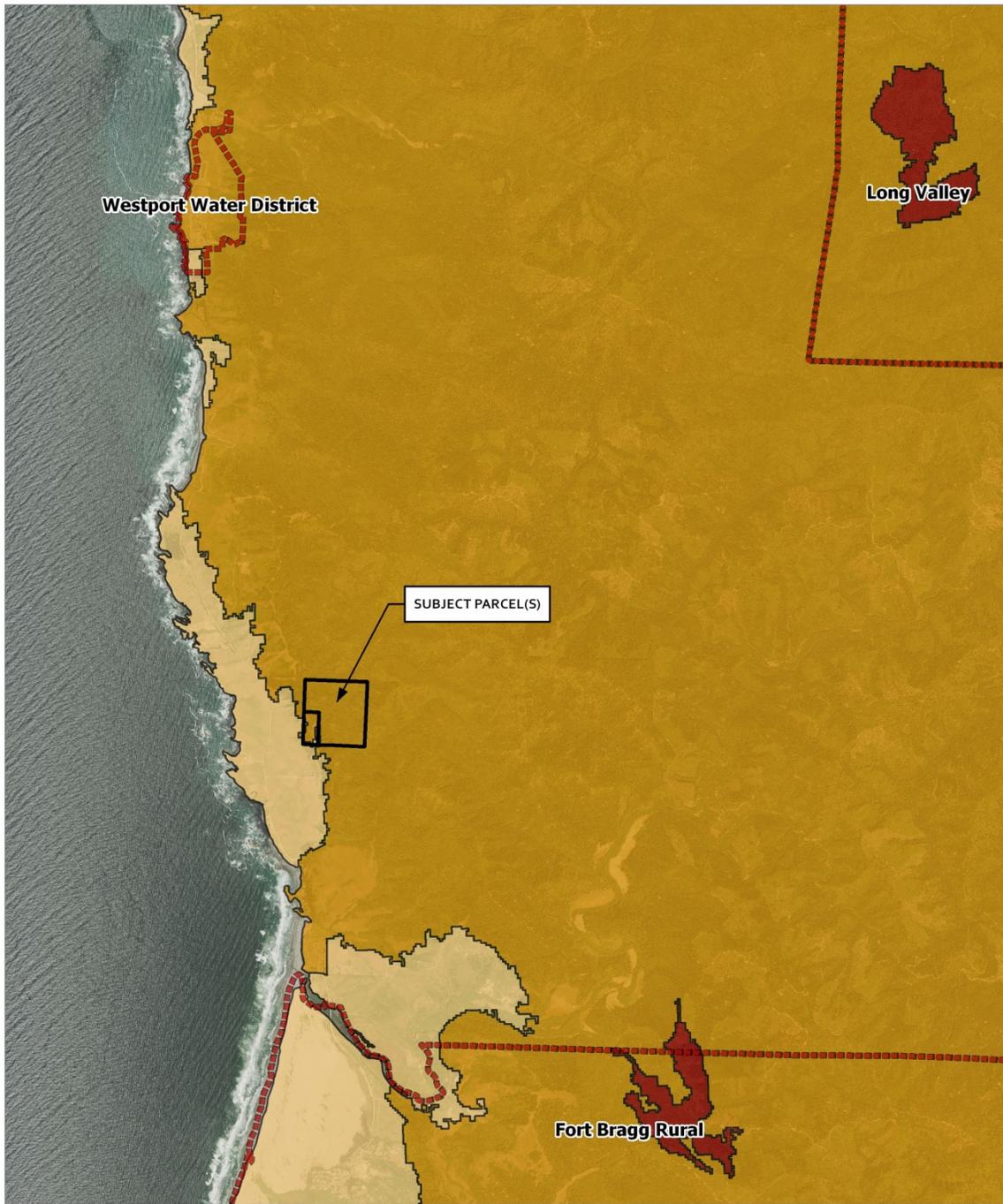
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— Coastal Zone Boundary
□ General Plan Master



GENERAL PLAN CLASSIFICATIONS

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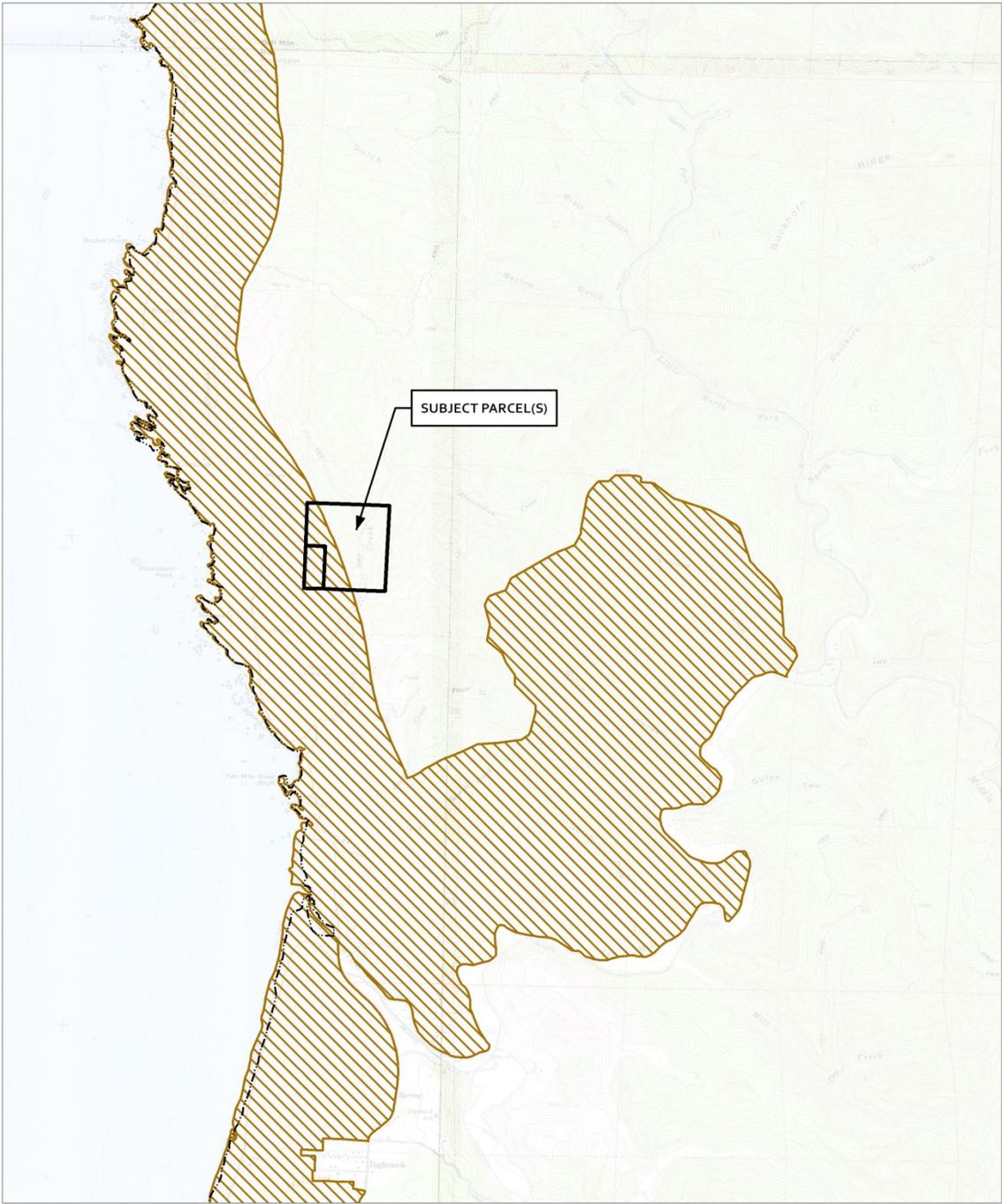
-  County Fire Districts
-  Very High Fire Hazard
-  High Fire Hazard

 Moderate Fire Hazard



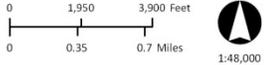
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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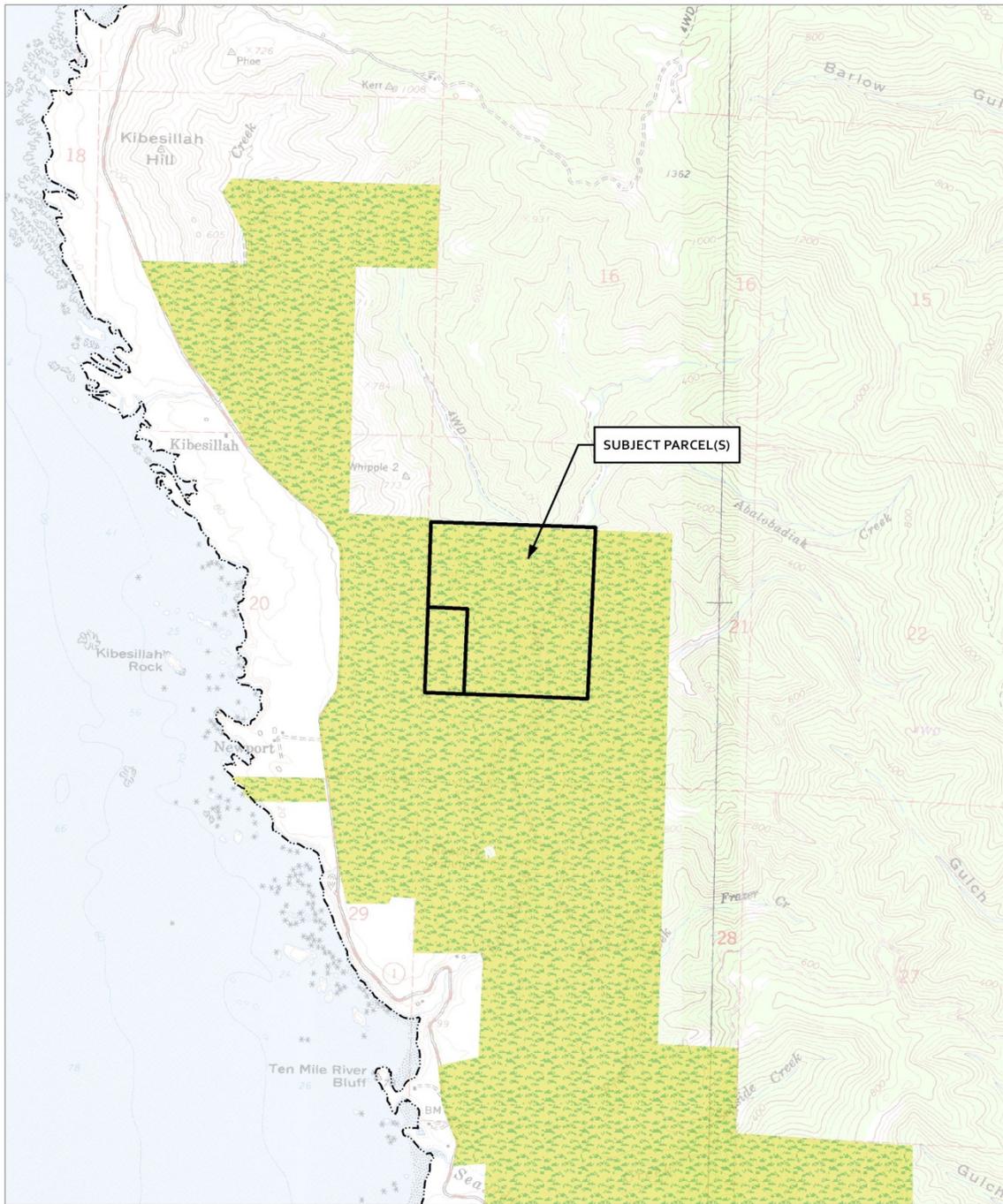
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 Highly Scenic Area



HIGHLY SCENIC & TREE REMOVAL AREAS

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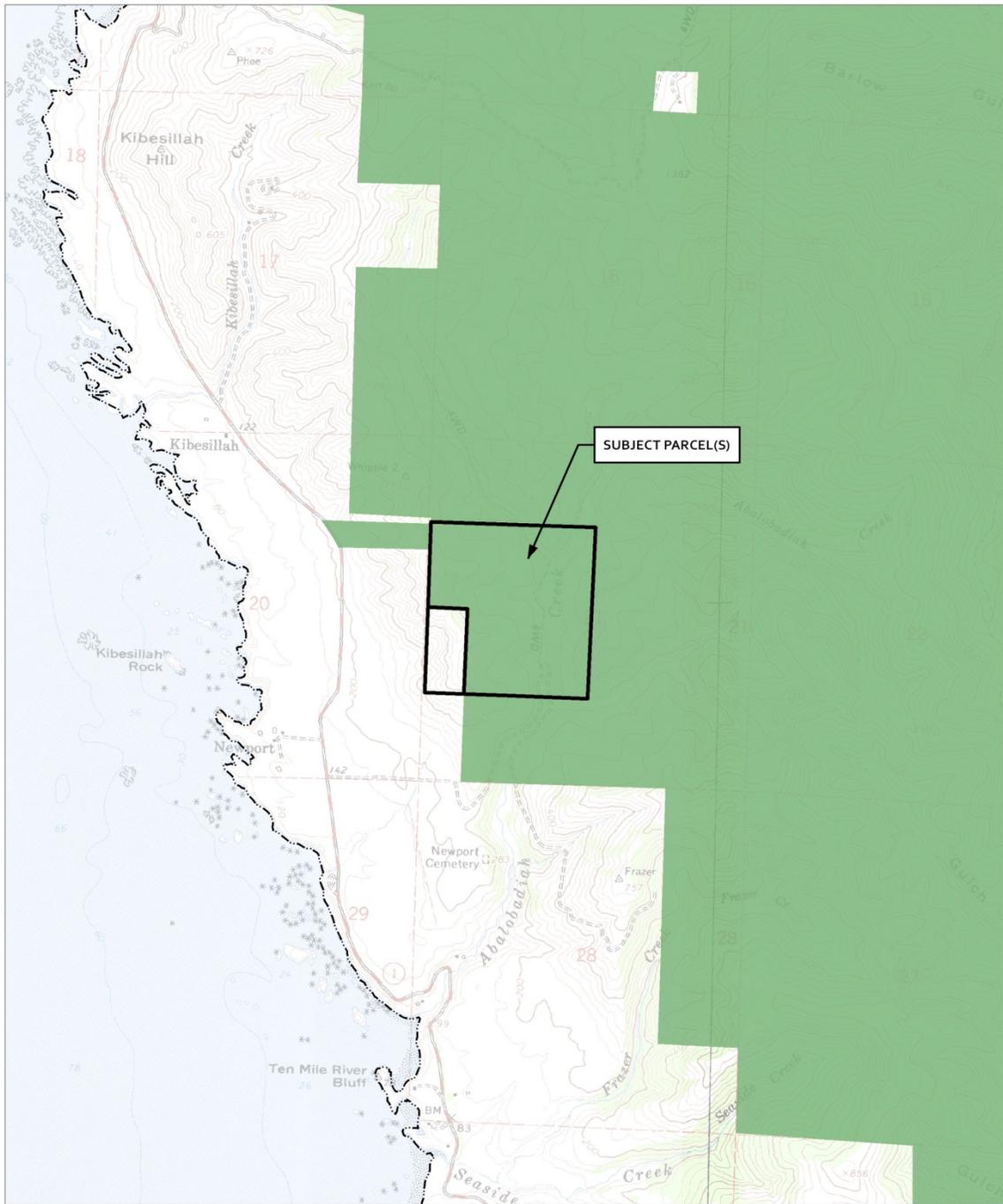
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 Williamson Act 2014
 Non-Prime Ag 2014



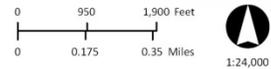
LANDS IN WILLIAMSON ACT CONTRACTS

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TPZ 2014



LANDS IN TIMBER PRODUCTION ZONES

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**COASTAL PERMIT APPROVAL CHECKLIST
CDP_2015-0011 (JACKSON GRUBE FAMILY)
MAY 26, 2016**

PROJECT TITLE: CDP_2015-0011 (JACKSON GRUBE FAMILY)

PROJECT LOCATION: In the Coastal Zone, approximately four miles south of Westport, lying east of Highway 1 at 31845 N Highway 1 (APNs 015-070-70 and 015-070-71)

LEAD AGENCY NAME, ADDRESS AND CONTACT PERSON: Julia Acker, Planner II
Mendocino County Planning and Building Services
120 West Fir Street, Fort Bragg, California 95437
707-964-5379

GENERAL PLAN DESIGNATION: APN 015-070-70: Forest Lands (FL)
APN 015-070-71: Range Lands (RL)

ZONING DISTRICT APN 015-070-70: Timberland Production (TP)
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SITE DESCRIPTION AND SETTING: The project site is located approximately 0.5 miles east of the Pacific Ocean, and approximately four (4) miles south of the Town of Westport. The site is located on the top of a forested ridge with elevations ranging between approximately 600 and 750 feet above sea level. The surrounding area consists of an open coastal terrace that extends approximately 0.25 mile from the coastal hills east of Highway 1 to the ocean bluff edge west of the highway. The project site is located partially within Williamson Act contracted lands.

The project area is comprised of four plant communities: Douglas fir forest, grand fir forest, coyote brush scrub and non-native grassland. Non-native grassland is present at the ridgetop in the flatter areas at the top of the ridge near the existing access road. The hillslopes are forested, with Douglas fir dominating the south and west facing slopes and grand fir on the north and east facing slopes. Coyote brush scrub is present at the sloped forest edges.

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

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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 type="checkbox"/>	<input checked="" 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"/>

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

Consistent (with conditions of approval)

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The 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 LCP serves as an element of the General Plan and includes Division II of Title 20 of the Mendocino County Code (MCC), 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 – Range Lands and Forest Lands

The subject parcels are classified as Range Lands (APN 015-070-70) and Forest Lands (APN 015-070-71) by the Coastal Element of the Mendocino County General Plan. The bulk of the proposed development is to be located on the parcel classified as Range Lands, with only the two required parking spaces and proposed well and pumphouse on the parcel classified as Forest Lands.

The Range Lands classification is *“intended to be applied to lands which are suited and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas. The classification includes land eligible for incorporation into Type II Agricultural Preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands.”* Principally permitted uses in the Range Lands classification include, *“Grazing and forage for livestock, including: raising of crops, wildlife habitat improvement; one single family dwelling per legally created parcel, harvesting of firewood for the residents personal use, [and] home occupations” (emphasis added).*

The Forest Lands classification 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.”* Principally permitted uses in the Forest Lands classification include, *“Forest production and processing and associated uses including: one single family dwelling and home occupations.”*

The proposed development includes a single-family residence, barn with covered storage and ground mounted solar panels. The single family residence is a principally permitted use in the Range Lands and Forest Lands classifications in the Coastal Element of the General Plan. The additional development includes permitted accessory structures to the principal use—single-family residential. The proposed project is therefore consistent with the uses permitted in the Range Lands and Forest Lands land use designations.

Hazards

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone. A Geotechnical/Geologic Hazard Investigation was prepared by SHN Consulting Engineers & Geologists, Inc. for the proposed project (SHN, 2014). The proposed barn and residence building footprints are located on the western outboard edge of a relatively narrow northwest trending ridge line that is flat-crested in cross section. The ridge line ascends in elevation from south to the north in a step-like manner with the proposed barn and residence located at approximate elevations of 670 feet and 740 feet above sea level (SHN, 2014). Based upon the recommendations of the Investigation, **Condition 9** is suggested requiring that SHN review the construction drawings to ensure compatibility between the design and interpreted subsurface conditions and further that SHN be retained during the construction phase to verify the implementation of their recommendations related to earthwork and foundation installation for certain phases of the construction.

Condition 9: Prior to issuance of a building permit in reliance on this Coastal Development Permit, SHN Consulting Engineers and Geologists, Inc. shall review the final grading and foundation plans and soil related specifications for conformance with their recommendations in their Geotechnical/Geological Hazard Investigation dated December 2014. A representative of SHN shall perform the following tasks to assess construction conformance with the intent of their recommendations: (1) observe subgrade surface or areas subject to over-excavation; (2) test placement of structural fill and backfill; (3) observe foundation excavations prior to the placement of reinforcing steel and concrete forms.

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 seven (7) miles offshore of the project site and is the nearest active fault (SHN, 2014). A second active seismic source in proximity to the site is the Maacama fault zone, which is approximately sixteen (16) miles to the east of the project site (SHN, 2014). 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. Further, all portions of the building footprints are underlain by relatively dense bedrock beginning near the ground surface making the hazard of liquefaction (SHN, 2014).

Landslides: During site investigations there was no indication of historical slope failures within or adjacent to the proposed building footprints, or on the descending slopes immediately below the building footprints (to the west) (SHN, 2014). There are two landscape-scale dormant translational/rotational slides on the east side of the ridge down towards Abalobadiah Creek. The slide features are evidenced in the field and aerial imagery by the presence of steep, concave-up slope profiles and arcuate slopes in plain view (SHN, 2014). The interpretation that these slides are dormant was based upon the degraded and muted nature of the head and lateral scarps, and the presence of dense stands of mature conifers within the slide body (SHN, 2014). The landslide potential on the project site is therefore determined to be low.

Erosion: The proposed project is designed to minimize to the maximum extent feasible the alteration of natural landforms. The site has poorly consolidated, fine-grained soil underlying the building footprints to a depth of about two (2) feet, which can be prone to consolidation settlement under new building loads and engineered fill material loads (SHN, 2014). Grading and Earthwork recommendations have been provided for the proposed project in the geotechnical investigation and are incorporated in this report as **Condition 10**.

Condition 10: The recommendations in the Geotechnical/Geological Hazard Investigation prepared by SHN Consulting Engineers and Geologists, Inc. dated December 2014 shall be incorporated into the design and construction of the proposed project. Prior to the issuance of any building permit in reliance of this Coastal Development Permit, evidence shall be submitted that a qualified geotechnical or civil engineer has reviewed the final building plans for consistency with the Geotechnical/Geological Hazard Investigation.

SHN also provided that all foundations for any of the proposed structures shall be setback from the tops of descending slopes in such a manner that the bottom outer face of the footing is a minimum horizontal distance of

ten (10) feet from the nearest slope face. Building setback recommendations have been incorporated in this report as **Condition 10**.

Flooding: The project is located outside all mapped 100-year flood hazard areas, and therefore will not impede or redirect flood flows, and will not expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam.

Fire: The project is located in an area that has a high fire hazard severity rating, as shown on the Fire Hazard Zones and Responsibility Areas map. The project application was referred to the California Department of Forestry and Fire Protection (Calfire) for comment. Calfire stated that the applicant is expected to adhere to the Calfire 4290 Regulations as stated in the CDF#305-14 Fire Safety Application. The recommendations of Calfire are included as **Condition 11**.

Condition 11: The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF#305-14) 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.

With the inclusion of the recommended condition, the site is determined to not create a hazard relative to fire protection and adequate services exist to service the proposed development.

Visual Resources

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

The project is located in an area that is designated Highly Scenic by the Local Coastal Program and is subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. Pertinent development criteria include protection of public coastal views, siting of structures on the parcel, and location of access roads in areas where they cause minimal visual impact. The proposed project has been designed to be consistent with the criteria for development in a Highly Scenic Area. In response to verbal comments provided by the California Coastal Commission during a site visit on July 29, 2015 the applicant provided a detailed response demonstrating the projects consistency with the development criteria for projects located in a Highly Scenic Area. The details of that response are summarized below (Wynn, 2015).

The project site is located approximately 2,200 feet east of Highway 1 and elevated approximately 600 feet above the Highway. Visibility of the proposed development would be a distant view from the few public areas from where you could potentially see the proposed development. The structures have been sited to blend with the setting, including consideration of the backdrop in which they are set. In this regard, the proposed development would maintain the character of the setting while being subordinate to the character, without distracting from the open views of the area. The proposed structure is designed to be a maximum of eighteen (18) feet in height, consistent with height limitations for development in a Highly Scenic Area. Exterior finishes will be natural wood, including non-glare windows (the barn includes sliding wooden panels to cover the windows when not in use), and will blend in hue and brightness with the surrounding environment (open grasslands and forested background)(Wynn, 2015). **Condition 12** is recommended requiring that any changes to the proposed colors and materials of the structure be approved by the Coastal Permit Administrator for the life of the project.

Condition 12: Prior to final inspection of a building permit in reliance on this Coastal Development Permit, Planning and Building Services shall inspect the construction of the single-family residence and associated development to ensure the utilized materials and colors are consistent with the proposed project materials and colors. Any proposed changes to colors and materials of the structure shall be reviewed and approved by the Coastal Permit Administrator for the life of the project.

The following exterior materials and colors are proposed by the applicant for the residence and barn:

Structure	Material	Color
Residence		
Siding	Concrete and Natural Redwood	Natural Stain and Sealer
Trim	Natural Redwood	Natural Clear Stain

Chimney	Stainless Steel	N/A
Window Frames	Natural Redwood	Natural Stain
Doors	Wood & Glass	Natural Stain
Roofing	Standing Seam Copper	Natural brown matte patina
Solar Panels	Blue cells on dark aluminum frame	Blue cells on dark aluminum frame
Hot Tub	Stone surround	Natural
Deck	Natural Redwood with cable rail	Natural Stain
Barn		
Siding	Redwood	Natural Wood Color
Roof	Metal	Natural brown matte finish
Doors	Wood	Natural Wood Color
Trim	Redwood	Natural Wood Color
Window Frames	Redwood	Natural Wood Color

The proposed residence would be nestled into the wooded area above the barn site, with only the southerly face of the building being visible. Tall trees provide a backdrop behind the proposed structures reducing the potential for silhouetting of the structures against the sky. The barn structure is set back, but near the ascending ridgeline, and will be set into the surrounding hillside to lower its profile. The barn is designed so the structural form will blend into the upslope contours and vegetative back drop of the area, with all proposed grading following natural contours to minimize visual impact. Further the cut for the proposed barn will be behind the structure and will therefore be shielded from public view once the project is completed. The proposed cut is intended to minimize the appearance of the structure and promote the appearance of the natural landform. None of the proposed work will result in a change to the overall appearance of existing landforms in the area (Wynn, 2015).

The roof on the proposed barn has been designed to run parallel with the ridgetop and the gable end of the façade will not be visible. The roof on the proposed house is minimally visible and also runs parallel to the ridgetop, where it is camouflaged by the existing tree cover. No vegetation removal will be required to accommodate the proposed project (Wynn, 2015). Power is being provided to the development by solar power to avoid the installation of power transmission lines, which can often damage aesthetic values.

The applicant has adequately demonstrated how the proposed development has considered the protection of visual resources in this area of the coast. The response provided by the applicant further demonstrates that the proposed project is consistent with development in a Highly Scenic Area. The proposed project is therefore found to be consistent with the criteria for development in a Highly Scenic Area.

Natural Resources

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

Several studies were prepared in association with this project, Spade Natural Resources Consulting (SNRC) prepared a Biological Scoping and Botanical Survey Report (SNRC, 2014), a Letter in response to Coastal Commission comments (SNRC, 2015), and a Sonoma Tree Vole Survey Report (SNRC, 2016). SNRC found the site to be comprised of four plant communities: Douglas fir forest, grand fir forest, coyote brush scrub and non-native grassland. The non-native grassland was present along the ridgetop in the flatter areas near the existing access road. The hillslopes are forested with Douglas fir dominating the south and west facing slopes and grand fir dominating the north and east facing slopes. Coyote brush scrub is found at the sloped forest edges. SNRC notes that the proposed improvements will be located within the non-native grassland, which is not considered a native plant alliance or plant alliance of concern, and has a moderate invasive plant ranking per the California Invasive Plant Council (Cal-IPC).

Surveys were also done for special status wildlife species and no indications of presence of special status wildlife were observed in or near the project area. In response to California Department of Fish and Wildlife (CDFW) concerns a Sonoma Tree Vole Survey Report was prepared for the proposed project (SNRC, 2016). No positive signs of Sonoma tree vole were observed (SNRC, 2016). Potential nest structures were observed and were determined by SNRC to be inhabited by Douglas squirrels, old uninhabited Douglas squirrel nests, or natural litter fall accumulations. No protective measures were warranted (SNRC, 2016).

Out of the documented plant communities the grand fir forest (*Abies grandis* Forest Alliance) is the only resource considered to meet the definition of an ESHA. The proposed residence and barn structures will be located greater than 100 feet from the identified grand fir forest. During a site visit on July 29, 2015 the California Coastal Commission expressed concerns regarding the composition of the forest in the area of the proposed residence. SNRC notes that while grand fir trees do occur within the forest around the proposed residence the plant community in that area was classified as Douglas-fir forest for several reasons, including aspect, overstory and understory vegetation composition. Membership rules for a grand fir forest (as provided in The Manual of California Vegetation, made available by CDFW) is greater than 60 percent cover in the tree canopy (SNRC, 2015). Douglas fir forest has membership rules reading: "*Psuedotsuga menziesii* >50% relative cover in the tree canopy and reproducing successfully, through hardwoods may dominate or co-dominate in the subcanopy and regeneration layer; *Abies concolor*, *Chamaecyparis lawsoniana*, *Pinus contorta*, *P. ponderosa*, and *Sequoia sempervirens* <20% relative cover; and *Notholithocarpus densiflorus* <10% cover in the tree canopy" (SNRC, 2015). According to these membership rules the forested areas within 100 feet of the proposed residence site meets the membership rules for Douglas fir forest not grand fir forest. SNRC finds that grand fir forest does not occur within 100 feet of the proposed residence and that it will not be impacted by the proposed development (SNRC, 2015).

While the residence is located over 100 feet from identified ESHA, the proposed leach line trenching and required parking spaces will be located between 50 and 100 feet from the identified ESHA. A Reduced Buffer Analysis was performed as part of the Biological Scoping and Botanical Survey Report (SNRC, 2014). The reduced buffer was recommended for the following reasons: the adjacent lands are non-native grassland, with no biological significant association to the grand fir forest; the proposed improvements within the buffer area are not anticipated to result in an increase in stormwater runoff; the type and scale of the development is considered to be moderate and consistent with development in and nearby other coastal grand fir forests; the proposed improvements within the buffer area will not result in a significant increase of impervious surface; removal of vegetation will be minimized; and protective measures have been recommended (SNRC, 2014). The reduced buffer of 50 feet has been agreed upon by County staff and CDFW, as required by Mendocino County Code. Protective measures have been recommended by SNRC and CDFW to ensure that coastal resources are protected during construction and future use of the site. These measures are recommended as **Condition 13**.

Condition 13: The following protective measures are required to provide for the protection of natural resources:

- a. Temporary fencing shall be placed along the edge of the existing roadway, shall be highly visible, and all construction crew members and others working at the site shall be made aware of the presence of the grand fir forest and that it must be protected from direct impacts and erosion during all ground disturbing activities.
- b. No equipment or materials shall be stored or stockpiled within 50 feet of the identified grand fir forest, nor shall they be stockpiled for any longer than necessary for the construction process. Any piles of soil and/or rock stockpiled for more than a few days with any change of rain shall be covered with tarps and surrounded with weed free straw waddles.
- c. Heavy equipment shall be washed before entering the project area in order to avoid accidental contamination from invasive plant seed that may be intermixed with caked on dirt. Only weed free straw or straw waddles shall be used for erosion control. Any bare soil created by the construction phase shall be re-vegetated with native vegetation appropriate to the habitat in the surrounding area.
- d. Landscaping shall not include invasive plant species.
- e. Standard erosion control Best Management Practices shall be employed to avoid or minimize potential impacts to the grand fir forest ESHA.

In summary, all proposed improvements will be located outside the recommended 50 foot buffer for identified ESHA. With the inclusion of the recommended protective measures, the proposed development is found to be consistent with Mendocino County Code regulations for the protection of natural resources.

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: The project proposes on-site generation of electricity, utilizing 100 square-feet of ground-mounted photovoltaic solar panels. A propane tank is proposed for the site. A septic system design (ST26482) has been approved by the Division of Environmental Health for the proposed project. The site is located within an area mapped as Critical Water Resources - Bedrock (CWR-br). MCC Section 20.516.015 (B)(1) states that “*approval of the creation of new parcels or additional building sites shall be contingent upon an adequate water supply during dry summer months which will accommodate the proposed parcels, and will not adversely affect the groundwater table of contiguous or surrounding areas. Demonstration of proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study dated June 1982, as revised from time to time, and the Mendocino County Division of Environmental Health’s Land Division requirements as revised.*” A test well was drilled for the site (authorized by CE#2015-0030). A Proof of Water test was performed by Carl Rittiman & Associates Inc. on October 30, 2015, and has been determined to produce 1.3 gallons per minute. The production of the well is adequate to support the proposed residential use. It is important to note that the application does propose a supplemental well to be located to the north of the proposed development. The supplemental well will allow utilization of a gravity fed system. The proposed project is therefore determined to be provided with adequate utilities to support the development.

Access Roads: The parcel is currently provided access off of Highway 1. The proposed project was referred to the California Department of Transportation (Caltrans) for comment; however, no response was received. The access road is existing and therefore additional permits from Caltrans may not be required; however, the applicant is still advised of **Condition 4**. The proposed project was also referred to the Mendocino County Department of Transportation for comment. Their office had no comment on the proposed project as it does not directly impact a County Road. The California Department of Forestry and Fire Protection (Calfire) provided a preliminary clearance for the proposed project (CDF#305-14), which requires the installation of several turnouts along the existing gravel road as shown on the Site Plan (SHN, 2014). **Condition 11** is recommended requiring compliance with the preliminary clearance (CDF#305-14) provided by Calfire.

With the inclusion of the recommended condition, the project is determined to be provided with adequate access roads to support the proposed development.

Drainage: Drainage is subject to MCC Chapter 20.492, and provides regulations mitigating the impact of stormwater runoff and erosion. The proposed project is designed to minimize to the greatest extent feasible the alteration of natural landforms. The proposed project will require approximately 109 cubic yards to be exported from the site. Best Management Practices will be utilized during all construction activities. **Condition 14** is recommended requiring completion of a Grading and Erosion Control Plan, demonstrating consistency with MCC Chapter 20.492. Standard Best Management Practices shall also be utilized for the proposed project.

Condition 14: Prior to the issuance of any building permit in reliance of this Coastal Development Permit, a Grading and Erosion Control Plan, consistent with MCC Chapter 20.492, shall be submitted and approved by the Department of Planning and Building Services. Best Management Practices shall be utilized during all ground disturbing construction activities.

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 (without conditions of approval)

Intent: The parcels subject to the application are zoned Range Lands (APN 015-070-70) and Timberland Production (APN 015-070-71) as shown on the Zoning Display Map. The bulk of the proposed development would be located on the parcel zoned Range Lands, with only the two require parking spaces and proposed well and pumphouse on the parcel classified as Timberland Production. The intent of the Range Lands zoning district is “*to encompass lands within the Coastal Zone which are suited for and are appropriate retained for the grazing of livestock and which may also contain some timber producing areas*” (MCC Section 20.368.005). The intent of the Timberland Production zoning 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 for timber and timber related products and are taxed as such" (MCC Section 20.364.005). The property is currently vacant with an existing cattle grazing operation and is located partially within Williamson Act contracted lands. The proposed residential use on the property, which includes construction of an agricultural barn, will be supportive of the agricultural endeavors on the land, supporting the continuance of the cattle grazing operation. The proposed project is found to be consistent with the intent of the Range Lands and Timberland Production zoning districts.

Use: The parcels subject to the application are classified as Range Lands (APN 015-070-70) and Timberland Production (APN 015-070-71) as shown on the Zoning Display Map. The applicant proposes the construction of a single-family residence and barn with associated improvements. The proposed use is classified as single-family residential in Mendocino County Code. Single-family residences are principally permitted uses within both the Range Lands and Timberland Production zoning districts. The barn and supportive infrastructure proposed for the property are considered accessory uses to the principally permitted single-family residential use and are therefore permissible within the zoning districts.

Density: The maximum dwelling density in the Range Lands and Timberland Production zoning districts is one single-family residence per 160 acres (MCC Section 20.364.025 and Section 20.368.025). This application proposes one single-family residence on a 160 acre parcel. The proposed development does not conflict with the dwelling density standards of the Range Lands and Timberland Production zoning districts.

Yards: The minimum required front, side, and rear yards in the Range Lands and Timberland Production zoning districts for a parcel of this size are fifty (50) feet from all property boundaries (MCC Section 20.364.030 and MCC Section 20.368.030). The proposed single-family residence and barn with associated improvements is consistent with the yard setback requirements of both the Range Lands and Timberland Production zoning districts.

Height: The maximum permitted building height for structures in the Range Lands and Timberland Production zoning districts and Highly Scenic Areas east of Highway 1 is twenty-eight (28) feet (MCC Section 20.364.040 and Section 20.368.040). The proposed project consists of a single-family residence and barn with associated improvements. The maximum height of both the single-family residence and barn is eighteen (18) feet; therefore, the proposed project is consistent with the permitted maximum height in both the Range Lands and Timberland Production zoning districts and for development within a designated Highly Scenic Area east of Highway 1.

Lot Coverage: The maximum permitted lot coverage in the Range Lands and Timberland Production zoning districts is ten (10) percent for a parcel of this size (MCC Section 20.364.045 and Section 20.368.045). The parcel is approximately 160 acres in size, allowing for a maximum permitted lot coverage of approximately 16 acres (696,960 square-feet). The proposed project would be less than 70,000 square feet (1.6 acres) for a lot coverage percentage of approximately one (1) percent. Note that the lot coverage includes the existing driveway, which is the largest component in the calculated lot coverage. The proposed development is consistent with the lot coverage requirements of both the Range Lands and Timberland Production zoning districts.

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 proposed 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 (a) exemption finds that a "new single-family residence in a residential zone", 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 meets the criteria of Section 15303, and therefore 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 applicant submitted an Archaeological Survey Report (Survey) (Van Bueren, 2014) with the application. No sites were identified within the project area. The Survey was reviewed at the May 13, 2015 Mendocino County Archaeological Commission Hearing and was accepted by the Commission, with recommendations to follow the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 8** advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

Condition 8: 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the inclusion of the recommended conditions of approval, the project is found consistent with protection of paleontological and archaeological resources.

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)

Solid Waste: The proposed project is for the development of a single-family residence and barn with associated improvements. Curbside pick-up in this area of the coast is available should the property owner wish to purchase such a service. The Westport Transfer Station is located approximately two miles north of the proposed development. Solid waste service is adequate to support the proposed development.

Roadway Capacity: The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located on Highway 1. The nearest data breakpoint in the study is located approximately seven miles south of the property at the intersection of Little Valley Road (CR 426) and Highway 1. The existing level of service at peak hour conditions at this location is Level of Service B. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(2) Impact Finding for Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:				
(a) The proposed use is compatible with the long term protection of resource lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Findings

20.532.100(A)(2), et. seq. No permit shall be granted in these zoning districts until the following finding is made...

Consistent (without conditions of approval)

The parcels upon which development is proposed are under Williamson Act contract (Agricultural Preserve #0967), where the agricultural use existing on the parcel is cattle grazing. The Resource Lands Protection Committee reviewed the proposed project and provided a response stating that the proposed project was *compatible with policies and procedures for Agricultural Preserves and Williamson Act Contracts (January 2016) per policy 9.4(A)(1)*. Policy 9.4 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts (January 2016) provides a list of use types that are considered compatible with qualifying agricultural

uses on any Williamson Act contracted land. Subsection (A)(1) of that policy provides that single-family residential use is compatible with the long term protection of resource lands. The proposed accessory uses with this project are also considered compatible under Subsection (A)(5) of Policy 9.4.

Coastal Element Policy 3.2-1 states that *All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated as AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agricultural use. One housing unit will be allowed for each existing parcel* (Emphasis added). The development of a principally permitted single family residential unit and the associated permitted accessory structures does not convert the property to a state that is unsuitable for agricultural use. The development encompasses approximately 1.6 acres, or less than 1% of the total parcel area, preserving the majority of the parcel for the existing agricultural use of cattle grazing.

The residence will provide a place for owners and managers to utilize in monitoring activities on this remote part of the ranch. The presence of occupants may help deter predators to the grazing livestock, deter trespassing, and improve maintenance and enhance responsiveness to fire and other issues on not just the agricultural lands but also the adjoining 493 acres of timberlands within this agricultural preserve. The barn will provide a place to store feed and agricultural equipment to support the continued agricultural operations on the site. Currently any agricultural equipment and feed in storage is located on the west side of Highway 1, requiring hauling across the Highway.

The proposed use is therefore found to be consistent with the protection of resource lands and will provide for the long term protection of resource lands.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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:				
(a) The project maximizes protection of environmentally sensitive habitat areas;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) The project minimizes construction of new roads and other facilities;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
(d) The project ensures the adequacy of water, waste water disposal and other services;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) The project ensures the preservation of the rural character of the site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) The project maximizes preservation of prime agricultural soils;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion of Findings

20.532.100(B)(1), et. seq. No development subject to a coastal development use permit shall be issued on agricultural land until the following findings are made...

Not Applicable

The subject application is for a Standard Coastal Development Permit, and the proposed improvements are not subject to a Coastal Development Use Permit application. All proposed uses under this application are either principally permitted uses or permitted accessory uses with the district. No conditional uses are requested with

this application. Therefore, the application is not subject to the required use permit findings associated with MCC Section 20.532.100(B)(1).

Despite the County determining that the supplemental findings (Section 20.532.100(B)(1)) are not applicable to the project, the agent for the project provided responses on December 31, 2015 to each of the Agricultural Land Impact Findings. Those responses are included below in *italics*.

- (a) *There is no development proposed within fifty (50) feet of any environmentally sensitive habitat areas. Please see biological report created by Asa Spade of Spade Natural Resources Consulting, dated September 29, 2014 in our original submittal. Mr. Spade has created further commentary, dated September 10, 2015 after additional research and site analysis that address Ms. Gedik's concerns regarding Grand Fir trees in vicinity of the proposed SFR raised during the site visit of July 29th, 2015. Mr. Spade's further research concludes that the forested areas around the proposed SFR conform to membership rules of Douglas fir forest but not for Grand Fir forest.*
- (b) *No new roads will be constructed for this project. The project has been sited to utilize an existing former logging road, which has a major consideration during the search for suitable sites for the house and barn. Limited roadwork will required, installing [three] emergency turnouts.*
- (c) *The home is well nestled into the wooded area north of the barn site. Only the southerly façade of the building would be marginally visible, barely extending beyond the area of screening vegetation. The site is below the ridge and again, provides a backdrop of tall trees. No significant vegetation of any kind is proposed to be removal.*

In both cases, while it cannot be denied that there will some visibility, the design chosen will minimize any significant views of the structures. The location and design is clearly subordinate to the setting and the public would have to focus intently upon the broad landscape in order to single out any view of these improvements. These improvements would blend with the surrounding area, blend with the environment and not create any new precedent for any new development in the area. Again, we remind the reader of the small scope of these structures being approximately 1,500 square-feet for the barn and 1,000 square-feet for the residence.

- (d) *A test well was drilled and tested pursuant to county Proof of Water Guidelines in October of 2015 demonstrating that it produces 1.3 gallons/minute. A septic design has been created by Carl Rittiman and Associates, reviewed and approved by the Mendocino County Department of Environmental Health (8/18/14) and is prepared for installation upon issuance of the CDP. The project has been designed to avoid installation of power transmission lines; solar and batter power will be utilized.*
- (e) *There will be no impact to the rural character of the site. The proposed development is minute in scope in proportion to the parcel. The surrounding landscape is comprised of a mix of large, open rangelands and steep, forested hills. The project is sited almost entirely outside of public viewsheds, maintaining the rural character of the site.*
- (f) *The project maximizes the preservation of the agricultural soils. The dwelling development is located on a steep hill that is unsuitable for grazing. The barn cannot be located on a steep hill while maintaining equipment access. The majority of the land that the cattle use for grazing is on the relatively flat rangeland immediately adjacent to Highway 1. The total area of land to be built upon covers 3,235 square-feet within a 160-acre parcel, which accounts for approximately 0.046% lot coverage of this individual parcel, and approximately 0.0055% of the 1,339.31 acres under this Williamson Act contract. Proportionately, this project has an inconsequential effect on the agricultural viability of the preserve.*
- (g) *The barn will serve to improve agricultural productivity and use on this parcel and adjacent agricultural lands; therefore, a barn is compatible with the existing land use. The house site is located on a moderate to very steep area downslope of the ridge within lands that are forested not currently being utilized by the cattle for grazing, though there are no man-made barriers preventing the cattle from using that site (e.g., fences).*

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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:				
(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) et seq. 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...**

Not Applicable

The parcels upon which development is proposed are under Williamson Act contract (Agricultural Preserve #0967), where the agricultural use existing on the parcel is cattle grazing. Conversion of agricultural land, for the purposes of making the supplemental findings contained in MCC Section 20.532.100, is defined in MCC Section 20.532.100(B)(2) *“as either development in an AG or RL designation not classified as a residential, agricultural, or natural resource use type or the amending and rezoning of the Coastal Element Land Use Designation AG or RL to a classification other than AG or RL including amendments to add visitor-serving facilities.”* The proposed development is classified as residential use with permitted accessory uses, and therefore does not meet the definition of a conversion of agricultural land for the purposes of making the subject supplemental findings.

Furthermore, the development of a principally permitted single family residential unit and the associated permitted accessory structures does not convert the land to a state that is unsuitable for agricultural use. The development encompasses approximately 1.6 acres, or less than 1% of the total parcel area, preserving the majority of the parcel for the existing agricultural use. In addition, Coastal Element Policy 3.2-1 states that *All agricultural land use, as represented within the agriculturally designated boundaries on the land use maps, shall be designated as AG 60 or RL 160 for the purpose of determining density. This will support continued coastal agricultural use. One*

housing unit will be allowed for each existing parcel (Emphasis added). Coastal Element Policy 3.2-1 provides that the intent behind preservation of agricultural lands was not to prohibit any residential development, but to restrict residential development on an agricultural property to one residence per existing parcel.

The Resource Lands Protection Committee reviewed the proposed project and provided a response stating that the proposed project was *compatible with policies and procedures for Agricultural Preserves and Williamson Act Contracts (January 2016) per policy 9.4(A)(1)*. Policy 9.4 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts (January 2016) provides a list of use types that are considered compatible with qualifying agricultural uses on any Williamson Act contracted land. Subsection (A)(1) of that policy provides that single-family residential use is compatible with the long term protection of resource lands. The proposed accessory uses with this project are also considered compatible under Subsection (A)(5) of Policy 9.4.

As the proposed development does not constitute a conversion of agricultural lands, the application is not subject to the required agricultural land impact findings associated with Section 20.532.100(B)(2).

Despite the County determining that the supplemental findings (Section 20.532.100(B)(2)) are not applicable to the property, the agent for the project provided responses on December 31, 2015 to each of the Agricultural Land Impact Findings. Those responses are included below in *italics*.

- (a) *This area of the ranch provides the best location outside of prime grazing areas, can achieve the land management goals of range management, and minimizes impacts to resources. Again, we note this applies to lands within the ownership both inside and outside of the Coastal Zone.*
- (b) *This finding is really applicable to larger “conversions” of land to alternative land uses. No change in land use is sought. The project supports agricultural operations of the ranch. Cattle do not currently utilize the steep hillside where the residence is proposed; the barn is supportive of agricultural activities.*
- (c) *The subject parcel is within a “Type II” Non-Prime Williamson Act contract applicable to non-prime soils and suitable for grazing and timberland. Natural buffers exist between the grazing soils to the west and timberlands in the form of threes and forests, and ridgelines on the east.*
- (d) *Grazing lands will continue to be used for that purpose. The productivity of any adjacent agricultural lands will not be diminished, as no soils supporting agriculture (forage and grazing for cattle) will be developed beyond the barn. The site selected for the residence explicitly avoids development upon potential forage area for grazing cattle.*
- (e) *No public service or facility expansions are proposed, therefore, no change in land use of agricultural viability will result.*
- (f) *There is no change in land use; the parcel is not adjacent to any urban area.*

20.532.100(B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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:				
(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) et seq. 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...**

Not Applicable

The parcels upon which development is proposed are under Williamson Act contract (Agricultural Preserve #0967), where the agricultural use existing on the parcel is cattle grazing. Conversion of agricultural land, for the purposes of MCC Section 20.532.100, is defined in MCC Section 20.532.100(B)(2) "as either development in an AG or RL designation not classified as a residential, agricultural, or natural resource use type or the amending and rezoning of the Coastal Element Land Use Designation AG or RL to a classification other than AG or RL including amendments to add visitor-serving facilities." The proposed development is classified as residential use with permitted accessory uses, and therefore does not meet the definition of a conversion of agricultural land.

Furthermore, the development of a principally permitted single family residential unit and the associated permitted accessory structures does not convert the land to a state that is unsuitable for agricultural use. The development encompasses approximately 1.6 acres, or less than 1% of the total parcel area, preserving the majority of the parcel for the existing agricultural use.

As the proposed development does not constitute a conversion of agricultural lands, the application is not subject to the required agricultural land impact findings associated with Section 20.532.100(B)(3).

Despite the County determining that the supplemental findings (Section 20.532.100(B)(3)) are not applicable to the property, the agent for the project provided responses on December 31, 2015 to each of the Agricultural Land Impact Findings. Those responses are included below in *italics*.

- (a) *Residential and agricultural development within AG or RL is specifically excluded from meeting the definition of Conversion, as noted in Section 20.532.100(B)(2). Therefore, no conversion is occurring. The subject parcel is within a "Type II" Non-Prime Williamson Act contract applicable to non-prime soils and suitable for grazing and timberland. No change in land use is requested and the facility will support and enhance ongoing agricultural activities.*
- (b) *The project will create efficiencies in land management and enhance protections for grazing livestock.*

References:

Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

Chapter 2 Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.

(SHN, 2014) SHN Consulting Engineers and Geologists, Inc. *Geotechnical/Geologic Hazard Investigation, Proposed Barn and Residence, Inn at Newport Ranch, 31888 North Highway 1, Westport, California, Assessor's Parcel Numbers 015-070-70, -71*. December 2014.

(SNRC 2014) Spade Natural Resources Consulting. *Biological Scoping and Botanical Survey Report for Proposed Residence and Barn, 31888 North Highway One, (APN 015-070-70 & -71), Kibesillah CA, Mendocino County*. September 29, 2014.

(SNRC, 2015) Spade Natural Resources Consulting. *Letter to Will Jackson c/o Blair Foster, Wynn Coastal Planning*. September 10, 2015.

(SNRC, 2016) Spade Natural Resources Consulting. *Sonoma Tree Vole Survey Report for Proposed Residence and Barn, 31888 North Highway One, (APN 015-070-70 & -71), Kibesillah CA, Mendocino County*. February 10, 2016.

State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

(Van Bueren, 2014) Thad Van Bueren, Archaeological Report July 22, 2014.

(Wynn, 2015) Wynn Coastal Planning, Submittal to County Planning and Building Services December 31, 2015.

Resolution Number _____

County of Mendocino
Ukiah, California
MAY 26, 2016

CDP_2015-0011 JACKSON GRUBE FAMILY

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A
CATEGORICAL EXEMPTION AND GRANTING A STANDARD
COASTAL DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A
SINGLE-FAMILY RESIDENCE WITH ASSOCIATED IMPROVEMENTS

WHEREAS, the owner, Jackson Grube Family, filed an application for a Standard Coastal Development Permit with the Mendocino County Department of Planning and Building Services to construct an approximately 1,090 square foot single-family residence with 620 square feet of decks. Construct an approximately 1,525 square foot barn. Install ground mounted solar panels, septic, propane tank, and construct retaining walls of varied length. In the Coastal Zone, approximately four miles south of Westport, lying west of Highway 1 at 31845 N Highway 1, Westport (APNs 015-070-70 and 015-070-71); and

WHEREAS, a Categorical Exemption under Class 3 (a) was adopted 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 Coastal Permit Administrator held a public hearing on May 26, 2016, at which time the Coastal Permit Administrator 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 Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Coastal Permit Administrator regarding the Categorical Exemption, and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings;

COASTAL DEVELOPMENT PERMIT FINDINGS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends that the Coastal Permit Administrator approve the proposed project, and adopts the following findings and conditions.

1. The proposed development is in conformity with the certified Local Coastal Program. The proposed development is consistent with the purpose and intent of the classification by the Coastal Element of the Mendocino County General Plan. Any potential hazards on the site have been reviewed and evaluated by qualified professionals and recommendations have been provided to ensure there is no substantial risk from any potential hazards. Visual resources are protected by the siting and design of the proposed project, including exterior materials and colors to blend with the surrounding environment. All proposed improvements maintain a greater than 50 foot buffer to identified sensitive habitat areas and this reduced buffer has been agreed upon by the appropriate resource agencies; and

2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The proposed project proposes on-site electrical generation, utilizing solar panels and batteries. A propane tank is proposed for installation at the property. A test well was drilled and has been determined to produce 1.3 gallons per minute, in compliance with County Code requirements for residential development. A septic system has been designed and approved for the project site by the Mendocino County Division of Environmental Health. To ensure that no impacts occur from any grading activities Condition 14 requires the preparation of a Grading and Erosion Control Plan for the development; 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. The proposed residential use on the property, which includes construction of an agricultural barn, will be supportive of the agricultural endeavors on the land, supporting the continuance of the cattle grazing operation. The proposed single family residence and associated improvements is in conformity with the Range Lands and Timberland Production zoning districts; 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. Adoption of a Categorical Exemption under Class 3 (a) is recommended; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. An Archaeological Survey Report was prepared for the project and was accepted by the Mendocino County Archaeological Commission on May 13, 2015, with recommendations to follow the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Standard Condition #8 advises the applicant of the County's discovery clause; 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. Solid waste service is available either as curbside pick-up or at the Westport Transfer Station located approximately two miles north of the proposed development. Solid waste service is adequate to support the proposed development. The existing level of service at peak hour conditions at this location is Level of Service B. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site.

SUPPLEMENTAL FINDINGS:

7. The proposed use is compatible with the long term protection of resource lands. The parcels upon which development is proposed are under Williamson Act contract (Agricultural Preserve #0967), where the agricultural use existing on the parcel is cattle grazing. Policy 9.4 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts (January 2016) provides a list of use types that are considered compatible with qualifying agricultural uses on any Williamson Act contracted land. Subsection (A)(1) of that policy provides that single-family residential use is compatible with the long term protection of resource lands. The proposed accessory uses with this project are also considered compatible under Subsection (A)(5) of Policy 9.4. The Resource Lands Protection Committee reviewed the proposed project and provided a response stating that the proposed project was *compatible with policies and procedures for Agricultural Preserves and Williamson Act Contracts (January 2016) per policy 9.4(A)(1)*.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Categorical Exemption. The Coastal Permit Administrator certifies that the 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 Categorical Exemption reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Standard Coastal Development Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Coastal Permit Administrator 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 Coastal Permit Administrator 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 (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

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

ANDY GUSTAVSON,
Coastal Permit Administrator

EXHIBIT A

CONDITIONS OF APPROVAL JACKSON GRUBE FAMILY - CDP_2015-0011 MAY 26, 2016

A Standard Coastal Development Permit to construct an approximately 1,090 square foot single-family residence with 620 square feet of decks. Construct an approximately 1,525 square foot barn. Install ground mounted solar panels, septic, propane tank, and construct retaining walls of varied length.

APPROVED PROJECT DESCRIPTION:

A Standard Coastal Development Permit to construct an approximately 1,090 square-foot single-family residence with 620 square-feet of decks, ten (10) linear feet of retaining wall and patio (including hot tub) with a maximum building height of eighteen (18) feet above natural grade. Construct an approximately 1,525 square-foot barn with covered storage, 66 linear feet of retaining wall, with a maximum height of eighteen (18) feet above natural grade. Install ground mounted solar panels, septic system (recognize proposed septic replacement field as vested and approved for probably future development with installation of primary), propane tank, trenching for utilities, installation of three (3) turnouts along existing dirt and gravel drive. 109 cubic yards of export material (cut) will be required to accommodate the proposed Barn site. Exported material is to be delivered to Kibesillah Rock Quarry per CDUR #7-94(2011). Access to the site is provided by an existing dirt and gravel driveway, with access directly off Highway 1.

CONDITIONS OF APPROVAL:

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 (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

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. That this permit 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 (1) or more of the following:
 - a. That such permit was obtained or extended by fraud.

- b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the 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.
9. Prior to issuance of a building permit in reliance on this Coastal Development Permit, SHN Consulting Engineers and Geologists, Inc. shall review the final grading and foundation plans and soil related specifications for conformance with their recommendations in their Geotechnical/Geological Hazard Investigation dated December 2014. A representative of SHN shall perform the following tasks to assess construction conformance with the intent of their recommendations: (1) observe subgrade surface or areas subject to over-excavation; (2) test placement of structural fill and backfill; (3) observe foundation excavations prior to the placement of reinforcing steel and concrete forms.
10. The recommendations in the Geotechnical/Geological Hazard Investigation prepared by SHN Consulting Engineers and Geologists, Inc. dated December 2014 shall be incorporated into the design and construction of the proposed project. Prior to the issuance of any building permit in reliance of this Coastal Development Permit, evidence shall be submitted that a qualified geotechnical or civil engineer has reviewed the final building plans for consistency with the Geotechnical/Geological Hazard Investigation.
11. The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF#305-14) 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.
12. Prior to final inspection of a building permit in reliance on this Coastal Development Permit, Planning and Building Services shall inspect the construction of the single-family residence and associated development to ensure the utilized materials and colors are consistent with the proposed project materials and colors. Any proposed changes to colors and materials of the structure shall be reviewed and approved by the Coastal Permit Administrator for the life of the project.
13. The following protective measures are required to provide for the protection of natural resources:
 - a. Temporary fencing shall be placed along the edge of the existing roadway, shall be highly visible, and all construction crew members and others working at the site shall be made aware of the presence of the grand fir forest and that it must be protected from direct impacts and erosion during all ground disturbing activities.

- b. No equipment or materials shall be stored or stockpiled within 50 feet of the identified grand fir forest, nor shall they be stockpiled for any longer than necessary for the construction process. Any piles of soil and/or rock stockpiled for more than a few days with any change of rain shall be covered with tarps and surrounded with weed free straw wattles.
 - c. Heavy equipment shall be washed before entering the project area in order to avoid accidental contamination from invasive plant seed that may be intermixed with caked on dirt. Only weed free straw or straw wattles shall be used for erosion control. Any bare soil created by the construction phase shall be re-vegetated with native vegetation appropriate to the habitat in the surrounding area.
 - d. Landscaping shall not include invasive plant species.
 - e. Standard erosion control Best Management Practices shall be employed to avoid or minimize potential impacts to the grand fir forest ESHA.
14. Prior to the issuance of any building permit in reliance of this Coastal Development Permit, a Grading and Erosion Control Plan, consistent with MCC Chapter 20.492, shall be submitted and approved by the Department of Planning and Building Services. Best Management Practices shall be utilized during all ground disturbing construction activities.