

**APPENDIX A: COASTAL PERMIT APPROVAL CHECKLIST  
CDP\_2014-0011 (WHITEHURST)  
MARCH 26, 2015**

**PROJECT TITLE:** CDP\_2014-0011 (WHITEHURST)

**PROJECT LOCATION:** 5860 South Highway 1  
Elk, California 95432

**LEAD AGENCY NAME,  
ADDRESS AND CONTACT PERSON:** Scott Perkins  
Mendocino County  
Planning and Building Services  
120 West Fir Street  
Fort Bragg, California 95437  
707-964-5379

**GENERAL PLAN DESIGNATION:** RV (Rural Village)

**ZONING DISTRICT** RV (Rural Village)

**DESCRIPTION OF PROJECT:** The project includes the construction of a new twelve (12) foot by twenty (20) foot, thirteen (13) foot, two (2) inch tall accessory building (storage shed), walkway and bocce court. The accessory building is proposed fifty (50) feet from the northern property boundary and thirty (30) feet from the eastern property boundary. Building materials and colors are proposed to match the existing single family residence and guest cottage. The proposed accessory building will be served by electricity from the existing meter at the existing guest cottage, and is not proposed to be served by water or gas. The structure is not proposed to be used as habitable space. Grading will be necessary, normally associated with and incidental to the construction of a twelve (12) foot by twenty (20) foot accessory building. No vegetation removal or planting is proposed with this application, other than that which will be removed by the necessary grading associated with construction. The proposed development will be partially visible from a public place (Highway 1).

The proposed walkway extends around and near the existing residence from the southern portion of the property to the western side of the existing guest cottage. The proposed bocce court is proposed west of the existing guest cottage. Both the proposed walkway and bocce court have been determined to not meet the definition of development, provided neither requires grading in excess of two (2) cubic yards.

**SITE DESCRIPTION AND SETTING:** The 1.3 acre subject parcel is situated on the north end of Elk, adjacent to Highway 1 on the east and the Pacific Ocean on the west, and approximately 3,000 feet north of Greenwood Creek. The site is surrounded by residential development, with agricultural uses across Highway 1 to the east. Beyond adjacent parcels, visitor accommodation and commercial uses abound throughout Elk. The subject parcel is currently developed with an existing single family residence with attached garage, guest cottage, septic system, fencing, landscaping and paved access.

The parcel contains blufftop topography, generally sloping down toward the west boundary and is characterized by a nearly flat area on the east of the property. Slope gradients in the eastern and central part of the site are near level. Steeper slopes are present on the west-facing terrace slopes adjoining the bluff. The ocean bluff is approximately 100 feet in vertical height and very steep.

**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 Coastal Zoning 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
<b>(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:</b>				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input 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"/>
<b>(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:</b>				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The Local Coastal Program serves as an element of the General Plan and includes the Mendocino County Coastal Zoning Code (MCCZC), 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 – Rural Village**

The subject parcel is classified as Rural Village by the Coastal Element of the Mendocino County General Plan, which is intended “to preserve and maintain the character of the rural atmosphere and visual quality of...Elk; and to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.” The principally permitted use designated for the Rural Village land use classification is “one dwelling unit per existing parcel and associated utilities and light agriculture.”<sup>1</sup>

A permitted single family residence currently exists on the parcel, in addition to a permitted guest cottage. This application proposes an approximately 240 square foot storage shed, a sidewalk and bocce ball court. All proposed uses are considered uses accessory to the principally permitted single family residential use, and therefore consistent with the Rural Village classification of the Coastal Element of the Mendocino County General Plan.

**Hazards**

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

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone.<sup>2</sup> The San Andreas fault is located approximately three miles to the west of the project site and is the nearest active fault. 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.

Landslides: The subject property is a blufftop parcel, with the bluff face approximately two hundred (200) feet from the extent of the proposed development. The parcel slopes gently toward the bluff edge. There are no translational/rotational or debris slides mapped on the subject parcel.<sup>3</sup>

Erosion: The proposed structure is located in a relatively flat coastal terrace area with a steep coastal bluff approximately 200 feet from the extent of the proposed development. The distance of development from the bluff edge is such that no conditions are required for compliance with County bluff hazard policies.<sup>4</sup>

Flooding: There are no mapped 100-year flood zones on the subject parcel,<sup>5</sup> and no conditions are necessary to ensure consistency with flood policy.

Fire: The project is located in an area that has a moderate fire hazard severity rating. The project application was referred to the California Department of Forestry and Fire Protection (CalFire) and the Elk Community Services District (Elk CSD) for input. CalFire submitted recommended conditions of approval (CDF #123-14, on file) on May 1, 2014, for address standards, driveway standards, and defensible space standards. **Condition 8** is recommended to achieve compliance with CalFire safety standards, which states:

**Condition 8:** The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF 123-14) 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.

---

<sup>1</sup> Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

<sup>2</sup> State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

<sup>3</sup> *Geology and Geomorphic Features Related to Landsliding* [map]. 1984. Elk 7.5' Quadrangle, Department of Conservation, Division of Mines and Geology.

<sup>4</sup> Section 20.500.020(B). Mendocino County, Planning and Building Services, Planning Division. *Mendocino County Coastal Zoning Code*. 1991. Ukiah, CA.

<sup>5</sup> *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1425F, Number 06045C1425F. Federal Emergency Management Agency.

Elk CSD contacted staff via email October 31, 2014, with comments and recommendations concerning fire safety (on file). Elk CSD noted that a passageway north of the existing residence and garage has been used in the past for fire suppression purposes in response to an emergency at the bluff edge. It is important, Elk CSD noted, that the passageway north of the existing garage "not be further obstructed," providing access for emergency personnel to the rear of the property. Elk CSD also recommended locating the proposed shed nearer to the passageway than the originally proposed location, decreasing the distance required by emergency personnel to access the shed in the event of a fire. The originally proposed shed location is twenty (20) feet further from the passageway than the revised, alternate location currently proposed. The alternate proposed shed location provides more immediate access for emergency personnel, and does not further obstruct the passageway north of the existing garage, consistent with Elk CSD recommendations.

### Visual Resources

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

The project is not located in an area that is designated Highly Scenic by the Local Coastal Program. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. However, the project is located on a parcel in the Elk Rural Village, subject to protection as specified by the development criteria in MCCZC Section 20.504.020(C).

The following is a review of the proposed project and its compatibility with the development criteria in MCCZC Section 20.504.020(C):

- (1) *The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*

The proposed accessory storage building is 240 square feet and thirteen (13) feet, two (2) inches tall. An inventory of accessory structures within 1,100 feet of the proposed development, all within the Elk Rural Village land use classification is presented in the *Accessory Structures Near Project*.

The average bulk of accessory structures within 1,100 feet of the proposed shed is approximately 364 square feet, approximately 124 square feet larger than the proposed shed. Average height in the same range is approximately one (1) story, or approximately ten (10) to fifteen (15) feet tall. The range of height of existing structures in the community is roughly equivalent to the proposed thirteen (13) foot, two (2) inch tall shed. A visual comparison of the proposed shed and existing accessory structures near the project is provided in Appendix B: *Height and Bulk Comparison*.

The scale of the proposed shed (building height and bulk), at 240 square feet and just over thirteen (13) feet tall, is within the scope and character of existing accessory buildings in the surrounding Rural Village neighborhood.

- (2) *New development shall be sited such that public coastal views are protected.*

Public coastal views require protection in the Elk Rural Village. The subject parcel is located west of Highway 1. Highway 1 is the only public place affected by the proposed project. The coastal views potentially affected by the proposed shed consist of offshore rock outcroppings and the ocean. An existing fence, residence, and vegetation frame the brief existing view of the coastal features in the proposed shed location.

Staff reviewed two alternative shed locations. The original application proposed the shed approximately thirty (30) feet from both the north and east property boundaries (Location A). During a site visit on September 5, 2014, staff determined that the shed would be visible from Highway 1, and would partially obstruct a brief view of coastal rocks and the ocean. Staff estimates that the shed, sited in Location A, would be visible and impact public coastal views for approximately ten (10) to twelve (12) paces at one location on Highway 1, and would be visible and impact public coastal views for approximately eight (8) to eleven (11) paces in another location on Highway 1.

Following another staff visit to the site with a representative from the California Coastal Commission on September 29, 2014, the applicant revised the application to propose a second location approximately fifty (50)

feet from the north property boundary and approximately thirty (30) feet from the east boundary (Location B).<sup>6</sup> Story poles were erected representing the proposed shed at this location. On November 4, 2014, staff determined that the proposed shed, sited in Location B, would be visible for five (5) to seven (7) paces from one location on Highway 1, and would not be visible from any other public place.<sup>7</sup>

When walking along Highway 1, if positioned at Location A, the shed would be visible for a total of approximately eighteen (18) to twenty three (23) paces, if positioned at Location B would be and visible for a total of approximately five (5) to seven (7) paces. Location B reduces the shed's visibility from Highway 1 by approximately sixty (60) to seventy five (75) percent. While the shed is still visible in Location B, the impacts to public coastal views are minimal, and do not significantly diminish the existing brief visibility of the sea from Highway 1 through the existing development. **Condition 9** is recommended, which requires the building permit for the shed to reflect the location as depicted in Appendix B: *Site Map (Location B)*, which states:

**Condition 9:** Prior to issuance of a building permit in reliance of this Coastal Development Permit, the building permit application must depict the location of the proposed shed consistent with Location B, as shown in Appendix B: *Site Map (Location B)*. The shed shall be located fifty (50) feet from the northern property boundary and thirty (30) feet from the east property boundary.

- (3) *The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.*

There are no structures in Elk listed on the National Register of Historic Places. Additionally, no site in Elk is listed as a State Landmark, California Historic Resource, or Historic Point of Interest by the California Office of Historic Preservation. Many structures in Elk may meet the definition of historic as defined in the policy above; however, no structure potentially meeting the definition is adversely affected by the proposed development.

- (4) *Building materials and exterior colors shall be compatible with those of existing structures.*

There is currently an existing single family residence and guest cottage on the parcel. The residence and guest cottage are aesthetically similar, both donning tan wooden siding, white wooden trim, and a grey composite roof. Development on neighboring parcels similarly utilize grey composite roofing, white wood trim, and painted wooden siding.

The application materials specify that the siding, trim, window frames, and doors of the proposed shed will be made of wood. The siding will be painted tan, and made to match the existing residence. The trim, window frame(s) and door(s) will be painted white to match the existing residence and guest cottage. Roofing material will be composite and a coal color, also matching the existing development.

As proposed, the building materials and exterior colors are compatible with those of existing structures. **Condition 10** is recommended, requiring the building permit for the shed to specify materials and colors consistent with the application materials, and states:

**Condition 10:** Prior to issuance of a building permit in reliance of this Coastal Development Permit, the building permit application must indicate that siding, trim, window frames and doors shall be made of wood; siding shall be painted tan to match the existing residence and guest cottage; and trim, window frames, and doors shall be painted white to match the existing residence and guest cottage. Roof materials shall be composite, and colored grey to match the existing residence and guest cottage.

In summary, the proposed development is consistent with the visual resource policies specified in Section 20.504.020(C) for development in the Elk Rural Village. The scale and bulk of proposed development is

<sup>6</sup> Appendix B: *Site Map (Location B)*.

<sup>7</sup> Appendix B: *Impact on Coastal Views (Location B)*.

consistent with the surrounding neighborhood, the proposed structure in Location B is sited such that public coastal views are protected, the proposed shed does not adversely affect nearby historic structures, and the building materials and colors are compatible with those of existing structures.

MCCZC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not exceed the boundaries of the parcel.

No lighting is shown on the proposed site plan or building elevations. **Condition 11** is recommended to ensure that any exterior lighting will comply with MCCZC lighting standards, which states:

**Condition 11:** Prior to issuance of a building permit in reliance of this Coastal Development Permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all the exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Coastal Zoning Code.

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

*Consistent (with conditions of approval)*

Utilities: The proposed shed will not be served by water or gas. The proposed shed will be supplied with electricity from the existing meter located at the existing guest cottage. Connection of the existing electric to the proposed shed will be reviewed by the Building Division at the time of the building permit application for consistency with building code.

The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. In a response dated July 2, 2014 (on file), the Division stated that "DEH can clear this [coastal development permit]. No internal plumbing is allowed in the proposed structure."

No internal plumbing is proposed in the application, and DEH will have the opportunity to review a building permit application to ensure compliance with the request that no plumbing be installed. No conditions are necessary to ensure the development is provided with adequate utilities.

Access Roads: The parcel is currently accessed by a short private driveway from Highway 1, and no additional access is proposed. CalTrans and Mendocino Department of Transportation reviewed the application and did not state concerns relating to access. No conditions are necessary to ensure the development is provided with adequate access roads.

Drainage: Drainage is subject to Section 20.492.025 of MCCZC, and provides regulations mitigating the impact of stormwater runoff and erosion. **Condition 12** is recommended to reduce impacts from altering land forms (grading) and redirecting stormwater flows, and to ensure the development is provided with adequate drainage, which states:

**Condition 12:** Prior to issuance of a building permit in reliance of this Coastal Development Permit, the applicant shall submit for approval by Planning and Building staff a drainage and erosion control plan. The plan shall detail erosion and sediment control Best Management Practices, including concrete wash out area, staging, stockpile locations, and tree protection areas, as necessary. Roof down spouts shall be directed to landscaped areas and avoid discharging off the parcel.

- **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 subject parcel is zoned Rural Village. The intent of the Rural Village zoning district is “to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.”<sup>8</sup> This application to allow the development of an accessory shed, walkway and bocce court does not conflict with the intent of the district.

Use: The applicant proposes an accessory shed, walkway and bocce court. Accessory uses, including accessory buildings, are permitted in the Rural Village zoning district, subject to the Accessory Use Regulations of the Coastal Zoning Code.<sup>9</sup> Storage sheds are specifically included in the definition of permitted accessory buildings; therefore, the proposed storage shed is permitted as an accessory use on the subject parcel.<sup>10</sup>

The proposed walkway and bocce court are “customarily associated with, and [are] appropriate, incidental, and subordinate to the principal permitted use,” and are allowable in the Rural Village district as accessory uses.<sup>11</sup>

Density: The maximum dwelling density in the Rural Village zoning district is one single family dwelling per 12,000 square feet for parcels within water or sewer service areas. The subject parcel is served by the Elk County Water District.

The proposed development does not conflict with the dwelling density standards of the Rural Village zoning district since it proposes no additional dwelling units on the parcel.

Yards: The minimum required front and rear yards in the Rural Village zoning district are twenty (20) feet, and the minimum required side yards are six (6) feet.<sup>12</sup> The proposed shed, sited in Location B as discussed above, will be fifty (50) feet from the north side yard, and thirty (30) feet from the east side yard.

The proposed development is consistent with the yard setback requirements of the Rural Village zoning district.

Height: The maximum permitted building height in the Rural Village zoning district is thirty five (35) feet.<sup>13</sup> The storage shed is proposed to be thirteen (13) feet, two (2) inches above grade, less than the permitted maximum height in the Rural Village zoning district.

Lot Coverage: The maximum permitted lot coverage in the Rural Village zoning district is fifty (50) percent.<sup>14</sup> The parcel is approximately 56,628 square feet, allowing for a maximum permitted lot coverage of approximately 28,314 square feet. Including the proposed storage shed, the lot coverage on the parcel would be less than 7,500 square feet for a lot coverage percentage of approximately thirteen (13) percent. The proposed development is consistent with the lot coverage requirements of the Rural Village zoning district.

- **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 exemption finds that “construction and location of limited numbers of new, small facilities or structures”, meeting the criteria of Section 15303, has “been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.”

<sup>8</sup> Section 20.388.05, *Mendocino County Coastal Zoning Code*.

<sup>9</sup> Section 20.456, *Mendocino County Coastal Zoning Code*.

<sup>10</sup> Section 20.308.020(F), *Mendocino County Coastal Zoning Code*.

<sup>11</sup> Section 20.456.010(A), *Mendocino County Coastal Zoning Code*.

<sup>12</sup> Section 20.388.030 and 20.388.040, *Mendocino County Coastal Zoning Code*.

<sup>13</sup> Section 20.388.040, *Mendocino County Coastal Zoning Code*.

<sup>14</sup> Section 20.388.045, *Mendocino County Coastal Zoning Code*.

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 project was referred to the California Historic Resource Information System (CHRIS) to review for impacts on cultural resources, including archaeological or paleontological resources. In a letter dated June 25, 2014 (on file), CHRIS replied that there is "no record of any previous cultural resource studies for the proposed project area," and therefore recommended further study "prior to commencement of project activities."

On August 13, 2014, the project was referred to the Mendocino County Archaeological Commission to determine the need for further archaeological study on the parcel. The Archaeological Commission determined that no further survey would be required, as the project location was not a likely site of archaeological resources.

The Archaeological Commission advised the applicant of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 13** similarly 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 13:** 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.

- **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 Albion Transfer Station is located approximately thirteen (13) miles from the project site, providing for the disposal of solid waste resulting from the existing residential uses on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. The development of an accessory shed is not anticipated to generate a significant amount of solid waste, in addition to the existing single family residence. Solid waste disposal is adequate to serve the proposed development.

Roadway Capacity: The increase in traffic volume associated with the development proposed in the application will be negligible. Additionally, Caltrans and Mendocino Department of Transportation reviewed the application and did not state concerns relating to roadway capacity (referrals on file). The existing roadways and private access are adequate to serve the proposed development.

- **20.532.095(B)(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

*Consistent (without conditions of approval)*

The proposed development is located adjacent to and west of Highway 1, and contains a blufftop feature. The parcel is not designated as a potential public access trail on the certified Local Coastal Program maps. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast. The nearest coastal access is provided at Greenwood/Elk State Beach, approximately 1,000 feet south of the site.

The proposed development is in conformity with the public access and public recreation policies of the Coastal Act and the Coastal Element of the General Plan.

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

**Discussion of Findings**

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

*Not Applicable*

On August 3, 2014, and August 29, 2014, North Coast Resource Management conducted a biological scoping survey at the site to determine the extent of any environmentally sensitive habitat areas (ESHA) that may exist. The following excerpts summarize the findings of the biological survey dated September, 2014 (on file):<sup>15</sup>

*No native vegetation of significance was observed in these developed areas (3).*

*No drainage features were observed within the Study Area or primary or secondary indicators of wetland hydrology (4).*

*No evidence of listed species was observed (5).*

*A hydrophytic plant (Juncus sp.-FACW) along the northern property line of the Study Area (Data Point 1) indicated a potential wetland. Due to the absence of wetland hydrological indicators or hydric soils, the hydrophytic vegetation was not considered to be a wetland (5).*

*No ESHA's were identified within the Study Area (5).*

Based on the findings of the biological scoping surveys, specifically that no ESHA was found on the project site, it can be concluded that no development will occur in an environmentally sensitive habitat area. Resource Protection Impact Findings, enumerated in Section 20.532.100(A), are not applicable to this application.

- **20.532.100(A)(2)(a) Impact Finding for Resource Lands Designated AG, RL, and FL. No permit shall be granted in these zoning districts until the following finding is made: The proposed use is compatible with the long-term protection of resource lands.**

*Not Applicable*

<sup>15</sup> Northern California Resource Management (September, 2014). *Biological Study for Mendocino County Local Coastal Program – Whitehurst Property.*

The project is proposed on land designated by the General Plan and Coastal Zoning Code as Rural Village. Findings relating to impacts on agricultural land are not applicable to this application.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(1) Development in Agricultural Zones. No development subject to a coastal development use permit shall be issued on agricultural land until the following findings are made:</b>				
(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) No development subject to a coastal development use permit shall be issued on agricultural land until the following findings are made...**

*Not Applicable*

The project is proposed on land designated by the General Plan and Coastal Zoning Code as Rural Village. Findings relating to impacts on agricultural land are not applicable to this application.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(2) Conversion of Prime Agricultural or Williamson Act Contracted Lands. Conversion of prime land and/or land under Williamson Act Contract to non-agricultural uses is prohibited, unless all of the following findings are made. For the purposes of this section, conversion is defined as either development in the AG or RL designation not classified as a residential, agricultural or natural resource use type.</b>				
(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"/>

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(b) Agricultural use of the soils cannot be successfully continued or renewed within a reasonable period of time, taking into account economic, environmental, social and technological factors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Clearly defined buffer areas are established between agricultural and non-agricultural uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) The productivity of any adjacent agricultural lands will not be diminished, including the ability of the land to sustain dry farming or animal grazing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) For parcels adjacent to urban areas, the viability of agricultural uses is severely limited by contacts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Findings**

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

*Not Applicable*

The project is proposed on land designated by the General Plan and Coastal Zoning Code as Rural Village, and is not under Williamson Act contract. Findings relating to impacts on agricultural land are not applicable to this application.

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

**Discussion of Findings**

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

*Not Applicable*

The project is proposed on land designated by the General Plan and Coastal Zoning Code as Rural Village. Findings relating to impacts on agricultural land are not applicable to this application.

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

**Discussion of Findings**

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

*Not Applicable*

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

Land Division Findings 20.532.100 (C)(2) Land Divisions of Prime Agricultural Lands  No land divisions of prime agricultural lands designated AG or RL shall be approved until a Master Plan is completed which shows how the proposed division would affect agricultural uses on the proposed parcel(s), and the overall agricultural operation on the residual ownership and the following findings are made:	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable

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

**Discussion of Findings**

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

*Not Applicable*

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

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

**Discussion of Findings**

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

*Not Applicable*

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