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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT**

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**CDP\_2016-0012  
JULY 26, 2017**

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**SUMMARY**

**OWNER/APPLICANT:** DALE SPRING AND PATRICIA ARNETT  
1121 BOONVILLE RD  
UKIAH, CA 95482

**AGENT:** KELLY GRIMES  
PO BOX 598  
LITTLE RIVER, CA 95456

**REQUEST:** Coastal Development Standard Permit request to construct a 2,200-square-foot single-family residence and 840-square-foot detached garage on a 10.5-acre site.

**DATE DEEMED COMPLETE:** December 20, 2016

**LOCATION:** 1.2± miles south of the Town of Mendocino, lying at the southeast intersection of Highway 1 and Gordon Lane at 44941 Gordon Lane, Little River (APN: 121-010-21).

**TOTAL ACREAGE:** 10.5 acres

**GENERAL PLAN:** Mendocino County General Plan, Coastal Element  
Rural Residential (RR10:R)

**ZONING:** Division II, Title 20 of Mendocino County Codes  
Rural Residential (RR:10)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Class 3(a) Categorical Exemption

**APPEALABLE:** Yes, Highly Scenic Area

**RECOMMENDATION:** Approve with conditions.

**STAFF PLANNER:** Juliana Cherry

**BACKGROUND**

**PROJECT DESCRIPTION:** A request for an Coastal Development Standard Permit to construct a 2,200 square foot single family residence; 840 square foot detached garage; a 120 square foot pump house; 3,000-gallon water storage tank; 250 gallon propane tank; 1,500 gallon concrete septic tank and leach lines; and decks. Additionally, a 300 foot long gravel driveway, approximately 12 feet wide, and parking area with encroachment onto Gordon Lane would be constructed. The propane tank would be sited to the east, or rear, of the garage. The driveway and parking area surface would be gravel similar in color and hue to existing conditions. The proposed encroachment on to Gordon Lane would be paved per County standards. No vegetation would be removed on areas other than the proposed building sites and driveway. Electrical and telephone service would be extended approximately 250 feet to the site.

**APPLICANT'S STATEMENT:** "We are proposing the construct a 2200 square foot, three bedroom residence with a detached, 840 square foot, two-car garage. There will also be a 120 square foot pump house built near the existing well and a 3000 gallon storage tank will be located to the northeast of the

house and garage. The entire project will require almost 3,000 cubic yards of grading which requires no importing or exporting of soil from the project site. Please refer to the Grading Plan submitted (Sheet A7). The roofing will be corrugated metal with copper flashing, gutters and downspouts. The siding will be redwood board and batt siding with a clear oil finish. The exposed framing members will be redwood with a clear oil finish. All windows and skylights will be powder coated aluminum clad windows. Color to be dark bronze. All doors shall be redwood with clear oil finish and dual pane glass as shown on elevations. Metalbestos chimney pipes and Cor-ten metal siding will be utilized in the construction of the outdoor fireplace. All outdoor paving will be natural stone, or tinted concrete. The garage and pump house will both be concrete slabs on grade with all exterior materials to match the main residence. A 250 gallon propane tank will be located to the east (rear) of the garage. The 300' long driveway will be gravel with a concrete apron around the garage and pump house along with a paved encroachment (per County standards) onto Gordon Lane. We are in possession of a valid encroachment permit for the encroachment as shown on the site plan sheet A1. Please refer to sheets A1-A7 for schematic drawings showing all proposed construction."

**RELATED APPLICATIONS:**

**On-Site:**

- CDMS 9-97
- TU\_2015-0098

**Neighboring Property:**

- CDP\_2003-0063
- CDP\_2000-0096
- CDP\_2001-0238

**SITE CHARACTERISTICS:** The subject property is approximately 10.5 acres and is located directly east of Highway 1, approximately 1.2 miles south of the Town of Mendocino. The lot is a corner lot at the southeast intersection of Highway 1 and Gordon Lane and is situated directly east of Spring Ranch in Little River. (Spring Ranch is public lands with coastal access to the shoreline and bluffs). An existing well is located on the site. The parcel is currently undeveloped and contains mapped prime agricultural land.<sup>1</sup> Additionally, the parcel is currently under a Williamson Act contract until the year 2021; however, there is no evidence of agricultural activity on the site and the contract will not be renewed. The lot's topography includes a gentle rise, gaining about 45 feet in elevation from its midsection to its easterly boundary. The mid-point of the lot is mapped with a 200 foot contour line; therefore, elevations are between 190 feet and 245 feet. The westerly and northerly property boundaries include existing vegetation that obscure views of the land, which is designated as conditionally highly scenic area.<sup>2</sup> Three Environmentally Sensitive Habitat Areas (ESHAs) were observed on or adjacent to the site, including an existing stand of Bishop pine trees located approximately 125 feet south of the site and several occurrences of coastal lotus plants (*Hosackia gracilis*) on and directly south of the site. A known cultural resource is also located on the site. None of the proposed locations for development would affect identified sensitive coastal resources.

The site primarily consists of coastal prairie grassland and contains prime agricultural land on the western half of the site.<sup>3, 4</sup> The project site is located within Seismicity Zone 3. The eastern half of the site is underlain by bedrock, with the western half of the site underlain by beach deposits and stream alluvium and terraces, and is subject to intermediate shaking.<sup>5</sup>

The project site is located east of Highway 1 and is not designated as a potential public access trail location. Existing public access to the shore is not currently designated on the LCP Map 17 *Mendocino* within the vicinity of the site, although shoreline access is proposed northwest of the site. The proposed

<sup>1</sup> *Lands in Williamson Act Contracts* [map]. April 2016. 1:6,000. Mendocino Planning and Building Services.

<sup>2</sup> *Highly Scenic & Tree Removal Areas* [map]. April 2016. 1:12,000. Mendocino Planning and Building Services.

<sup>3</sup> *Habitats & Resources* [map]. April 2016. 1:6,000. Mendocino Planning and Building Services.

<sup>4</sup> *Capabilities & Hazards* [map]. April 2016. 1:6,000. Mendocino Planning and Building Services.

<sup>5</sup> *Capabilities & Hazards* [map]. April 2016. 1:12,000. Mendocino Planning and Building Services.

development would be visible from Highway 1 and other public areas; however, development would be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and would be limited to a single story. The project site is located within a "Marginal Water Resources" area and a high fire hazard area.<sup>6, 7</sup> Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, flood, or tsunami hazard.<sup>8</sup>

**SURROUNDING LAND USE AND ZONING:** Surrounding lots are similarly classified as Rural Residential. Van Damme Beach State Park (Spring Ranch) is located directly west of the highway and project site. The State Park is classified as Open Space. See Table 1.

<b>Table 1. Surrounding Land Use and Zoning</b>				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential	RR5(2)	1 - 3 acres	Single Family Residential
EAST	Rural Residential	RR5(2)	0.95 acre	Single Family Residential
SOUTH	Rural Residential	RR10	10.5 acres	Single Family Residential
WEST	Open Space	OS	157 acres	Open Space

**PUBLIC SERVICES:**

Access: GORDON LANE (CR 404A)  
 Fire District: MENDOCINO FIRE DISTRICT  
 Water District: NONE  
 Sewer District: NONE  
 School District: MENDOCINO SCHOOL DISTRICT

**AGENCY COMMENTS:** On October 29, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed in Table 2. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Below is a summary of submitted agency comments (See Table 2). Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

<b>Table 2. Response to PBS Request for Comments</b>			
REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Planning - Ukiah		Comment	10-11-2016
Department of Transportation	Encroachment	Comment	12-2-2016
Environmental Health - FB		No comment	10-11-2016
Building Services - FB		No comment	10-4-2016
Assessor		No response	
Farm Advisor		No response	
Agriculture Commissioner	Wm Act Contract	No comment	12-29-2016
Archaeological Commission		Comment	9-14-2016
US Fish & Wildlife Service		No response	
Tribes		Comment	1-6-2017
State Clearing House		No response	
CalTrans		No response	
CalFire		No response	

<sup>6</sup> Ground Water Resources [map]. April 2016. 1:12,000. Mendocino Planning and Building Services.

<sup>7</sup> Fire Hazard Zones & Responsibility Areas [map]. April 2016. 1:12,000. Mendocino Planning and Building Services.

<sup>8</sup> Capabilities & Hazards [map]. April 2016. 1:6,000. Mendocino Planning and Building Services.

Table 2. Response to PBS Request for Comments			
REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Department of Fish & Wildlife		No response	
Coastal Commission		No response	
Department of Parks & Recreation		No response	
Mendocino School District		No response	
Mendocino Fire District		No response	

### **KEY ISSUES:**

Coastal Development Permit applications are subject to the findings enumerated in Mendocino County Coastal Zoning Code (MCC) Section 20.532.015 and Section 20.532.095. *Appendix A: Coastal Permit Approval Checklist* individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project.

The four key issues listed below are drawn from *Appendix A: Coastal Permit Approval Checklist* and are included here because either they require special conditions for the findings to be made or they address matters of particular concern by referral agencies.

#### **1. General Plan and Zoning Consistency:**

General Plan: The subject parcel is classified as Rural Residential (RR) by the Mendocino County General Plan, Coastal Element. The RR plan designation is intended to “...encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.”<sup>9</sup> The principally permitted use designated for this land use classification is “residential and associated utilities, light agriculture, home occupation.”<sup>10</sup> A single-family residence would be consistent with the intent of the RR classification.

Zoning Code: As conditioned, the proposed project would be consistent with Division II of Title 20 of the Mendocino County Zoning Code (MCC) regulations. The zoning district for the site is Rural Residential as described in the Mendocino County Coastal Zoning Regulations. The project has been reviewed for and found consistent with sections related to archeological and cultural resources, transportation and circulation, public access, hazards and grading and erosion control. The intent of the RR District is “...to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.”<sup>11</sup> Staff finds that the project would be consistent with the development and land use standards for the RR District, ESHA, and Highly Scenic Areas, including MCC Chapters 20.504, 20.496, and 20.376. The proposed project would comply with all standards for land use, yards, and building height, as detailed in *Appendix A: Coastal Permit Approval Checklist*.

Archaeological Resources: A known cultural resource is located on the site; however, as proposed, the proposed development area is more than 250 feet beyond the boundaries of the known cultural resource. The Archaeological Commission accepted the archeological survey for the site during its September 14, 2016, meeting. The Archaeological Commission found that the site(s) identified by Jay Flaherty and the November 8, 1991, archaeological report’s recommendations shall be strictly adhered to. A standard condition is recommended advising the applicant of the Discovery Clause, which prescribes the

<sup>9</sup> Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino General Plan*. 1991.

<sup>10</sup> Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino General Plan*. 1991.

<sup>11</sup> Mendocino County Coastal Zoning Code, § II-20.376.005 (1995). Print



procedures subsequent to the discovery of any cultural resources during construction of the project. Based on the action of the Archaeological Commission, staff recommends a condition establishing a 100-foot buffer to protect existing cultural resources. On January 6, 2017, staff received a request, from the Tribal Historic Preservation Office of the Sherwood Valley Band of Pomo, to require by condition that a representative of the Sherwood Valley Band of Pomo monitor all groundbreaking activities and at the property owner's expense. Staff notes that the proposed development would be more than five hundred feet from the identified cultural resource site. With inclusion of the recommended conditions of approval, the staff finds the project would be consistent with Mendocino County policies for protection of paleontological and archaeological resources.

Transportation/Circulation: The proposed development would be provided with adequate access roads. Mendocino County Department of Transportation (MDOT) was invited to provide comment on the application. Correspondence to Planning and Building Services from MDOT dated February 9, 2015, requested a condition of project approval requiring the applicant to obtain an encroachment permit for work within the public right-of-way and construct a standard private driveway approach onto Gordon Lane.

## **2. Environmentally Sensitive Habitat and Other Resource Areas:**

The project would be consistent with the Mendocino County Code (MCC) Chapter 20.496 *Environmentally Sensitive Habitats and Other Resource Areas*. The purpose of this Chapter is to ensure that environmentally sensitive habitat and other designated resource areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations.<sup>12</sup> Environmentally Sensitive Habitat Areas (ESHAs) include: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals.

Two reports have been submitted for review: (1) a *Biological Scoping Report* prepared on March 10, 2016, by Spade Natural Resources Consulting; and (2) a *Botanical Addendum* prepared on July 7, 2016, by Spade Natural Resources Consulting. No areas of wetland hydrology or special status wildlife species were observed on the site during field surveys. Three Environmentally Sensitive Habitat Areas (ESHAs) were observed on or adjacent to the site, including an existing stand of Bishop pine trees located approximately 125-feet south of the site and several occurrences of coastal lotus plants (*Hosackia gracilis*) on and directly south of the site. Since these ESHA areas may provide habitat for special-status species, the March 2016 Biological Scoping Report and its July 2016 Botanical Addendum recommend 100-foot buffers from an existing stand of Bishop pines. The reports also recommend another 100-foot buffer from the coastal lotus plants. However, per revised Figure 2 of the *Botanical Addendum*, a 100-foot buffer from the Bishop pine trees would be located outside of the boundaries of the site. Additionally, Staff recommends inclusion of several additional conditions related to the protection of biological resources, as recommended by the biologist.

## **3. Visual Resource and Special Treatment Areas:**

The project site is located within a Conditionally Highly Scenic Area; however, since the project has been designed in accordance with the development criteria for Highly Scenic Area (MCC Section 20.504.015(C)), impacts to visual resources would be minimized.<sup>13</sup> Public access to the shore is designated on the LCP Map 17 *Mendocino* and located within Van Damme Beach State Park (Spring Ranch). The State Park is situated west of the project, highway, and along the shoreline. There is no evidence of prescriptive access on the project site. The project would have no effect on public access to the coast.

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<sup>12</sup> Mendocino County Coastal Zoning Code, § II-20.496.010 (1995).

<sup>13</sup> *Highly Scenic & Tree Removal Areas* [map]. April 2016. 1:12,000. Mendocino County Planning and Building Services.

#### 4. Environmental Protection:

The County of Mendocino is the Lead Agency for this project under CEQA. The County of Mendocino finds the project to be categorically exempt from CEQA, under a Class 3(a) Categorical Exemption from CEQA, pursuant to Section 15303, New Construction or Conversion of Small Structures. Since the proposed project involves the construction of a new single-family residence with detached garage and appurtenant structures, the project is exempt from the provisions of CEQA.

#### RECOMMENDATION

By resolution, adopt a Class 3(a) Categorical Exclusion from CEQA and grant the Coastal Development Standard Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

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DATE

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JULIANA CHERRY

Appeal Period: 10 Days

Appeal Fee: \$1,616.00

#### ATTACHMENTS:

- A. Adjacent Parcels
- B. Appealable areas
- C. Capabilities & Hazards
- D. ESRI Image Mosaic
- E. Fire Hazard Zones & Responsibility Areas
- F. General Plan Classifications
- G. Ground Water Resources
- H. Habitats & Resources
- I. Highly Scenic Areas & Tree Removal Areas
- J. Lands in Williamson Act Contracts
- K. LCP Land Use Map 17: Mendocino
- L. Local Soils
- M. Location Map
- N. Topographic Map
- O. Zoning Display Map

#### RESOLUTION AND EXHIBIT A: CONDITIONS OF APPROVAL

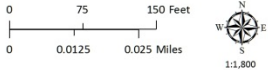
#### APPENDIX A: COASTAL PERMIT APPROVAL CHECKLIST



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

CASE: CDP 2016-0012  
OWNER: SPRING, Dale & ARNETTE, Patricia  
APN: 121-010-21  
APLCT: Dale Spring  
AGENT: Kelly Grimes  
ADDRESS: 44941 Gordon Ln., LR

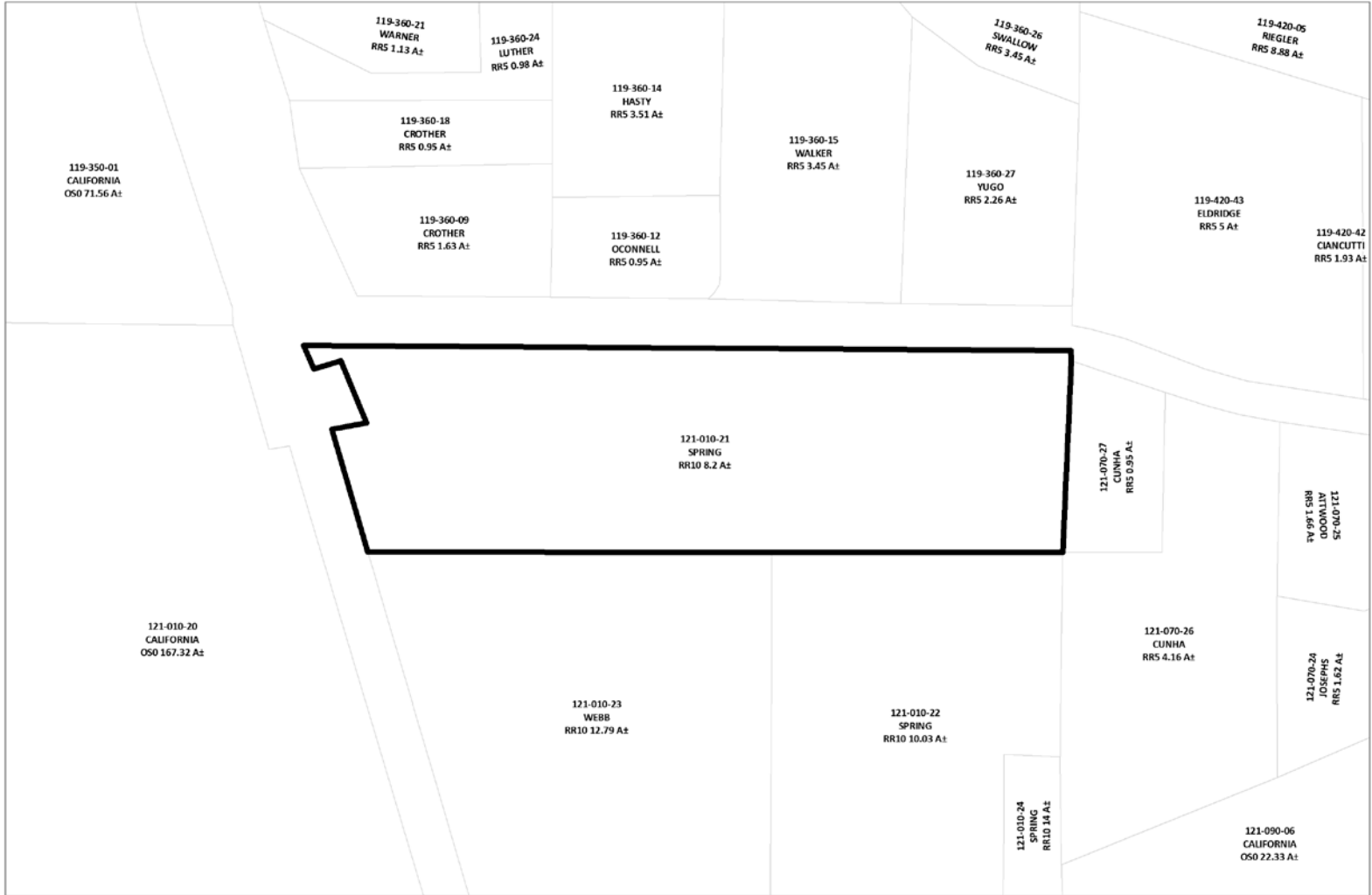
Public Roads  
Driveways/Unnamed Roads



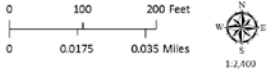
ESRI IMAGE MOSAIC

Map produced by the Mendocino County Planning & Building Services, April, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT B



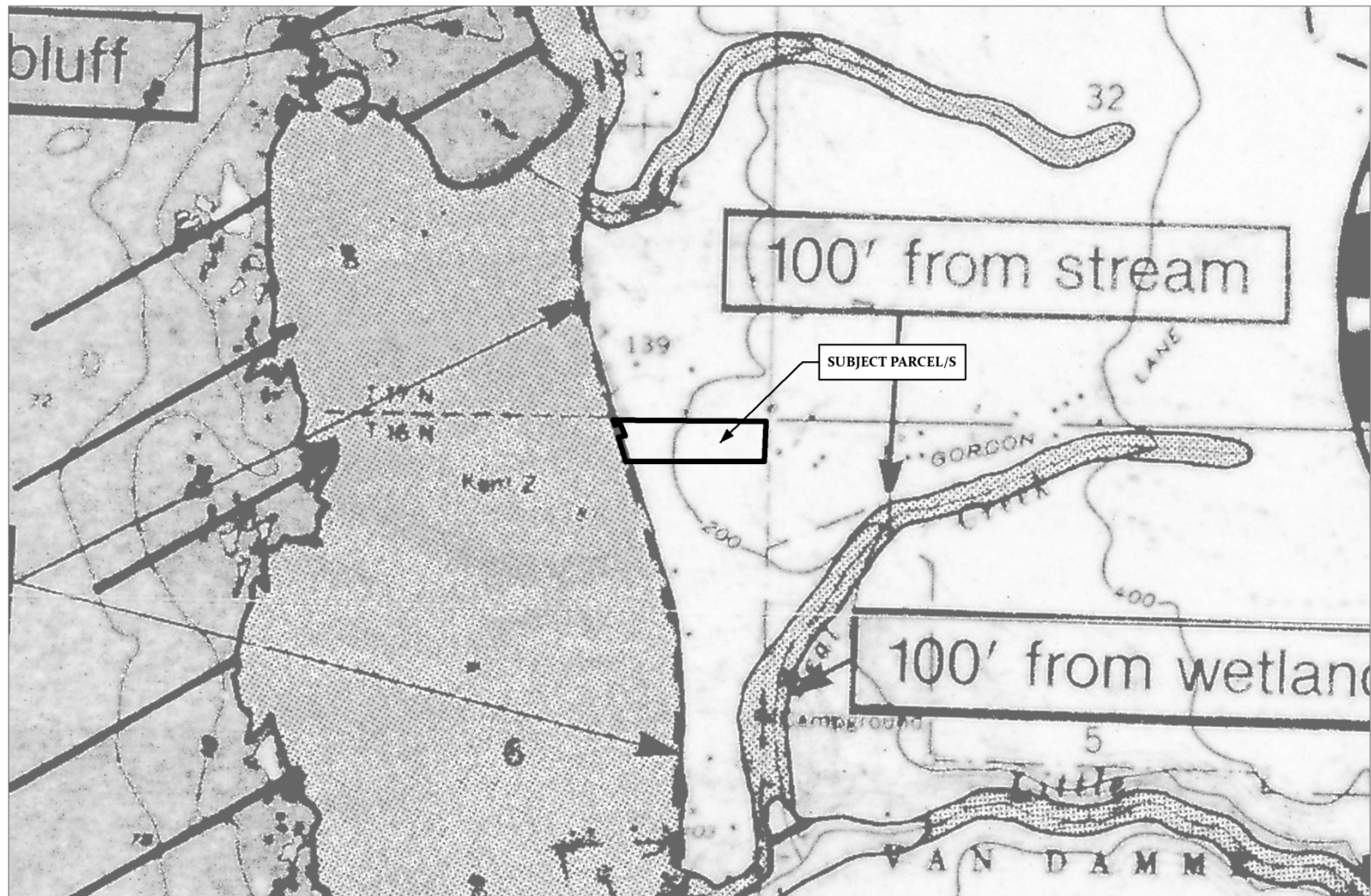
CASE: CDP 2016-0012  
OWNER: SPRING, Dale & ARNETTE, Patricia  
APN: 121-010-21  
APLCT: Dale Spring  
AGENT: Kelly Grimes  
ADDRESS: 44941 Gordon Ln., LR



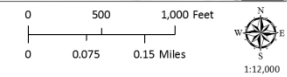
ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, April, 2006  
All spatial data is approximate. Map provided without warranty of any kind.

ATTACHMENT C



CASE: CDP 2016-0012  
OWNER: SPRING, Dale & ARNETTE, Patricia  
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APPEALABLE AREAS

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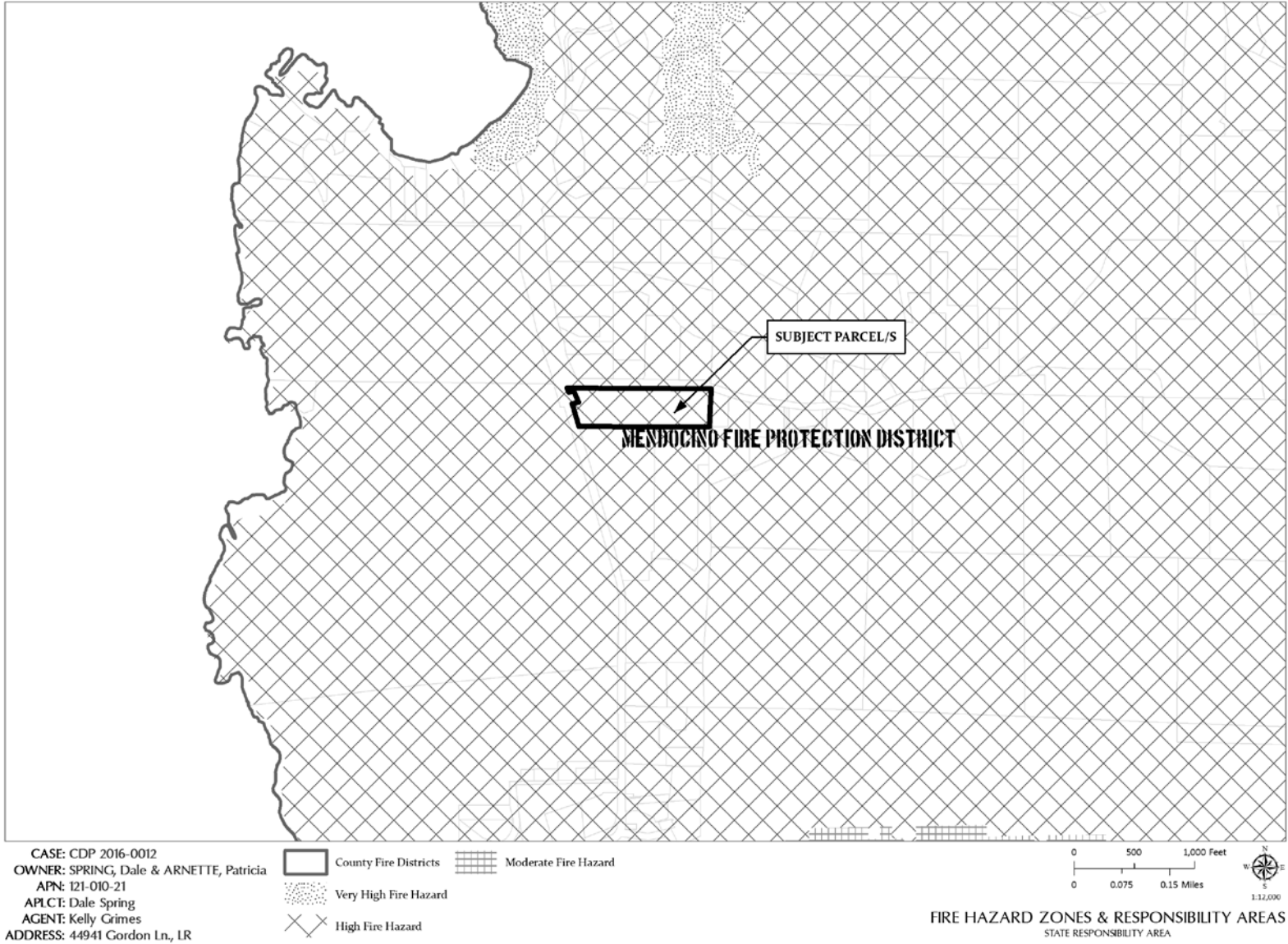
## ATTACHMENT D



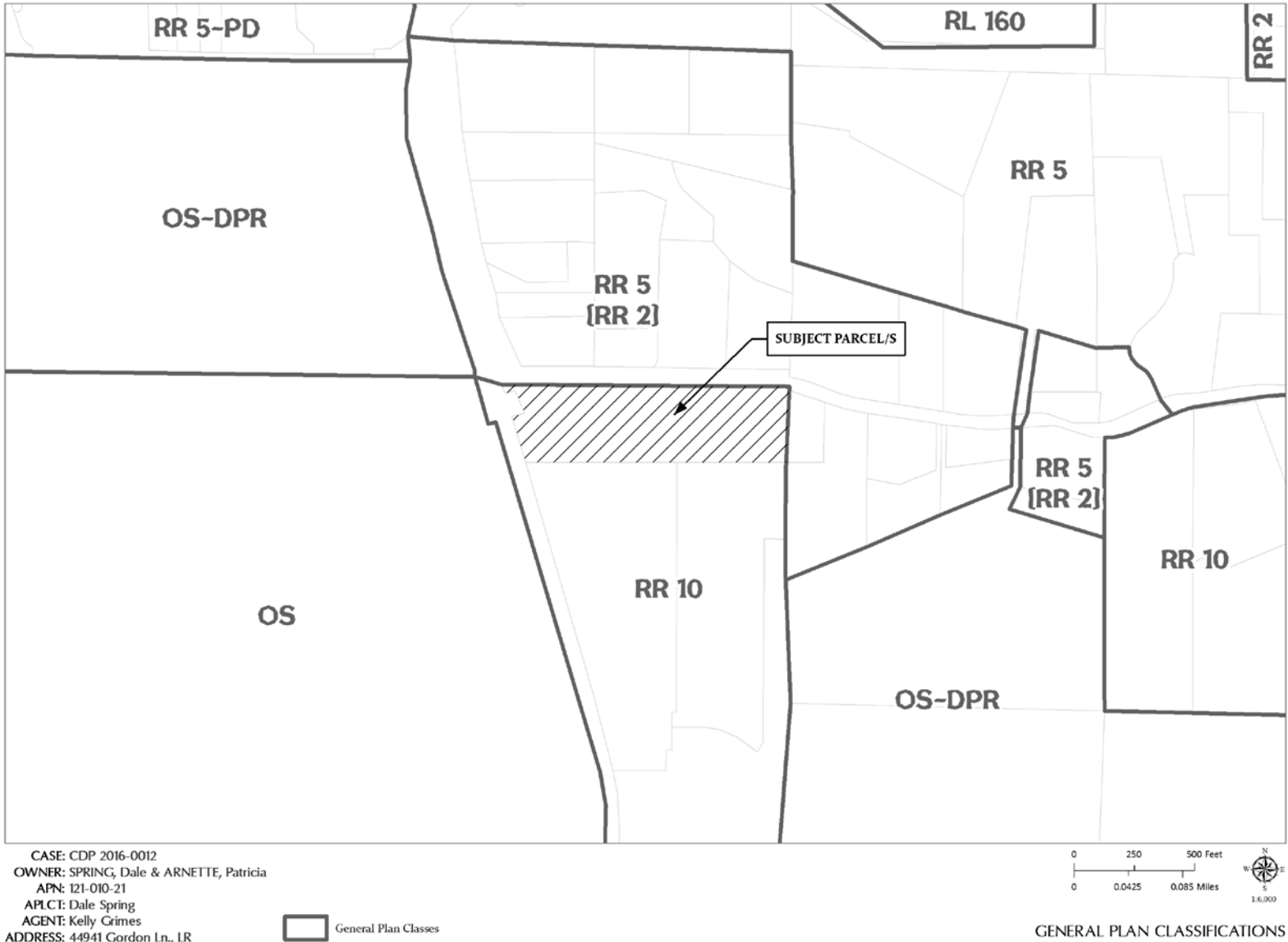
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## CAPABILITIES & HAZARDS

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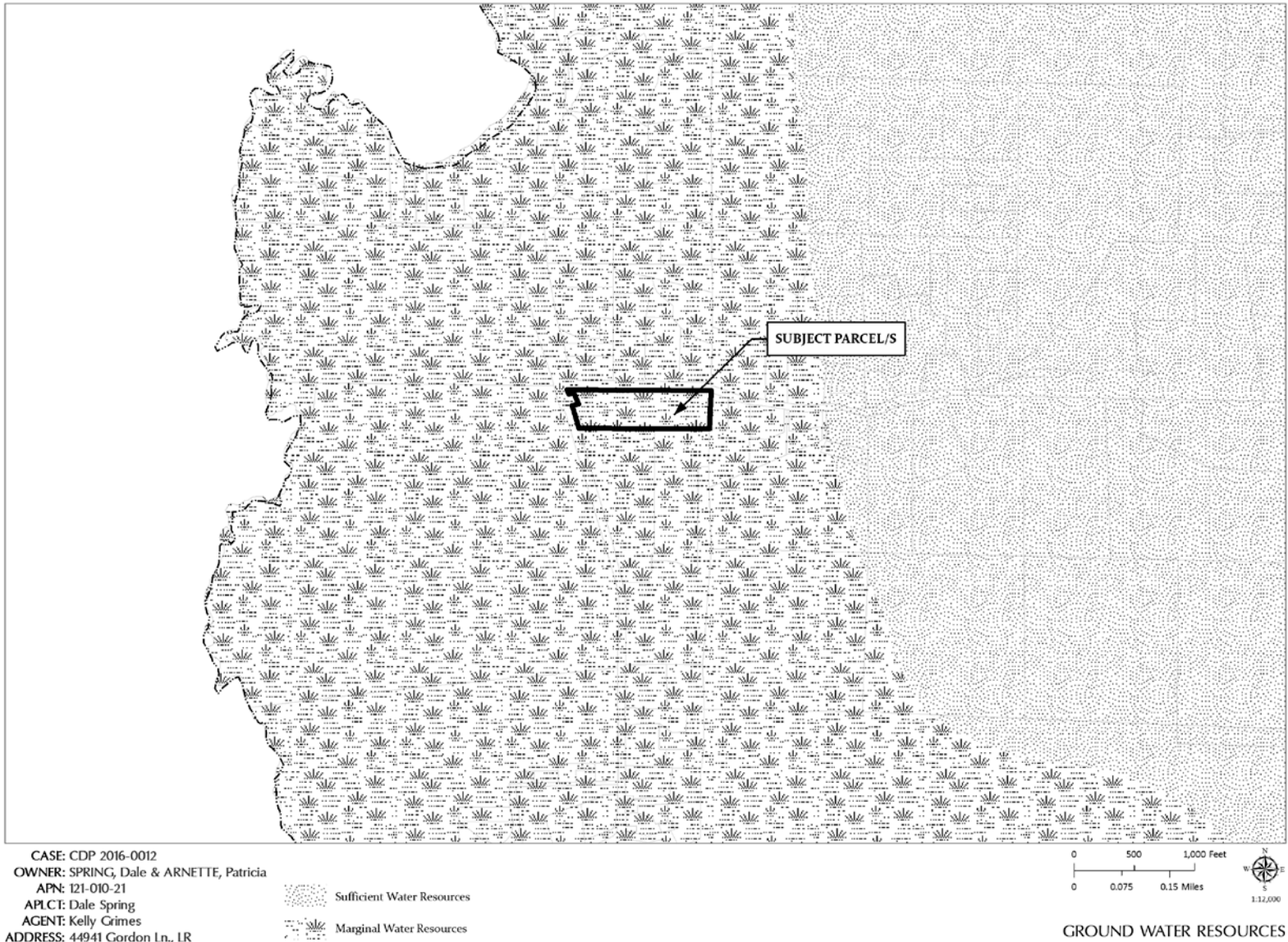


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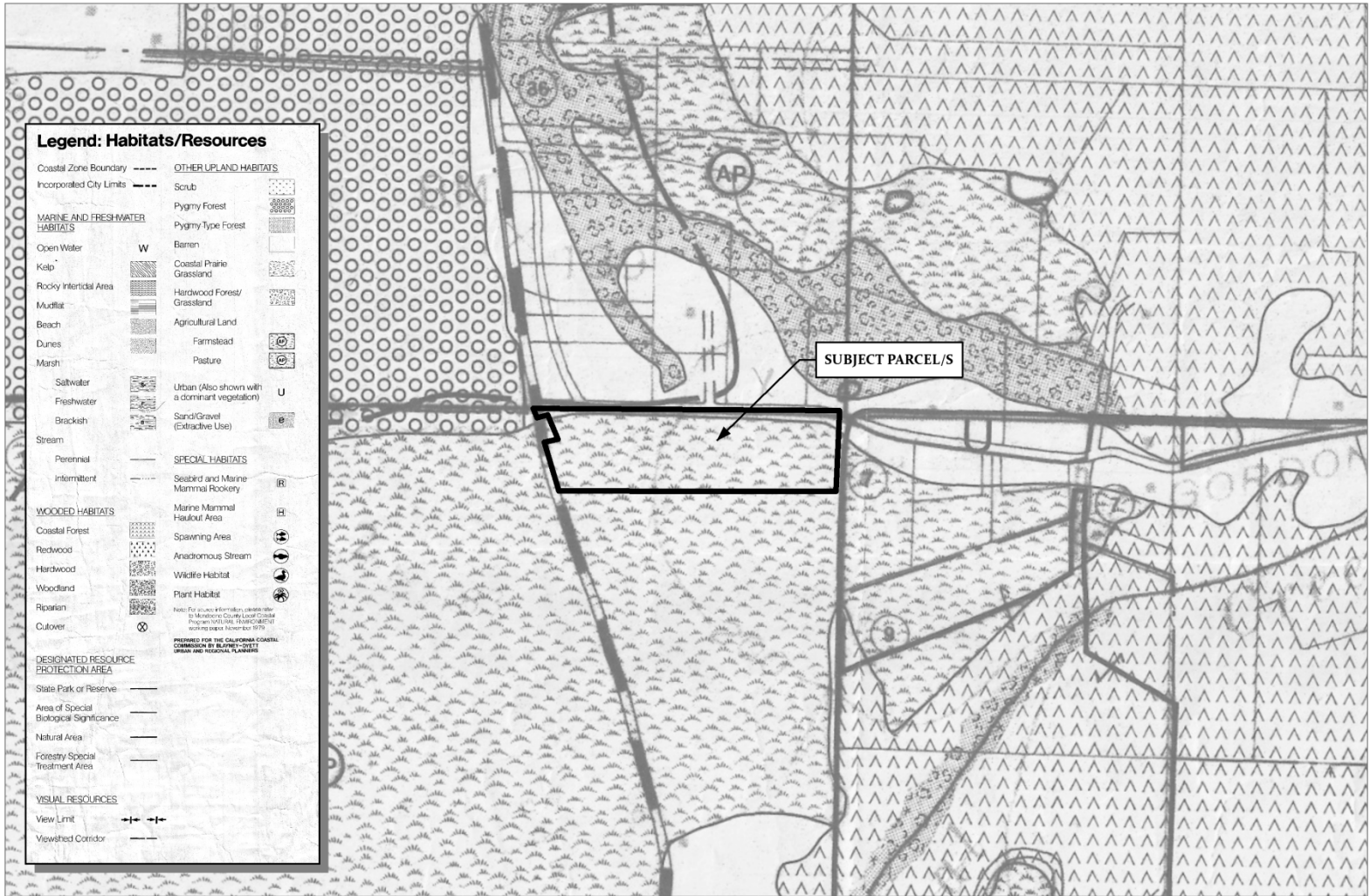


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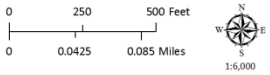




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HABITATS & RESOURCES

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CAPABILITIES & HAZARDS

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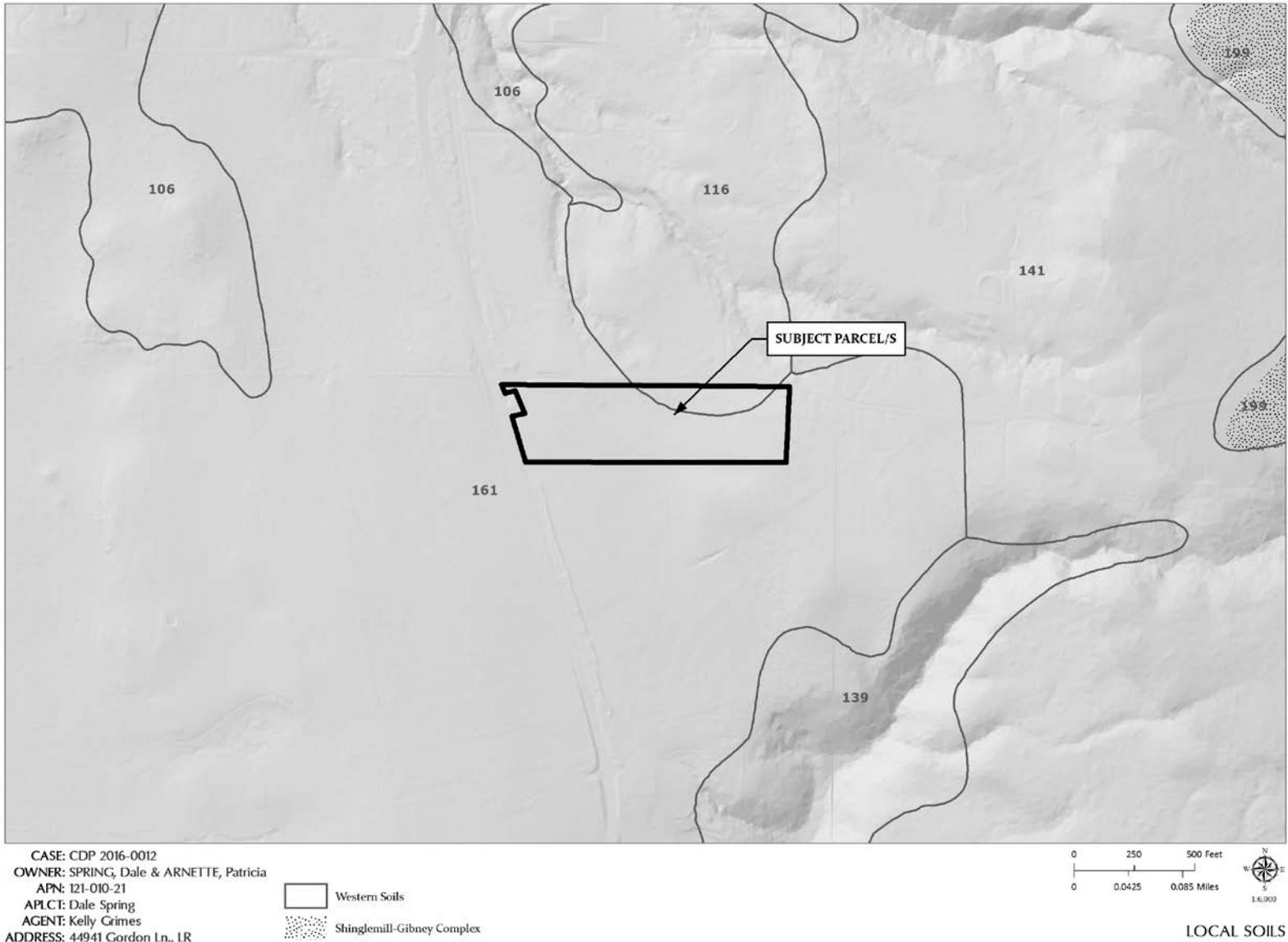


LCP LAND USE MAP 17: MENDOCINO

Map produced by the Mendocino County Planning & Building Services, April, 2006  
All spatial data is approximate. Map provided without warranty of any kind.



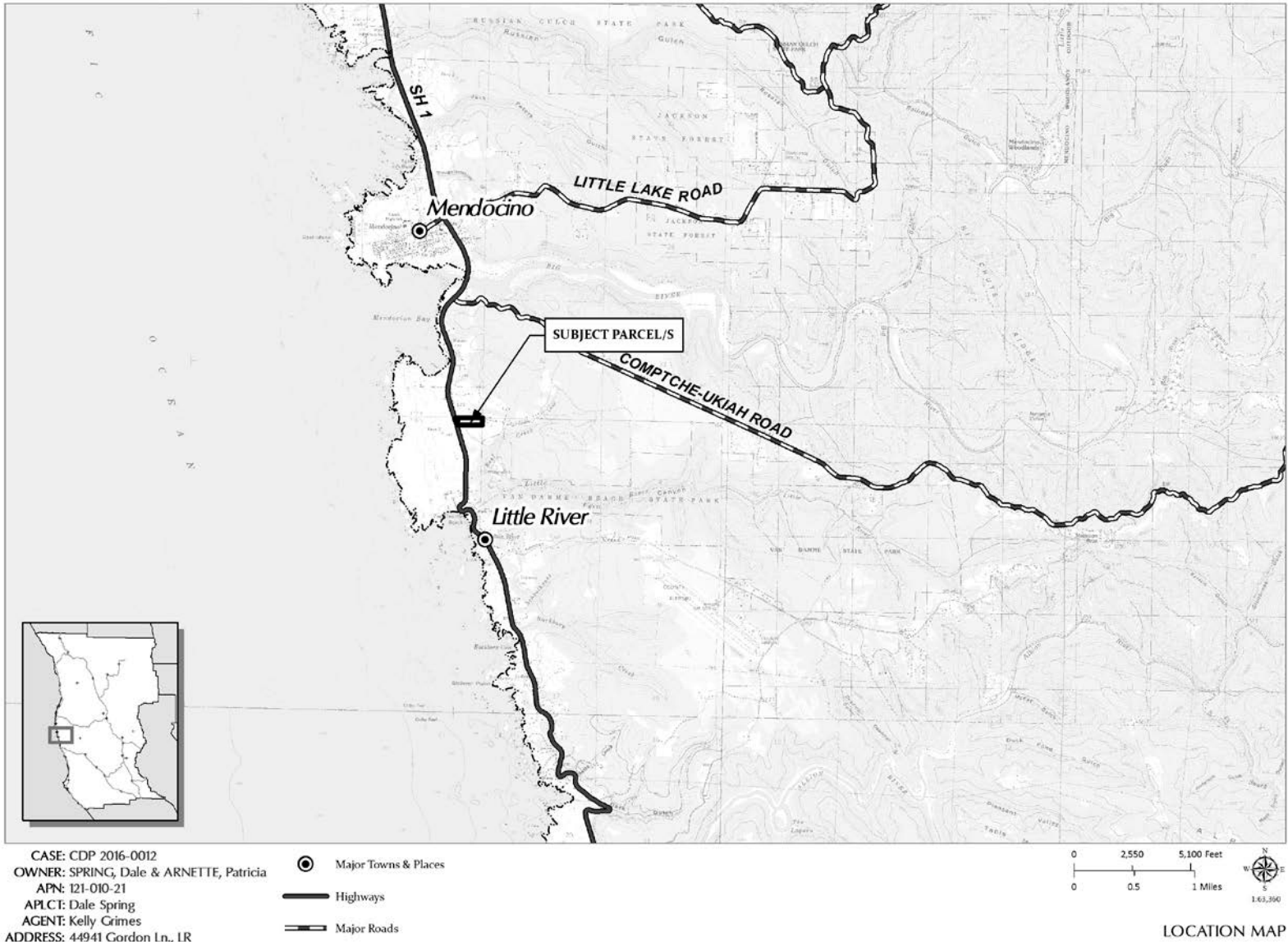
ATTACHMENT L



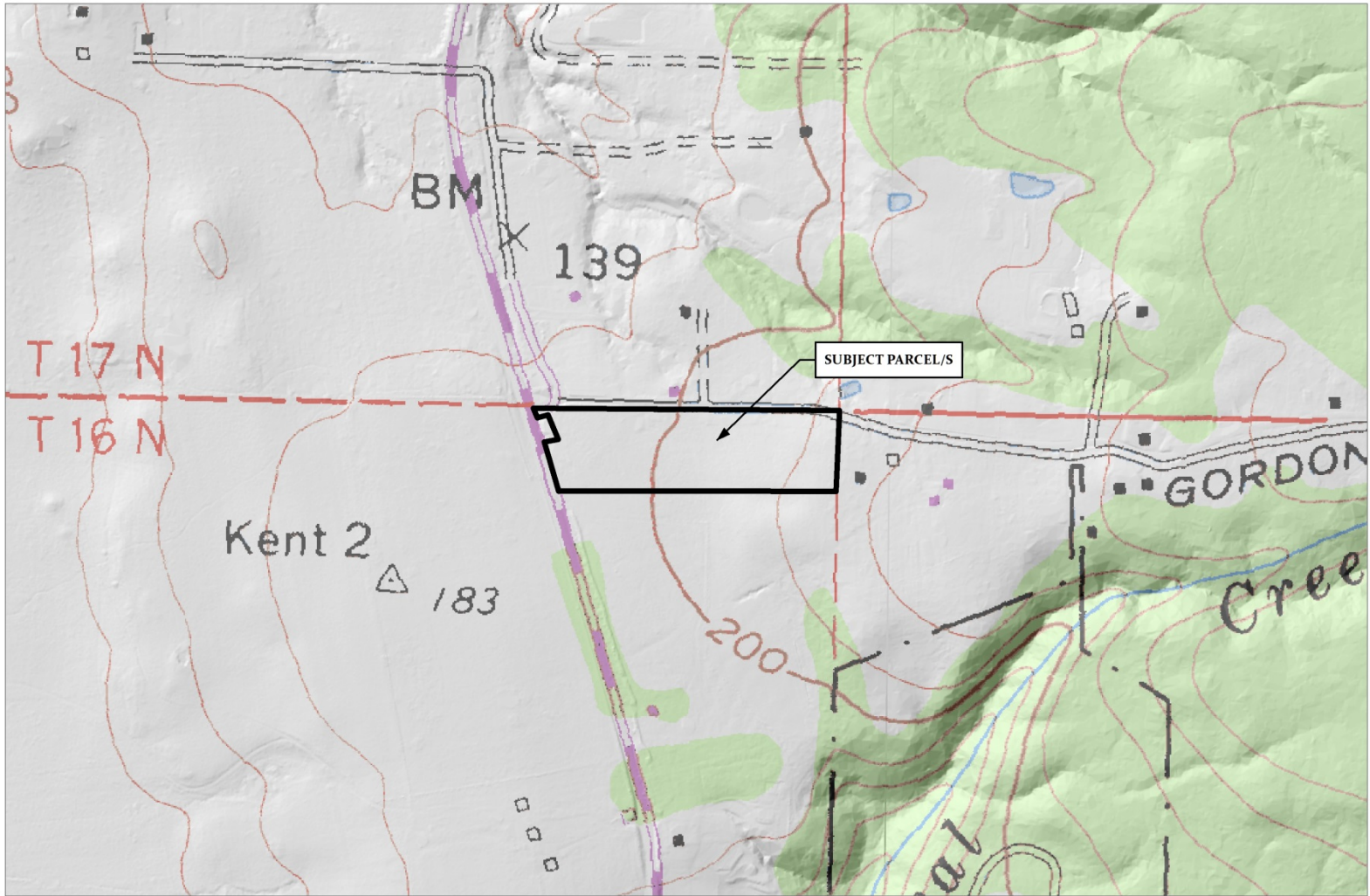
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ATTACHMENT M

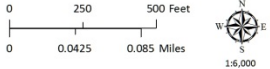


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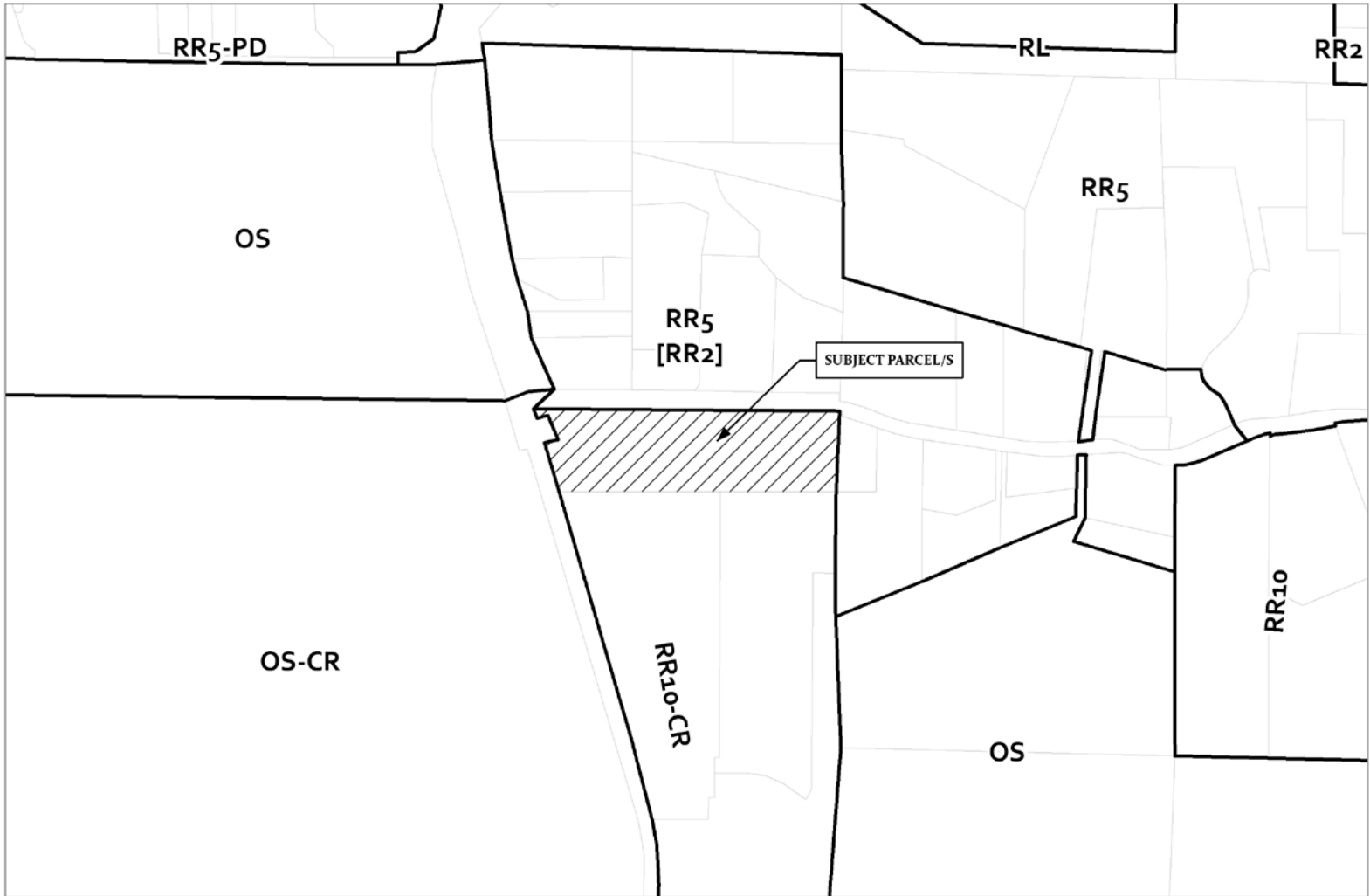
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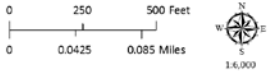
TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET





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OWNER: SPRING, Dale & ARNETTE, Patricia  
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 Zoning Districts



ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, April, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
July 26, 2017

CDP\_2016-0012 DALE SPRING AND PATRICIA ARNETT

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,  
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A  
CLASS 3(A) CATEGORICAL EXEMPTION FROM CEQA AND  
GRANTING A COASTAL DEVELOPMENT STANDARD PERMIT TO  
CONSTRUCT A 2,200-SQUARE-FOOT SINGLE-FAMILY RESIDENCE  
AND ACCESSORY STRUCTURES.

WHEREAS, the applicants, Dale Spring and Patricia Arnett, filed an application requesting an COASTAL DEVELOPMENT STANDARD PERMIT with the Mendocino County Department of Planning and Building Services to construct a 2,200-square-foot single-family residence, 840-square-foot detached garage, and a 120-square-foot pump house, and install a driveway, 3,000-gallon water storage tank, 250-gallon propane tank, 1,500-gallon septic tank and leach lines, and decks at 44941 Gordon Lane, Mendocino (APN 121-010-21); General Plan RR10:R; Zoning RR:10; Supervisorial District 5; (the "Project"); and

WHEREAS, the application for the Project was deemed complete on December 20, 2016; and

WHEREAS, the land located on APN 121-010-21 is contracted land, meaning agricultural land restricted by a Williamson Act contract, and such contract will be terminated, by non-renewal, on January 1, 2021; and

WHEREAS, a single-family land use is a compatible use with qualifying agricultural uses on any Williamson Act contracted land; and

WHEREAS, a single-family land use is a principally permitted land use in the Rural Residential District on which the development site is located and therefore requires a Coastal Development Standard Permit pursuant with Mendocino County Code Section 20.532.015(A)(1); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator received all relevant evidence presented in writing regarding the Class 3 Categorical Exemption and the Project and administratively approved the Class 3(a) Categorical Exemption and the Project on July 26, 2017; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Coastal Permit Administrator regarding the Class 3(a) Categorical Exemption from CEQA and the Project.

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

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program, as the proposed single-family residence and appurtenant

structures (detached garage, driveway, water storage tank, propane tank, and septic system) would be a principally permitted use in the Rural Residential Land Use Classification and meets the intent of the RR Classification; and

2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Rural Residential District applicable to the property, as well as the provisions of Mendocino County Coastal Zoning Codes, including additional development standards applicable to Conditionally Highly Scenic Areas, and preserves the integrity of the zoning district; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, and meets the criteria for a Class 3(a), Section 15303 Categorical Exemption within the meaning of the California Environmental Quality Act; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource by constructing the proposed single-family residence and appurtenant structures outside of the boundaries of a known cultural resource; and
6. Pursuant with MCC Section 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; and
7. Pursuant with MCC Section 20.532.100(A)(1)(a), the proposed development, as conditioned, will not significantly degrade identified Environmentally Sensitive Habitat Areas, or ESHA, and will avoid impacts of development on ESHA; and
8. Pursuant with MCC Section 20.532.100(B)(1)(a), the project maximizes protection of environmentally sensitive habitat areas by locating all project components outside of the recommended 100-foot buffer areas and no vegetation would be removed on areas other than the building sites and driveways; and
9. Pursuant with MCC Section 20.532.100(B)(1)(b), the project minimizes construction of new roads and other facilities; and
10. Pursuant with MCC Section 20.532.100(B)(1)(c), the project maintains views from beaches, public trails, roads, and views from public viewing areas, or other recreational areas by siting the project along a naturally occurring 25-foot contour line, where the building's roofline would be below the 50-foot contour line associated with a ridgeline. Additionally, the project has been designed to utilize existing vegetation, landscaping, and would be limited to a single-story, and the proposed colors and materials would consist of natural wood and minimal use of reflective surfaces; and
11. Pursuant with MCC Section 20.532.100(B)(1)(d), the project ensures the adequacy of water, waste water disposal and other services, and would be served by an on-site well and septic system and the development's solid waste needs could adequately be served by the Caspar Transfer Station; and

12. Pursuant with MCC Section 20.532.100(B)(1)(e), the project ensures the preservation of the rural character of the site and would result in approximately 0.9-percent lot coverage, which is well below the maximum lot coverage of 20-percent allowed in the RR District; and
13. Pursuant with MCC Section 20.532.100(B)(1)(f), the project maximizes preservation of prime agricultural soils by siting all proposed development on the eastern side of the property, outside of the mapped prime agricultural soils on the western half of the site; and
14. Pursuant with MCC Section 20.532.100(B)(1)(g), the project ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands by siting all proposed development on the eastern side of the property, outside of the mapped prime agricultural soils; and

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts a Class 3(a) Categorical Exemption from CEQA and the Conditions of Approval. The Coastal Permit Administrator certifies that the Class 3(a) Categorical Exemption from CEQA has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Class 3(a) Categorical Exemption from CEQA reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested COASTAL DEVELOPMENT STANDARD 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 that 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 be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: VICTORIA DAVIS  
Commission Services Supervisor

BY: IGNACIO GONZALEZ  
Interim Director/Coastal Permit Administrator

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

\_\_\_\_\_

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL**

**CDP\_2016-0012**

**July 26, 2017**

A COASTAL DEVELOPMENT STANDARD PERMIT TO  
CONSTRUCT A 2,200-SQUARE-FOOT SINGLE-  
FAMILY RESIDENCE AND ACCESSORY  
STRUCTURES.

**APPROVED PROJECT DESCRIPTION:** A Coastal Development Standard Permit to construct a 2,200-square-foot single-family residence; 840-square-foot detached garage; a 120-square-foot pump house; a 300-foot-long gravel driveway approximately 12-feet-wide with encroachment onto Gordon Lane; a 3,000-gallon water storage tank; 250-gallon propane tank; 1,500-gallon concrete septic tank and leach lines; and decks. The propane tank will be sited to the east, or rear, of the garage. No vegetation would be removed on areas other than the proposed building sites and driveway. Electrical and telephone service would be extended, underground, approximately 250-feet to the main structure.

### **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.
2. 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.
3. 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.
4. 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.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
6. 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.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

8. 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.
9. 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.
10. Ground disturbing activity within 100 feet of any cultural resource is prohibited.
11. At the property owner's expense, a monitor from the Sherwood Valley Band of Pomo shall be on-site during any ground disturbing activity within 200 feet of any cultural resource.
12. Prior to issuance of a building permit in reliance on Coastal Development Permit CDP\_2016-0012, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code.
13. The project shall comply with Section 20.504.015(11) of the Mendocino County Code. The property owner may defer undergrounding overhead transmission lines located within the 60-foot Pacific Gas and Electric Company (PG&E) easement contiguous with the easterly property line.
14. The property owner shall underground overhead power distribution lines in accordance with Section 20.504.015(C)(12) of the Mendocino County Code, or locate the lines below the fifty-foot contour line.
15. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct a standard private driveway approach onto Gordon Lane (CR 404 A), to be surfaced with asphalt concrete, with a minimum width of ten (10) feet and length of fifteen (15) feet from the edge of the County road.
16. A 100-foot buffer from the existing coastal lotus plants shall be observed. Prior to the onset of construction activities, temporary standard exclusionary fencing shall be installed within the site boundaries to protect the identified coastal lotus ESHA areas and shall be erected as close as possible (1-foot to 5-feet) from their identified locations. All construction related activities shall remain outside of this fencing, which shall remain undisturbed during all phases of construction. To insure correct placement of the temporary fencing, a qualified biologist shall direct the installation of the fence.
17. Since the bird-breeding season typically extends from February to August, the clearing of vegetation and the initiation of construction shall occur in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone, which shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist

shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

18. Since the bat-breeding season typically extends from November 1 to August 31, the clearing of vegetation and the initiation of construction shall occur in the non-breeding season between September and October. If it is necessary to disturb potential bat roost sites during the bat-breeding season, a pre-construction survey (including surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use) shall be conducted. If evidence of bat use is found, a qualified biologist shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50-foot buffer shall be implemented around the roost tree. Removal of roost trees shall occur in September and October, or after the bats have left the roost.
19. Landscaping on the parcel shall not include any invasive plants and shall consist of native plants compatible with the adjacent plant communities.
20. Bare soil resulting from tree removal and/or construction activities shall be vegetated and/or covered with wood chips as soon as possible to prevent erosion.
21. The project shall utilize the proposed building materials and color palette, in accordance with MCC Section 20.504.015(C)(3) of the Mendocino County Code, which requires new development be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings.
  - a. As proposed, roof material shall be Standing Seam Metal Roofing with a dark bronze color or similar material that is non-reflective and similar in hue and color. Metal materials shall blend in hue and brightness with their surroundings.
  - b. As proposed, exterior building finish shall be Redwood Siding with a natural, oil-finish or similar material sharing hue, color, and texture.
  - c. As proposed, window frame color shall be dark bronze anodized aluminum or similar material, hue, and color.
  - d. To comply with MCC Section 20.504.015(C)(3), reflective metal surfaces shall be patinated or oxidized. Within one year of their installation, metal materials shall blend in hue and brightness with their surroundings; for example, the proposed copper gutters, copper downspouts, and Cor-Ten (or similar weathered steel exterior materials) shall limit reflective surfaces and blend in hue and brightness with their surroundings.
22. To comply with MCC Section 20.504.015(C)(5)(a), development shall be sited near the toe of a slope, below a ridge, and near a wooded area.
  - a. Structures shall fit the hillside sites, rather than altering landform to accommodate buildings designed for level sites (per MCC Section 20.504.015(C)(6)(c)). As shown on Sheet A1 of the proposed site plan, buildings shall be sited between the 25 and 30-foot land contours.
  - b. Roof angles and exterior finishes shall blend with the hillside (per MCC Section 20.504.015(C)(6)(e)). As shown on proposed building elevations, roof ridgelines or apex shall not exceed 18 feet above ground elevation and roof apexes shall be below the 50-foot land contour.
  - c. Development shall be concentrated near existing major vegetation (per MCC Section 20.504.015(C)(6)(d)). As shown on Sheet A1 of the proposed site plan, the driveway shall be adjacent to existing wooded areas, which includes existing trees that shall be maintained and replaced, as needed or identified by Mendocino County.

**COASTAL PERMIT APPROVAL CHECKLIST  
JULY 26, 2017**

**PROJECT TITLE:** CDP\_2016-0012

**PROJECT LOCATION:** 44941 Gordon Lane  
Little River, California  
APN: 121-010-21

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

**GENERAL PLAN DESIGNATION:** Mendocino County General Plan – Coastal Element  
Rural Residential (RR10:R)

**ZONING DISTRICT** Mendocino County Coastal Zoning Code – Division II  
Rural Residential (RR:10)

**DESCRIPTION OF PROJECT:** Coastal Development Standard Permit request to construct a 2,200-square-foot single-family residence, 840-square-foot detached garage, and a 120-square-foot pump house on a 10.54-acre site. Additionally, a 12-foot-wide gravel driveway and parking area with encroachment onto Gordon Lane, a 3,000-gallon water storage tank, 250-gallon propane tank, 1,500-gallon concrete septic tank, leach lines, and decks would be installed. The propane tank will be sited to the east, or rear, of the garage. Per County standards, the driveway will include a paved encroachment onto Gordon Lane. Electrical and telephone service would be extended approximately 250 feet to the site. No vegetation would be removed on areas other than the proposed building sites and driveway.

**SITE DESCRIPTION AND SETTING:** The subject property is approximately 10.5 acres and is located directly east of Highway 1, approximately 1.2-miles south of the Town of Mendocino. The lot is a corner lot at the southeast intersection of Highway One and Gordon Lane and is situated directly east of Spring Ranch in Little River. (Spring Ranch is public lands with coastal access to the coast line and bluffs). This ten and a half acre lot is undeveloped and contains an existing well. Even though the land is under Williamson Act contract until year 2021, there is no evidence of agricultural activity on the mapped prime agricultural lands and the contract will not be renewed. The lot's topography includes a gentle rise, gaining about 45 feet in elevation from its midsection to its easterly boundary. The mid-point of the lot is mapped with a 200 foot contour line; therefore, elevations are between 190 feet and 245 feet. The westerly and northerly property boundaries include existing vegetation that obscure views of the land, which is designated as Conditionally Highly Scenic Area. The March 10, 2016 Biological Scoping Report and its July 7, 2016 Botanical Addendum recommend 100-foot buffers from an existing stand of Bishop pines and another 100 foot buffer from coastal lotus plants (Spade Natural Resources Consulting). A known cultural resource is also located on the site. None of the proposed locations for development would impact identified sensitive coastal resources.

The site primarily consists of coastal prairie grassland and contains prime agricultural land on the western half of the site.<sup>1,2</sup> The eastern half of the site appears to be underlain by bedrock, with the western half of the site underlain by beach deposits and stream alluvium and terraces, and is subject to intermediate shaking.<sup>3</sup>

The project site is located east of Highway 1 and is not designated as a potential public access trail location. Existing public access to the shore is not currently designated on the LCP Map 22 *Mendocino* within the vicinity of the site, although shoreline access is proposed northwest of the site. The proposed development would be visible from Highway 1 and other public areas; however, development would be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and would be limited to a single story. The project site is located within a "Marginal Water

<sup>1</sup> *Habitats & Resources* [map]. April 2016. 1:6,000. Mendocino Planning and Building Services.

<sup>2</sup> *Capabilities & Hazards* [map]. April 2016. 1:6,000. Mendocino Planning and Building Services.

<sup>3</sup> *Capabilities & Hazards* [map]. April 2016. 1:12,000. Mendocino Planning and Building Services.



Resources” area<sup>4</sup> and a High Fire Hazard Area<sup>5</sup>. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, flood, or tsunami hazard.<sup>6</sup>

**DETERMINATION:** The proposed project would satisfy all required findings for approval of a Coastal Development Permit, pursuant to Sections 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:</b>				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

☒ *Consistent (with conditions of approval)*

<sup>4</sup> Ground Water Resources [map]. April 2016. 1:12,000. Mendocino Planning and Building Services.

<sup>5</sup> Fire Hazard Zones & Responsibility Areas [map]. April 2016. 1:12,000. Mendocino Planning and Building Services.

<sup>6</sup> Capabilities & Hazards [map]. April 2016. 1:6,000. Mendocino Planning and Building Services.

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The LCP addresses topics such as shoreline access and public trails; development in scenic areas; environmentally sensitive habitat areas; cultural resources; and more. The LCP serves as an element of the General Plan and includes the Mendocino County Coastal Zoning Code (MCC), and on November 20, 1985, its policies were certified by the California Coastal Commission as consistent with the goals of the California Coastal Act.

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

**General Plan Land Use – Rural Residential:** The subject parcel is classified as Rural Residential (RR10:R) by the Coastal Element of the Mendocino County General Plan, which is “*intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.*” The proposed use, Single-Family Residential, is consistent with the RR classification of the Coastal Element of the Mendocino County General Plan and is a principally permitted land use.

**Hazards:** Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, flood, or tsunami hazard.<sup>7</sup>

**Seismic Activity:** The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.<sup>8</sup> The San Andreas Fault is located approximately 4.5 miles west of the project site and is the nearest active fault. The project site is located within Seismicity Zone 3. The eastern half of the site is underlain by bedrock, with the western half of the site underlain by beach deposits and stream alluvium and terraces, and is subject to intermediate shaking.<sup>9</sup> This project does not conflict with any state or local seismic hazard policy or plan.

**Flooding:** There are no mapped 100-year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.<sup>10</sup>

**Fire:** The parcel is located in a High Fire Hazard Area.<sup>11</sup> The project application was referred to the California Department of Forestry and Fire Protection (Cal Fire) for input; however no response was received. A State Fire Safe Regulations Application Form was submitted to Cal Fire as part of the project application (Cal Fire File Number 190-17). The Conditions of Approval from Cal Fire, dated May 16, 2017, include conditions regarding address, driveway, defensible space, and maintenance standards. A standard condition requiring the applicant to secure of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan would be addressed.

**Standard Condition:** This permit shall be subject to securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

With the inclusion of the standard condition, staff finds the project would be consistent with Mendocino County policies for fire protection

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<sup>7</sup> *Capabilities & Hazards* [map]. April 2016. 1:6,000. Mendocino Planning and Building Services.

<sup>8</sup> State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

<sup>9</sup> *Capabilities & Hazards* [map]. April 2016. 1:12,000. Mendocino Planning and Building Services.

<sup>10</sup> *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1200F, Number 06045C1200F. Federal Emergency Management Agency.

<sup>11</sup> *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

**Visual Resources:** Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by Chapter 20.504 of the MCC. The subject parcel is located within a mapped Conditional Highly Scenic Area (HSA).

*The purpose of [Chapter 20.504 Visual Resource and Special Treatment Areas] is to insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.*

PBS Staff reviewed location of the site and determined that the project is visible from public roads and subject to the development criteria of MCC Section 20.504.015(C) *et seq*, including the requirement to minimize visual impact of development on hillsides. Pursuant to section 20.504.015(C)(1), the proposed development would provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, parks, and waters used for recreational purposes by siting the proposed eighteen-foot development along a naturally occurring 25-foot contour line (as shown on the proposed site plan), where the building's roofline would be below the 50-foot contour line associated with a ridgeline (See Table 1). The proposed colors and materials would consist of natural wood and minimal use of reflective surfaces (including window glazing).

The Table 1 lists the development criteria MCC Section 20.504.015(C)(2) through (13) and compares aspects of the proposed project with the locally adopted regulations.

<b>Table 1: Visual Resource - Highly Scenic Area Development Criteria</b>	
MCC SECTION 20.504.015(C)	EVIDENCE BASED ON PROPOSED PROJECT
1. Protection of coastal views from public areas.	The proposed development would be visible from Highway 1 and other public areas; however, development would be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and would be limited to a single story.
2. In highly scenic areas west of Highway 1 as identified on the Coastal Element land use plan maps, new development shall be limited to 18 feet above natural grade unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.	The project site is located east of Highway 1. The proposed development would be below the maximum height limit.
3. New development shall be subordinate to the natural setting and minimize reflective surfaces. In Highly Scenic Areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.	The proposed exterior siding is redwood board and batt with a clear oil finish. A corrugated metal roof. Bronze color, anodized aluminum clad window frames and dark bronze Verlux skylight frames.
4. [Any] proposed divisions of land and boundary line adjustments within highly scenic areas shall be analyzed for consistency of potential future development with the regulations of this Chapter, ...	Land division or boundary line adjustment is not proposed.
5. Buildings and building groups that must be sited in highly scenic areas shall be sited: (a) Near the toe of a slope; (b) Below rather than on a ridge; and (c) In or near a wooded area.	The development site proposed to follow the 25-foot contour line, which is near the toe of a slope, and is near wooded areas located to the west the primary development site.

Table 1: Visual Resource - Highly Scenic Area Development Criteria	
MCC SECTION 20.504.015(C)	EVIDENCE BASED ON PROPOSED PROJECT
6. Minimize visual impact of development on hillsides by the following criteria: (a) Requiring grading or construction to follow the natural contours; (b) Re-siting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms; (c) Designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites; (d) Concentrate development near existing major vegetation; and (e) Promote roof angles and exterior finish which blend with hillside.	The proposed project would (a) be located along a natural 25-foot contour line; (b) avoid permanent alteration of natural landforms; (c) have roof heights below the ridgeline; (d) retain existing vegetation to screen views of the proposed driveway; and (e) orient roof angles to follow existing land contours and the use natural color exterior finish materials such as oil stained redwood.
7. Minimize visual impacts of development on terraces ...	The development would not be sited on a terrace.
8. Minimize visual impact of development on ridges ...	The development would not be sited on a ridge.
9. In specific areas, as designated on the Land Use Maps and other circumstances in which concentrations of trees unreasonably obstruct views to and along the ocean and scenic coastal areas, tree thinning or removal shall be made a condition of permit approval.	Site is not designated on the Land Use Map.
10. Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas.	A condition of project approval would support compliance with MCC Section 20.504.015(C)(10).
11. Power transmission lines shall be located along established corridors where possible and where the corridors are not visually intrusive.	Staff recommends a condition of project approval to require compliance with MCC 20.504.015(11) and allow the property owner to defer undergrounding overhead transmission lines located within the 60-foot PG&E easement contiguous with the easterly property line.
12. Power distribution lines shall be placed underground in designated "highly scenic areas" west of Highway 1 and in new subdivisions. East of Highway 1, power lines shall be placed below ridgelines if technically feasible.	Staff recommends a condition of project approval requiring the property owner to underground overhead power distribution lines or locate the lines below the 50-foot contour line.
13. Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access Highway 1 where an alternate configuration is feasible.	The proposed driveway would be routed adjacent to an existing stand of trees. Pavement (crushed rock or other) would be similar in color to the existing soil.

Based on evidence presented in Table 1, staff recommends the following conditions be applied to the project:

**Recommended Condition:** Prior to issuance of a building permit in reliance on Coastal Development Permit CDP\_2016-0012, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast

and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code.

**Recommended Condition:** The project shall utilize the proposed building materials and color palette, in accordance with Section 20.504.015(C)(3) of the Mendocino County Code, which requires new development be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings.

**Recommended Condition:** The project shall comply with Section 20.504.015(11) of the Mendocino County Code. The property owner may defer undergrounding overhead transmission lines located within the 60-foot Pacific Gas and Electric Company (PG&E) easement contiguous with the easterly property line.

**Recommended Condition:** The property owner shall underground overhead power distribution lines in accordance with Section 20.504.015(C)(12) of the Mendocino County Code, or locate the lines below the 50 foot contour line.

**Recommended Condition:** The project shall utilize the proposed building materials and color palette, in accordance with MCC Section 20.504.015(C)(3) of the Mendocino County Code, which requires new development be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings.

- a. As proposed, roof material shall be Standing Seam Metal Roofing with a dark bronze color or similar material that is non-reflective and is similar in hue and color. Metal materials shall blend in hue and brightness with their surroundings.
- b. As proposed, exterior building finish shall be Redwood Siding with a natural, oil-finish or similar material sharing hue, color, and texture.
- c. As proposed, window frame color shall be dark bronze anodized aluminum or similar material, hue, and color.
- d. To comply with MCC Section 20.504.015(C)(3), reflective metal surfaces shall be patinated or oxidized. Within one year of their installation, metal materials shall blend in hue and brightness with their surroundings; for example, the proposed copper gutters, copper downspouts, and Cor-Ten (or similar weathered steel exterior materials) shall limit reflective surfaces and blend in hue and brightness with their surroundings.

**Recommended Condition:** To comply with MCC Section 20.504.015(C)(5)(a), development shall be sited near the toe of a slope, below a ridge, and near a wooded area.

- a. Structures shall fit the hillside sites, rather than altering landform to accommodate buildings designed for level sites (per MCC Section 20.504.015(C)(6)(c)). As shown on Sheet A1 of the proposed site plan, buildings shall be sited between the 25 and 30-foot land contours.
- b. Roof angles and exterior finishes shall blend with the hillside (per MCC Section 20.504.015(C)(6)(e)). As shown on proposed building elevations, roof ridgelines or apex shall not exceed 18 feet above ground elevation and roof apexes shall be below the 50-foot land contour.
- c. Development shall be concentrated near existing major vegetation (per MCC Section 20.504.015(C)(6)(d)). As shown on Sheet A1 of the proposed site plan, the driveway shall be adjacent to existing wooded areas, which includes existing trees that shall be maintained and replaced, as needed or identified by Mendocino County.

**Recommended Condition:** Landscaping shall not conflict with the intent of Chapters 20.504 and Chapter 20.496. Prior to planting landscaping, the property owner shall either (a) submit a landscape plan and request the Coastal Permit Administrator's concurrence that no conflict exists or (b) amend CDP\_2016-0012 to include specific landscape criteria, plans, or conditions of approval.

- **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 proposal is to construct a single-family residence with three bedrooms and two bathrooms on an undeveloped lot. The Department of Environmental Health (DEH) was consulted regarding this proposal and, on September 30, 2016, DEH had no comment regarding the project.

**Access Roads:** The proposed development will be provided with adequate access roads. Mendocino County Department of Transportation (MDOT) was invited to provide comment on the application. Correspondence to Planning and Building Services from MDOT dated December 2, 2016, requested the following condition of project approval and requiring the applicant to obtain an encroachment permit for work within the public right-of-way.

**Recommended Condition:** The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct a standard private driveway approach onto Gordon Lane (CR 404 A), to be surfaced with asphalt concrete, with a minimum width of ten (10) feet and length of fifteen (15) feet from the edge of the County road.

- **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 Residential (RR). The RR District is “*intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability*”, as per MCC Section 20.376.005. The project, as proposed, is consistent with the intent of the RR District.

Use: The proposal to construct a 2,208-square-foot single-family residence, a 840-square-foot detached garage, and a 120-square-foot pump house satisfies the principal permitted use for RR Districts.

Development Standards: Table 2 describes development and land use criteria that is applied to the review of the proposed project and relates project components to code requirements.

Table 2: Rural Residential Development and Land Use Standards		
CODE SECTION	STANDARD	PROPOSED
20.376.030 Minimum Front and Rear Yards for RR Districts	50 feet	Front: 473 feet Rear: 186 feet
20.376.035 Minimum Side Yard for RR Districts	50 feet	Street-Side: 103 feet Interior-Side: 87 feet
20.376.045 Building Height Limit for RR Districts	28 feet	House: 17.75 feet Garage: 15.8 feet
20.376.065 Maximum Lot Coverage for RR Districts	20 percent	0.9 percent
20.444.020 Corridor Preservation Setback	40 feet	More than 40 feet
20.472.015 Minimum Vehicle Parking	two off-street	10 spaces (2 in garage, 8 uncovered)
20.496.020(A)(1) ESHA Development Criteria – Buffer Areas (Width)	100 feet	More than 100 feet

Based on the evidence presented in Table 2, staff finds that the project complies with the development standards of the RR 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 (CEQA).**

☒ *Consistent (with conditions of approval)*

The County of Mendocino is the Lead Agency for this project under CEQA. The County of Mendocino finds the project to be categorically exempt from CEQA, under a Class 3(a) Categorical Exemption from CEQA, pursuant to Section 15303, New Construction or Conversion of Small Structures. Since the proposed project involves the construction of a new single-family residence with detached garage and appurtenant structures, the project is exempt from the provisions of CEQA.

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

☒ *Consistent (with conditions of approval)*

A known cultural resource is located on the site; however, the development site is situated beyond the boundaries of known cultural resources. The project was referred to the Archaeological Commission and nearby tribes for comment on September 30, 2016. The Archaeological Commission accepted the archaeological report prepared by Jay Flaherty on November 8, 1991, during the Archaeological Commission's hearing on September 14, 2016, finding that recommendations of the report shall be strictly adhered to. A standard condition is recommended advising the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. Based on the action of the Archaeological Commission, staff recommends a condition establishing a 100-foot buffer to protect existing cultural resources. A additional condition is recommended, as requested by the Tribal Historic Preservation Office of the Sherwood Valley Band of Pomo on January 6, 2017, to require that a representative of the Sherwood Valley Band of Pomo monitor all ground breaking activities and at the property owner's expense.

**Standard Condition:** 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.

**Recommended Condition:** Ground disturbing activity within 100 feet of any cultural resource is prohibited.

**Recommended Condition:** At the property owner's expense, a monitor from the Sherwood Valley Band of Pomo shall be on-site during any ground disturbing activity within 200 feet of any cultural resource.

With inclusion of these standard and recommended conditions of approval, as provided above, the project is found consistent with Mendocino County policies for 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 Caspar Transfer Station is located approximately 3.5 miles north of the project site, providing for the disposal of solid waste resulting from the residential use. Solid waste disposal would be adequate to serve the proposed development. The County's Stormwater Ordinance will ensure construction activities on the site limit the project's stormwater impacts to a level that is not significant.

Roadway Capacity: The proposed residential use is consistent with Mendocino County's LCP for the area and would be a low-trip generating use, which would not degrade performance of the existing private roadway or nearby roads, including Highway 1. The project would not be located within an area subject to a congestion management program. The State Route 1 Corridor Study Update provides traffic volume data for Highway 1. The subject property is located approximately 1.1-miles northeast of the intersection of Little River Airport Road and Highway 1 where the existing peak hour Level of Service is reported as "A".<sup>12</sup> No change in service levels is anticipated as a result of the proposed project.

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 checked="" type="checkbox"/>	<input 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"/>

- **20.532.100(A)(1)(a) The resource as identified will not be significantly degraded by the proposed development.**

☒ *Consistent (without conditions of approval)*

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

Two reports have been submitted for review: (1) a *Biological Scoping Report* prepared on March 10, 2016, by Spade Natural Resources Consulting; and (2) a *Botanical Addendum* prepared on July 7, 2016, by Spade Natural Resources Consulting. No areas of wetland hydrology or special status wildlife species were observed on the site during field surveys. Three Environmentally Sensitive Habitat Areas (ESHAs) were observed on or adjacent to the site, including an existing stand of Bishop pine trees located approximately 125-feet south of the site and several occurrences of coastal lotus plants (*Hosackia gracilis*) on and directly south of the site. Since these ESHA areas may provide habitat for special-status species, the March 2016 Biological Scoping Report and its July 2016 Botanical Addendum recommend 100-foot buffers from an existing stand of Bishop pines and another 100-foot buffer from the coastal lotus plants; however, per revised Figure 2 of the *Botanical Addendum*, a 100-foot buffer from the Bishop pine

<sup>12</sup> *State Route 1 Corridor Study Update for the County of Mendocino*. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Accessed June 2, 2017, at: <http://www.mendocinocog.org/pdf/SR%201%20Corridor%20Study%20Update.9-18-08.pdf>.



trees would be located outside of the boundaries of the site. Additionally, Staff recommends inclusion of several additional conditions related to the protection of biological resources, as recommended by the biologist, which are provided below:

**Recommended Condition:** A 100-foot buffer from the existing coastal lotus plants shall be observed. Prior to the onset of construction activities, temporary standard exclusionary fencing shall be installed within the site boundaries to protect the identified coastal lotus ESHA areas and shall be erected as close as possible (1-foot to 5-feet) from their identified locations. All construction related activities shall remain outside of this fencing, which shall remain undisturbed during all phases of construction. To insure correct placement of the temporary fencing, a qualified biologist shall direct the installation of the fence.

**Recommended Condition:** Since the bird breeding season typically extends from February to August, the clearing of vegetation and the initiation of construction shall occur in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone, which shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

**Recommended Condition:** Since the bat breeding season typically extends from November 1 to August 31, the clearing of vegetation and the initiation of construction shall occur in the non-breeding season between September and October. If it is necessary to disturb potential bat roost sites during the bat breeding season, a pre-construction survey (including surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use) shall be conducted. If evidence of bat use is found, a qualified biologist shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50-foot buffer shall be implemented around the roost tree. Removal of roost trees shall occur in September and October, or after the bats have left the roost.

**Recommended Condition:** Landscaping on the parcel shall not include any invasive plants and shall consist of native plants compatible with the adjacent plant communities.

**Recommended Condition:** Bare soil resulting from tree removal and/or construction activities shall be vegetated and/or covered with wood chips as soon as possible to prevent erosion.

➤ **20.532.100(A)(1)(b) There is no feasible less environmentally damaging alternative.**

☒ *Not Applicable*

Though several ESHA areas have been identified on or adjacent to the project site, all project components would be located outside of the recommended 100-foot buffer areas and no vegetation would be removed on areas other than the building sites and driveway.

➤ **20.532.100(A)(1)(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.**

☒ *Not Applicable*

Since the proposed project is exempt from the provisions of CEQA under a Class 3(a) Categorical Exclusion, an Initial Study was not required or prepared for the project, and therefore, no mitigation measures are required.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) The project minimizes construction of new roads and other facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) The project maintains views from beaches, public trails, roads, and views from public viewing areas, or other recreational areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) The project ensures the adequacy of water, waste water disposal and other services.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) The project ensures the preservation of the rural character of the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) The project maximizes preservation of prime agricultural soils.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) The project ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

☒ *Consistent (with conditions of approval)*

Though the project is proposed on land designated by the General Plan and the MCC as RR, the project site is currently under a Williamson Act contract, which will conclude in the year 2021. There is no evidence of agricultural activity on the mapped prime agricultural lands and the contract will not be renewed. Several ESHA areas have been identified on or adjacent to the project site, all project components would be located outside of the recommended 100-foot buffer areas and no vegetation would be removed on areas other than the building sites and driveway. As conditioned, the proposed project would not be anticipated to significantly degrade identified ESHAs or other biological resources.

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

☒ *Consistent (without conditions of approval)*

The proposed project involves construction of a single-family residence and appurtenant structures, including a detached garage pump house, and installation of a gravel driveway, water storage tank, propane tank, and decks. The 300-foot-long, 12-foot-wide driveway off Gordon Lane would provide access to the single-family residence and garage. The proposed project would not require the construction of new roads and other facilities.

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

☒ *Consistent (without conditions of approval)*

The project site is located within a Conditionally Highly Scenic Area. The proposed development would be visible from Highway 1 and other public areas; however, development would be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and would be

limited to a single story. The proposed development, approximately 18-feet in height, would be sited along a naturally occurring 25-foot contour line, where the building's roofline would be below the 50-foot contour line associated with a ridgeline. The proposed colors and materials would consist of natural wood and minimal use of reflective surfaces (including window glazing). Staff finds that the project, as proposed would maintain views from beaches, public trails, roads and other public viewing areas.

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

☒ *Consistent (without conditions of approval)*

The proposed project would ensure access to adequate water, waste water disposal, and other services. The project site is located within a "Marginal Water Resources" area.<sup>13</sup> and the proposed development would be served by an existing on-site well. A septic system, water storage tank, and propane tank would be installed on the site. The Department of Environmental Health (DEH) was consulted regarding this proposal and, on September 30, 2016, DEH had no comment regarding the project. The Caspar Transfer Station is located approximately 3.5-miles north of the project site, providing for the disposal of solid waste resulting from the residential use. Staff finds that the proposed project would be adequately served by an on-site well and septic system and the development's solid waste needs could adequately be served by the Caspar Transfer Station.

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

☒ *Consistent (without conditions of approval)*

The proposed project would be located within an established, rural residential area. As proposed, the project would result in approximately 0.9 percent lot coverage, which is well below the maximum lot coverage of 20 percent allowed in the RR District. The proposed development would be consistent with the intent of the RR Classification and development and land use standards for the RR District, ESHA, and Conditionally Highly Scenic Area.

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

☒ *Consistent (without conditions of approval)*

The site primarily consists of coastal prairie grassland and contains prime agricultural land on the western half of the site.<sup>14, 15</sup> Though the project involves the construction of a single-family residence and appurtenant structures, the project would maximize preservation of prime agricultural soils by siting all proposed development on the eastern side of the property, outside of the mapped prime agricultural soils.

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

☒ *Consistent (without conditions of approval)*

While the project parcel is currently under a Williamson Act contract until the year 2021, there is no evidence of agricultural activity on the site and the contract will not be renewed. Additionally, the proposed project is located within an established, rural residential area and the project, as proposed, is consistent with the intent of the RR Classification and development and land use standards for the RR District, ESHA, and Conditionally Highly Scenic Area. The project would also maximize preservation of prime agricultural soils on the site by siting all proposed development on the easterly area of the land, outside of the mapped prime agricultural soils. The proposed development site would maintain productivity of on-site and adjacent agricultural lands.

<sup>13</sup> *Ground Water Resources* [map]. April 2016. 1:12,000. Mendocino Planning and Building Services.

<sup>14</sup> *Habitats & Resources* [map]. April 2016. 1:6,000. Mendocino Planning and Building Services.

<sup>15</sup> *Capabilities & Hazards* [map]. April 2016. 1:6,000. Mendocino Planning and Building Services.