



---

**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT – STANDARD CDP**

---

**CDP\_2016-0049  
MARCH 8, 2018**

---

**SUMMARY**

**OWNER/APPLICANT:** ERNEST AND CORINNE EGGER  
PO BOX 1033  
MENDOCINO, CA 95460

**AGENT:** AUM CONSTRUCTION, INC. - ISHVI AUM  
PO BOX 387  
ALBION, CA 95410

**REQUEST:** A Standard Coastal Development Permit request to: add a paved encroachment off of Point Cabrillo Drive; construct a sliding gate; repair and replace picket fence along the west side of the property and wire fence on the north, east and south sides of the property; drill a water well; supply power; and install a new septic system.

**DATE DEEMED COMPLETE:** February 8, 2017

**LOCATION:** 3.0± miles north of Mendocino, on the west side of Hwy. 1, 1.0± mile north from intersection of Point Cabrillo Dr. (CR 564) and Brest Rd., located at 13501 Point Cabrillo Dr. (APN: 118-160-29).

**TOTAL ACREAGE:** 26.98 acres

**GENERAL PLAN:** Coastal Element, Mendocino County General Plan  
Rural Residential, 10 acre minimum parcel size, with a Planned Unit Development Combining District (RR10PD)

**ZONING:** Division II, Title 20, Mendocino County Code  
Rural Residential, 10 acre minimum parcel size, with a Planned Unit Development Combining District (RR10-PD)

**SUPERVISORIAL DISTRICT:** 4

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt. Pursuant to Section 15303, Class 3(d) and (e) of the California Environmental Quality Act, the proposed improvements are categorically exempt from environmental review.

**APPEALABLE:** Yes, mapped Highly Scenic Area

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Bill Kinser

**BACKGROUND**

**PROJECT DESCRIPTION:** A Standard Coastal Development Permit request to add a paved encroachment off of Point Cabrillo Drive; construct a sliding gate; repair and replace picket fence along the west side of property and wire fence on the north, east, and south sides of the property; drill a water well; supply power; and install a new septic system.

**APPLICANTS' STATEMENT:** "Add paved encroachment off of Point Cabrillo Drive. Build to DOT specifications. Repair & replace picket fence along west side of property & wire fence on East, North & South sides. Build sliding entrance gate at encroachment. Drill water well and supply power."

**RELATED APPLICATIONS:**

**On-Site:**

- B\_20-90 Boundary Line Adjustment (APNs: 118-160-07 and 118-160-08)

**Adjacent Parcels:**

- B\_104-85 Boundary Line Adjustment (APNs: 118-160-19 and 118-180-04)
- CDMS\_10-02 Coastal Development Minor Subdivision
- CDMS\_8-03 Coastal Development Minor Subdivision
- CDU\_30-04 Phase II of the Point Cabrillo Light Station Restoration Project
- CDP\_2014-0037 Standard Coastal Development Permit for Guest Cottage

**SITE CHARACTERISTICS:** The 26.98 acre site is mostly undeveloped, containing 810 square feet of paved area and fencing around the site's property boundaries. Aerial photos of the property show an increase in vegetation growth over the past 20 years. In 1998, the property was predominantly pasture land whereas today there are patches of taller vegetation scattered over the property. It is the intent of the owner to raise cattle on the property.

The parcel is relatively flat. Elevations at the site range from 225 feet above mean sea level (amsl) at the northeastern corner of the site, to 191 feet amsl at the northwestern corner of the site, to 210 feet amsl at the site's westernmost portion and 235 feet amsl at the site's easternmost portion. The site is located within a mapped Highly Scenic Area<sup>1</sup> and is located west of Highway 1. The site is not located between the first public road and the sea. There is existing shoreline access on the western boundary of the site along Point Cabrillo Drive as shown on LCP Land Use Map 15 *Caspar*.<sup>2</sup>

The project site is located within a "Critical Water Areas"<sup>3</sup> and a mapped high fire hazard area<sup>4</sup>. The site does not contain important farmland and is classified as grazing land with a small portion of rural residential and rural commercial on the northwestern portion of the site.<sup>5</sup> The site is primarily described as barren habitat<sup>6</sup> with non-prime agricultural land and is underlain by beach deposits and stream alluvium and terraces (Zone 3), which is subject to intermediate shaking<sup>7</sup>.

The site contains a freshwater emergent wetland, an Environmentally Sensitive Habitat Area (ESHA), which traverses the site, spanning from the site's eastern boundary to the site's northwestern boundary.<sup>8</sup> There are clusters of trees interspersed throughout the site, with additional trees located along the site's eastern boundary.

Mapping does not associate the following with the subject site: faults, landslides, erosion, flood, or tsunami hazard.<sup>9</sup>

---

<sup>1</sup> Mendocino County Department of Planning & Building Services. 1991. *Highly Scenic & Tree Removal Areas* [map].

<sup>2</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Use Map 15: Caspar* [map].

<sup>3</sup> Mendocino County Department of Planning & Building Services. 1991. *Ground Water Resources* [map].

<sup>4</sup> Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

<sup>5</sup> Mendocino County Department of Planning & Building Services. 1991. *Important Farmland* [map].

<sup>6</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Habitat & Resources* [map].

<sup>7</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Capabilities & Hazards* [map].

<sup>8</sup> Mendocino County Department of Planning & Building Services. 1991. *Classified Wetlands* [map].

<sup>9</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Capabilities & Hazards* [map].

**SURROUNDING LAND USE AND ZONING:** As listed in Table 1 below, the site and surrounding lands to the north, south, and east are designated Rural Residential (RR10), with lands to the west designated Rural Residential (RR5). The parcels immediately to the north, south, and west are primarily developed with single family residences and associated accessory structures, while the parcels immediately east are vacant. There are large areas of pasture land both north and south of the subject parcel on the east side of Point Cabrillo Drive. The proposed project is compatible with surrounding land uses and development.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR10-PD	RR10-PD	2.1±, and 17.52±, acres	Residential/Vacant
EAST	RR10-PD	RR10-PD	74±, 80.5±, and 1.5± acres	Vacant
SOUTH	RR10-PD	RR10-PD	13.9± acres	Residential
WEST	RR5-PD	RR5-PD	19.2±, 8±, 1±, and 15.44± acres	Residential/Mobile Home Park/Vacant

**LOCAL COASTAL PROGRAM CONSISTENCY:** The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

1. Land Use: The parcel is classified as Rural Residential with a 10 acre minimum parcel size and a Planned Unit Development Combining District (RR10PD) by the Mendocino County General Plan. The Rural Residential classification 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>10</sup> It is the stated intent of the owner to raise cattle on the property. The proposed project, which would add a paved encroachment, build a sliding gate, repair and replace property boundary fencing, drill a water well, supply power, and install a new septic system, is consistent with the principally permitted uses identified for the Rural Residential Land Use classification (i.e., residential and associated utilities, light agriculture, home occupation).
2. Zoning: The project site is located within a Rural Residential District, 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.<sup>11</sup> Residential and light agriculture are principally permitted uses allowed within the Rural Residential District, pursuant to Mendocino County Coastal (MCC) Zoning Code Chapter 20.376 RR -- *Rural Residential District*. As defined in Section 20.336.030 of the MCC, the "Light Agriculture" use type allows for the grazing of cattle, horses, sheep, goats, hop or other farm stock or animals, including the supplementary feeding thereof, provided not more than one (1) such animal per forty thousand (40,000) square feet shall be kept or maintained. The total number of all species shall not exceed four (4).

The Applicants would like to continue the former use of the property as pasture land to raise cattle. The paved encroachment, sliding gate, property boundary fencing, well, and supply power are accessory to the anticipated Light Agricultural use of the property. However, because no major structures (e.g., a residence or barn) are proposed as part of the request, the septic system would be accessory to a future use on the property. Condition 11 is recommended by staff to allow construction of the septic system but not to allow hook up until further coastal development permits are approved.

The proposed project would replace wire fencing along the north, east and south boundary with a four foot wire fence topped by two (2) strands of barbed wire. The fence posts would be a combination of

<sup>10</sup> Mendocino County General Plan. Chapter 2.2 of the Coastal Element. 1991.

<sup>11</sup> Mendocino County Coastal Zoning Code, § II-20.376.005 (1991). Print.

metal T-posts and wood posts and the fence would not exceed six (6) feet in height. The replacement cattle fence along the north, east and south sides of the property is consistent with fence height regulations and the replacement fence along the east side of the property would meet the forty five foot corridor preservation setback from the centerline of Highway One. The fencing crosses a wetland area along the east boundary and both crosses and runs parallel to a wetland along the northwest boundary. The replacement fencing in these areas shall use the existing metal posts within 100 feet of either side of the wetland and only strand new barbed wire to the existing posts, wherever possible. Where the old posts are not usable the new fencing shall be constructed in accordance with the Applicant's Fence Plan using existing post holes and only metal T-posts. Any vegetation trimming necessary to run the fencing in these two locations should be done by hand. Condition 10 is recommended by staff to protect wetlands during construction of the fencing.

The already constructed fencing and gate on Point Cabrillo Drive along the west side of the property are subject to a corridor preservation setback of 25 feet; however the Mendocino County Department of Transportation (MCDOT) requested that the Applicants place the fence at 30 feet from the centerline to remove the fence from the County right-of-way. An additional setback of 20 feet (45 feet total) is required if the height of the fencing or gate is over 42 inches. The existing gate is approximately six feet six inches in height and is located 41 feet from the centerline. Other sections of the already constructed six foot tall fencing along the west side of the property are also located within 45 feet of the centerline. Those new sections of the fencing along the west side of the property shall be constructed as submitted on the Fence Plan. The gate located within 45 feet of the centerline of Point Cabrillo Drive must be lowered to 42 inches or moved east to meet the 45 foot setback. Condition 17 is recommended by staff to implement the fencing and gate requirements relative to the corridor preservation setback and front yard setback.

The existing picket fence on the west side of the property is located approximately 20 feet from the centerline of Point Cabrillo Drive and is also in the County right-of-way. The Mendocino County Department of Transportation (DOT) requested the Applicants replace the fence at 30 feet from the centerline to remove the fence from the County right-of-way. As indicated on the plot plan, the new fence will be installed in compliance with DOT's request.<sup>12</sup> The proposed replacement fencing along the west side of the property, with the exception of the already constructed six foot fencing and gate, is consistent with fencing and setback requirements as proposed. The replacement fence along the west side of the property would be a 42 inch wood picket fence topped by 2 strands of galvanized barbed wire and would be built 30 feet from the centerline of Cabrillo Drive and outside the County right-of-way. Any fencing or gating greater than 42 inches in height must meet both the corridor setback requirements and the front yard setback requirements (45 feet).

The maximum building height allowed in the RR District is 18 feet above natural grade for Highly Scenic Areas west of Highway 1, such as the site. The maximum height of the proposed project components is 6 feet, which would comply with the maximum building height requirement. The project, as proposed, would result in a lot coverage of less than 1 percent, which would not exceed the maximum allowed lot coverage of 20 percent for parcels of this size located within an RR District.

3. Visual Resource and Special Treatment Areas: The project site is within a mapped Highly Scenic Area<sup>13</sup>; therefore, the proposed project is subject to the development criteria for projects located within a Highly Scenic Area, as enumerated in MCC Section 20.504. MCC Section 20.504 .010 states that the purpose of the Visual Resources and Special Treatment Areas *"is to ensure 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."* MCC Section 20.504.015(C)(10) states that *"Tree planting to screen buildings shall be encouraged, however, **new development shall not allow trees to interfere with coastal/ocean views from public areas.**"* The views across the site from Highway 1 are partially obstructed by vegetation growth along the highway and the property's eastern edge.

<sup>12</sup> Mendocino County Department of Planning & Building Services. Plot Plan. [map].

<sup>13</sup> Mendocino County Department of Planning & Building Services. 1991. *Highly Scenic & Tree Removal Areas* [map].

The proposed repair and replacement of fencing consists of wire fencing along the northern, eastern and southern boundaries and 42 inch wooden pickets with 2 feet strands of galvanized barbed wire above and the six-foot six inch gate along the west side of the property. Wire fencing for cattle is a common landscape feature along the coast and along Point Cabrillo Drive. The 42 inch wood fencing and gate are also a common feature of the landscape along Point Cabrillo Drive. In addition, due to the slope of the property, the gate, fencing and other proposed development would not obstruct views to the coast from Highway 1. The proposed fencing complies with the Highly Scenic Area development criteria and will not add to the obscured view.

As proposed, the location and method of supplying power to the project site is unknown. To comply with the Highly Scenic Area development criteria west of Highway 1, Staff recommends Condition 15 requiring the applicant to place power distribution lines underground. As conditioned, Staff finds the proposed power supply is in compliance with the development criteria for Highly Scenic Areas and would not have significant visual impacts.

The Applicant has recently planted what appear to be one-to-two-foot tall eucalyptus and fir trees just inside the property's east boundary. This development is inconsistent with MCC Section 20.504.015(C)(10) which states "... **new development shall not allow trees to interfere with coastal/ocean views from public areas.**" As these trees mature they will block the remaining views of the coast along this section of Highway 1. Staff is recommending Condition 16 to require removal of the newly planted trees along the east side of the property and any other areas and prohibit future tree planting that block coastal views.

4. Hazards Management: The project site is located in an area with a "Moderate Fire Hazard" severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Mendocino Fire Protection District (MFPD). The project application was referred to CalFire and the MFPD for input; however, no responses were received. A standard condition requiring the Applicants to secure 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. With the inclusion of the standard condition, Staff finds the project to be consistent with Mendocino County policies for fire protection.

The project site is located in Zone 3 for intermediate shaking. However, the San Andreas fault is located four to five miles offshore in this area. Mapping does not associate the following with the subject site: faults, landslides, erosion, flood, or tsunami hazards.<sup>14</sup>

5. Habitats and Natural Resources: As previously discussed, the site is primarily designated as barren habitat<sup>15</sup> with non-prime agricultural land and the entire property appears to have been previously grazed as have other nearby properties.<sup>16</sup> An Environmentally Sensitive Habitat Area (ESHA) has been identified on the project site, a freshwater emergent wetland, which traverses the site, spanning from the site's eastern boundary to the site's northwestern boundary.<sup>17</sup> There are clusters of trees interspersed throughout the site, with additional trees located along the site's eastern boundary.

Since an ESHA has been identified on the site, the project would be required to implement a 100 foot buffer from the identified ESHA pursuant to MCC Section 20.496.05(A)(1), unless it can be demonstrated that 100 feet is not necessary to protect the resources of the particular habitat area from possible significant disruption caused by the proposed development, but shall not be less than 50 feet in width. Based on review of the site plan, site improvements are proposed to occur outside of and more than 100 feet from the on-site wetland ESHA, except for the fence repairs and replacement.

The proposed repair and replacement crosses the wetland area along the eastern boundary and

---

<sup>14</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Capabilities & Hazards* [map].

<sup>15</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Habitat & Resources* [map].

<sup>16</sup> Mendocino County Department of Planning & Building Services. 1991. *Classified Wetlands* [map].

<sup>17</sup> Mendocino County Department of Planning & Building Services. August 2016. *Sensitive Habitat* [map].

along the northwestern boundary. The replacement fencing in these areas shall use the existing metal posts within 100 feet of either side of the wetland and only strand new barbed wire to the existing posts, wherever possible. Where the old posts are not usable the new fencing shall be constructed in accordance with the Fence Plan using existing post holes and metal T-posts. Any trimming back of vegetation necessary to place the wire shall be done by hand within 100 feet of the wetland area. Condition 10 is recommended by staff to implement these requirements.

The project was referred to California Department of Fish and Wildlife (CDFW), but no response was received.

6. Archaeological/Cultural Resources: For small scale projects such as the proposed action of replacing existing fencing, building a sliding gate, paving an encroachment, and installing utilities and associated infrastructure, Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either California Historic Resource Information Center (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and it was determined to be an appropriate guidance document for what projects would require archaeological review. Staff notes that a Standard Condition advises the applicant of the "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the standard condition of approval advising the Applicant about the discovery of archaeological resources, Staff finds the project to be consistent with Mendocino County policies for the protection of paleontological and archaeological resources.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated February 22, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the letter notes that the area includes Tan Oak and other traditional food sources that must be protected.

7. Groundwater Resources: The project site is located within a mapped "Critical Water Area"<sup>18</sup>, but since no new parcels or building sites are proposed, additional water studies are not required per MCC Section 20.516.015(B).<sup>19</sup> Proposed well locations are indicated on the plot plan with measured distances from the septic system leach fields. The Applicants have specified on the plot plan that there are 3 potential well sites at more than 100 feet from any septic system or leach field. The three sites are also more than 100 feet from the wetland on the property.

The project was referred to the DEH for review and comment. A response was received dated February 23, 2017, conditionally approving the proposed project with the following stipulations:

- Environmental Health approved a septic design proposal for this property on June 6, 2001;
- The current CDP application asks for authorization to drill a water well, but does not indicate the proposed location of that well;
- Any well must be located at least (100) feet from the proposed primary and replacement leach field areas, or a new septic design proposal must be submitted; and
- The applicant must hire a licensed C-57 well driller to apply for a water well permit prior to drilling a new well.

The current plot plan for this CDP indicates that the proposed septic system meets property line setbacks as well as setbacks from proposed wells. Because no major structures (e.g., a residence) are proposed as part of the request, the septic system would be accessory to a future use on the property. Condition 11 is recommended by staff to allow construction of the septic system but not to allow hook up to any temporary or permanent structure or use of the septic system until further

<sup>18</sup> Mendocino County Department of Planning & Building Services. 1991. *Ground Water Resources* [map].

<sup>19</sup> Mendocino County Coastal Zoning Code, §20.516.015(B) (2011).

coastal development permits are approved. As conditioned, Staff finds the development would not adversely affect groundwater resources.

8. Grading, Erosion, and Run-Off: Site preparation, including grading, in the area of development would occur. Additionally, trenching would be required to install underground utilities and piping, which would extend to the proposed well and septic system. Repairing and replacing the existing fencing would require minimal grading and site preparation as the fencing on the northern, southern, and eastern boundaries would occur on the footprint of existing improvements. However, the project would be required to implement BMPs to prevent erosion and runoff during project construction and revegetate any bare soils as soon as feasible after the construction phase is completed. As conditioned, Staff finds the project would not result in significant erosion or runoff impacts.
9. Transportation/Circulation and Other Public Services: Access to the site will be provided off a paved encroachment off of Point Cabrillo Drive.<sup>20</sup> The proposed project would not contribute new sources of traffic on local and regional roadways except as a temporary situation during the construction process. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. The project was referred to Caltrans and MCDOT; however, a response from Caltrans was not received. A response was received from MCDOT, dated February 14, 2017, approving the project under the following conditions:
  - Applicant to construct road approach to county standards;
  - Contact MCDOT regarding encroachment permit requirements;
  - Applicant shall not construct the fence in the county right of way; and
  - MCDOT and applicant have agreed to a 30 foot setback from the centerline of Point Cabrillo Drive.

As conditioned, Staff finds the proposed project would not have significant traffic impacts.

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. The Caspar Transfer Station is located approximately 4 miles from the project site, providing for the disposal of solid waste. Additionally, curbside pickup is available, should the owner choose to purchase the service. Solid waste disposal is adequate to serve the proposed development. As conditioned, Staff finds the proposed project would not have a significant impact to public services.

10. Public Access: The project site is located 600 feet south of the intersection of Lighthouse Road and Point Cabrillo Drive. Lighthouse Road is a direct access point to the lighthouse at Point Cabrillo Light Station State Historic Park. As shown on LCP Map 15 *Caspar*, existing public access to the shore is located along the western boundary of the subject parcel on Point Cabrillo Drive.<sup>21</sup> The project site will maintain a private encroachment using the proposed sliding gate on the western parcel boundary. Neither this encroachment nor any other part of the project site will hinder access to Lighthouse Road or public access to the coast. As conditioned, Staff finds the proposed project would not have a significant impact to public access.

**ENVIRONMENTAL DETERMINATION:** The Secretary for Resources has found that certain classes or 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 meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3(d) and (e), Section 15303; which includes construction and location of a limited number of new small facilities and structures such as fences, utility extensions and street improvements.

**PROJECT FINDINGS AND CONDITIONS:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions.

<sup>20</sup> Mendocino County Department of Planning & Building Services. Plot Plan. [map].

<sup>21</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Use Map 15: Caspar* [map].

**FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed project to pave an encroachment, build a sliding gate, repair and replace existing fencing along the property boundaries, drill a water well, supply power, and install a new septic system, is in conformity with the certified Local Coastal Program. The proposed improvements are accessory to principally permitted uses within the Rural Residential land use classification and consistent with the intent of the RR Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed project would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site will be served, by an on-site well and septic disposal system; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed improvements are consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of District II of Title 20 of the Mendocino County Code, and preserves the integrity of the Rural Residential Zoning District by allowing Light Agriculture, a principally permitted use in the Rural Residential District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed improvements, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The proposed improvements are categorically exempt pursuant to Section 15303(d) and (e); and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed improvements would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site and Standard Condition 8 is in place when archaeological sites or artifacts are discovered; 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. The site is currently undeveloped and the proposed improvements are not anticipated to affect demands on public services; and
7. Pursuant to MCC Section 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.
8. Pursuant with MCC Section 20.532.100(A)(1), no development shall be allowed in an Environmentally Sensitive Habitat Area (ESHA) unless the following findings are made; the resource as identified will not be significantly degraded by the proposed development, there is no feasible less environmental damaging alternatives, and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. The proposed project will repair and replace fencing in two locations that cross wetland areas. In these areas, existing fence posts will be used within 100 feet of the wetland, wherever possible, and any vegetation trimming necessary to place the wire shall be done by hand within 100 feet of the wetland area. As conditioned, the project is consistent with ESHA policies.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit have been initiated prior to its expiration.



2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The Application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Standard erosion control Best Management Practices (BMPs) shall be implemented to prevent erosion, such as straw wattles, silt fencing, coir mats, etc. No monofilament netting, which may entrap sensitive herpetofauna, shall be utilized. Where feasible, work, including ground-disturbing activities, shall be conducted during the dry season.
10. Where the repair and replacement fencing crosses the wetland area along the eastern boundary and along the northwestern boundary, the replacement fencing in these areas shall use the existing metal posts within 100 feet of either side of the wetland and only strand new barbed wire to the existing posts, wherever possible. Where the old posts are not usable the new fencing shall be constructed in accordance with the Fence Plan using existing post holes and metal T-posts. Any trimming back of vegetation necessary to place the wire shall be done by hand within 100 feet of the wetland area.
11. The proposed well must be located at least 100 feet from the proposed primary and replacement leach field areas, or a new septic design proposal must be submitted. In addition, construction of the septic system is allowed but hook-up to any temporary or permanent structure or use of the septic system until further coastal development permits are approved is prohibited.
12. As requested by DEH, the Applicants shall hire a licensed C-57 well driller to apply for a water well permit prior to drilling a new well.

13. As requested by DOT, the Applicants shall not construct the 42 inch fence in the County right-of-way. DOT and Applicants have agreed to a 30 foot setback from the centerline of Point Cabrillo Drive.
14. The Applicants shall construct the road approach to County standards.
15. The Applicants shall comply with the Highly Scenic Area development criteria west of Highway 1, pursuant with MCC Section 20.504.015(C)(11) by placing the power distribution lines underground.
16. Newly planted trees on the site's eastern boundary and in other areas shall be removed prior to issuance of the coastal development permit.
17. The already constructed fencing and gate on Point Cabrillo Drive along the west side of the property shall be constructed as submitted on the Fence Plan. The gate and fencing shall be lowered to 42 inches if located closer than 45 feet of the centerline of Point Cabrillo Drive or must be moved east to meet the 45 foot setback if the height exceeds 42 inches.

Staff Report Prepared By:

---

Date

---

Bill Kinser  
Senior Planner

Appeal Period: 10 Days  
Appeal Fee: \$1,616.00

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Map
- C. Site Plan
- D. Fence Plan
- E. Plot Plan
- F. Zoning Display Map
- G. General Plan Designations Map
- H. LCP Land Use Map 15: Caspar
- I. LCP Land Capabilities and Natural Hazards Map
- J. LCP Habitats and Resources Map
- K. Appealable Areas Map
- L. Adjacent Parcels Map
- M. Fire Hazard Zones and Responsibility Areas Map
- N. Farmland
- O. Ground Water Resources Map
- P. Highly Scenic and Tree Removal Areas Map
- Q. Local Soils Map
- R. Classified Wetlands Maps

**SUMMARY OF REFERRAL AGENCY COMMENTS:**

Planning (FB)	No Response
Department of Transportation	Comment
Environmental Health (FB)	Comment
Building Inspection (FB)	No Response
Assessor	No Response
Caltrans	No Response
CalFire	No Comment
Department of Fish & Game	No Response
Coastal Commission	No Response

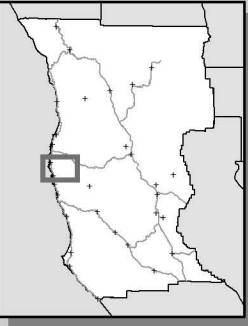
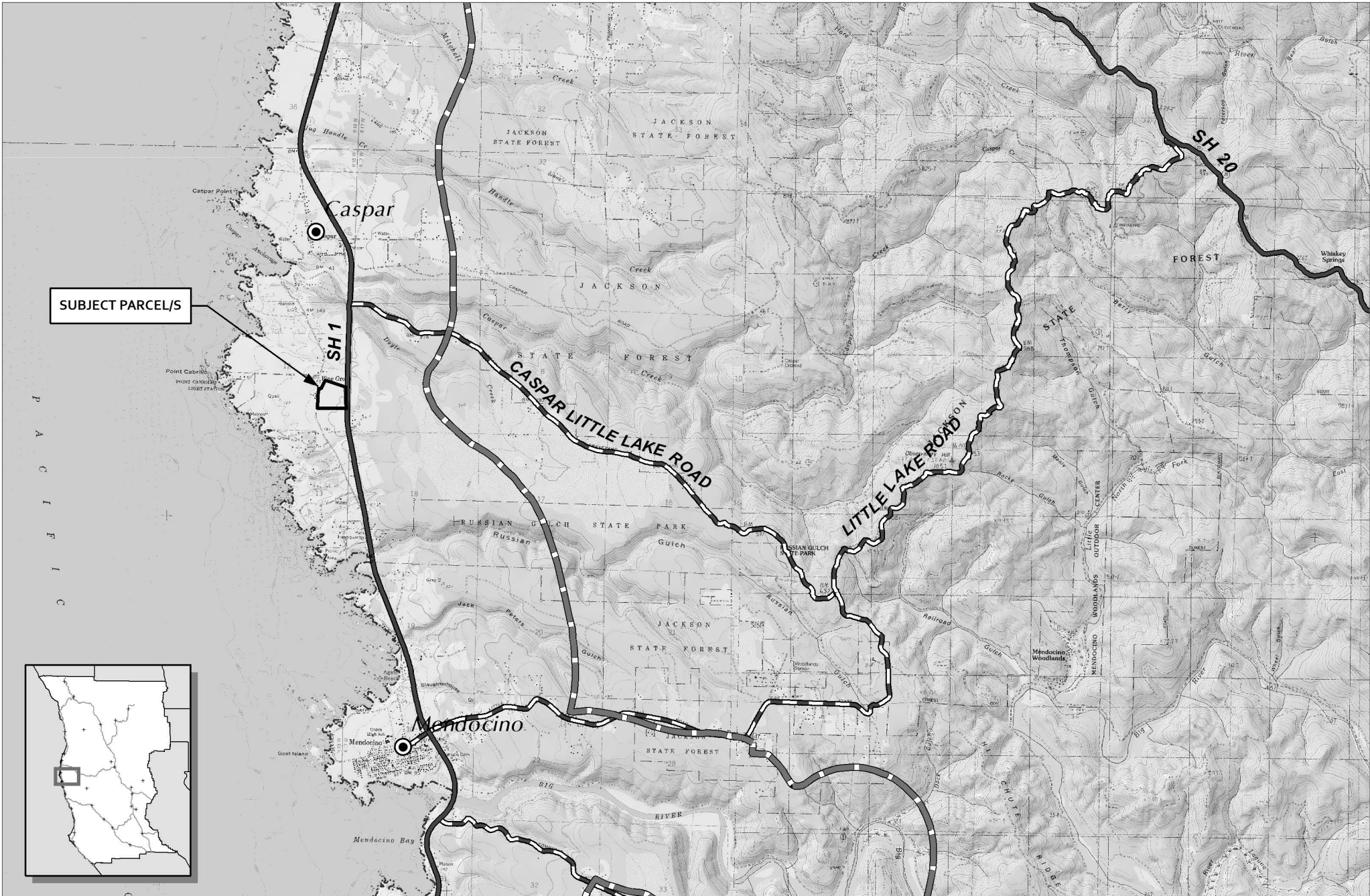
Sherwood Valley Pomo Indians	No Response
Redwood Valley Pomo Band	Comment
Cloverdale Rancheria	No Response
County Assessor	No Response
Mendocino School District	No Response
Mendocino Fire Protection District	No Response

**REFERENCES:**

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

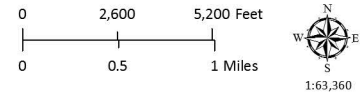
Chapter 2 Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.

Mendocino County, Planning and Building Services, Planning Division. *Division II – Mendocino County Coastal Zoning Code*. 1991. Ukiah, CA.



CASE: CDP 2016-0049  
 OWNER: EGGER, Ernest & Corrine, et. al.  
 APN: 118-160-29  
 APLCT: Ernest Egger  
 AGENT: Ishvi Aum  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

- Coastal Zone Boundary
- Highways
- Major Towns & Places
- Major Roads
- Incorporated City Limits



LOCATION MAP

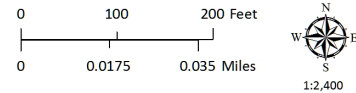
Map produced by the Mendocino County Planning & Building Services, December, 2016  
 All spatial data is approximate. Map provided without warranty of any kind.



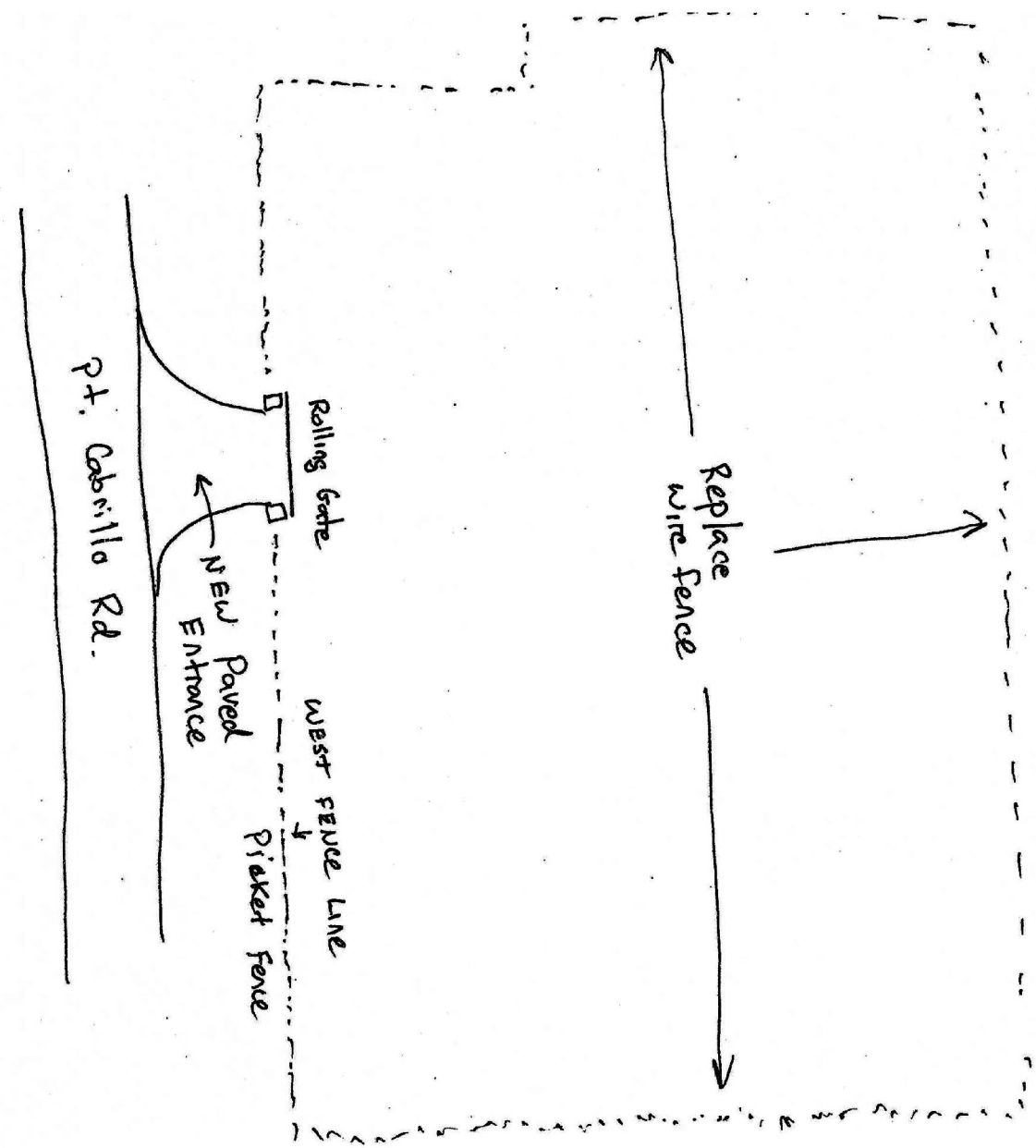
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

CASE: CDP 2016-0049  
OWNER: EGGER, Ernest & Corrine, et. al.  
APN: 118-160-29  
APLCT: Ernest Egger  
AGENT: Ishvi Aum  
ADDRESS: 13501 Point Cabrillo Drive, Mendocino

Public Roads



AERIAL IMAGERY

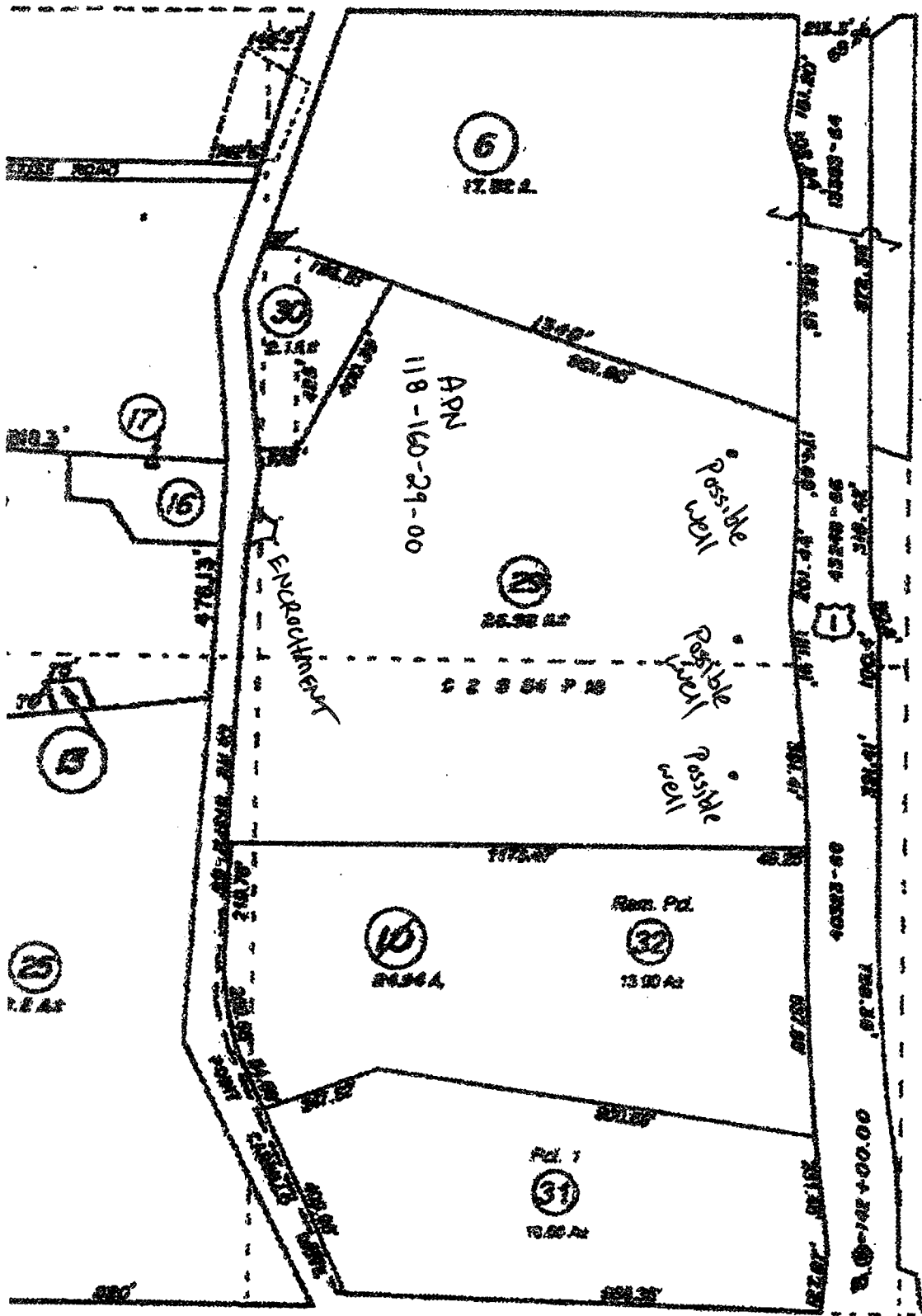


CASE: CDP 2016-0049  
OWNER: EGGER, Ernest & Corrine, et. al.  
APN: 118-160-29  
APLCT: Ernest Egger  
AGENT: Ishvi Aum  
ADDRESS: 13501 Point Cabrillo Drive, Mendocino

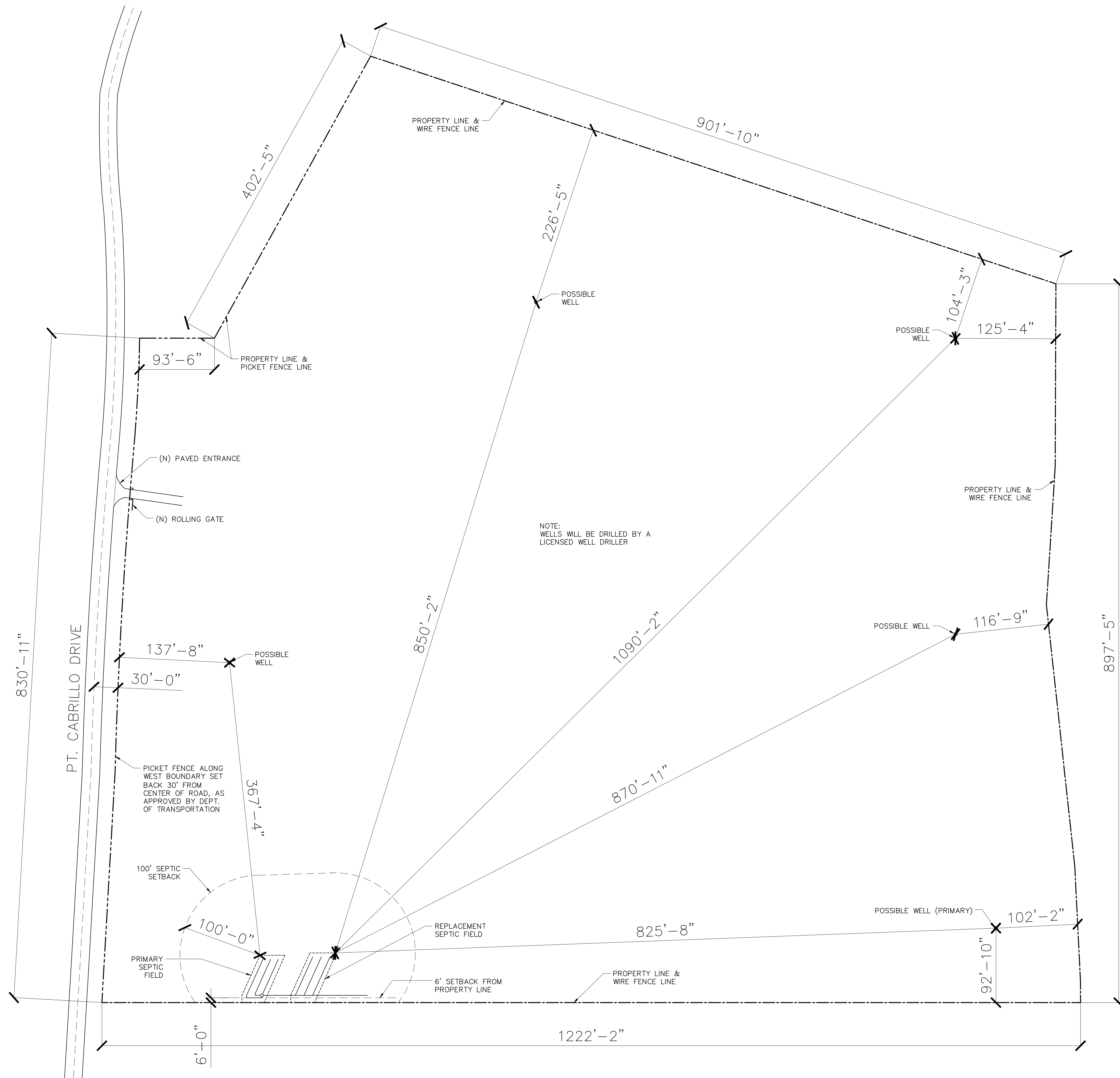
NO SCALE

SITE PLAN

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



17



# SITE PLAN

1/64" = 1'-0"

Contractors:


Revisions:

5/26/17

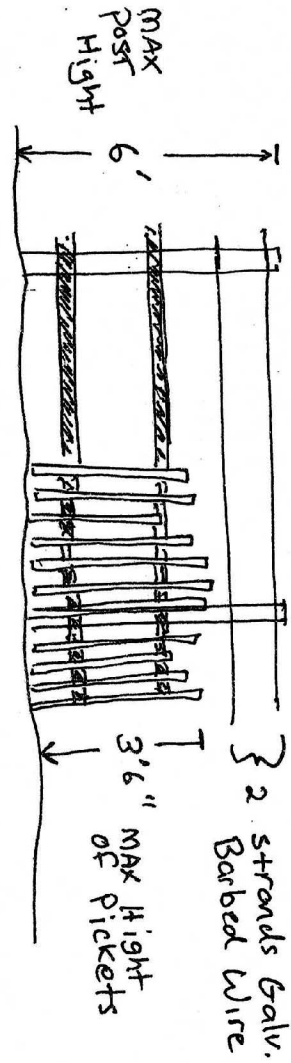
Egger  
**Proposed Fencing**  
13501 Point Cabrillo Dr; Caspar 95420

APN# 118-160-29-00  
SCALE: 1/64" = 1'-0"  
DATE: 5/12/17  
JOB No.:

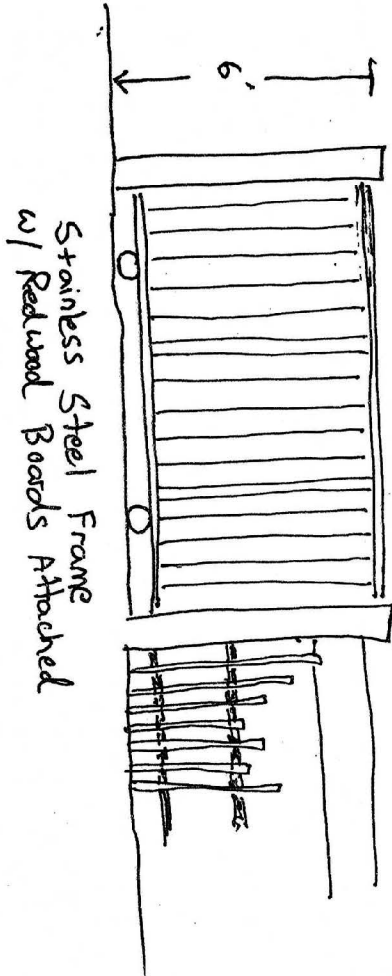
**A1**



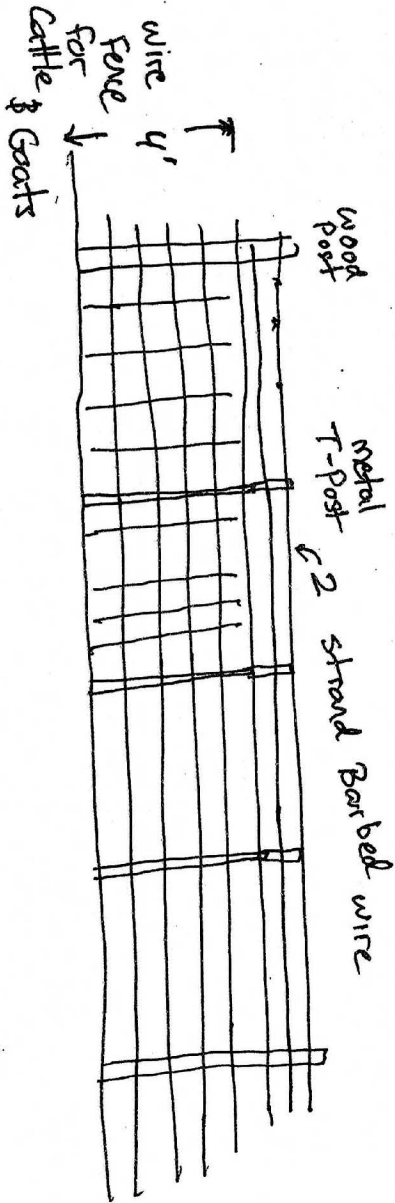
Replacement Fence West Line



Rolling Gate @ Entrance  
8x8 Gate post



Replacement Fence For North, East, & South Lines



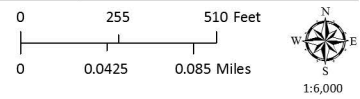
NO SCALE

FENCE PLAN



CASE: CDP 2016-0049  
 OWNER: EGGER, Ernest & Corrine, et. al.  
 APN: 118-160-29  
 APLCT: Ernest Egger  
 AGENT: Ishvi Aum  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

 Zoning Districts




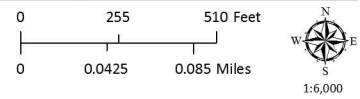
ZONING DISPLAY MAP

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



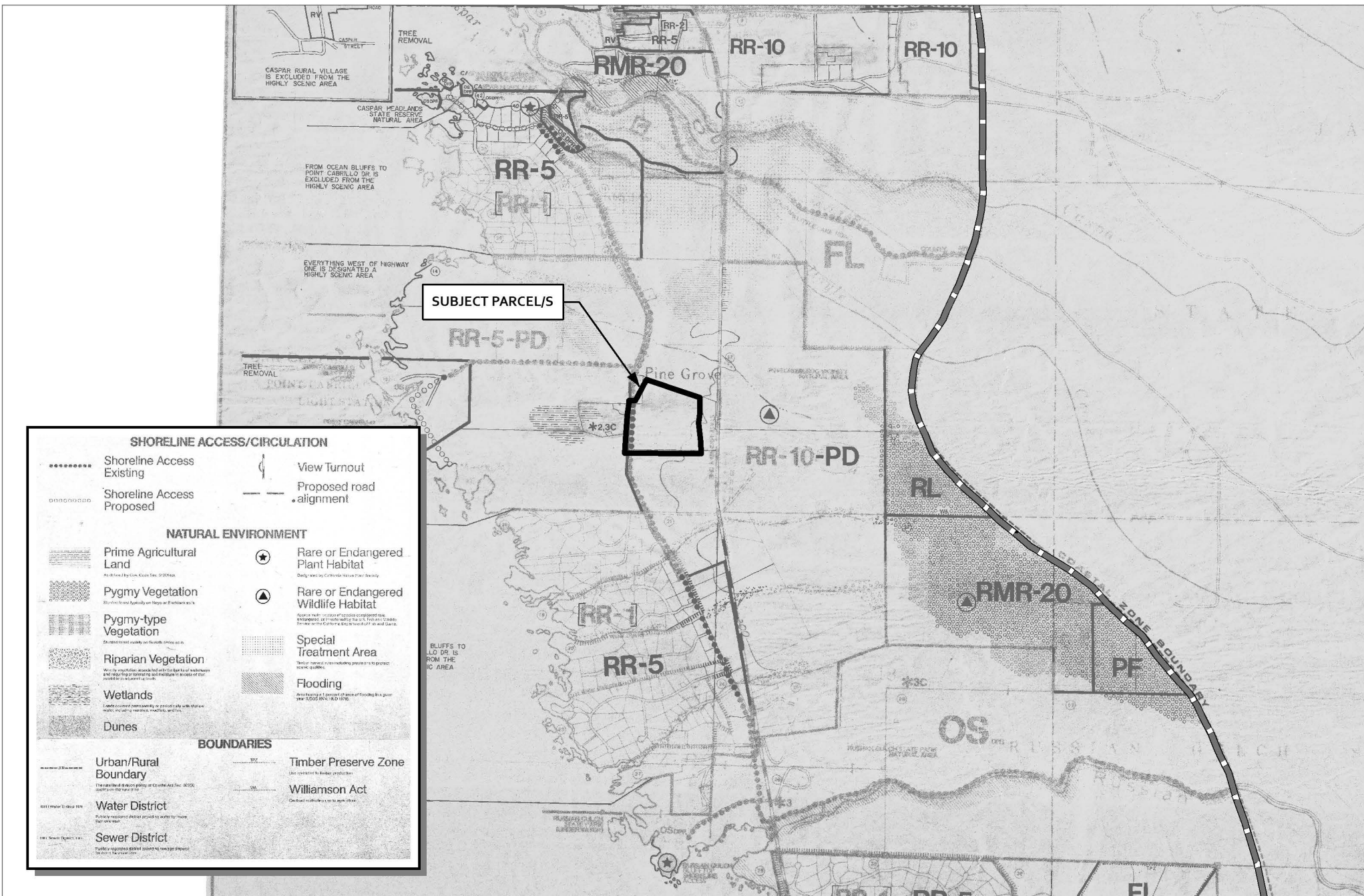
CASE: CDP 2016-0049  
 OWNER: EGGER, Ernest & Corrine, et. al.  
 APN: 118-160-29  
 APLCT: Ernest Egger  
 AGENT: Ishvi Aum  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

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



**SHORELINE ACCESS/CIRCULATION**

- Shoreline Access Existing
- Shoreline Access Proposed
- View Turnout
- Proposed road alignment

**NATURAL ENVIRONMENT**

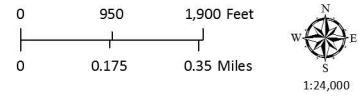
- Prime Agricultural Land
- Pygmy Vegetation
- Pygmy-type Vegetation
- Riparian Vegetation
- Wetlands
- Dunes
- Rare or Endangered Plant Habitat
- Rare or Endangered Wildlife Habitat
- Special Treatment Area
- Flooding

**BOUNDARIES**

- Urban/Rural Boundary
- Water District
- Sewer District
- Timber Preserve Zone
- Williamson Act

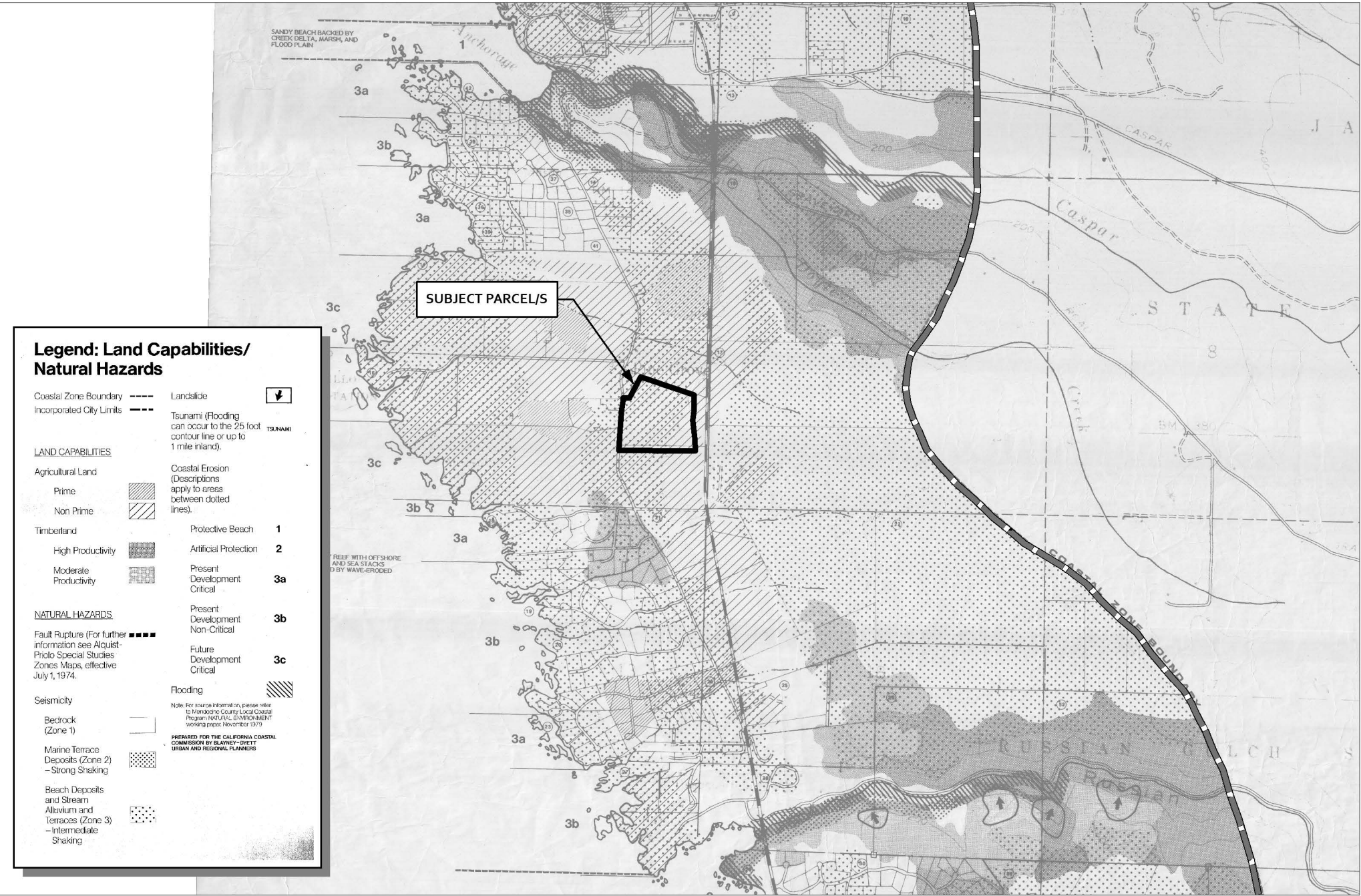
CASE: CDP 2016-0049  
 OWNER: EGGER, Ernest & Corrine, et. al.  
 APN: 118-160-29  
 APLCT: Ernest Egger  
 AGENT: Ishvi Aum  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

Coastal Zone Boundary



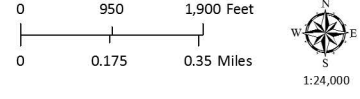
LCP LAND USE MAP 15: CASPAR

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



CASE: CDP 2016-0049  
 OWNER: EGGER, Ernest & Corrine, et. al.  
 APN: 118-160-29  
 APLCT: Ernest Egger  
 AGENT: Ishvi Aum  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

Coastal Zone Boundary

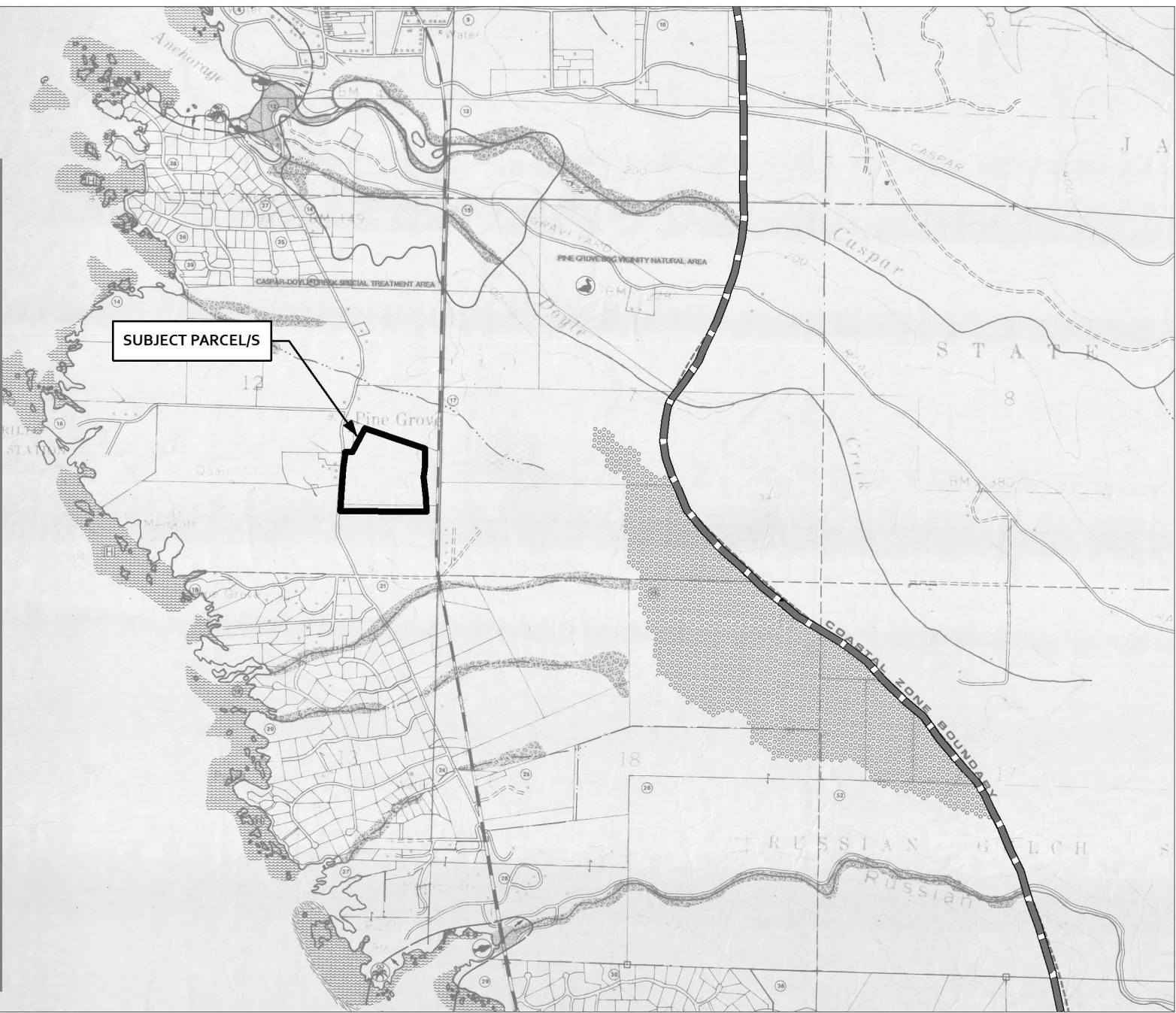


LCP LAND CAPABILITIES & NATURAL HAZARDS

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

### Legend: Habitats/Resources

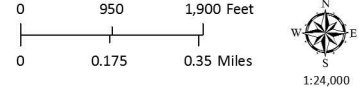
Coastal Zone Boundary	---	OTHER UPLAND HABITATS
Incorporated City Limits	---	Scrub
<b>MARINE AND FRESHWATER HABITATS</b>		
Open Water	W	Pygmy Forest
Kelp	▨	Pygmy Type Forest
Rocky Intertidal Area	▨	Barren
Mudflat	▨	Coastal Prairie Grassland
Beach	▨	Hardwood Forest/Grassland
Dunes	▨	Agricultural Land
Marsh	▨	Farmstead
Saltwater	▨	Pasture
Freshwater	▨	Urban (Also shown with a dominant vegetation)
Brackish	▨	Sand/Gravel (Extractive Use)
Stream	▨	
Perennial	—	<b>SPECIAL HABITATS</b>
Intermittent	---	Seabird and Marine Mammal Rookery
<b>WOODED HABITATS</b>		
Coastal Forest	▨	Marine Mammal Haulout Area
Redwood	▨	Spawning Area
Hardwood	▨	Anadromous Stream
Woodland	▨	Wildlife Habitat
Riparian	▨	Plant Habitat
Cutover	⊗	
<b>DESIGNATED RESOURCE PROTECTION AREA</b>		
State Park or Reserve	—	
Area of Special Biological Significance	—	
Natural Area	—	
Forestry Special Treatment Area	—	
<b>VISUAL RESOURCES</b>		
View Limit	↔	
Viewshed Corridor	---	



Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1999.  
 PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANEY-DIETZ URBAN AND REGIONAL PLANNERS

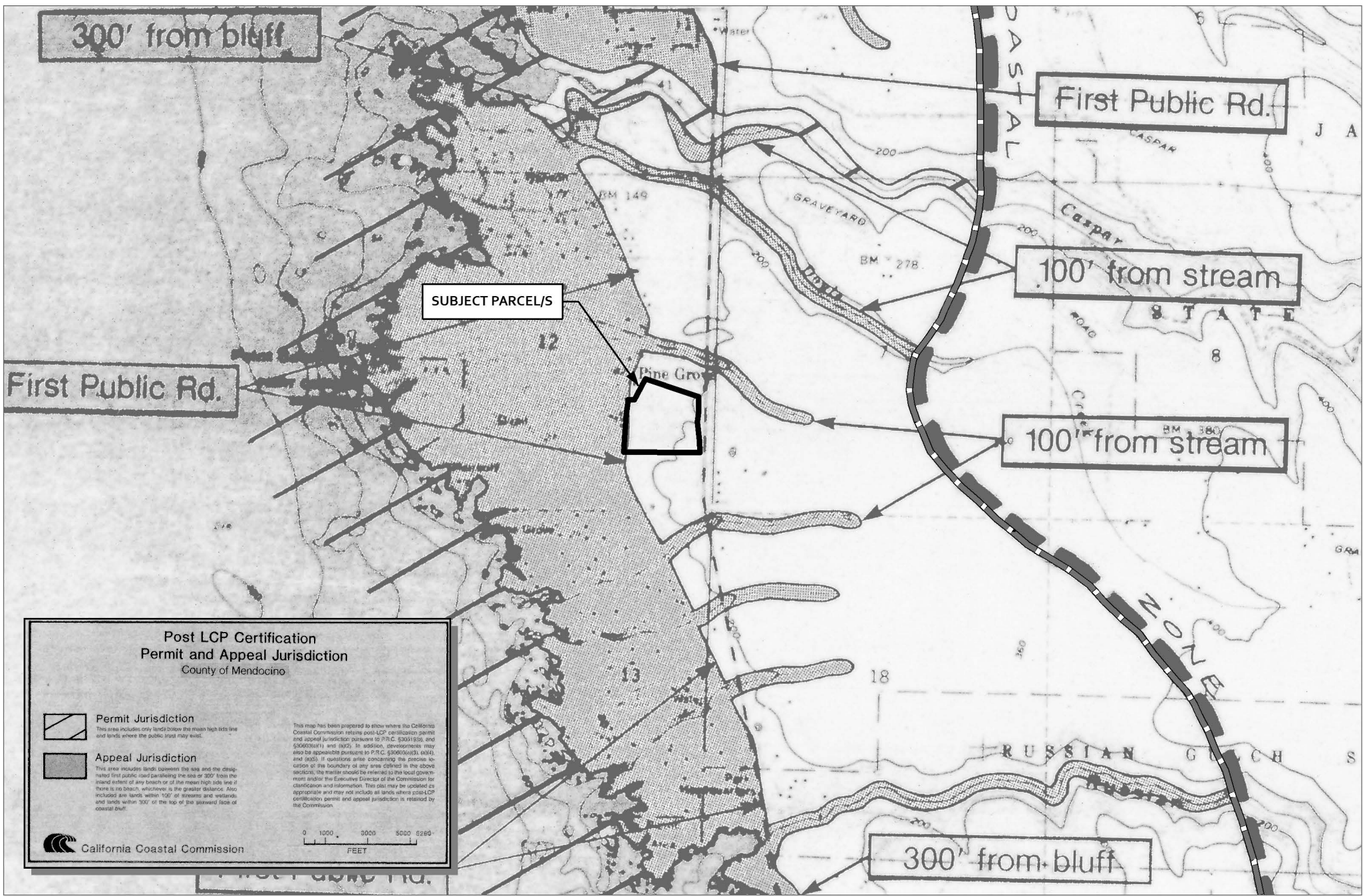
CASE: CDP 2016-0049  
 OWNER: EGGER, Ernest & Corrine, et. al.  
 APN: 118-160-29  
 APLCT: Ernest Egger  
 AGENT: Ishvi Aum  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

Coastal Zone Boundary



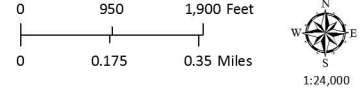
LCP HABITATS & NATURAL RESOURCES

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



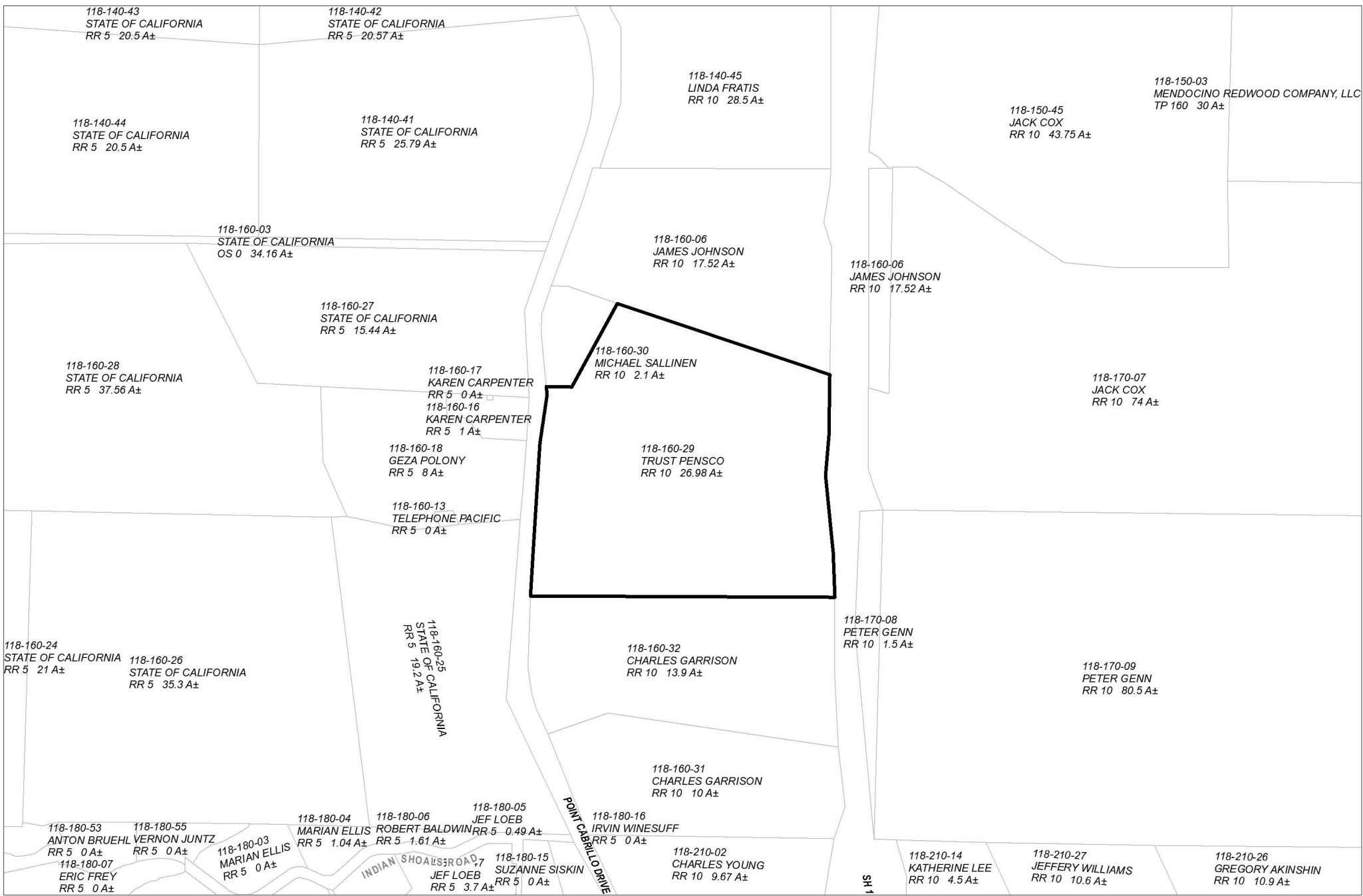
CASE: CDP 2016-0049  
 OWNER: EGGER, Ernest & Corrine, et. al.  
 APN: 118-160-29  
 APLCT: Ernest Egger  
 AGENT: Ishvi Aum  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

 Coastal Zone Boundary



APPEALABLE AREAS

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



CASE: CDP 2016-0049

OWNER: EGGER, Ernest & Corrine, et. al.

APN: 118-160-29

APLCT: Ernest Egger

AGENT: Ishvi Aum

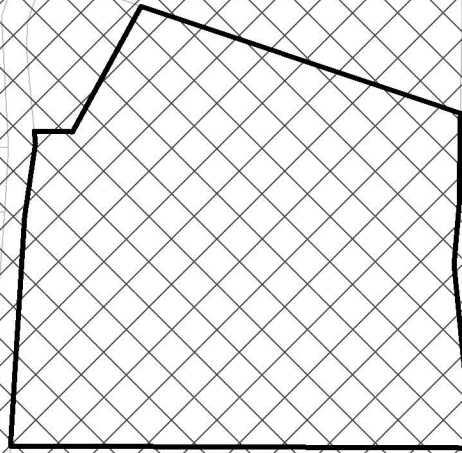
ADDRESS: 13501 Point Cabrillo Drive, Mendocino



ADJACENT PARCELS

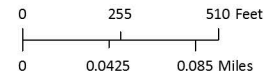


**MENDOCINO FIRE PROTECTION DISTRICT**



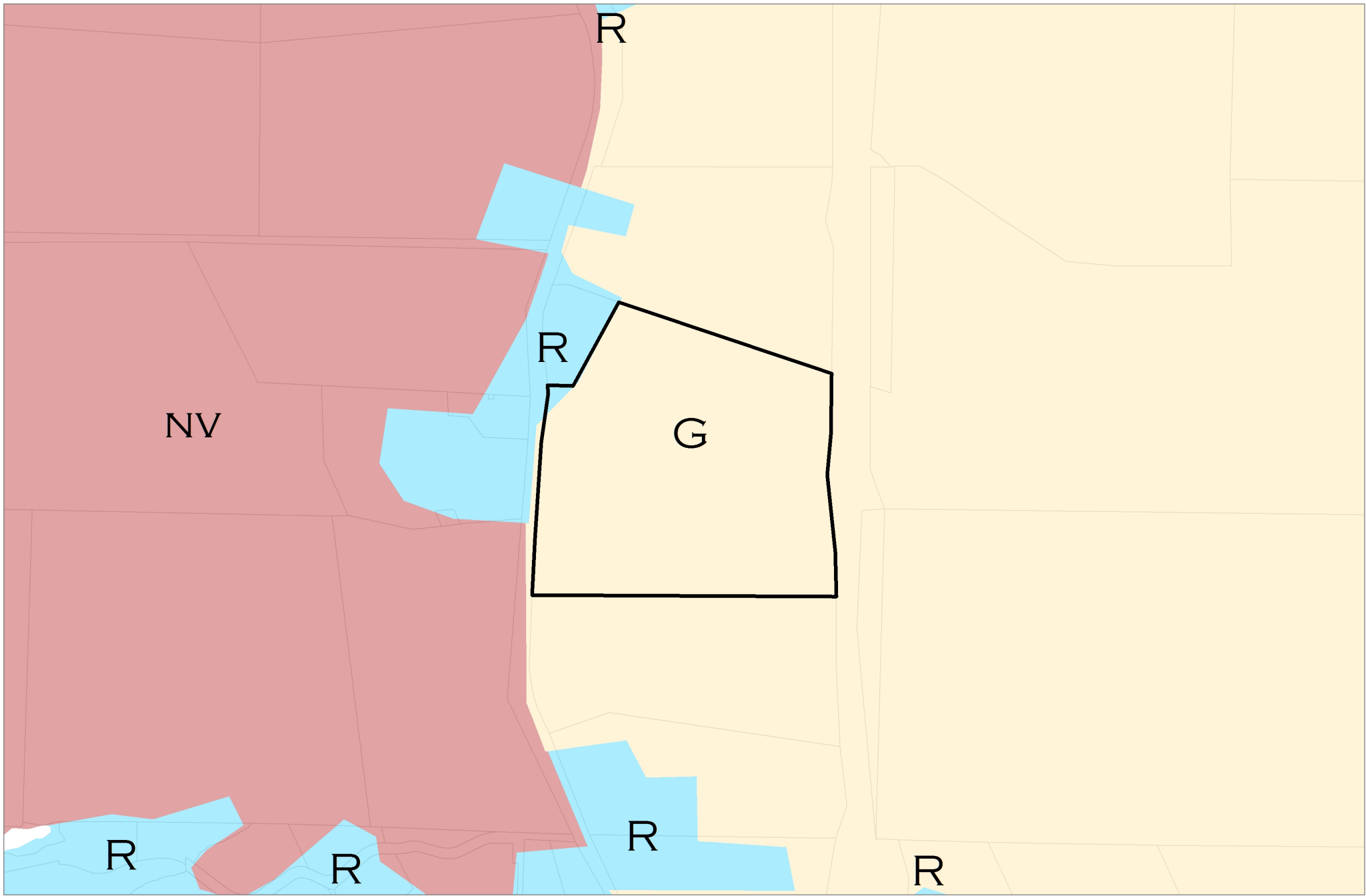
CASE: CDP 2016-0049  
OWNER: EGGER, Ernest & Corrine, et. al.  
APN: 118-160-29  
APLCT: Ernest Egger  
AGENT: Ishvi Aum  
ADDRESS: 13501 Point Cabrillo Drive, Mendocino

-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



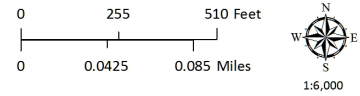
1:6,000

**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
STATE RESPONSIBILITY AREA



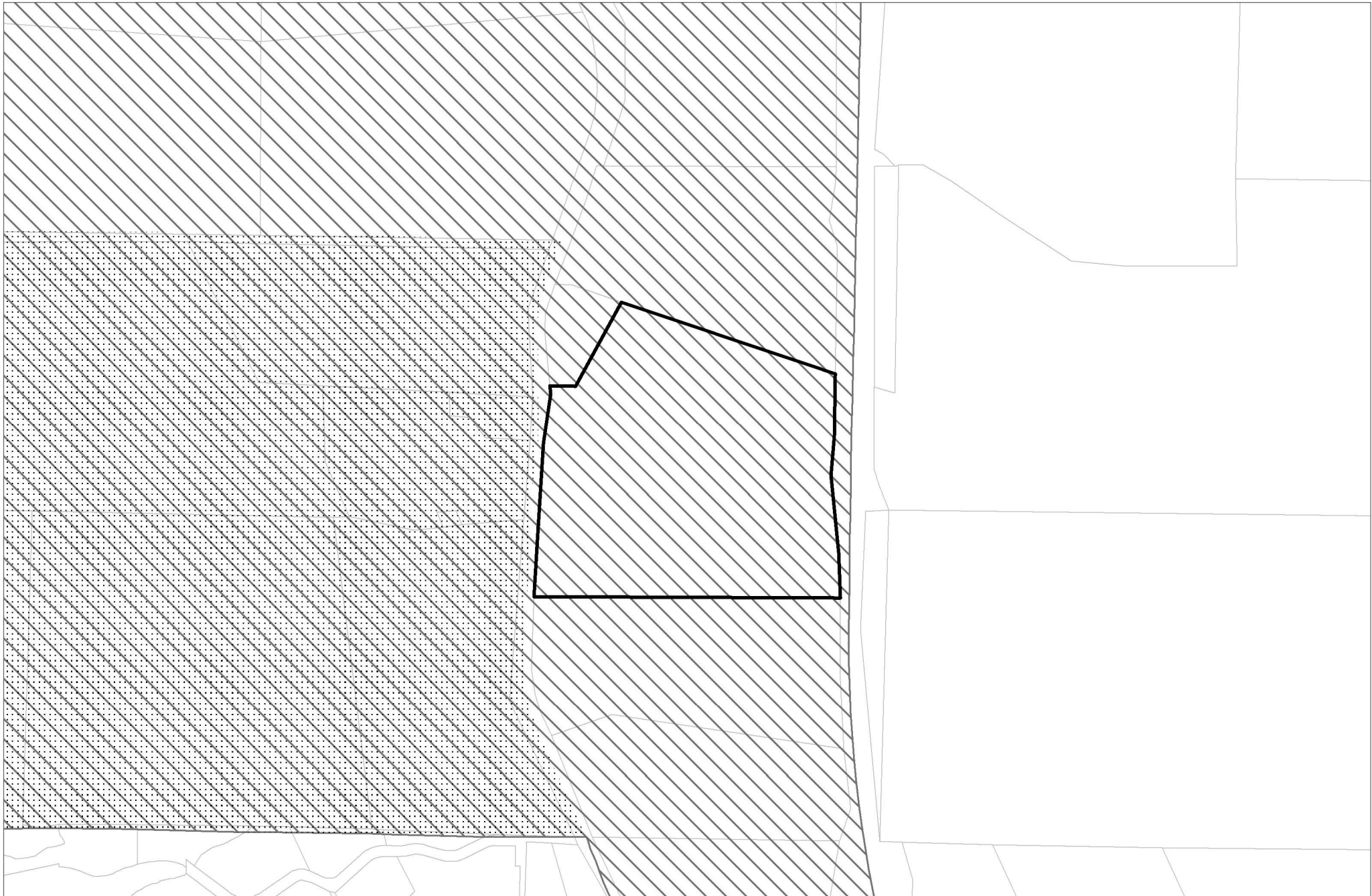
CASE: **CDP 2016-0049**  
 OWNER: **EGGER, Ernest & Corrine, et. al.**  
 APN: **118-160-29**  
 APLCT: **Ernest Egger**  
 AGENT: **Ishvi Aum**  
 ADDRESS: **13501 Point Cabrillo Drive, Mendocino**

- Grazing Land (G)
- Non-Ag & Natural Vegetation (nv)
- Rural Residential & Rural Commercial (R)





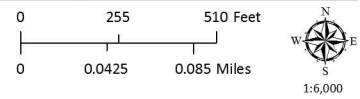
**IMPORTANT FARMLAND**

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



CASE: CDP 2016-0049  
 OWNER: EGGER, Ernest & Corrine, et. al.  
 APN: 118-160-29  
 APLCT: Ernest Egger  
 AGENT: Ishvi Aum  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

 Tree Removal Area  
 Highly Scenic Area





HIGHLY SCENIC & TREE REMOVAL AREAS

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



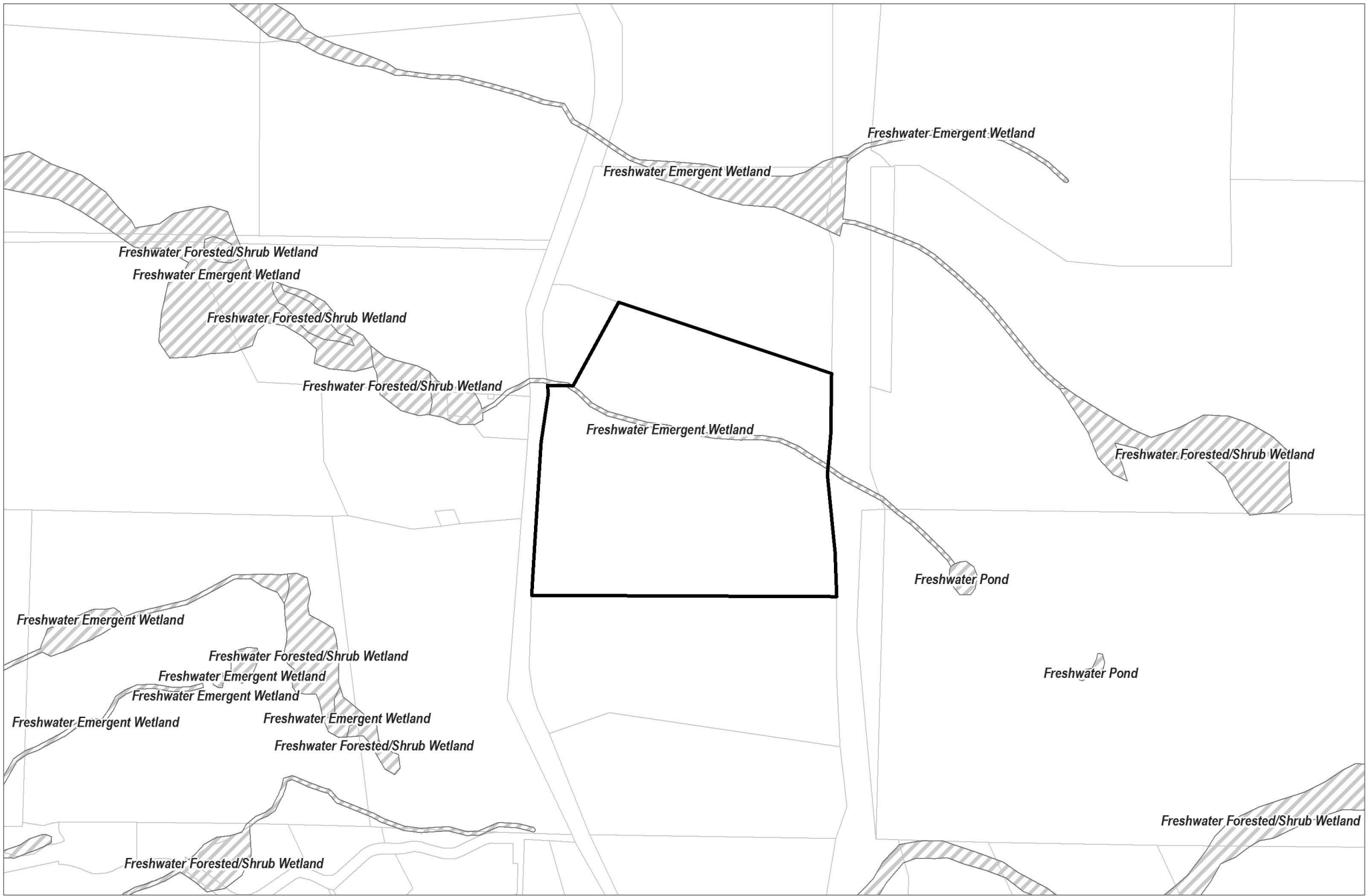
CASE: CDP 2016-0049  
 OWNER: EGGER, Ernest & Corrine, et. al.  
 APN: 118-160-29  
 APLCT: Ernest Egger  
 AGENT: Ishvi Aum  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

-  Western Soils
-  Shinglemill-Gibney Complex



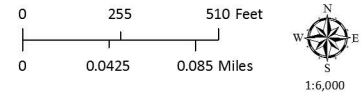
LOCAL SOILS

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



CASE: CDP 2016-0049  
 OWNER: EGGER, Ernest & Corrine, et. al.  
 APN: 118-160-29  
 APLCT: Ernest Egger  
 AGENT: Ishvi Aum  
 ADDRESS: 13501 Point Cabrillo Drive, Mendocino

 Wetlands



CLASSIFIED WETLANDS