

CDP 2017-0003

March 23, 2020

To: MENDOCINO COUNTY PLANNING & BUILDING SERVICES
860 N. Bush Street
Ukiah, CA 95482

RECEIVED

MAR 26 2020

PLANNING & BUILDING SERV
FORT BRAGG CA

Cc: Julianna Cherry
120 West Fir Street
Fort Bragg, CA 95437
Tel: (707) 964-5379

From: Kelly and Judi Limberg
Ron and Shirley Whitney
15780 Forest View Court
Manchester, CA

Mailing: 6771 Avenida Cala
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Attn: Commission Staff
Re: CDP_2017-0003

To whom it may concern:

Thank you for your oversight of our coast. We would like to bring to your attention several concerns with regards to the owners' stewardship of the property at 15761 Forest View Road. In this environmentally sensitive habitat area we have observed the planting of invasive species, planting of many other plants, burning/clearing of the lot, and the lot being camped on several times in violation of the Irish Beach cc&rs.

Camping:

On 8/11/2017 we sent the following email to the IBIC which highlights the Romano's clearing of the lot and camping on the lot beginning in 2017.

On Aug 11, 2017, at 6:57 PM, Ron Whitney <ronew52@gmail.com> wrote:

Two men pulled into the lot across from our place this evening. One of the men came over to introduce himself. He introduced himself as Pablo the owner of the lot with the building envelope taped off. They are planning on camping on the lot tonight and then clearing the lot tomorrow. I assume they own the lot and have permission to clear it. I don't want to start off on the wrong foot if he is going to be a neighbor, but thought the IBIC should be aware.

In a letter to the IBADC dated March 11, 2018 we informed the committee that this was the second time we observed the owners camping on the lot (not allowed per cc&r 7.3c).

(c) No residence in any manner shall be occupied or lived in until the exterior is made to comply with the requirements set forth herein. No building or structure anywhere on any property, other than a completed dwelling, shall ever be used as a residence or rental, including mobile homes, recreational vehicles, campers, tents, shacks, outbuildings or other structures. Nothing herein shall prohibit a contractor's tool house (or privy) and his equipment being used during construction and then removed. Such contractor facilities and equipment shall be placed wholly within the Lot under construction. No overnight camping shall be permitted on any Lot.

Here is another example of an email we sent to the IBADC regarding the Romano's camping on the lot.

Sent: Saturday, June 29, 2019, 06:12:05 PM PDT
Subject: Romano's camping

The Romano's are camping on their lot on Forestview AGAIN. Today is June 29, 2019. When we arrived at our home today there were multiple cars and a tent on the lot. We assume they are probably using community IBIC facilities by the pond as well. The Romano's have been clearly told that there is no camping per the cc&r's. We observed Mrs. Romano on her cell phone by the creek. She did not acknowledge us.

Please inform us as to how we can uphold our property rights with neighbors who don't respect the rules or the community.

Here is a photo of the Romano's Tent on the lot dated 6/29/2019:



The Romano's have violated the "no camping" clause of the cc&r's multiple times after being informed not to do so. There is no running water, cooking/cleaning facilities, or restrooms. Where are those products going each time they camp? This is a clear "no camping" policy, and there is a KOA with proper facilities five minutes down the road. If they will not follow such a simple rule, how do we know the owners will comply with any conditions of the Coastal Permit?

Plantings:

Numerous plantings have been placed on the lot(s). Our greatest concerns are that there has been disturbance of the area prior to any testing or issuance of a Coastal Permit, and also the planting of invasive species. On 3/18/2019 we observed multiple bamboo plantings on the lot. We believe they have been removed at the instruction of the IBADC. We greatly value the beautiful area we grew up in, and are now privileged to own a home in. The Romano's are constantly digging up and planting different things. The planting of invasive and non-native species prior to having a coastal permit threatens the landscape of our neighboring lot and the environmentally sensitive habitat areas.

Here is a photo of the Bamboo on the lot dated 3/18/2019:



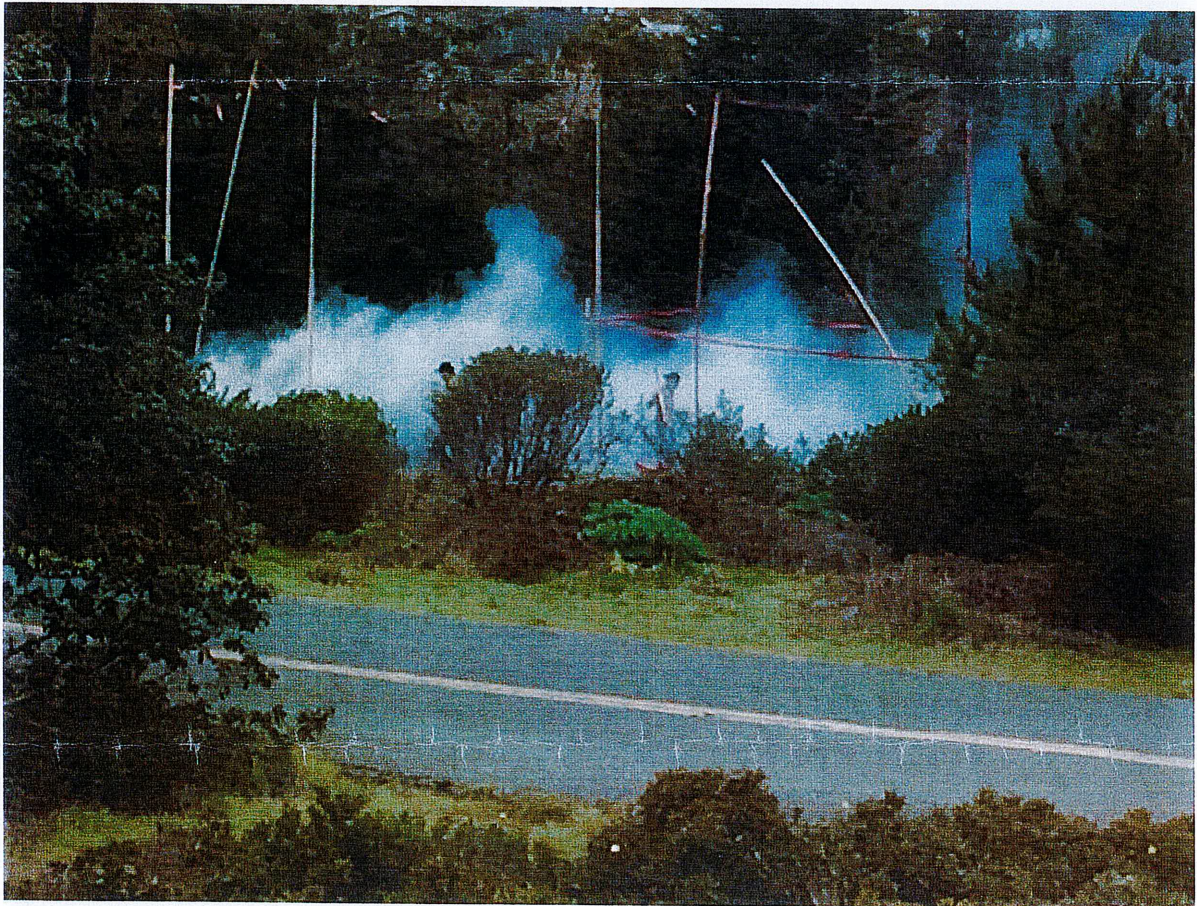
Here are photos of a few of other plantings on the lot dated March 2020:



Burning:

On 3/24/2018 we saw smoke outside our windows. The Romano's were burning on their lot. During the Tubbs Fire of 2017, we had fire damage, and almost lost a home (our neighbor's was lost). We were highly concerned given the size of their fire and knowing there was no running water to the lot. Upon request, the Romano's did produce a burn permit. However, having a fireman in the family, we know the empty bucket they showed us does not meet the water access requirements to conduct a burn, making their permit invalid. In addition, there was insufficient clear area around the burn pile, and the burn was conducted past the daylight hours on the permit. A second burn was again witnessed on a later date.

Here is a picture of the burning dated 3/24/2018:



Clarifications:

- 1) We would like the county to verify the lot coverage to be under 10%. The staff report states the project is at 9% coverage. However, if the plans approved by the IBADC are what are under consideration, the lot coverage may be over the limit. Our calculation of the lot area (based on parcel maps) was 25479.5 sq ft. That would make 10% coverage 2548 sq ft. We have seen so many sets of plans. Please verify the final building plan's lot coverage includes all the impervious surfaces required and is still under 10%.
- 2) Please confirm that a grading and drainage plan will be submitted and approved by both the building and environmental departments prior to issuance of a building permit. Grading and drainage, combined with septic should in no way affect the environmentally sensitive areas.
- 3) What is the square footage of the home to be built? I have yet to see a clearly dimensioned plan with an accurate square footage. Given its proximity to the creek, we want to be assured the size of the home and number of possible bedrooms is in conformance with septic requirements. The plans appear to be over 2101 square feet. Per Policy 4200.04 "Bedroom Definition" the minimum number of bedrooms for that size dwelling (counting towards septic) shall be no less than 3. Most of Irish Beach can only handle a 2 bedroom system. Please confirm with Environmental Health, that the septic will be in conformance with the size and number of bedrooms in the home.
- 4) Regarding the proposed avoidance measures: what kind of oversight or accountability will be applied given the owner's previous lack of adherence to rules, regulations, and procedures?
- 5) Given the lot in question is in direct view from all our windows, may we request a copy of a submitted staging area plan for building materials and construction vehicles? We request that this area not be on Forest View Court.
- 6) If we observe further invasive species planted on the property, what is the proper way to report a violation?
- 7) We very much enjoy all the wildlife in the area, including the weasels we saw a few years back. We would like to see the administration follow through on a re-survey for PAMB within **500'** of the build site based on the recommendation from US Fish and Wildlife per 2/22/2020 email in the staff report.
- 8) Finally, if the owner's cannot comply with the conditions of the Coastal Permit, we feel that a 100' setback may be necessary to protect the resources of the particular habitat area from possible significant disruption cause by the proposed development/developers.

We thank you for your time, and look forward to an update as to when a public hearing will occur given the Covid-19 situation. Please copy all correspondence to the mailing address above. I assume we will receive sufficient notice of a future meeting or video meeting pending the circumstances.

Regards,



Kelly and Judi Limberg & Ron and Shirley Whitney