



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482  
120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

BRENT SCHULTZ, DIRECTOR  
TELEPHONE: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
pbs@mendocinocounty.org  
www.mendocinocounty.org/pbs

July 27, 2020

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at their regular meeting on Thursday, August 13, 2020 at 1:30 p.m. will conduct a public hearing on the following project(s) at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally and by telecomment, in meetings by sending comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) or via telecomment and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>

**CASE#:** V\_2020-0001

**DATE FILED:** 4/14/2020

**OWNER/APPLICANT/AGENT:** KURT & NANCY HASENPUSCH

**REQUEST:** Variance request to reduce the minimum side yard setback requirement from fifty (50) feet to ten (10) feet to allow for the placement of four (4) cargo containers and installation of roof mount solar on top of the containers along the northern parcel boundary line.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 6.5± miles south of the City of Fort Bragg, 2.7± miles east of the intersection of Caspar Little Lake Road (CR 409) and State Route 1 (SR 1), the parcel is located 525± feet south of Caspar Little Lake Road (CR 409), at the end of a private dirt road, located at 42263 and 42237 Caspar Little Lake Road (APN: 118-510-40).

**SUPERVISORIAL DISTRICT:** 4

**STAFF PLANNER:** JESSIE WALDMAN

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California or by e-mail to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org). The staff report and notice will be available for public review 10 days prior to the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>.

In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) by August 12, 2020, or orally via telecomment in lieu of personal attendance. All public comment will be made immediately available to the Zoning Administrator, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>.

To submit public comments via telecomment, a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

The Zoning Administrator's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Zoning Administrator's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be

limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Zoning Administrator's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



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July 23, 2020

**TO:** Mendocino Coast Beacon  
**FROM:** James F. Feenan, Commissioner Services Supervisor  
**SUBJECT:** Publication of Legal Notice.

Please publish the following notice one time on July 30, 2020 in the Legal Notices Section of the Mendocino Coast Beacon.

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**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 6.5± miles south of the City of Fort Bragg, 2.7± miles east of the intersection of Caspar Little Lake Road (CR 409) and State Route 1 (SR 1), 525± feet south of Caspar Little Lake Road (CR 409), at the end of a private dirt road, located at 42263 and 42237 Caspar Little Lake Road (APN: 118-510-40).

**SUPERVISORIAL DISTRICT:** 4

**STAFF PLANNER:** JESSIE WALDMAN

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writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



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**ZONING ADMINISTRATOR  
STAFF REPORT- VARIANCE**

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**AUGUST 13, 2020  
V\_2020-0001**

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**SUMMARY**

**OWNER/APPLICANT/AGENT:** KURT & NANCY HASENPUSCH  
42263 CASPER LITTLE LAKE RD  
MENDOCINO, CA 95460

**REQUEST:** Variance request to reduce the minimum side yard setback requirement from fifty (50) feet to ten (10) feet to allow for the placement of four (4) cargo containers and installation of roof mount solar on top of the containers along the northern parcel boundary line.

**LOCATION:** 6.5± miles south of the City of Fort Bragg, 2.7± miles east of the intersection of Caspar Little Lake Road (CR 409) and State Route 1 (SR 1), 525± feet south of Caspar Little Lake Road (CR 409), at end of a private dirt road, located at 42263 and 42237 Caspar Little Lake Road (APN: 118-510-40).

**TOTAL ACREAGE:** 5± Acres

**GENERAL PLAN:** Rural Residential, minimum parcel size ten acres, (RR10)

**ZONING:** Rural Residential, minimum parcel size ten acres, (RR10)

**SUPERVISORIAL DISTRICT:** 4 (Gjerde)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt: Class 5, 15305(a) – Minor variance not resulting in the creation of a new parcel.

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** JESSIE WALDMAN

**BACKGROUND**

**PROJECT DESCRIPTION:** A variance request to reduce the minimum side yard setback requirement from fifty (50) feet to ten (10) feet to allow for the placement of four (4) cargo containers and installation of roof mount solar on top of the containers along the northern parcel boundary line.

**APPLICANT'S STATEMENT:** Installing four (4) 8 ft. wide by 20 ft. long containers for storage and future solar array on top of containers. No new roads (on existing road on property), no vegetation removal required. This is the only place on the acreage that is clear enough and has a straight shot at the sun without removing a massive amount of trees.

**RELATED APPLICATIONS:**

**On-Site**

- BF\_2020-0118 through BF\_2020-0121 (Four (4) Cargo Containers)
- CS-19-81 – Clean Slate SFR

- B\_102-86 – 4 parcel Boundary Line Adjustment
- SR-4-92 – Second Residential Unit
- Record of Survey – Map Case 2, Drawer 67, Page 96 of County Records

**SITE CHARACTERISTICS:** The 5± acre parcel is located 6.5± miles south of the City of Fort Bragg, 2.7± miles east of the intersection of Caspar Little Lake Road (CR 409) and State Route 1 (SR 1), 525± feet south of Caspar Little Lake Road (CR 409), at the terminus of an unnamed access easement, addressed at 42263 and 42237 Caspar Little Lake Road, Mendocino (APN: 118-510-40). The parcel is developed with a single family residence, a second residential unit, both with an attached garage, established well and septic systems and a driveway. Mendocino County has assigned a second address to the second residential unit, which is 42237 Caspar Little Lake Road (CR 409). The proposed development will be associated with the single family residence associated with the address of 42263 Caspar Little Lake Road (CR 409).

The parcel is relatively flat with little to no slope, as shown on the *Topographic* map. The site is located within a “High Fire Hazard” area and is within the State Responsibility Area subject to the jurisdiction of California Department of Forestry and Fire (CALFIRE) and within the jurisdiction of Mendocino Fire Protection District (MVFD) for structural protection.<sup>1</sup> The designated soil type of the subject parcel is mapped as “Blacklock and Aborigine soils”.<sup>2</sup> The area of proposed development is designated both “Grazing Land” and “Rural Residential & Rural Commercial”, with the majority of the parcel on “Rural Residential & Rural Commercial”.<sup>3</sup> The parcel is heavily wooded and mapped within a ‘Closed-Cone Pine-Cypress’ area under the California Forest and Woodland designation.<sup>4</sup> The proposed development will not result in the removal of vegetation, as the location of the proposed development will occur within the existing driveway, as shown on the *Site Plan*.

**SURROUNDING LAND USE AND ZONING:** As listed in Table 1, the surrounding lands are primarily classified as Rural Residential with the majority developed with Single Family Residences.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential RR10	Rural Residential RR10	4.2± Acres	Residential
EAST	Rural Residential RR10	Rural Residential RR10	5.2± Acres	Residential
SOUTH	Rural Residential RR10	Rural Residential RR10	5.2± Acres	Residential
WEST	Rural Residential RR10	Rural Residential RR10	5.2± Acres; 5.2± Acres	Vacant/Residential

**PUBLIC SERVICES:**

Access: Unnamed Access Easement (Private)  
 Fire District: CALFIRE (State Responsibility Area); Mendocino Fire Protection District (MVFD)  
 Water District: N/A  
 Sewer District: N/A  
 School District: Mendocino Unified School District

**AGENCY COMMENTS:** On June 16, 2020, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. As listed in Table 2, A summary of the submitted agency comments are listed below.

<sup>1</sup> Mendocino County Department of Planning & Building Services. 2019. *Fire Hazard Zones & Responsibility Area* [map].  
<sup>2</sup> Mendocino County Department of Planning & Building Services. 2019. *Western Soils Classification* [map].  
<sup>3</sup> Mendocino County Department of Planning & Building Services. 2019. *Important Farmland* [map].  
<sup>4</sup> Mendocino County Department of Planning & Building Services. 2018. *Mendocino Cypress* [map].

Table 2: Agency Comments	
REFERRAL AGENCIES	COMMENT
Assessor's Office	No Response
Building Services (FB)	No Response
CALFIRE (Land Use)	No Response
Cloverdale Rancheria	No Response
Department of Transportation (DOT)	No Comment
Environmental Health (DEH)	No Comment
Mendocino Fire Protection District (MVFD)	No Response
Planning Division (Ukiah)	No Comment
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

**ENVIRONMENTAL REVIEW:** The proposed project has been determined to be Categorically Exempt from California Environmentally Sensitive Habitat Area (CEQA) per Section 15305, Class 5a, for setback variances that do not result in the creation of any new parcels. The granting of this variance will not result in any changes to land use or density, as the proposed use type is accessory to the existing residential and accessory structures.

**KEY ISSUE HAZARDS:** The applicant's goal is to preserve the existing forest, while creating a source of alternative solar energy. The designated soil type of the subject parcel is mapped as 'Blacklock and Aborigine soils'.<sup>5</sup> The parcel is heavily wooded and mapped within a 'Closed-Cone Pine-Cypress' area under the California Forest and Woodland designation.<sup>6</sup> Completed and approved CALFIRE Fire Safety Regulations Application packages were received with the building permits for the four (4) containers, and the applicant provided a letter from CALFIRE confirming that the project is granted an exception to the standard that parcels larger than one (1) acre provide a minimum 30 foot setback from all property line and/or the center of the road. In the letter from CALFIRE, dated February 7, 2020, it is indicated that CALFIRE will not require any mitigations to grant this exception to setback no less than 10 feet.

**PROJECT FINDINGS:** Per MCC Section 20.200.020, before any variance may be granted or modified it shall be shown that the following findings can be made:

A) *That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding.*

The parcel is heavily wooded and mapped within a 'Closed-Cone Pine-Cypress' area under the California Forest and Woodland designation.<sup>7</sup> The soil designation for the parcel is mapped as 'Blacklock and Aborigine'.<sup>8</sup> Due to the existing forest, the possibility of generating solar energy for the existing uses on the parcel is limited.

The applicant's goal is to preserve the existing forest, while creating a source of alternative solar energy. The proposed development will be located within an already developed area creating the least possible impact to the existing forest and soils, as shown on the *Site Plan*. Without the need to remove trees or disturb additional soils, the most suitable location for further development and solar energy production is the northern portion of the parcel. In the Rural Residential zoning district, for parcels designated for a 10 acre minimum, such as the subject parcel, a fifty (50) foot setback from property lines is required. Due to the forested areas existing on the parcel, the proposed ten (10) foot setback from the northern property line is the most appropriate location for development. **Finding (A) can be made.**

B) *That such special circumstances or conditions are not due to any actions of the applicant subsequent to the application for the zoning regulations contained in the Division.*

<sup>5</sup> Mendocino County Department of Planning & Building Services. 2019. *Western Soils Classification* [map].

<sup>6</sup> Mendocino County Department of Planning & Building Services. 2018. *Mendocino Cypress* [map].

<sup>7</sup> Ibid.

<sup>8</sup> Mendocino County Department of Planning & Building Services. 2019. *Western Soils Classification* [map].



The variance is being requested due to the existing forest and soils on to the property and the encumbrances created by the zoning designation. The existence of these obstacles is not due to any action of the applicant. Per Mendocino County Code (MCC) Sections 20.048.035(C) and 20.048.040(C), front, rear, and side yard setbacks are all fifty (50) feet. Combined with preservation of the established forest and the existing developed locations on the parcel, remaining building sites are limited. **Finding (B) can be made.**

- C) *That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.*

The use of this property for a single family residence and appurtenant uses is considered a substantial property right that is possessed and enjoyed by similar properties throughout the County. **Finding (C) can be made.**

- D) *That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such a vicinity and zone in which the property is located.*

There would be no impact on the public welfare, as the proposed development would be approximately 250± feet from the nearest adjacent structure located on a separate parcel. The proposed location will not be visible from adjacent parcels. Upon completion of installing the four cargo containers and roof mount solar, the development will not generate additional noise or sound and will be consistent with MCC Appendix C Exterior Noise Limit Standards. **Finding (D) can be made.**

- E) *That the granting of such variance will not adversely affect the General Plan.*

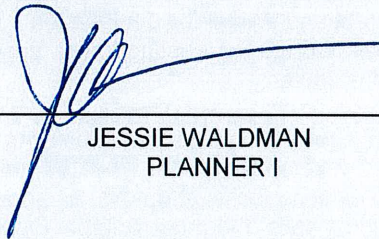
The granting of such variance is found to be consistent with the General Plan, and the proposed use is compatible with this designation. The 5± acre subject property is consistent in size with nearby properties. The requested improvement is recognized as an increasingly common and appropriate measure to improve property resilience in the event of a Planned Safety Power Shut-off (PSPS). **Finding (E) can be made.**

#### **RECOMMENDATION**

By resolution, grant V\_2020-0001 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

7-21-2020

DATE



JESSIE WALDMAN  
PLANNER I

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

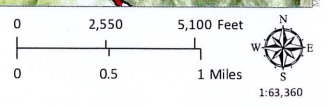
#### **ATTACHMENTS:**

- |                      |  |
|----------------------|--|
| A. Location Map      | G. Adjacent Parcels                    |
| B. Aerial Map        | H. Fire Hazards & Responsibility Areas |
| C. Topographical Map | I. Western Soils Classification        |
| D. Site Plan         | J. Farmland                            |
| E. Zoning Map        | K. Mendocino Cypress                   |
| F. General Plan      | L. CALFIRE #33-20 Exception Letter     |



CASE: V 2020-0001  
 OWNER: HASENPUSCH, Kurt & Nancy  
 APN: 118-510-40  
 APLCT: Kurt & Nancy Hasenpusch  
 AGENT:  
 ADDRESS: 42263 Caspar Little Lake Road, Mendocino

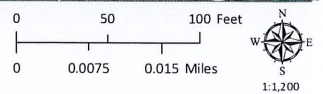
- Major Towns & Places
- City Limits
- Coastal Zone Boundary
- Highways
- Major Roads
- Major Rivers



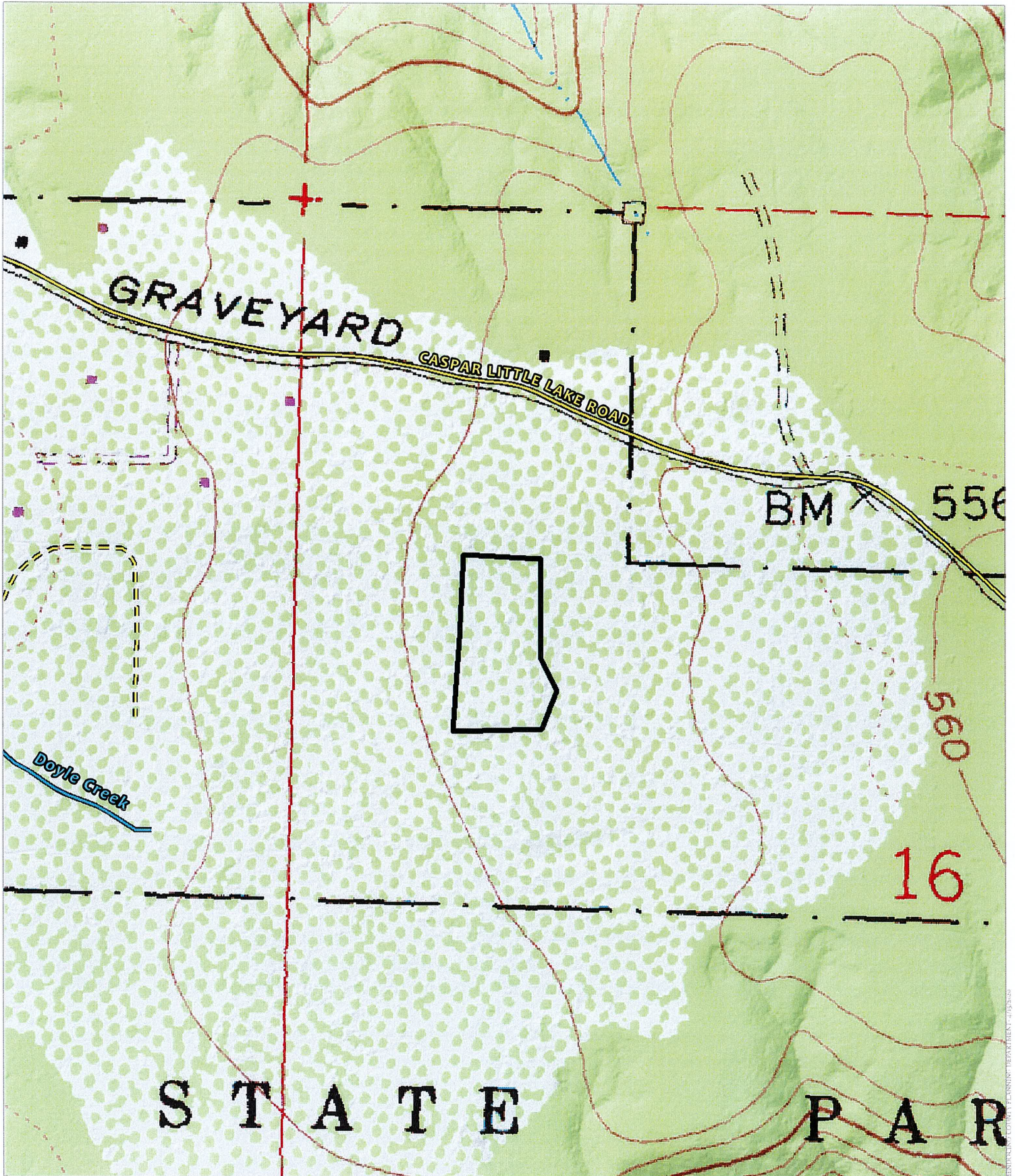
LOCATION MAP  
 ATTACHMENT A






CASE: V 2020-0001  
OWNER: HASENPUSCH, Kurt & Nancy  
APN: 118-510-40  
APLCT: Kurt & Nancy Hasenpusch  
AGENT:  
ADDRESS: 42263 Caspar Little Lake Road, Mendocino

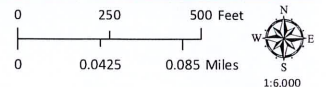


AERIAL IMAGERY  
ATTACHMENT B



CASE: V 2020-0001  
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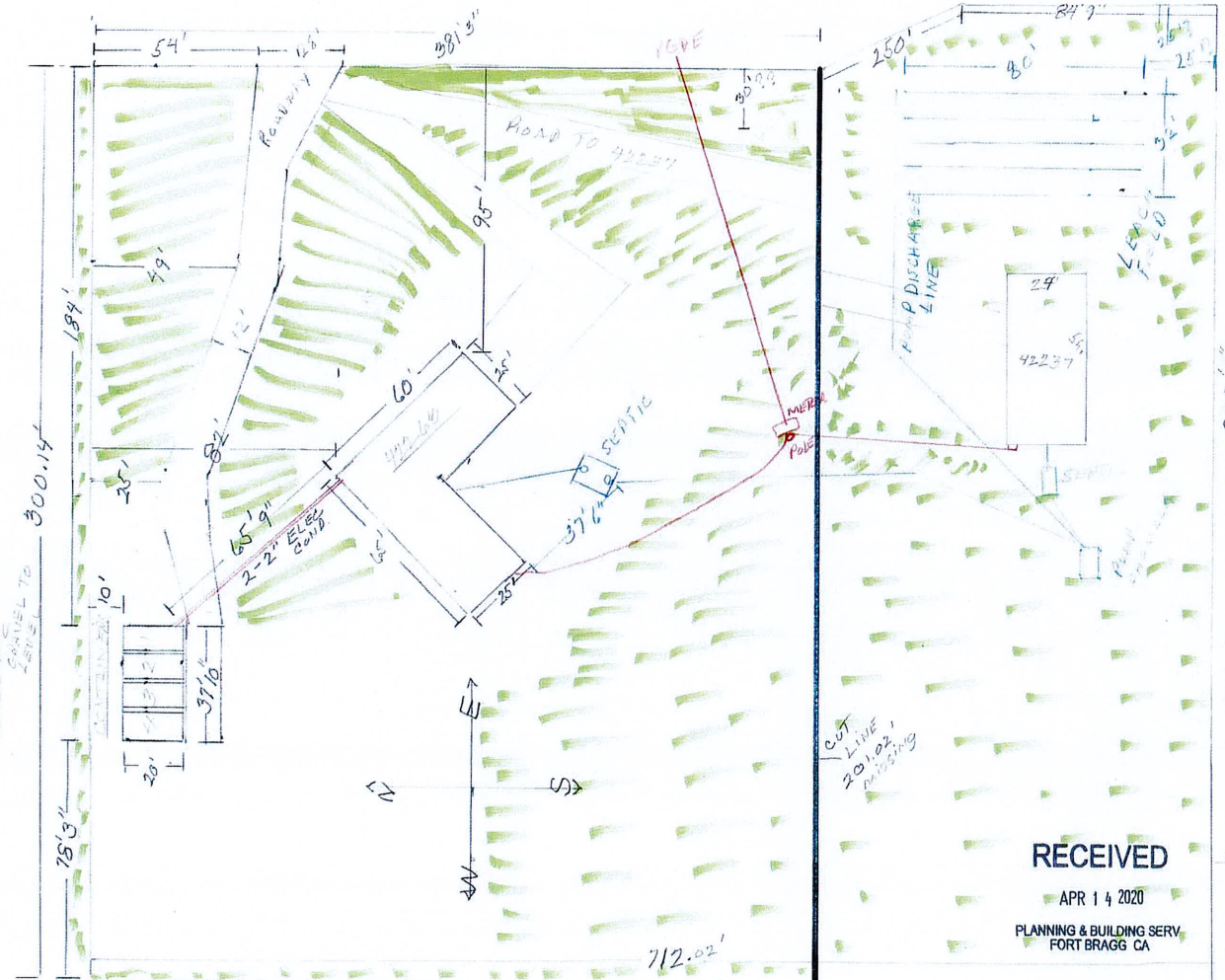
-  Named Rivers
-  Driveways/Unnamed Roads
-  Public Roads
-  Private Roads



TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET

ATTACHMENT C

18" DISTRIBUTION  
8" MAIN LINE



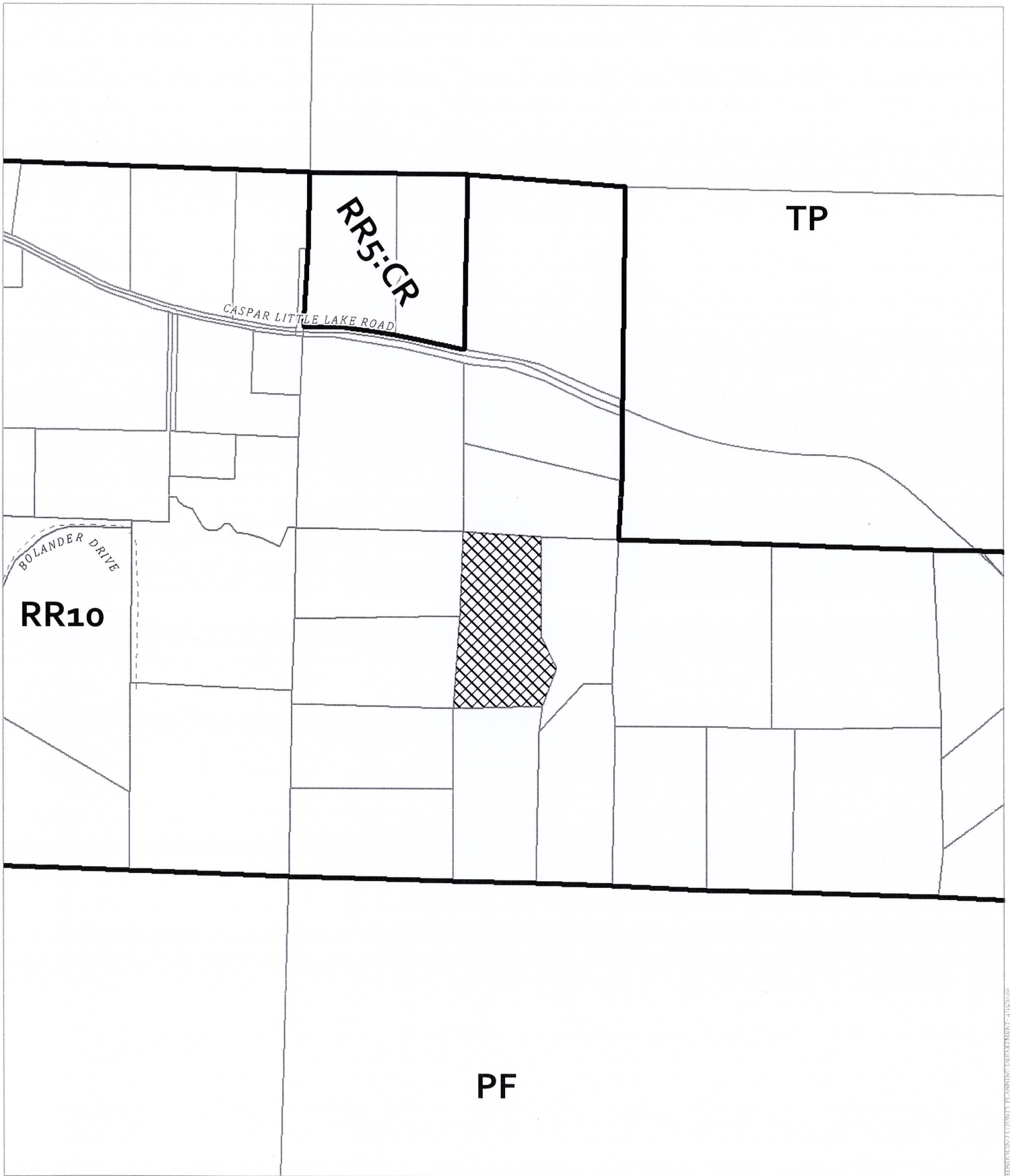
RED ELECTRIC  
 BLUE SEPTIC  
 BAN ROAD  
 TREES

SCALE 1/8" = 10'  
 KURT HASENPUCH  
 4226 CASPER  
 LITTLE LAKE RD.  
 MENDOCINO CA.  
 94560




RECEIVED

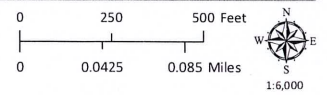
APR 14 2020  
 PLANNING & BUILDING SERV.  
 FORT BRAGG CA

ATTACHMENT D



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 OWNER: HASENPUSCH, Kurt & Nancy  
 APN: 118-510-40  
 APLCT: Kurt & Nancy Hasenpusch  
 AGENT:  
 ADDRESS: 42263 Caspar Little Lake Road, Mendocino

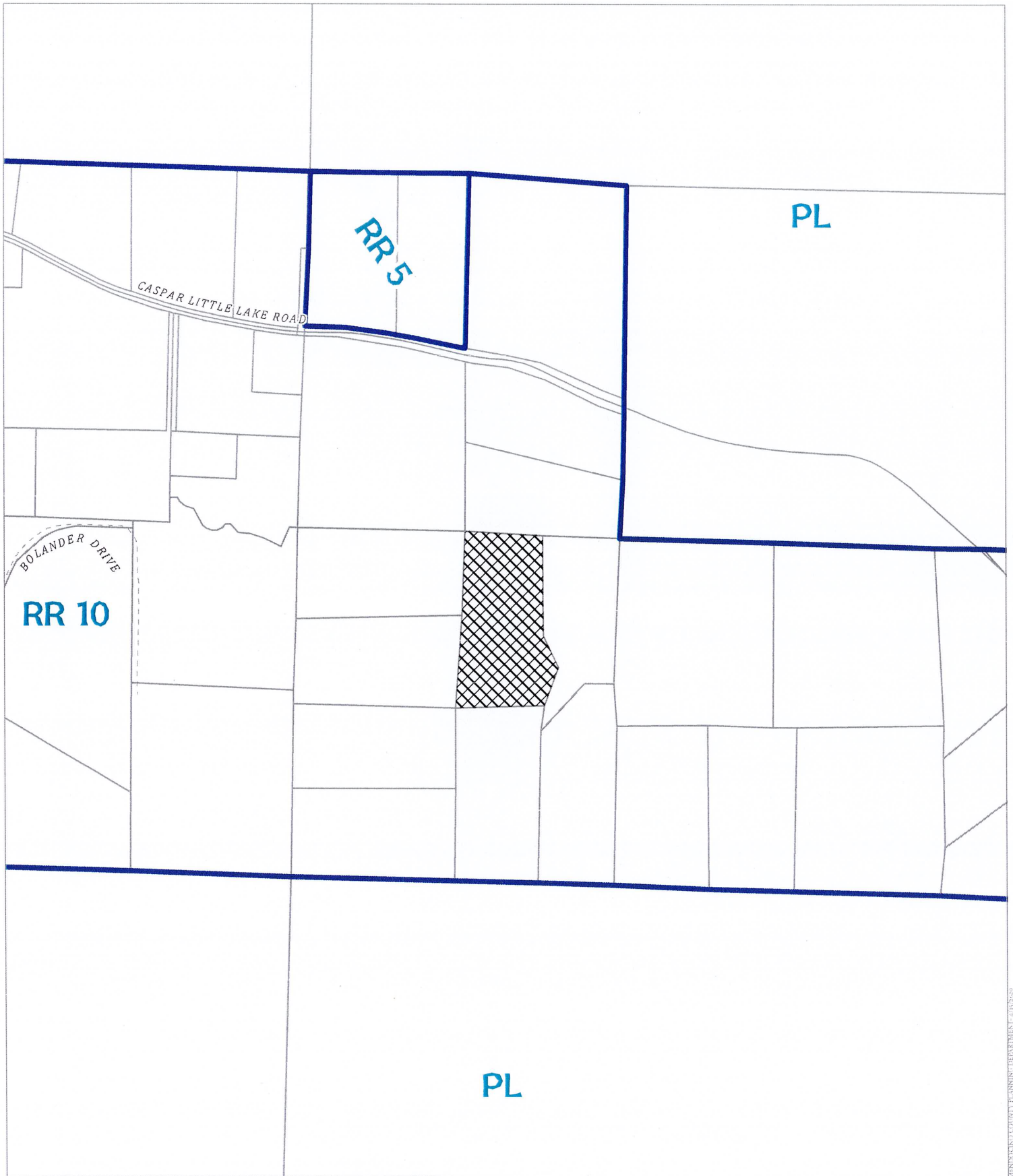
-  Zoning Districts
-  Public Roads
-  Assessors Parcels






ZONING DISPLAY MAP

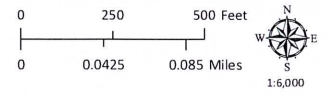
ATTACHMENT E

MENDOCINO COUNTY PLANNING DEPARTMENT - 4/19/2020



CASE: V 2020-0001  
 OWNER: HASENPUSCH, Kurt & Nancy  
 APN: 118-510-40  
 APLCT: Kurt & Nancy Hasenpusch  
 AGENT:  
 ADDRESS: 42263 Caspar Little Lake Road, Mendocino

-  General Plan Classes
-  Public Roads
-  Assessors Parcels

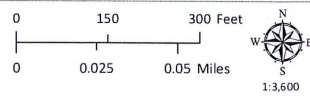


MENDOCINO COUNTY PLANNING DEPARTMENT - 4/25/2020



CASE: V 2020-0001  
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 APN: 118-510-40  
 APLCT: **Kurt & Nancy Hasenpusch**  
 AGENT:  
 ADDRESS: 42263 Caspar Little Lake Road, Mendocino

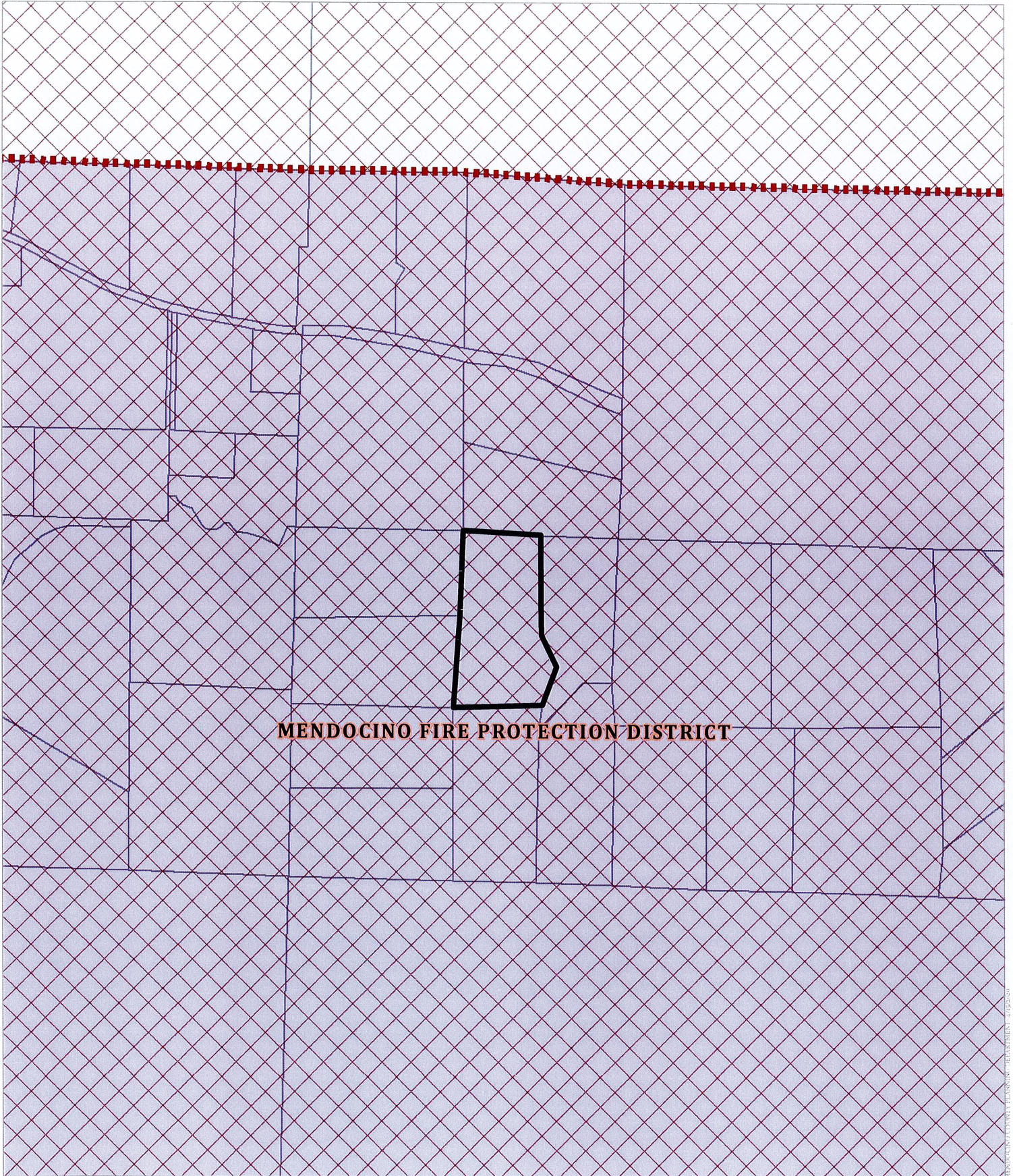
Assessors Parcels



ADJACENT PARCELS  
 ATTACHMENT G




MENDOCINO COUNTY PLANNING DEPARTMENT 4/16/2020

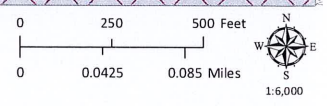




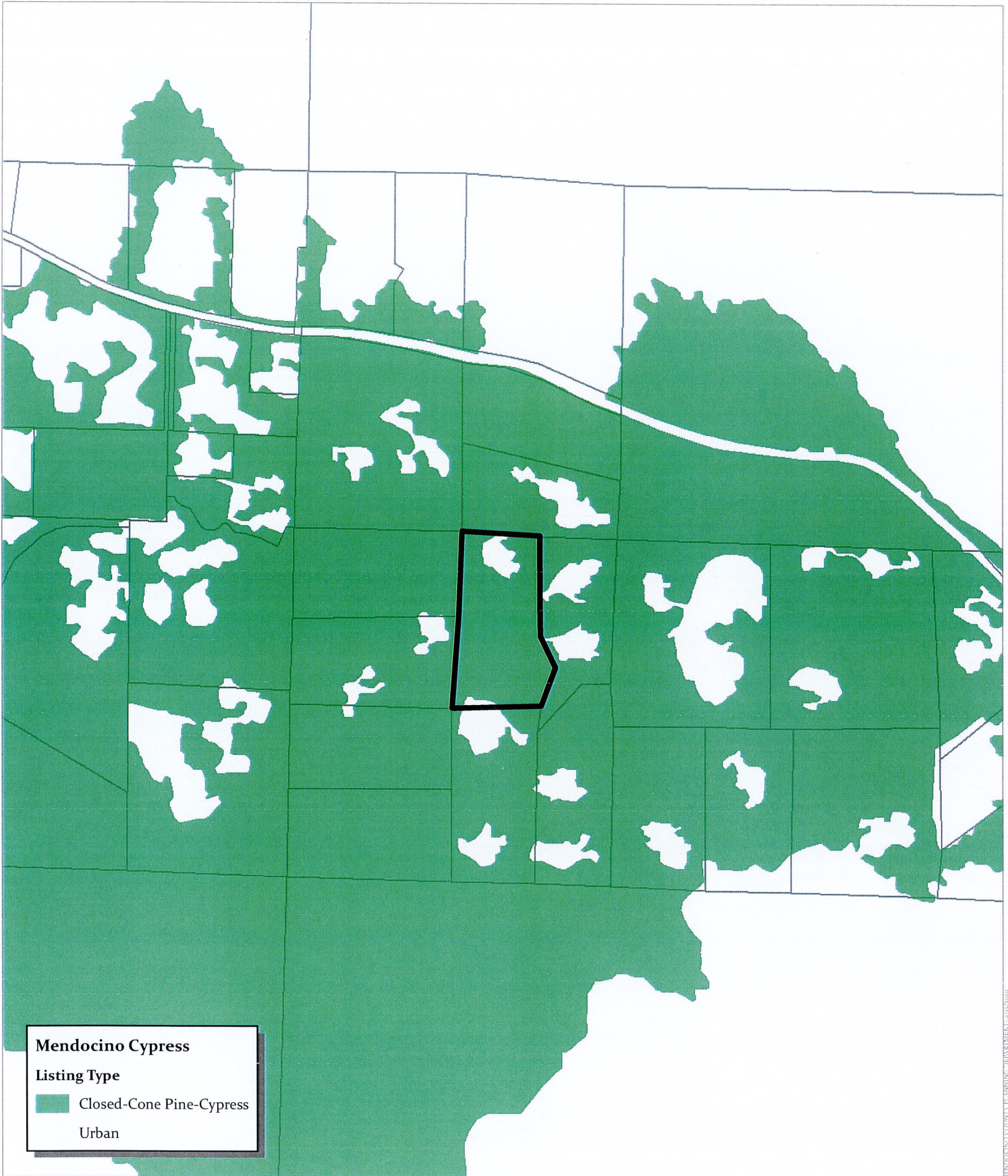
**MENDOCINO FIRE PROTECTION DISTRICT**

CASE: V 2020-0001  
 OWNER: HASENPUSCH, Kurt & Nancy  
 APN: 118-510-40  
 APLCT: Kurt & Nancy Hasenpusch  
 AGENT:  
 ADDRESS: 42263 Caspar Little Lake Road, Mendocino

-  High Fire Hazard
-  County Fire Districts
-  Assessors Parcels



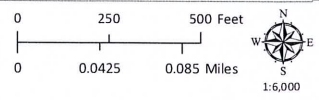
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA



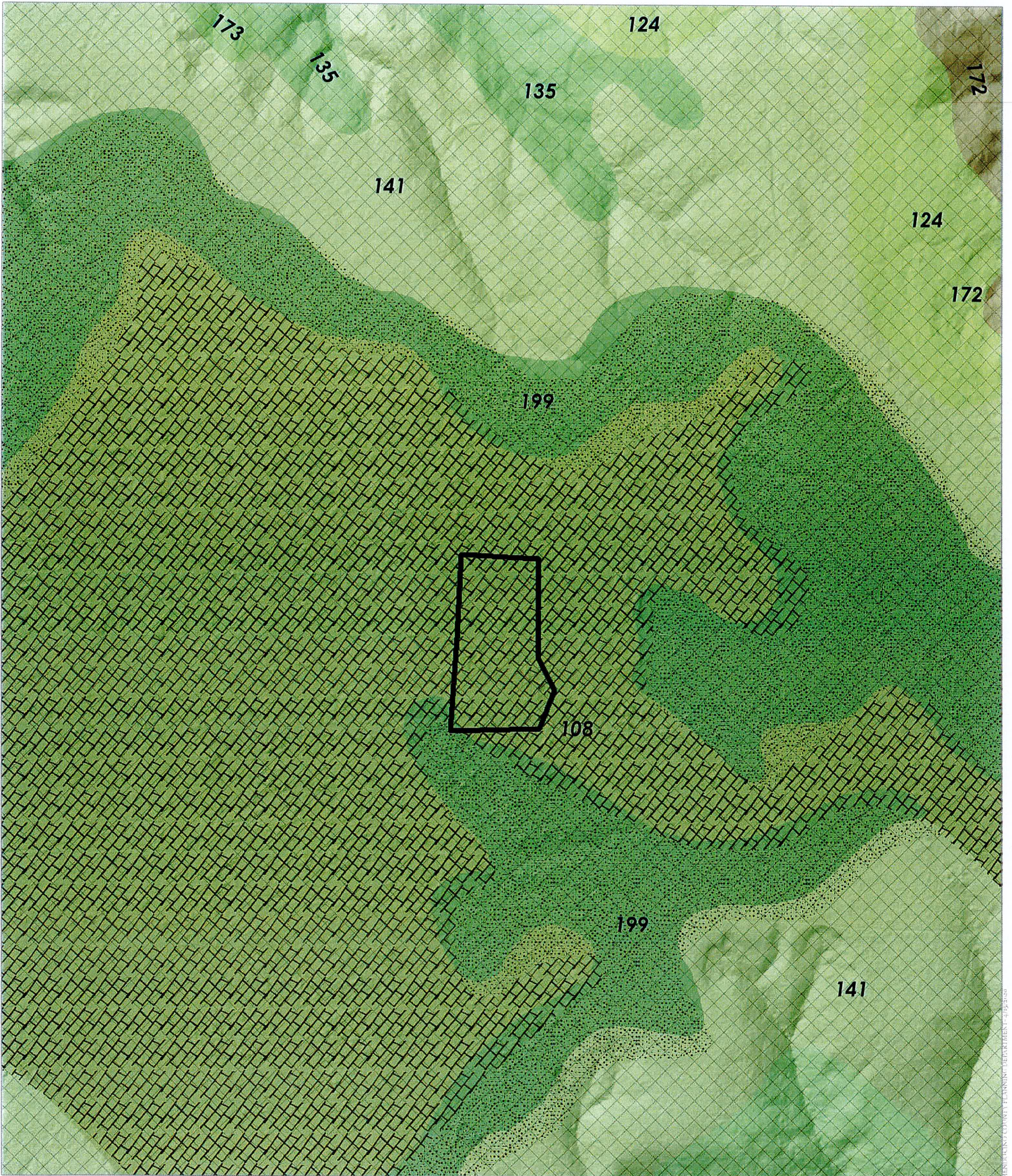
**Mendocino Cypress**  
**Listing Type**  
 Closed-Cone Pine-Cypress  
 Urban

CASE: V 2020-0001  
 OWNER: HASENPUSCH, Kurt & Nancy  
 APN: 118-510-40  
 APLCT: Kurt & Nancy Hasenpusch  
 AGENT:  
 ADDRESS: 42263 Caspar Little Lake Road, Mendocino




Assessors Parcels

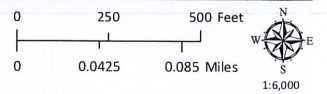


MENDOCINO COUNTY PLANNING DEPARTMENT 4/16/2020



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-  Blacklock & Aborigine
-  Shinglemill-Gibney Complex
-  Bishop Pine



WESTERN SOIL CLASSIFICATIONS

ATTACHMENT J



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

17501 N. HWY 101  
WILLITS, CA 95490  
(707) 459-7414  
Website: www.fire.ca.gov



02/07/2020

Kurt Hasen Pusch  
42263 Caspar Little Lake Rd  
Mendocino, CA 95460

RE: 42263 Caspar Little Lake Rd  
CALFIRE#: 33-20

Mr. Pusch,

I have reviewed your request for an exception to your project at 42263 Caspar Little Lake Rd. The Department of Forestry and Fire Protection has granted your request for an exception to:

**14 CCR 1276.01 Setback for Structure Defensible Space**

- (a) All parcels 1 acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road.

Due to the extenuating circumstances, parcel size, and facts as to why the structure needs to be closer than 30 feet from the property line, but will maintain this offices policy of setbacks no less than 10 feet, CAL FIRE will NOT be requiring any mitigations for the exception.

**14CCR 1270.07 Exceptions to Standards**

Upon request by the applicant, exceptions to standards within this subchapter or local jurisdiction certified ordinances may be allowed by the inspection entity listed in 14 CCR 1270.05, where the exceptions provide the same overall practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity shall be made on a case-by-case basis only.

If you have any questions, please contact (707) 459-7424.

Sincerely,

Scott Kirby  
Defensible Space Inspector

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

County of Mendocino  
Ukiah, California  
August 13, 2020

V\_2020-0001 KURT & NANCY HASENPUSCH

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A VARIANCE TO ALLOW A SETBACK REDUCTION FOR FOUR (4) CARGO CONTAINERS WITH ROOF MOUNTED SOLAR ARRAY.

WHEREAS, the applicant, KURT & NANCY HASENPUSCH, filed an application for variance with the Mendocino County Department of Planning and Building Services to reduce the minimum side yard setbacks from fifty (50) feet to ten (10) feet to facilitate the construction of four (4) cargo containers with roof mounted solar array located on top of the containers, 6.5± miles south of the City of Fort Bragg, 2.7± miles east of the intersection of Caspar Little Lake Road (CR 409) and State Route 1 (SR 1), 525± feet south of Caspar Little Lake Road (CR 409), at end of a private dirt road, located at 42263 and 42237 Caspar Little Lake Road (APN: 118-510-40); 4<sup>th</sup> Supervisorial District; (the "Project"); and

WHEREAS, the proposed project has been determined to be Categorically Exempt from California Environmentally Sensitive Habitat Area (CEQA) per Section 15305, Class 5a, for setback variances that do not result in the creation of any new parcels. The granting of this variance will not result in any changes to land use or density, as the proposed use type is accessory to the existing residential and accessory structures.

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on, August 13, 2020 at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the Project.

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

1. *That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;* The proposed development will be located within an already developed area creating the least possible impact to the existing forest and soils. Without the need to remove trees or disturb additional soils, the most suitable location for further development and solar energy production is the northern portion of the parcel. **Finding can be made.**
2. *That such special circumstances or conditions are not due to any actions of the applicant subsequent to the application of the zoning regulations contained in the Division;* The variance is being requested due to the existing forest and soils on to the property and the encumbrances created by the zoning designation. **Finding can be made.**

3. *That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;* The use of this property for a single family residence and appurtenant uses is considered a substantial property right that is possessed and enjoyed by similar properties throughout the County. **Finding can be made.**
  
4. *That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such a vicinity and zone in which the property is located;* There would be no impact on the public welfare, as the proposed development would be approximately 250± feet from the nearest adjacent structure located on a separate parcel. The proposed location will not visible from adjacent parcels. Upon completion of installing the four cargo containers and roof mount solar, the development will not generate additional noise or sound and will be consistent with MCC Appendix C Exterior Noise Limit Standards. **Finding can be made.**
  
5. *That the granting of such variance will not adversely affect the General Plan;* The granting of such variance is found to be consistent with the General Plan, and the proposed use is compatible with this designation. The 5± acre subject property is consistent in size with nearby properties. The requested improvement is recognized as an increasingly common and appropriate measure to improve property resilience in the event of a Planned Safety Power Shut-off (PSPS). **Finding can be made.**
  
6. *That that granting of such variance will be consistent with Categorically Exempt from California Environmentally Sensitive Habitat Area (CEQA) per Section 15305, Class 5a, for setback variances that do not result in the creation of any new parcels.* The granting of this variance will not result in any changes to land use or density, as the proposed use type is accessory to the existing residential and accessory structures. **Finding can be made.**

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Variance subject to the Conditions of Approval in Exhibit "A", attached herto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning 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 Zoning 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:            JAMES F. FEENAN  
                          Commission Services Supervisor

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

BY:                 BRENT SCHULTZ  
                          Zoning Administrator

\_\_\_\_\_

**EXHIBIT A**

**CONDITIONS OF APPROVAL**

**V\_2020-0001 KURT & NANCY HASENPUSCH**

**AUGUST 13, 2020**

Variance request to reduce the minimum side yard setback requirement from fifty (50) feet to ten (10) feet to allow for the placement of four (4) cargo containers and installation of roof mount solar on top of the containers along the northern parcel boundary line.

**APPROVED PROJECT DESCRIPTION:** A variance to reduce the minimum side yard setback requirement from fifty (50) feet to ten (10) feet to allow for the placement of four (4) cargo containers and install roof mount solar on top of the containers along the north parcel boundary line.

**CONDITIONS OF APPROVAL:**

1. The use of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the Variance.
2. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
3. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any 1 or more of the following grounds:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

4. 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.
5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction, including those required by the Department of Environmental Health Land Use, as well as the Department of Planning & Building

Services. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

6. The Applicant is advised that this variance will expire at the end of 2 years, on August 13th, 2022, unless construction of the four containers or the solar array is commenced and diligently pursued in compliance with required building permits prior to that date.
7. The Applicant shall comply with those recommendations in the California Department of Forestry Exceptions to Standard Letter dated February 7, 2020, as well as requirements identified in State Fire Regulations Application (#33-20).
8. To record the Notice of Exemption with the CA State Clearinghouse, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of approval of this permit.
9. In the event that additional archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.