



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: January 12, 2022
TO: Mendocino County Archaeological Commission
FROM: Julia Krog, Assistant Director
SUBJECT: Use Permit U_2016-0015/Variance V_2017-0001 Compliance with Conditions of Approval Related to Archaeological Resources

On February 7, 2019, the Mendocino County Planning Commission approved Use Permit U_2016-0015 and Variance V_2017-0001. U_2016-0015/V_2017-0001 authorized the owner/applicant, Christopher Hougie, to refurbish 60 existing campsites at the Mendocino Campground, construct a new barn, a new caretaker's residence, a registration tent, remodel and expansion of the existing bathhouse and construct of two new bathhouses. Associated work authorized consisted of construction of additional parking, BBQ area with fire pit, Yoga deck, breakfast preparation screened area, installation and repair of path lights, and two new signs. A Variance was granted to allow 21 parking spaces within the required yard setback and additionally to increase the allowed sign area for the parcel. Attached to this memorandum is the adopted Resolution of the Planning Commission (PC_2019-0001).

The property was surveyed for archaeological resources in 1976 and again in 1990. The Mendocino County Archaeological Commission accepted the previous Archaeological Surveys on the property at its May 10, 2017 meeting and recommended that an archaeological monitor be present to monitor any ground disturbance associated with the footprint for the Barn style structure, 2 bathhouses/caretaker unit and parking areas. Staff included this recommendation as Condition 9, which was adopted by the Planning Commission.

The agent for the project, Kelly Grimes, contacted Planning Staff on November 30, 2021 to inquire about whether or not Condition 9 could be considered satisfied based upon response from Sally Evans of Evans & DeShazo, who performed the archaeological monitoring for the Barn/Kitchen building. Sally Evans provided the following to Mr. Grimes regarding this request:

...Windspirit said there would be one, possibly two, more days of monitoring needed for excavation for the adjacent caretaker's residence that will occur in about a month. Since I did not observe any cultural resources during the two days of excavation for the Barn/Kitchen building, I recommend contacting the planning department to ask if they will waive the additional monitoring for the Caretaker's residence. If not, I am happy to come back for additional monitoring. If they agree, let me know and I will move forward with preparing the letter report. Please keep me posted and let me know if you have any questions.

*Best Regards,
Sally*

Based upon this information, Staff is requesting direction from the Archaeological Commission on whether to find Condition 9 satisfied based upon the lack of identified resources during the construction of the Barn/Kitchen building.

Attachment:
Planning Commission Resolution No. 2019-0001

Resolution Number PC_2019-0001

County of Mendocino
Ukiah, California

FEBRUARY 7, 2019

U_2016-0015/V_2017-0001 - CHRISTOPHER J HOUGIE

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A COASTAL DEVELOPMENT USE PERMIT AND VARIANCE FOR THE REFURBISHMENT AND CONSTRUCTION OF ADDITIONAL SUPPORTING INFRASTRUCTURE FOR AN EXISTING VISITOR ACCOMMODATION AND SERVICE FACILITY AND VARIANCE TO PARKING AND SIGNAGE STANDARDS

WHEREAS, the applicant, Christopher J. Hougie, filed an application for Coastal Development Use Permit and Variance with the Mendocino County Department of Planning and Building Services to refurbish and construct additional supporting infrastructure for an existing visitor accommodation and service facility (Mendocino Campground) and a variance to parking and signage standards, in the Coastal Zone, 0.5± mile south of the Town of Mendocino, located on the south side of Comptche-Ukiah Road (CR 223), 0.1± mile east of its intersection of State Route 1 (SR 1). Located at 9601 N Hwy 1, Mendocino, CA. (APNs: 119-310-02, 119-310-03, 119-310-04, 119-310-05, 119-310-10, 119-320-07); General Plan RR5:R; Zoning RR:5/*5C; Supervisorial District 5; (the "Project"); and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on January 10, 2019 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, February 7, 2019, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based upon the evidence in the record, makes the following findings;

1. The proposed development is in conformity with the certified local coastal program. A variance is requested for proposed deviations from County Code requirements for parking and signage areas. Additionally, development is proposed within the buffer to an identified Environmentally Sensitive Habitat area; however, findings can be made to support approval of these activities; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The site is accessed by an existing encroachment off State Route 1 and has been found to be adequate to serve the proposed development. An additional emergency exit encroachment will be installed on the Comptche-Ukiah Road side of the property to provide enhanced circulation. Adequate septic and water facilities exist to serve the proposed development; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district. Other than the deviations noted in Finding 1 above from parking and signage requirements, the project is consistent with the purpose and intent of the Rural Residential and Visitor

Accommodations and Services combining district as it is for continuance of an existing visitor serving use; and

4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. An Initial Study has been prepared which identified potentially significant impacts, which can be reduced to less than significant levels with the incorporation of several mitigation measures. As a result, a Mitigated Negative Declaration has been prepared; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. An archaeological monitor is required be present to monitor any ground disturbance associated with the footprint for the Barn style structure, 2 bathhouses/caretaker unit and parking areas. Additionally, the standard discovery clause is recommended which prescribes the procedures subsequent to the discovery of any cultural or archaeological resources during construction of the project; and
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 refurbishment and proposed expansion of associated uses would generate few additional vehicle trips per day than what presently exist. The subject property is located approximately 0.3 miles south of the intersection of Comptche-Ukiah Road (CR 223) and State Route 1, where the existing peak hour Level of Service is reported as "B" for the westbound approach and "C" for the eastbound approach. No change in service levels is anticipated as a result of the project. Curbside pick-up is available to the parcel, additionally several Solid Waste Transfer Stations are located within 15 miles of the project site and can accommodate the solid waste disposal needs of the site; and
7. The resource as identified will not be significantly degraded by the proposed development. There is no feasible less environmentally damaging alternative as the improvements at the site are existing in their present locations and are in need of maintenance and repair/upgrade. New development is proposed in existing disturbed areas near existing development and require no tree removal to accommodate them. All feasible mitigation measures are included.
8. That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings. As detailed in the staff report, the property does have special circumstances since it is highly constrained due to presence of environmentally sensitive habitat areas and the topography of the site and the size of the California Department of Transportation (Caltrans) right-of-way, which eats up a large portion of the road frontage of the parcel; and
9. That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element. The special circumstances for the property are not due to any action by the applicant, as the special circumstances are the result of just the general topography of the parcel and the environmentally sensitive habitat areas that were identified after the property was initially developed with the visitor accommodation and service use and now limit future development on the parcel; and
10. That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A). The parcel is constrained in where these required parking spaces can be located and the reduced setback is necessary to accommodate the development at the site. The variance for the sign area only increases the allowable sign area for the parcel by a minimal amount and the proposed size of signage is similar to the signage existing at similar visitor serving facilities located to the north and south of the project site. Due to the topography of the parcel and limited areas that signs can be located due to setbacks from State Route 1 and the property lines, the parcel has special circumstances that deny it signage similar to that at other existing visitor serving facilities nearby; and
11. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located. A gravel road is located between the parking area and the property line. Due to how close the proposed parking is to the neighboring parcel boundary, staff recommends a Condition of Approval requiring that a

surveyor certify the distance between the neighboring property boundary and the parking area to provide the maximum setback from the parcel as possible. The recommended condition will reduce any potential impacts the variance may have on adjacent parcels. The signs are similar in size and design to the "Stanford Inn" sign and "Brewery Gulch Inn" sign located to the north and south of the project site. Additionally, the signs are to be located outside of the State Route 1 right-of-way and meet zoning setback requirements; and

12. That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel. Variances to both the parking chapter and signage chapter are expressly allowed by the zoning code; and
13. That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act. The granting of the variance is in conformity with all other provisions of the Mendocino County Local Coastal Program. The parking area will be located such it does not encroach upon sensitive resources identified on the parcel. The proposed south sign will be located in a similar location to the existing sign at the property. The northern sign will be located along the exit/emergency access road that traverses the parcel. The proposed small sign will be located at the Comptche-Ukiah Road encroachment to direct vehicular traffic to the entrance off State Route 1.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program set forth in the Conditions of Approval. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

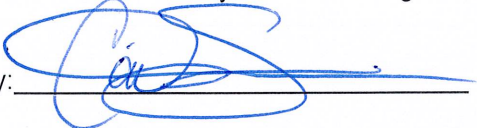
BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Coastal Development Use Permit and Variance, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material, which constitutes the record of proceedings upon which the Planning Commission 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.

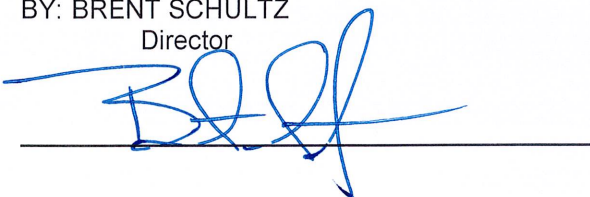
BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

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

ATTEST: CAITLIN SCHAFER
Secretary to the Planning Commission

By: 

BY: BRENT SCHULTZ
Director



MARILYN OGLE, CHAIR
Mendocino County Planning Commission

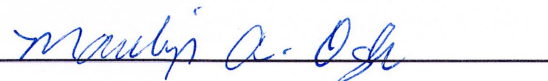


EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MONITORING
AND REPORTING PROGRAM
FEBRUARY 7, 2019

U_2016-0015/V_2017-0001 (HOUGIE)

Coastal Development Use Permit to refurbish 60 existing campsites at the Mendocino Campground, construction of a new barn, a new caretakers residence, a registration tent, remodel and expansion of the existing bathhouse and construction of two new bathhouses. Associated work consists of construction of additional parking, BBQ area with fire pit, Yoga deck, breakfast preparation screened area, installation and repair of path lights, and two new signs. A Variance is requested to allow 21 parking spaces within the required yard setback and additionally to increase the allowed sign area for the parcel.

APPROVED PROJECT DESCRIPTION: Coastal Development Use Permit to refurbish 60 existing campsites at the Mendocino Campground, construction of a new barn, a new caretakers residence, a registration tent, remodel and expansion of the existing bathhouse and construction of two new bathhouses. Associated work consists of construction of additional parking, BBQ area with fire pit, Yoga deck, breakfast preparation screened area, installation and repair of path lights, and two new signs. A Variance is requested to allow 21 parking spaces within the required yard setback and additionally to increase the allowed sign area for the parcel.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “*”):**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. 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, studies, surveys, reports and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
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 applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
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. During construction of the barn-style structure, two bathhouses/caretaker unit and parking areas, an archaeological monitor shall be present to monitor any ground disturbance.
10. The applicant shall adhere to all recommendations of CalFire and the Mendocino Volunteer Fire District. Where there is conflict between these requirements, CalFire's requirements shall take precedence.
11. Any future tree removal proposed within the two hundred foot Special Treatment Area to the State Park or identified Environmentally Sensitive Habitat Areas shall require either a new Coastal Development Permit or a modification to this permit. In the case of a verified emergency, an Emergency Permit may be granted but only with consultation having been performed with both California Department of Fish and Wildlife and California State Parks on the proposed removal activities and appropriate protective measures implemented to avoid impacts to the sensitive resources.
- 12.** No campground disturbance (such as new platform tent sites, parking areas or storage areas) shall extend beyond the existing campground footprint in order to protect Northern Bishop Pine Forest and Grand Fir Forest. New platform tents shall only be installed within existing campsites (e.g., sites that have been historically used for tent camping), with the remainder of the historic tent camping area allowed to naturally revegetate. During installation of platform tents, native vegetation disturbance shall be minimized, while non-native species shall be removed. In order to protect existing trees, platform tents shall be located as far from tree trunks as practicable within the existing site, and mulch applied to limit root compaction. Gravel parking spaces shall be located along existing roads in areas already used for parking or in otherwise disturbed areas which will not result in any impacts to native vegetation.
- 13.** Natural barriers such as logs and vegetation shall be placed around campsites and across unofficial trails to limit habitat impacts and route campers through areas outside of sensitive habitats so understory vegetation can recover.
- 14.** New construction of the barn-style building, caretaker's cottage over a new bathhouse near the barn, covered barbeque areas, and the screened breakfast preparation area shall retain a minimum fifty (50) foot buffer from Northern Bishop Pine Forest and Grand Fir Forest. The location of one of the new bathhouses is limited by the need to place it in a specific area of the campground to serve surrounding campsites. This new bathhouse shall maintain as great as a buffer as possible from surrounding Grand Fir Forest and Northern Bishop Pine Forest as practicable, and only be constructed in existing disturbed habitat.
- 15.** Whenever ground disturbance is proposed adjacent to ESHAs, the work limits shall be clearly identified by flagging or other methods which clearly identify the work limits but which do not result in additional ground disturbance. No ground disturbance shall occur beyond these limits.
- 16.** Educational signage shall be placed throughout the campground to educate campers of sensitive habitats in the area and the importance of remaining outside these areas to protect sensitive habitats.
- 17.** Invasive plant removal shall occur in and adjacent to the campground. Mowing of Ruderal Herbaceous habitat shall continue, with patches of native species (such as swordfern and salal)

avoided to allow for these areas to naturally revegetate. In addition to regular mowing, the invasive plant removal effort shall focus on removing species that are colonizing in adjacent Northern Bishop Pine Forest and Grand Fir Forest, which can threaten existing undisturbed habitat surrounding the campground. In particular, English ivy (*Hedera helix*), cape ivy (*Delairea odorata*), bull thistle (*Cirsium vulgare*), English holly (*Ilex aquifolium*), and tansy ragwort (*Senecio jacobaea*) shall be removed by mechanical means along the forest edge and interior, and the forest monitored annually to identify new occurrences and target them for removal.

- 18.** To mitigate for reduced ESHA buffers, native plant species suitable to the habitat – including but not limited to grand fir, bishop pine, wax myrtle, red elderberry, evergreen huckleberry, red huckleberry, salal, and swordfern – shall be planted in the understory of existing disturbed Grand Fir Forest and Northern Bishop Pine Forest. Planting shall take place in conjunction with weed removal, signage, and natural barrier placement discussed above to restore forest understories from low structure, non-native herbaceous habitats to multilayered tree, shrub and herbaceous habitat dominated by native species which would improve ecological functions and values for plants and wildlife and provide screening of the adjacent forest from campground disturbance. IN particular, Grand Fir Forest south of the large meadow with a heavily disturbed understory (Appendix D-5 of Botanical Assessment dated September 2017) and portions of the Northern Bishop Pine Forest within the northwestern portion of the campground (Appendix D-3 of Botanical Assessment dated September 2017) shall be targeted for these efforts.
- 19.** During the winter season when the campground is closed (approximately December through April), vehicle or pedestrian use in vegetated areas shall be minimized to allow for natural revegetation to occur.
- 20.** Additional measures, such as removing hammocks from trees and other measures described in the letter from the California Native Plant Society dated July 10, 2017 shall be incorporated (see Mitigation Measures 10 through 16).
- 21.** Non-native invasive plant species, including English ivy, bull thistle, and Canadian thistle shall be removed on a regular basis for adequate control and to facilitate recolonization by natives.
- 22.** To better protect the health of existing trees, tree roots shall be protected by moving use activities away from the base of the trees and by applying a heavy mulch of wood chips where use and soil compaction may be a problem. Free standing hammocks shall replace hammocks that are currently attached to the trees.
- 23.** Non-native grasses shall continue to be mowed, but native shrubs and ferns shall be avoided during mowing.
- 24.** Native plant reestablishment is best accomplished through the removal of non-native species and protection of native seedlings. However, if landscaping is to be applied, plant species native to the site shall be used. No invasive non-native plants, or natives that are not indigenous to the existing habitats (including redwoods) shall be planted.
- 25.** Exclusionary tape shall be used during construction to prevent inadvertent expansion and use of areas not planned for actual development.
- 26.** The footprint of new development shall be minimized and confined to the actual building envelopes. Site disturbance expansion or “creep” shall be avoided by siting trails and maintenance corridors along existing roads where possible, by not discarding vegetation waste in native habitats, and by discouraging placement of utility items, equipment, etc. outside of the development footprint. New trail development should be sited away from special status natural communities, ideally between an existing road and the new development, rather than between the development and the forest. Logs or similar barriers shall be installed to further reduce unplanned expansion of use areas and to minimize impacts to native habitats. Native plant establishment can be encouraged and used as barriers by simply removing non-native species and preventing encroachment from foot traffic and vehicles. This is especially important for the proposed restroom building which is already planned to be built within the buffer zone. No trails or development of any kind shall occur to the west of the building within the already small buffer zone that remains.

- 27.** Educational signage and interpretive panels shall be installed to encourage nature appreciation and an understanding of native plants and natural communities. Signage shall only be installed along already disturbed areas.
- 28.** This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of **\$2,404.75** shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the final action on the project. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**
29. The repairs and enhancements to existing septic infrastructure contained in the letter from Carl Rittiman & Associates, Inc. dated August 25, 2017 shall be implemented prior to final inspection on newly proposed structures (i.e., bathhouse, caretaker's cottage, barn-style structure).
30. A commercial driveway approach shall be constructed at the property access point onto Comptche-Ukiah Road (CR 223), with a minimum width of twenty-two (22) feet, and length of improvement twenty (20) feet from the edge of the County road, to be surfaced with asphalt concrete (AC). Contact Mendocino County Department of Transportation at 707-234-2824 for an encroachment permit.
31. Any additional requests for new access onto State Route 1 shall require additional permits from the California Department of Transportation as this area is designated as “controlled access right of way”.
32. No signage shall be allowed within the California Department of Transportation right-of-way.
33. An encroachment permit shall be required from the California Department of Transportation for any vegetation removal, including the trimming of trees, if work is to be conducted within the right-of-way. Applications are reviewed for consistency with State standards and are subject to Department approval.
34. A map shall be provided to Planning and Building Services, prepared by a licensed land surveyor, certifying the distance between the neighboring property boundary to the east and the proposed parking area in the required yard setback to provide the maximum setback from the parcel as possible and ensure compliance with the submitted site plan.
35. A permit may be required from the Mendocino County Air Quality Management District if grading is to exceed one acre, asbestos survey for demolition and for generators greater than 50 hp. Prior to issuance of any building permits in reliance of this use permit, the applicant shall provide a clearance letter from the Mendocino County Air Quality Management District stating that all requirements of their agency have been met for the proposed project.
36. The parcels subject to the resort use shall not be divided and/or sold from the remainder of the property unless all resort uses on the property are discontinued or a Local Coastal Program amendment and/or new use permits are processed and approved for the continuation of any visitor serving uses.
37. The barn style structure shall be limited to use as storage during the off season and recreational use during the camping season.