



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482  
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JULIA KROG, DIRECTOR  
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September 28, 2022

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator, at its regular meeting on Thursday, October 13, 2022, at 1:30 PM., 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 in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending written comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org), or via telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>. The meeting is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>

**CASE#:** V\_2022-0003

**DATE FILED:** 4/29/2022

**OWNER/APPLICANT:** MICHAEL LOGUE AND SEVERA KEITH

**AGENT:** MICHAEL LOGUE

**REQUEST:** A variance to reduce the 20-foot front yard setback to accommodate a proposed building location for a single-family residence due to topographic and geologic constraints.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** 1.5± miles northeast of Philo, 500± feet north of the terminus of Clearwater Ranch Road (private), 1± mile north of the intersection of Whipple Ridge Road (private) and Philo School Road (CR 130), located at 17560 Indian Creek Drive, Philo; APN: 046-520-05.

**SUPERVISORIAL DISTRICT:** 5

**STAFF PLANNER:** LIAM CROWLEY

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>.

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. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by emailing comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) by October 12, 2022, or orally via telecomment in lieu of personal attendance. All public comment will be made 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>.

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 707-234-6650, 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.

JULIA KROG, Director of Planning and Building Services



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**ZONING ADMINISTRATOR  
STAFF REPORT- VARIANCE**

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**OCTOBER 13, 2022  
V\_2022-0003**

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**SUMMARY**

**OWNER:** MICHAEL LOGUE & SEVERA KEITH  
3655 20TH STREET APT 1  
SAN FRANCISCO, CA 94110

**APPLICANT:** MICHAEL LOGUE

**REQUEST:** A variance to reduce the 20-foot front yard setback to accommodate a proposed building location for a single-family residence due to topographic and geologic constraints.

**LOCATION:** 1.5± miles northeast of Philo, 500± feet north of the terminus of Clearwater Ranch Road (private), 1± mile north of the intersection of Whipple Ridge Road (private) and Philo School Road (CR 130); located at 17560 Indian Creek Drive, Philo; APN: 046-520-05.

**TOTAL ACREAGE:** 1.15± Acres

**GENERAL PLAN:** Forest Land 160-acre minimum (FL:160)

**ZONING:** Forest Land (FL)

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** LIAM CROWLEY

**BACKGROUND**

**PROJECT DESCRIPTION:** A variance to reduce the 20-foot front yard setback to accommodate a proposed building location due to topographic and geologic constraints. The applicant intends to demolish the existing cabin and construct a new single-family residence and barn within the front yard setback. For the purposes of establishing setback distances, the eastern property boundary will be considered the front yard because it abuts the parking easement and access road to the site.

**RELATED APPLICATIONS:**

- **On-Site:** None

**Neighboring Property**

- BU\_2017-0165 for new vehicle bridge, final 10/24/2018
- BU\_2010-0644 for electrical service change, expired 9/13/2011
- BU\_2001-0493 for deck/sunroom, final 8/20/2001

**SITE CHARACTERISTICS:** The project site is a 1.15± acre parcel surrounded on the north, east, and south by a 75± acre parcel. The site is bordered to the west by a 27± acre parcel. The site is accessed from the south by a private road that extends from the terminus of Indian Creek Road (CR 129) through several other privately owned lands before reaching the site. An approximately 40-foot-wide easement for parking extends from the northeastern corner to the southeastern corner of the property. The easement and a section of the site, approximately 20± feet west of the eastern property line, are located on a relatively flat to gently sloped clearing among a forested area. Further north, the adjacent property continues to slope upwards towards Whipple Ridge. Further west, the site declines steeply some 150± feet to the bed of Indian Creek. A two-bedroom cabin and outbuilding are located on the flat portion of the site overlooking the canyon. A portion of the cabin hanging over the slope is supported by a pier and beam foundation.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Forest Land 160-acre minimum (FL160)	Timber Production (TP)	74.5± Acres	Residential
<b>EAST</b>	FL160	TP	74.5± Acres	Residential
<b>SOUTH</b>	FL160	TP	74.5± Acres	Residential
<b>WEST</b>	Rangeland 160-acre minimum (RL160)	Rangeland (RL)	26.8± Acres	Residential

**PUBLIC SERVICES:**

Access: Indian Creek Road (CR 129)  
 Fire District: Anderson Valley Community Services District  
 Water District: NONE  
 Sewer District: NONE  
 School District: Anderson Valley Unified

**AGENCY COMMENTS:** On July 20, 2022, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. Any comment that would trigger a project modification, denial, conditions of approval, or required permits are discussed in full in the following section.

<b>REFERRAL AGENCIES</b>	<b>COMMENT</b>
Assessor's Office	No Response
Building Division	Comments
County Addresser	No Response
Department of Transportation (DOT)	No Comments
Environmental Health (EH)	No Response
Anderson Valley Community Services District	Comments
CALFIRE (Land Use)	Comments
CALFIRE (Resource Management)	No Response
California Department of Fish & Wildlife (CDFW)	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

**APPLICANT STATEMENT:** The applicant provided the following responses to the necessary findings for

variances outline in Mendocino County Code Section 20.200.020:

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

A soils report of the property – 17560 Indian Creek Dr. – (included with this document) was conducted by a geotechnical engineer, Chandler Koehn. It was determined that the existing cabin structure was located in an area that was a higher risk to future soil movement and potential landslide. The soils report found the area further east/northeast along the property line to have a more stable soil profile and it was recommended to rebuild the residential structure in this area. Due to the site's topographic (steeper slope) and geologic constraints (higher risk to soil movement), the location available to rebuild the residential structure and its related utilities is located within the 20 foot setback area along the eastern/northeastern property line adjacent to the parking/leach field easement areas.

- B) *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 the Division;*

Special conditions of the site that necessitate the placement of the proposed residential building, barn structure and related utilities are not due to the action of the applicant subsequent to the application of the zoning regulations contained in this Division.

- 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 site's topographic and geologic constraints require the placement of the residential structure, barn, and related utilities be located within the flatter, more stable, 20' setback area along the eastern/northeastern property line adjacent to the parking/leach field easement areas.

- 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 vicinity and zone in which the property is located;*

The granting of the variance for the improvement to the private residence will not be materially detrimental to the public welfare or be injurious to the property or improvements in such vicinity and zone in which the property is located.

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

The granting of the variance will not adversely affect the General Plan.

**PROJECT FINDINGS:** Per Mendocino County Code Section 20.200.020, before any variance may be granted or modified it shall be shown:

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

The subject lot is small in comparison to surrounding lots and would be without an adequate building site without the proposed variance. The subject lot is 1.15± acres, while the surrounding lots are 75± acres and 27± acres in size. Much of the lot is on a steep slope at risk of instability and further erosion. The existing cabin is located approximately 5-10± feet from a point where the lot begins to slope steeply downward towards Indian Creek. Whereas the surrounding lots contain ample land upon which to select a safe and flat building site, the subject lot contains only a limited amount of "buildable" area. The applicant provided geotechnical design parameters prepared by Chandler Koehn, a geotechnical engineer. In addition, a map was provided by the geotechnical engineer showing areas of the lot with low to moderate risk of instability and areas of the lot with

high risk of instability. The areas of the lot designated with a high risk of instability include the site of the existing cabin and further west. If the existing cabin were to remain, it would be at risk of future erosion or landslide due to the instability of the soil. The areas of the lot designated with a low to moderate risk of instability include those areas generally east of the existing cabin toward the property boundary (see attached *Geotechnical Documents*). This map indicates that the only building site with a low risk of instability occurs on the eastern edge of the lot within the 20-foot setback. **Therefore, finding (A) can be made.**

- B) *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 the Division;*

The applicant intends to demolish the existing cabin on site and construct a new single-family residence within the front yard setback, in an area with low risk of instability. The existing cabin was constructed in the 1920s and does not appear to have contributed to further soil instability on site. The steep slope and soil instability is natural and not due to any action of the applicant. The current size and shape of the parcel and its surroundings have been established for some time before the applicant purchased the lot. **Therefore, 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 lot is classified as Forest Land (FL) with a minimum lot size of 160 acres. Therefore, lots that conform to the minimum lot size are at least 160 acres in size. Nonconforming lots classified as FL are rarely as small as 1.15± acres. With larger lot sizes, other properties in the same zoning district have the opportunity to choose a building location that would not be impacted by unstable soil, steep slope, or setback requirements. Indeed, the lots in the vicinity of the subject parcel are developed with single-family residences and other accessory structures that meet setback requirements and presumably have been constructed on stable soil. This is denied to the property in question. With instability, slope, and setback constraints, the applicant would be forced to construct the proposed residence in an unsafe location or construct no residence at all. The applicant intends to construct a 1,500± square foot single-family residence and 300± square foot detached barn. These are similar in size to residences and accessory structures located in the vicinity. Single-family residential use is a permitted use in the FL district. The variance would not grant special privilege to the parcel in question because it would allow for construction of a single-family residence, a privilege shared by property in the vicinity. **Therefore, 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 vicinity and zone in which the property is located;*

Granting of the variance would not be detrimental to public welfare. The parcel is accessed via a private road, and the reduced setback would accommodate a single-family residence, a permitted use within the FL zoning district. The property is not visible from Indian Creek Road, the nearest public road. Though the applicant intends to build as close to the front yard property boundary as possible, the proposed single-family residence is not expected to be injurious to the property or improvements surrounding the parcel, or for the FL zoning district in general. The nearest structure on the parcel to the east is located 450± feet to the south of the property in question. Reducing the setback would not harm access to other parts of the neighboring parcel. The parking easement east of the property acts as a buffer should additional development be proposed on the neighboring parcel or if exterior maintenance is required. The proposed building site would not block existing roads. A single-family residence in place of the existing cabin 20 feet to the west is not expected to have much impact on surrounding property, as the intensity of use would remain the same. In fact, a new structure built to contemporary building codes would likely reduce the risk of hazards that may impact neighboring lots, such as fire.

On July 20, 2022, the project was referred to the California Department of Forestry and Fire Protection (CALFIRE). On July 31, 2022, CALFIRE responded with comments. CALFIRE comments note the following:

*“This project as submitted does not satisfy the 30’ setback requirement found in 14 CCR §1276.01(a). Further, the requirements to meet the “same practical effect” as outlined in 14 CCR §1276.01(b) have not been identified.*

*The CAL FIRE Mendocino Unit does not support this proposed project as submitted at this time. The applicant may either modify their plans, or they may appeal this decision to the Mendocino County Planning and Building Services Department as described in 14 CCR §1270.06(c) thru (e).”*

Staff does not consider these comments critical to the granting of a variance and maintains that the necessary findings can be made. The granting of a variance allowing construction to occur within the front yard setback does not authorize the construction of the single-family residence and barn itself. Rather, a building permit would be required, at which point review by CALFIRE would occur. Staff finds that these comments do not change the determination for finding (D) because the applicant would have the opportunity to request an exception to defensible space standards or identify “same practical effect” measures to allow the structure to be placed within the 30-foot defensible space setback at the time of building permit review. The granting of a variance does not preclude the proposed structure from necessary review by CALFIRE during the building permit process, and therefore granting of the variance will not be detrimental to improvements because fire hazard risk would still be considered. **Therefore, finding (D) can be made.**

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

The property in question is classified as Forest Lands (FL) in the General Plan. The FL classification is intended...

*“...to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. The classification should include lands eligible to be zoned Timberland Production; intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of timber resource lands. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.*

*General Uses: Residential uses, forestry, timber processing, agricultural uses, cottage industries, residential clustering, uses determined to be related to and compatible with forestry, conservation, processing, and development of natural resources, recreation, utility installations.”*

Granting of the variance would not adversely affect the FL classification. The variance would accommodate an allowable residential use. Some trees may be removed to create space for the proposed development, but the overall viability of the parcel for timber and agricultural uses would remain mostly the same. The variance would not create any new parcels and would not hinder future land use either on site or in the vicinity beyond the land converted to residential use. With standard conditions of approval, granting of the variance is not expected to conflict with other goals and policies of the General Plan. **Therefore, finding (E) can be made.**

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> date following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code. The permit shall expire and become null and void at the expiration of two (2) 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 I of Title 20 of the Mendocino County Code, except as modified by this Variance.
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 Zoning 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 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 judgement 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 discover 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.

#### **ENVIRONMENTAL DETERMINATION**

The California Natural Resources Secretary has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. California Code of Regulations (CCR) Section 15305 includes a list of such Categorical Exemptions, including Class 5(a) which provides exemption for setback variances that do not result in the creation of new parcels. The requested variance would not create any new parcels and would not result in a change of land use or density. The property in question would remain under single-family residential use.



**RECOMMENDATION**

By resolution, staff recommends approval of V\_2022-0003 for the project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

9/27/22

DATE



LIAM CROWLEY  
PLANNER I

Appeal Period: 10 Days  
Appeal Fee: \$2,620.00

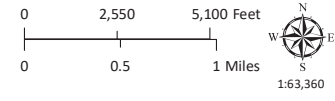
**ATTACHMENTS:**

- A. Location Map
- B. Aerial Imagery
- C. Proposed Site Plan
- D. First Floor Proposed Plan
- E. Zoning Display Map
- F. General Plan Classifications
- G. Adjacent Parcels
- H. Fire Hazard Zones & Responsibility Areas
- I. Wildland-Urban Interface Zones
- J. Special Flood Hazard Areas
- K. Wetlands
- L. Farmland Classifications
- M. Site Photos
- N. Geotechnical Documents
- O. Letter from Neighbor



CASE: V 2022-0003  
 OWNER: LOGUE, Michael  
 APN: 046-520-05  
 APLCT: Michael Logue  
 AGENT: Michael Logue  
 ADDRESS: 8251 Whipple Ridge Road, Philo

- Major Towns & Places
- Highways
- Major Roads

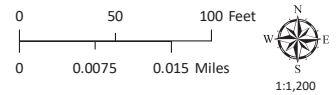


LOCATION MAP

MENDOCINO COUNTY PLANNING DEPARTMENT - 7/11/2023



CASE: V 2022-0003  
OWNER: LOGUE, Michael  
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APLCT: Michael Logue  
AGENT: Michael Logue  
ADDRESS: 8251 Whipple Ridge Road, Philo



AERIAL IMAGERY



**A1.2**  
 PROPOSED SITE  
 PLAN



REV.	ISSUED FOR	DATE

**INDIAN CREEK  
 RESIDENCE**

17560 INDIAN CREEK DR.  
 (FORMERLY 8251 WHIPPLE RIDGE RD.)  
 PHILO, CA 95466



**MICHAEL LOGUE  
 ARCHITECT**



1 FIRST FLOOR PLAN PROPOSED  
 1/8" = 1'-0"

LEGEND	
1-HOUR WALL	---
2X WALL	----
60-MINUTE WALL	.....
EX WALL	=====

PROJECT NO. 202124  
**A2.1**  
 FIRST FLOOR  
 PROPOSED  
 PLAN



REV.	ISSUED FOR	DATE

**INDIAN CREEK RESIDENCE**  
 17560 INDIAN CREEK DR.  
 (FORMERLY 8251 WHIPPLE RIDGE RD.)  
 PHILO, CA 95466



**MICHAEL LOGUE ARCHITECT**

RL

RR5

RL

TPZ

FL

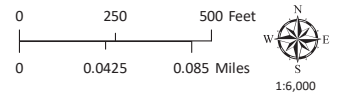
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AG 40

CLEARWATER RANCH ROAD

Zoning Districts

Public Roads



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ZONING DISPLAY MAP

RL 160

RL 160

RR 5

FL 160


AG 40

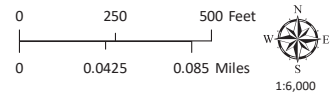
RL 160

CLEARWATER RANCH ROAD

RR 5

CASE: V 2022-0003  
OWNER: LOGUE, Michael  
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 General Plan Classes  
 Public Roads



GENERAL PLAN CLASSIFICATIONS

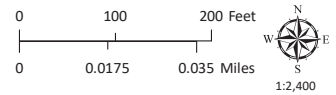
046-520-13  
CORTLAND  
DAWND

046-520-09  
DUTRA MARVIN  
G & BEVERLY R

046-520-05  
SALMI BRENT M  
& DEBRATT

046-520-06  
BUNIM DAVID  
ETTEE

CASE: V 2022-0003  
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MENDOCINO COUNTY PLANNING DEPARTMENT - 7/11/2022

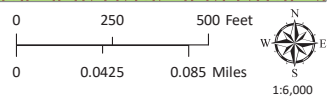
ADJACENT PARCELS



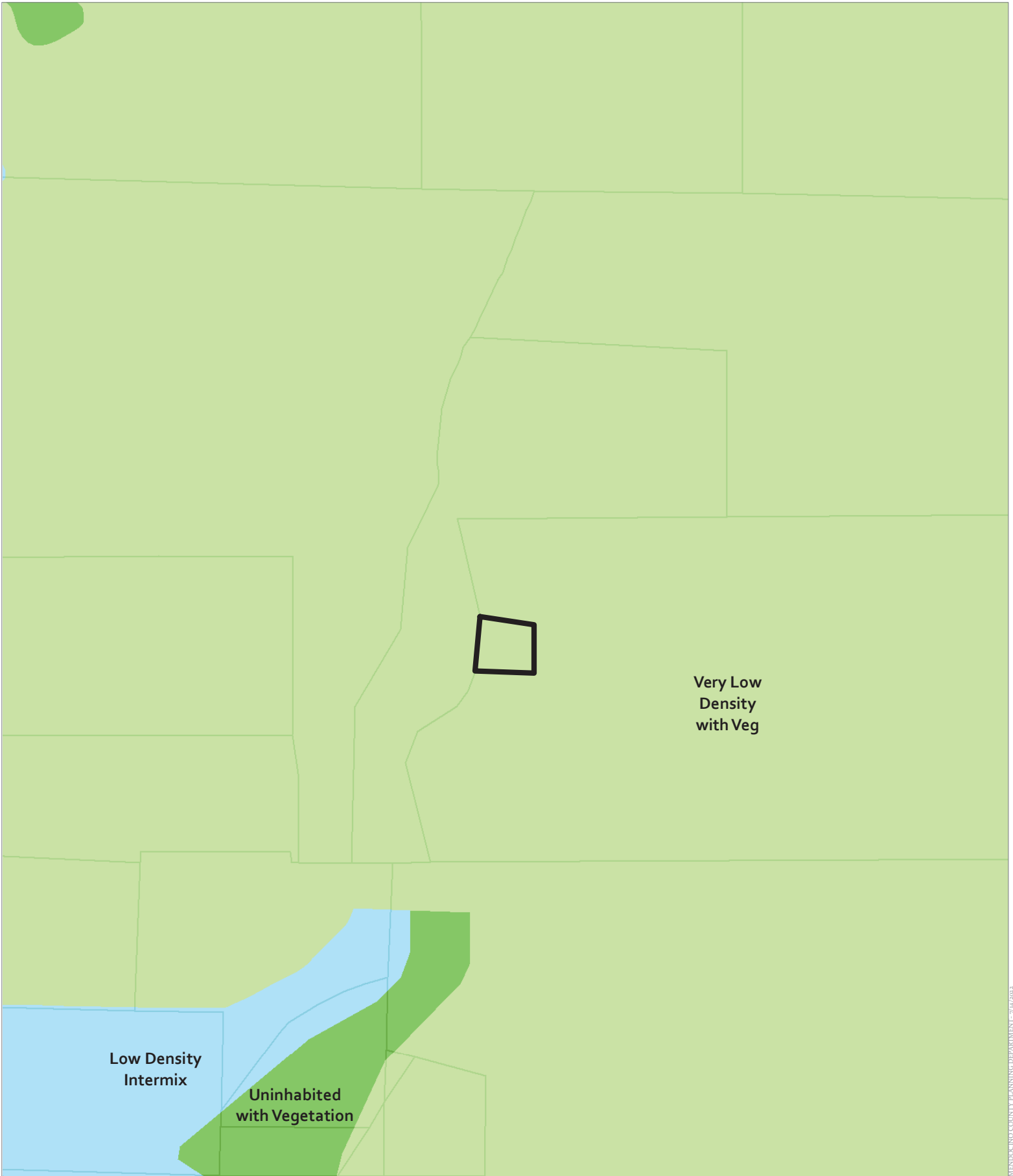
**ANDERSON VALLEY  
COMMUNITY  
SERVICES DISTRICT**

CASE: V 2022-0003  
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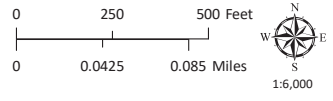
-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts

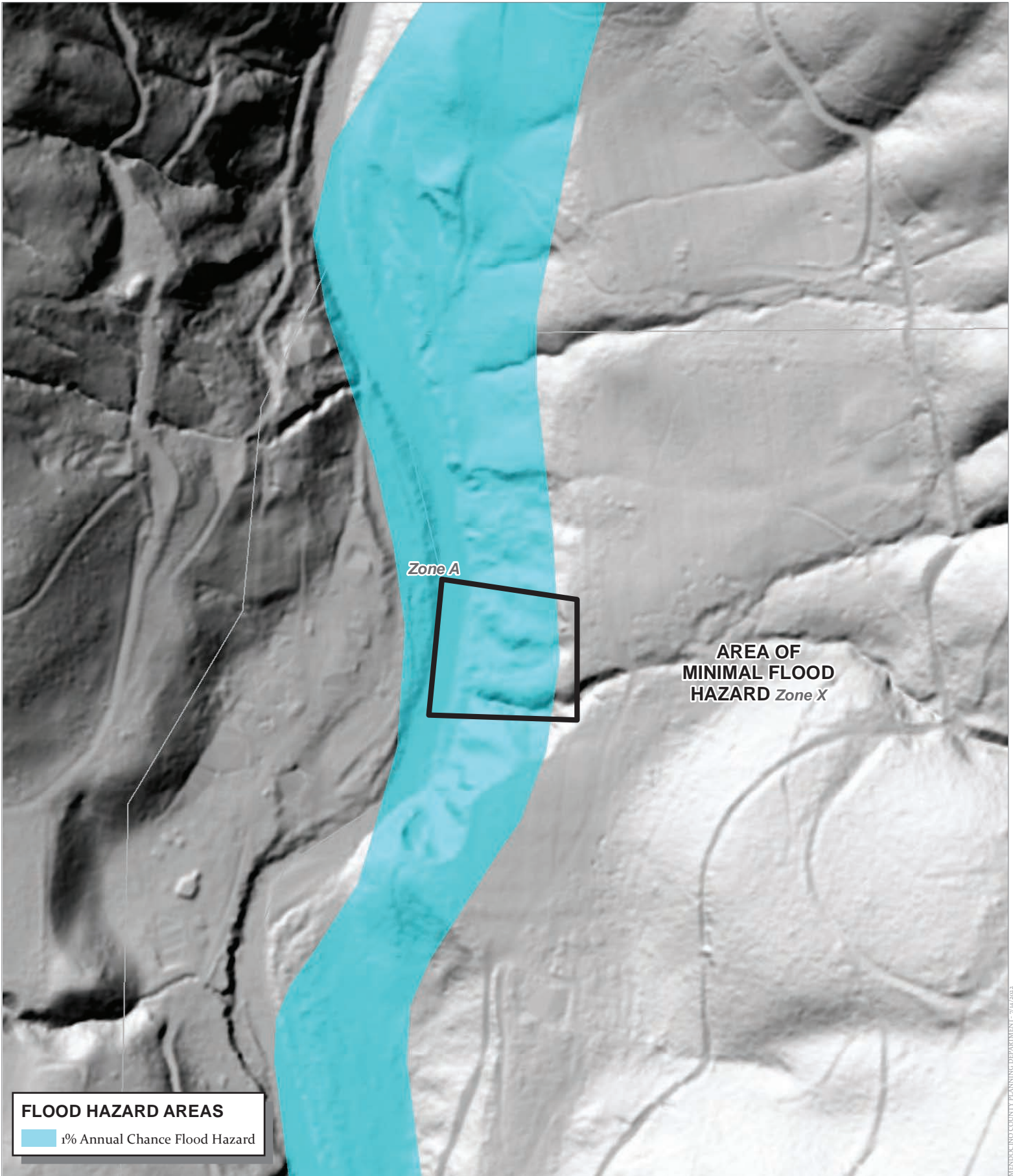


**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
STATE RESPONSIBILITY AREA



CASE: V 2022-0003  
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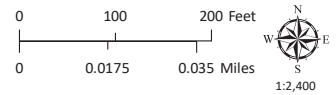


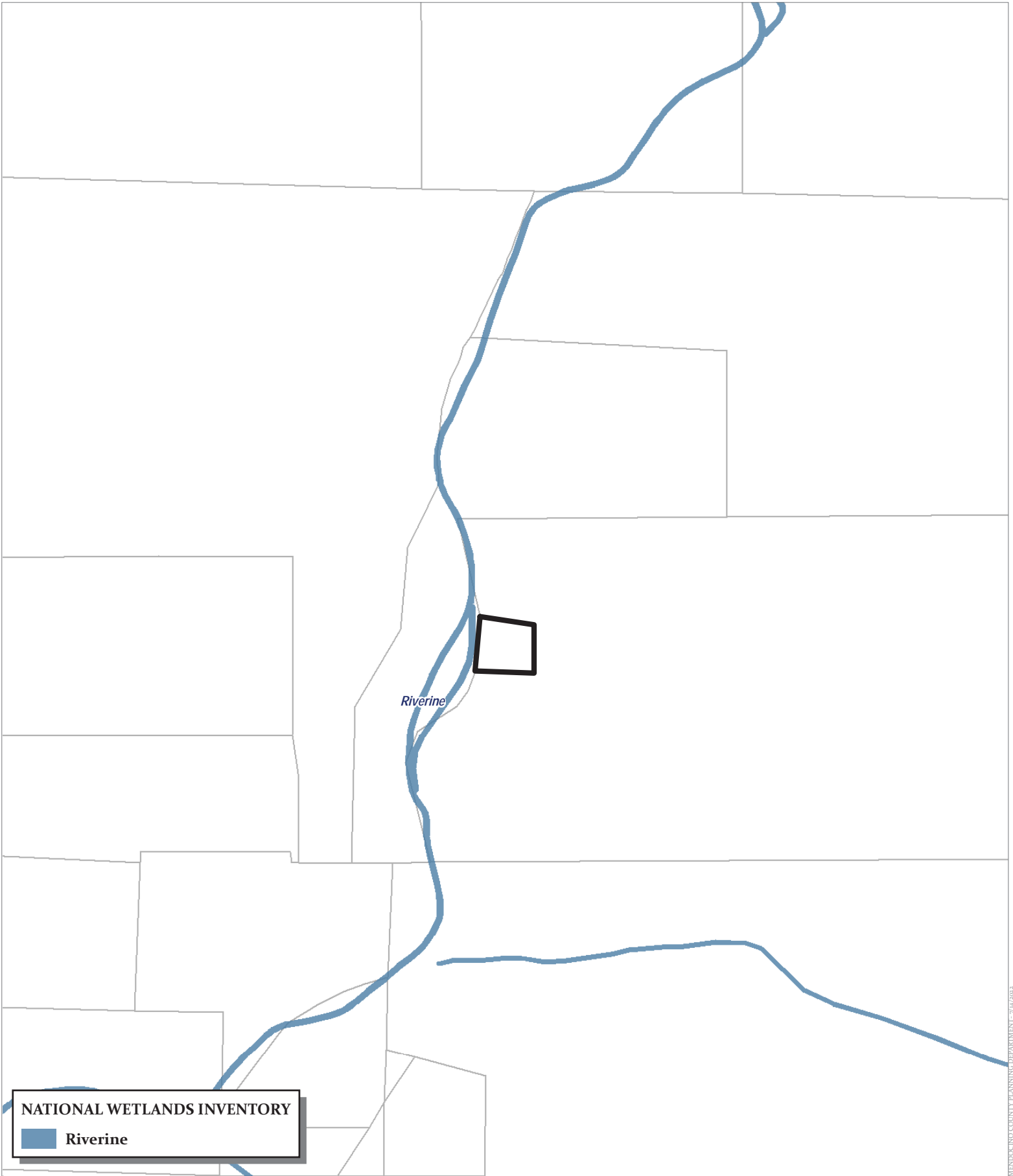


**FLOOD HAZARD AREAS**

1% Annual Chance Flood Hazard

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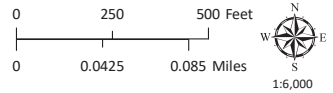




**NATIONAL WETLANDS INVENTORY**

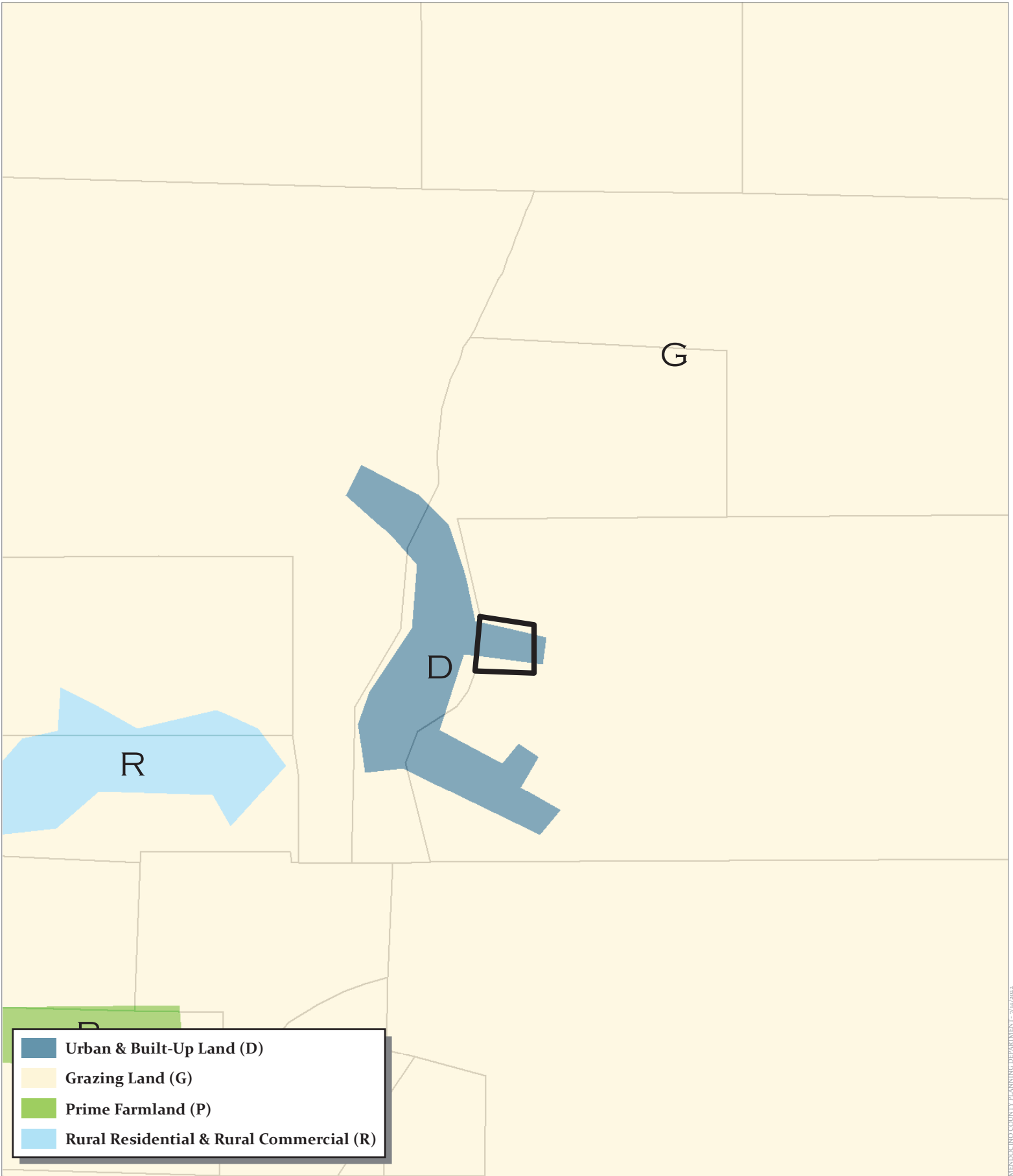
■ Riverine

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AGENT: Michael Logue  
ADDRESS: 8251 Whipple Ridge Road, Philo



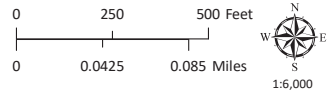
MENDOCINO COUNTY PLANNING DEPARTMENT - 7/11/2022

**WETLANDS**



- Urban & Built-Up Land (D)
- Grazing Land (G)
- Prime Farmland (P)
- Rural Residential & Rural Commercial (R)

CASE: V 2022-0003  
 OWNER: LOGUE, Michael  
 APN: 046-520-05  
 APLCT: Michael Logue  
 AGENT: Michael Logue  
 ADDRESS: 8251 Whipple Ridge Road, Philo





17560 Indian Creek Dr. - from front parking easement area towards cabin / detached bedroom



17560 Indian Creek Dr. - from front leach field easement area towards existing cabin



17560 Indian Creek Dr. - from existing detached bedroom location



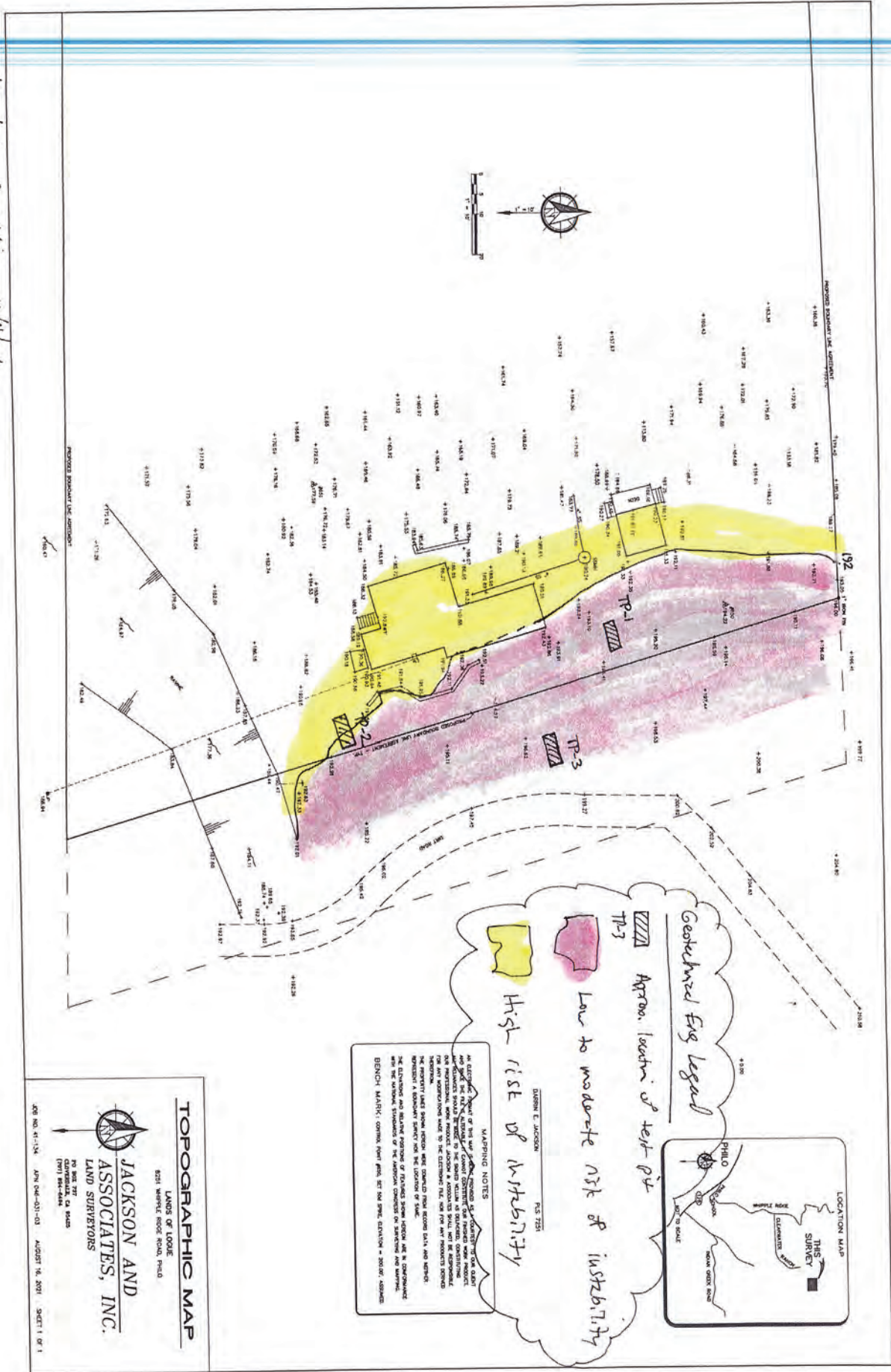
17560 Indian Creek Dr. - down slope face towards the Indian Creek



17560 Indian Creek Dr. - from the Indian Creek towards the existing cabin

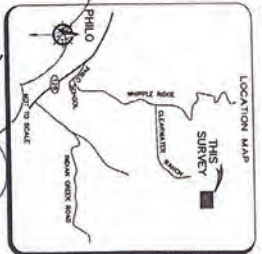


Charles Kuhn Consulting 12/14/21



**MAPPING NOTES**  
 An electronic point of this map was generated by a computer program and does not represent a physical survey. The accuracy of the map is dependent on the accuracy of the data used to create it. The user of this map should consult the original survey data and any other relevant information for any information made to the electronic file and for any products derived therefrom.  
 ELEVATION POINTS SHOWN HEREIN WERE OBTAINED FROM RECORD DATA AND WERE NOT RECHECKED BY THE SURVEYOR. THE LOCATION OF THESE POINTS IS INDICATED BY THE SYMBOLS AND RELATIVE POSITIONS OF ELEVATIONS SHOWN HEREON ARE IN CONFORMANCE WITH THE NATIONAL STANDARDS OF THE AMERICAN CONGRESS ON SURVEYING AND MAPPING. BENCHMARK MARKERS: CONTROL POINT PEARL, SET AND BENCH ELEVATION = 303.00; CONTROL

Geotechnical Eng Legend  
 TP-3 Approx. location of test pit  
 Low to moderate risk of instability  
 High rise of instability



**TOPOGRAPHIC MAP**  
 LANDS OF LOUISE  
 5201 WAREL, PEARL, MISSISSIPPI, MISSISSIPPI  
  
**JACKSON AND ASSOCIATES, INC.**  
 LAND SURVEYORS  
 20 THE 7TH  
 CORONA, CA 92626  
 (951) 991-4444  
 JOB NO. 41-124 APR 04-03-03 AUGUST 16, 2001 SHEET 1 OF 1

# CHANDLER KOEHN CONSULTING

PROJECT LOCATION: 17560 Indian Creek Road (Formerly 8251 Whipple Ridge Road), Philo, CA  
 DESCRIPTION: Logue Class K Cabin  
 DATE: December 14, 2021  
 SUBJECT: Geotechnical Design Parameters  
 PAGE: 1 of 2

TABLE I  
 SEISMIC DESIGN CRITERIA \*

Design Spectral Response Acceleration Parameters	8251 Whipple Ridge Road
Latitude	39.0748°N
Longitude	123.4255°W
Design Code Reference Document	ASCE 7-16
Occupancy or Risk Category	II
Site Class	D
$S_s$	1.30 g
$S_1$	0.53 g
$F_a$	1.00
$F_v$	1.80
$S_{MS}$	1.30 g
$S_{M1}$	0.96 g
$S_{D5}$	0.87 g
$S_{D1}$	0.64 g
$PGA_M$	0.55 g
Seismic Design Category (SDC)	D

\* Design spectral response acceleration parameters were determined with the aid of the seismic design map software from SEA/OSHPD at <https://seismicmaps.org/> and ASCE/SEI 7-16 section 11.4 through 11.6.

# CHANDLER KOEHN CONSULTING

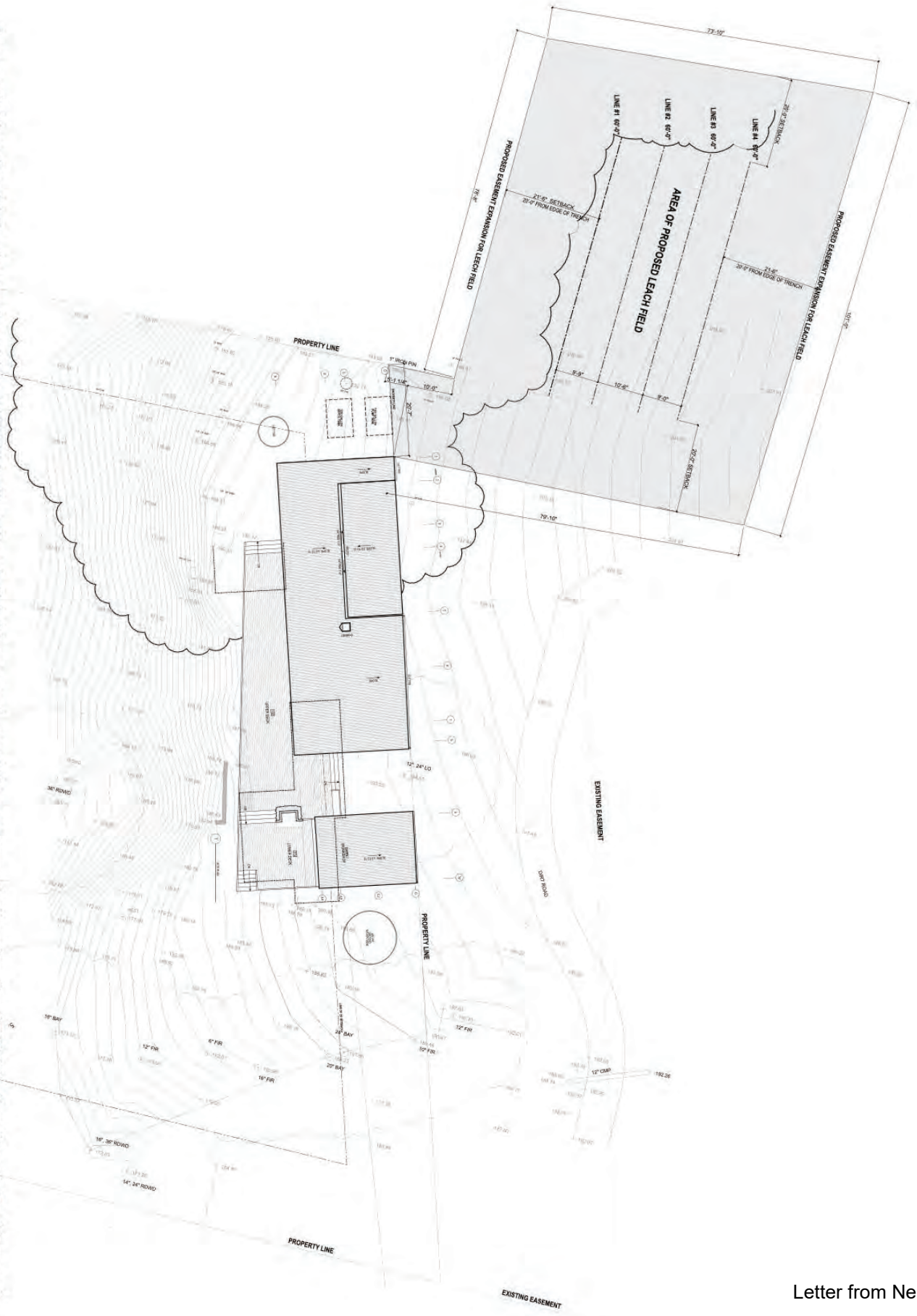
PROJECT LOCATION: 17560 Indian Creek Road (Formerly 8251 Whipple Ridge Road), Philo, CA  
 DESCRIPTION: Class K Cabin  
 DATE: December 14, 2021  
 SUBJECT: Geotechnical Design Parameters  
 PAGE: 2 of 2

TABLE II GEOTECHNICAL FOUNDATION DESIGN PARAMETERS	
Description	Design Value
Cabin foundation recommended	Strip footings and structurally supported floor
Detached deck foundation recommended	Isolated piers
Allowable bearing capacity of Dead + Live Loads	1,500 psf
Allowable bearing capacity of Dead + Live + Short Term Dynamic Loads (Wind & Seismic)	2,000 psf
Frictional coefficient for footing soil contact	0.35
Allowable lateral passive equivalent pressure resistance, neglect upper 6 inches unless restrained	200 pcf
Maximum limit of allowable lateral passive pressure at depth	1,500 psf
Total unit weight of soil	110 pcf
Estimated static settlement	< 1 in
Estimated static differential settlement in 40 feet span	< 1/2 in
Minimum footing depth below lowest adjacent soil grade	18 inches
Minimum footing width	12 inches
Estimated footing depths below existing grade based on subsurface exploration (note existing site grade includes 24 inches of forest matting/topsoil/disturbed soil)	24 to 48 inches
Estimated deck footing depths based on subsurface exploration assuming the deck limits are within the old cabin footprint)	36 to 60 inches
Maximum water to cement ratio for foundation concrete	0.45
Portland cement type for concrete corrosion risk	II or V
Minimum foundation to slope setback for adjacent descending slope greater than 33% gradient	See Topographic Map for Low to Moderate Risk Zone
Soil Description - Reddish brown to yellow brown clayey and silty sand	SC-SM
Select import backfill for utility trenches	Yes

P.O. Box 760  
 Cloverdale, CA 95425  
 Tel (707) 972-2897

I am neighbor David Bunim and reside at 17555 Indian Creek Rd. I have reviewed the proposed site plan for 17560 Indian Creek Dr. (formerly 8251 Whipple Ridge Rd.) and approve of the buildings and utilities placement due to the site's topographic and geologic constraints.

*[Signature]*  
 date 3/3/22



Letter from Neighbor

**PROPOSED SITE PLAN**  
**A1.2**  
 PROJECT NO. 2021.01



REV.	ISSUED FOR	DATE

**INDIAN CREEK RESIDENCE**  
 17560 INDIAN CREEK DR.  
 (FORMERLY 8251 WHIPPLE RIDGE RD.)  
 PHILO, CA 95466



**MICHAEL LOGUE**  
**ARCHITECT**

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

County of Mendocino  
Ukiah, California

OCTOBER 13, 2022

V\_2022-0003 MICHAEL LOGUE

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A VARIANCE TO ALLOW A SETBACK REDUCTION TO ACCOMMODATE A PROPOSED BUILDING SITE FOR A SINGLE-FAMILY RESIDENCE.

WHEREAS, the applicant, MICHAEL LOGUE, filed an application for a variance with the Mendocino County Department of Planning and Building Services to reduce the 20-foot front yard setback to accommodate a proposed building location for a single-family residence due to topographic and geologic constraints, 1.5± miles northeast of Philo, 500± feet north of the terminus of Clearwater Ranch Road (private), 1± mile north of the intersection of Whipple Ridge Road (private) and Philo School Road (CR 130), located at 17560 Indian Creek Drive, Philo; (APN: 046-520-05); Supervisorial District 5; (the "Project"); and

WHEREAS, the proposed project has been determined to be Categorically Exempt from further review under the California Environmental Quality Act (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 because it would allow for continued single-family residential use of the property.

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on October 13, 2022, 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 subject lot is small in comparison to surrounding lots and would be without an adequate building site without the proposed variance. The subject lot is 1.15± acres, while the surrounding lots are 75± acres and 27± acres in size. Much of the lot is on a steep slope at risk of instability and further erosion. The existing cabin is located approximately 5-10± feet from a point where the lot begins to slope steeply downward towards Indian Creek. Whereas the surrounding lots contain ample land upon which to select a safe and flat building site, the subject lot contains only a limited amount of "buildable" area. The applicant provided geotechnical design parameters prepared by Chandler Koehn, a geotechnical engineer. In addition, a map was provided by the geotechnical engineer showing areas of the lot with low to moderate risk of instability and areas of the site with high risk of instability. The areas of the lot designated with a high risk of instability include the site of the existing cabin and further west. If the existing cabin were to remain, it would be at risk of future erosion or landslide due to the instability of the soil. The areas of the lot designated with a low to moderate risk of instability include those areas generally east of the existing cabin toward the property boundary. The map indicates that the only building site with a low risk of instability occurs on the eastern edge of the lot within the 20-foot setback. **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 applicant intends to demolish the existing cabin on site and construct a new single-family residence within the front yard setback, in an area with low risk of instability. The existing cabin was constructed in the 1920s and does not appear to have contributed to further soil instability on site. The steep slope and soil instability is natural and not due to any action of the applicant. The current size and shape of the parcel and its surroundings have been established for some time before the applicant purchased the lot. **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 lot is classified as Forest Land (FL) with a minimum lot size of 160 acres. Therefore, lots that conform to the minimum lot size are at least 160 acres in size. Nonconforming lots classified as FL are rarely as small as 1.15± acres. With larger lot sizes, other properties in the same zoning district have the opportunity to choose a building location that would not be impacted by unstable soil, steep slope, or setback requirements. Indeed, the lots in the vicinity of the subject parcel are developed with single-family residences and other accessory structures that meet setback requirements and presumably have been constructed on stable soil. This is denied to the property in question. With instability, slope, and setback constraints, the applicant would be forced to construct a residence in an unsafe location or construct no residence at all. The applicant intends to construct a 1500± square foot single-family residence and 300± square foot detached barn. These are similar in size to residences and accessory structures located in the vicinity. Single-family residential use is a permitted use in the FL district. The variance would not grant special privilege to the parcel in question because it would allow for construction of a single-family residence, a privilege shared by property in the vicinity. **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;* Granting of the variance would not be detrimental to public welfare. The parcel is accessed via a private road, and the reduced setback would accommodate a single-family residence, a permitted use within the FL zoning district. The property is not visible from Indian Creek Road, the nearest public road. Though the applicant intends to build as close to the front yard property boundary as possible, the proposed single-family residence is not expected to be injurious to the property or improvements surrounding the parcel, or for the FL zoning district in general. The nearest structure on the parcel to the east is located 450± feet to the south of the property in question. Reducing the setback would not harm access to other parts of the neighboring parcel. The parking easement east of the property acts as its own buffer should additional development be proposed on the neighboring parcel, and the proposed building site would not block existing roads. A single-family residence in place of the existing cabin 20 feet to the west is not expected to have much impact on surrounding property, as the intensity of use would remain the same. In fact, a new structure built to contemporary building codes would likely reduce the risk of hazards that may impact neighboring lots, such as fire.

On July 20, 2022, the project was referred to the California Department of Forestry and Fire Protection (CALFIRE). On July 31, 2022, CALFIRE responded with comments. CALFIRE comments note the following:

*“This project as submitted does not satisfy the 30’ setback requirement found in 14 CCR §1276.01(a). Further, the requirements to meet the “same practical effect” as outlined in 14 CCR §1276.01(b) have not been identified.*

*The CAL FIRE Mendocino Unit does not support this proposed project as submitted at this time. The applicant may either modify their plans, or they may*

*appeal this decision to the Mendocino County Planning and Building Services Department as described in 14 CCR §1270.06(c) thru (e)."*

Staff does not consider these comments critical to the granting of a variance and maintains that the necessary findings can be made. The granting of a variance allowing construction to occur within the front yard setback does not authorize the construction of the single-family residence and barn itself. Rather, a building permit would be required, at which point review by CALFIRE would occur. Staff finds that these comments do not change the determination for finding (D) because the applicant would have the opportunity to request an exception to defensible space standards or identify "same practical effect" measures to allow the structure to be placed within the 30-foot defensible space setback at the time of building permit review. The granting of a variance does not preclude the proposed structure from necessary review by CALFIRE during the building permit process, and therefore granting of the variance will not be detrimental to improvements because fire hazard risk would still be considered. **Finding can be made.**

5. *That the granting of such variance will not adversely affect the General Plan;* Granting of the variance would not adversely affect the Forest Lands classification. The variance would accommodate an allowable residential use. Some trees may be removed to create space for the proposed development, but the overall viability of the parcel for timber and agricultural uses would remain mostly the same. The variance would not create any new parcels and would not hinder future land use either on site or in the vicinity beyond the land converted to residential use. With standard conditions of approval, granting of the variance is not expected to conflict with other goals and policies of the General Plan. **Finding can be made.**
  
6. *That the granting of such variance is Categorically Exempt from further review under the California Environmental Quality Act (CEQA) per Section 15305, Class 5a, for setback variances that do not result in the creation of any new parcels;* The requested variance would not create any new parcels and would not result in a change of land use or density. The property in question would remain as primarily single-family residential use and density. **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 hereto.

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: Brooke Larsen  
Commission Services Supervisor

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

BY: IGNACIO GONZALEZ  
Zoning Administrator

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**EXHIBIT A**

**CONDITIONS OF APPROVAL**

**OCTOBER 13, 2022**

**V\_2022-0003 MICHAEL LOGUE**

A variance to reduce the 20-foot front yard setback to accommodate a proposed building location for a single-family residence due to topographic and geologic constraints.

**APPROVED PROJECT DESCRIPTION:** A variance to reduce the 20-foot front yard setback to accommodate a proposed building location for a single-family residence due to topographic and geologic constraints.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> date following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code. The permit shall expire and become null and void at the expiration of two (2) 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 I of Title 20 of the Mendocino County Code, except as modified by this Variance.
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 Zoning 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 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 judgement 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.