



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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December 22, 2022

**PUBLIC NOTICE OF PENDING ACTION**  
**COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT**

The Mendocino County Coastal Permit Administrator will report proposed issuance of the below described project located in the Coastal Zone to the Board of Supervisors at its meeting to be held on December 6, 2022, at 9:00 a.m. or as soon thereafter as the item may be considered.

This meeting will be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, and virtual attendance will be available via Zoom (pursuant to Government Code section 54953(e)(1)(A)). Meetings are live streamed and available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306.

**CASE#:** CDP\_2022-0012

**DATE FILED:** 3/9/2022

**OWNER:** IRENE PRIOR

**APPLICANT:** IRENE AND NEIL PRIOR

**REQUEST:** Administrative Coastal Development Permit for the creation of a Single-Family Residence and accessory improvements.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** In the Coastal Zone, 0.9± miles north of Mendocino town center, on the south end of the Surfwood IV subdivision on the east side of State Route 1 (SR1), north of its intersection with Larkin Road (CR443), 0.3± miles southeast of the entrance to the Surfwood Subdivision off State Route 1, located at 4761 Baywood Dr, Mendocino; APN: 118-330-41.

**SUPERVISORIAL DISTRICT:** 5

**STAFF PLANNER:** ROB FITZSIMMONS

The staff report, notice, and related materials will be available for public review 10 days prior to the scheduled hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/public-notices>

All persons are invited to appear and present testimony in this matter. Oral comments may be presented to the Board of Supervisors during the public hearing.

In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings in lieu of personal attendance. Comment may be made in any of the following ways: via written comment using our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, through voicemail messaging by calling 707-234-6333, or by telephone via telecomment. Information regarding telecomment participation can be found here: <https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes>. All submitted eComments will be made available to the Supervisors, staff, and the general public immediately upon submittal.

For details and a complete list of the latest available options by which to engage with agenda items, please visit:

<https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>.

***Coastal Development Administrative Permits are considered on the consent calendar, and the Board of Supervisors will not conduct a public hearing on this item.***

If, at the meeting, at least one (1) member of the Board of Supervisors so requests, the permit shall not go into effect, and it shall be referred back to the Department of Planning and Building Services to be scheduled for a hearing by the Coastal Permit Administrator. Public notice for the time and place of the

public hearing will be provided.

Action on this permit is not appealable to the Coastal Commission. Therefore, the permit will become effective, and action will be final upon approval by the Board of Supervisors. If the permit is referred to the Coastal Permit Administrator, the decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within ten calendar days of the Coastal Permit Administrator's action.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Board of Supervisors or the Department of Planning and Building Services at, or prior to, any hearing. Additional information regarding the above noted case may be obtained prior to the Board of Supervisors meeting by calling the Department of Planning and Building Services at 964-5379, Monday through Friday.

The County of Mendocino complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department by calling 463-4441 at least five days prior to the meeting.

Additional information regarding the above noted item may be obtained by calling the Clerk of the Board of Supervisors at 707-463-4441, Monday through Friday, 8:00 a.m. through 5:00 p.m. or 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 Board's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Clerk of the Board of Supervisors.

JULIA KROG, Director of Planning and Building Services



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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT FOR ADMINISTRATIVE CDP**

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**JULY 27, 2022  
CDP\_2022-0012**

**SUMMARY:**

**OWNER/APPLICANT:** NEIL & IRENE PRIOR  
4379 PADDOCK WAY  
LANCASTER, CA. 93536

**REQUEST:** Administrative Coastal Development Permit for the creation of a Single-Family Residence and accessory improvements.

**LOCATION:** In the Coastal Zone, 0.9± miles north-northeast of Mendocino town center, on the south end of the Surfwood IV subdivision on the east side of State Route 1 (SR1), north of its intersection with Larkin Road (CR443), 0.3± miles southeast of the entrance to the Surfwood Subdivision off State Route 1, located at 44761 Baywood Dr, Mendocino; APN: 118-330-41.

**TOTAL ACREAGE:** 1.05± Acres

**GENERAL PLAN:** Coastal Element Chapter 4.2  
Rural Residential 5ac (variable to 1ac); Planned Development

**ZONING:** Mendocino County Coastal Zoning Code  
Rural Residential, Planned Development, Floodplain

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** ROB FITZSIMMONS

**BACKGROUND**

**PROJECT DESCRIPTION:** Coastal Development Permit for the construction of a 2,452 square foot single-family residence with attached two-car garage with maximum height under 28 feet and a reduced west side setback of 12 feet. Associated development includes the construction of a driveway and parking area, connection to utilities, installation of an underground propane tank and septic system, and landscaping. Within the allowed structure perimeter, vegetation was cleared about 10 years ago. New growth within that area will be cleared and subsequently replaced with indigenous vegetation.

**APPLICANT'S STATEMENT:** "Indigenous vegetation will be planted for WUI compliance and soil erosion prevention."

**RELATED APPLICATIONS:** Subdivision S 3-86 (Surfwood IV)

**SITE CHARACTERISTICS:** The project site is located in the Coastal Zone, 0.9± miles north-northeast of Mendocino town center, on the south end of the Surfwood IV subdivision on the east side of State Route 1 (SR1), north of its intersection with Larkin Road (CR 443), 0.3± miles southeast of the entrance to the Surfwood IV Subdivision off State Route 1, as shown on the *Location* and *Aerial (Vicinity)* maps. The parcel is currently undeveloped. It is immediately surrounded on all sides by undeveloped properties at the edge of Surfwood IV, a residential subdivision running along SR1. Jack Peters Gulch (also named Jack Peters Creek on some sources) runs along the southernmost portion of the parcel, although the identified wetland

is entirely outside the property boundaries (see *Wetland* map). For the first approximately 90 feet south from the road, the parcel steeply slopes down to a thick vegetation line (see Figure 1, below, and Figures A1 and A2 and *Estimated Slope and Topographic Maps*, attached). The remainder of the parcel is heavily vegetated and continues to slope down to Jack Peters Gulch. Elevations at the subject parcel range from 178 feet above mean sea level (amsl) at the edge of Baywood Drive to this 116 amsl at the southern edge of the parcel down Jack Peters Gulch, with an average slope of approximately 51 percent.



Fig 1 – Aerial Imagery (Google Earth, 6/3/2021 and newer)

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the surrounding lands to the north, south, east, and west are classified and zoned Rural Residential. The surrounding lands to the north, east, and west are additionally in the Planned Development combining district, being located within the bounds of the Surfwood IV subdivision. The proposed single-family dwelling will be consistent with the surrounding land uses and development.

<b>Table 1: Surrounding Land Use and Zoning</b>				
	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Rural Residential	Rural Residential; Planned Development	2.33± Acres	Vacant
<b>EAST</b>	Rural Residential	Rural Residential; Planned Development	0.93± Acres	Vacant
<b>SOUTH</b>	Rural Residential	Rural Residential; Planned Development	7.60± Acres	Vacant
<b>WEST</b>	Rural Residential	Rural Residential; Planned Development	1.02± Acres	Vacant

**PUBLIC SERVICES:**

Access: BAYWOOD DRIVE  
 Fire District: MENDOCINO FIRE PROTECTION DISTRICT  
 Water District: SURFWOOD MUTUAL WATER CORPORATION  
 Sewer District: NONE  
 School District: MENDOCINO UNIFIED

**AGENCY COMMENTS:** On April 7, 2022 project referrals were sent to the following responsible or trustee

agencies with jurisdiction over the Project (See Table 2). Their required or related permits, if any, are listed below.

Table 2. Contacted Agencies		
REFERRAL AGENCIES	RELATED PERMIT	COMMENT
Department of Transportation		No comment
Environmental Health	Septic, Well	No comment
Building Inspection – FB	Building	No comment
Assessor		No response
Air Quality Management District		No comment
Sonoma State University		Comment
Archaeological Commission		No comment
CALTRANS		No response
Department of Forestry, CalFire Land Use		Comment
CA Department of Fish and Wildlife		No response
Coastal Commission		No response
Regional Water Quality Control Board		No response
County Addresser		No comment
Cloverdale Rancheria		No response
Redwood Valley Rancheria		Comment
Sherwood Valley Band of Pomo Indians		No response
Sierra Club		No response
Mendocino Fire District		No response

Redwood Valley Rancheria expressed concern over the lack of water in the region.

**LOCAL COASTAL PROGRAM CONSISTENCY**

The property is located within Mendocino County’s Local Coastal Program boundaries. With the recommended conditions, the proposed development is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Codes as detailed below:

Land Use: The site is classified as Rural Residential (RR). *“The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.”* Principal permitted uses include residential and associated utilities, light agriculture, and home occupations; the proposed is consistent with the land use policies of the RR classification.

Coastal Element Chapter 4.7 *Russian Gulch to Van Damme State Park Planning Area (Big River Planning Area)* does not include policies or goals for unincorporated lands north and inland of the Town of Mendocino, including those areas associated with the proposed development.

Zoning: The project site is located in the Rural Residential District (RR). This district is intended to implement the goals and policies of Coastal Element Chapter 2.2. Principal permitted uses include *Single-Family Residential, Vacation Home Rental, Light Agriculture, Row and Field Crops*; and others. The proposed land use, *Single-Family Residential*, is a permitted use in the RR District per MCC Section 20.316.010(A).

The Rural Residential district, per Mendocino County Code (MCC) Section 20.376.005,

*“... is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.”*

The project site is also located in the Planned Unit Development Combining District (PD). Per MCC Section

20.428.005,

*The Planned Unit Development Combining District (PD) is intended to require sensitive development of selected sites where standard residential and commercial and industrial design would be inappropriate to the unique or highly visible nature of the site, and to encourage imaginative development incorporating cluster development and the maximization and preservation of open space and views from public roads.*

The proposed development conforms to the maximum lot coverage and all front, rear, and side yard minimum distances, with the exception of the setback to the west side lot line. Per MCC 20.376.040, the minimum distance would be 20 feet; the applicants instead propose a reduced west side yard setback of 12 feet. (See attachments *Site Plan rev 1.2.2022, Floor Plans, Profiles, and Elevations*). Per MCC 20.428.015(C), the regulations of the base zoning of a PD parcel may be modified by a CDP, including the minimum setbacks, provided the minimum setbacks for the base zoning district shall be maintained at the perimeter of the planned development site (which the proposed development would still respect). The Recorded Declaration of Restrictions includes a Building Envelope, which the proposed development does appear to conform to. This Building Envelope was not included in the subdivision's Final Map (S3-83), but a note in the subdivision file suggests it was required as a condition by the Coastal Commission.

As it does not appear that the Building Envelope, and thus the reduced setback, was ever recognized by the County, the reduced setback must be considered a part of this proposal. See Table 3.

SECTION	STANDARD	PROPOSED
20.376.040 Minimum Front & Rear Yards	20 feet	more than 20 feet
20.376.040 Minimum Side Yards	20 feet	<b>12 feet</b>
20.376.045 Building Height Limit	28 feet	under 28 feet
20.376.065 Maximum Lot Coverage	20 percent	5.4 percent

Grading, Erosion, and Runoff: The purpose of MCC Chapter 20.492 *Grading, Erosion, and Runoff* is:

*“The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff. The approving authority shall determine the extent to which the following standards should apply to specific projects, and the extent to which additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts.”*

While the Application Questionnaire, Question #16 states that “*minimal grading for driveway and uncovered parking, compliant with steepness requirement and drainage*” will be required for the project, this description does not include fill required to accommodate the structure. The site is steeply sloped, and a significant amount of fill will be required to accommodate the structure, the garage in particular, as can be seen on the East/Garage Elevation (Figure 2, below).

In the section of the application requesting the amount of fill, the applicants have entered “*Approx.. 40 yards for garage slab,*” with the total amount of import or export again given as “*approx. 40 yards.*” This appears to have been a miscalculation. The garage is 20 feet, 7 inches long, 21 feet wide, and the maximum height of fill slope for it is given as 8 feet. Assuming the slope is roughly constant across the proposed site, this would result in a required fill of approximately 64 cubic yards for the garage alone. This does not include the adjacent concrete pad or driveway, or the fill required for the remainder of the structure, as can be seen from the West/Bedroom Elevation (Figure 3, below) (note that due to the irregularity of the slope of the parcel, it cannot be determined from the elevation drawings alone that no other fill would be required).

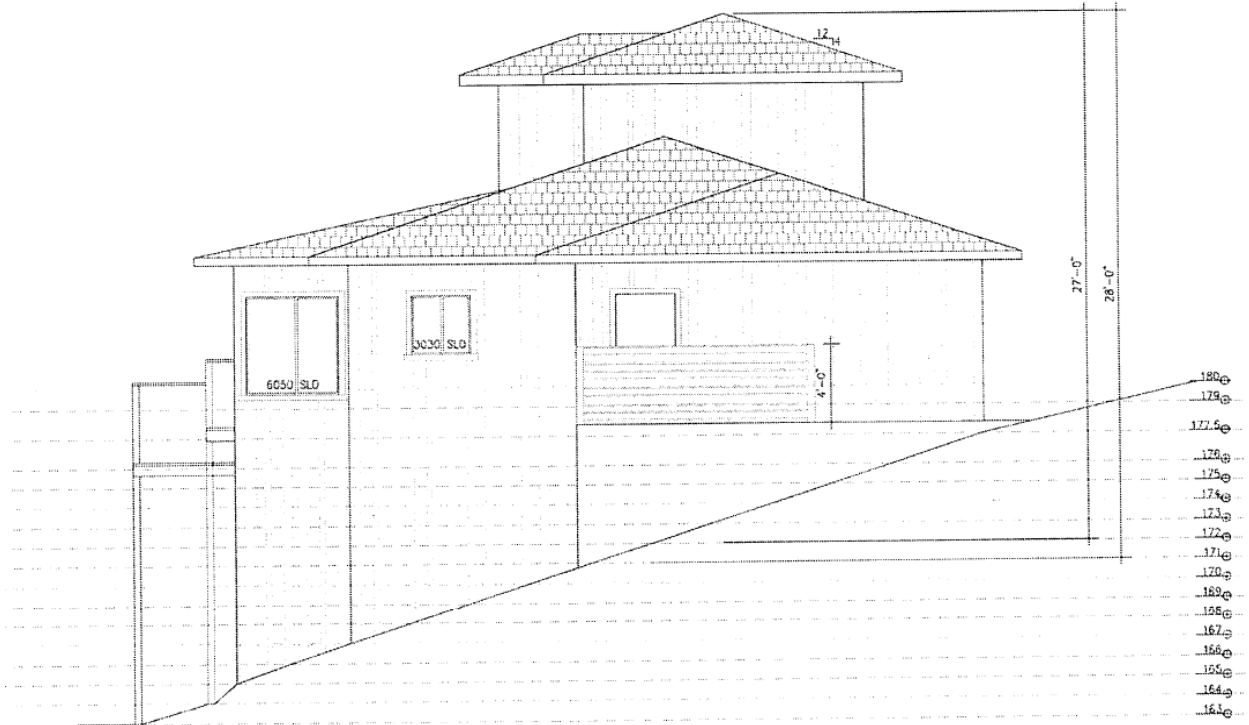


Fig 2 (East/Garage Elevation, Detail from Prior Residence Building Plans Sheet A3.01)

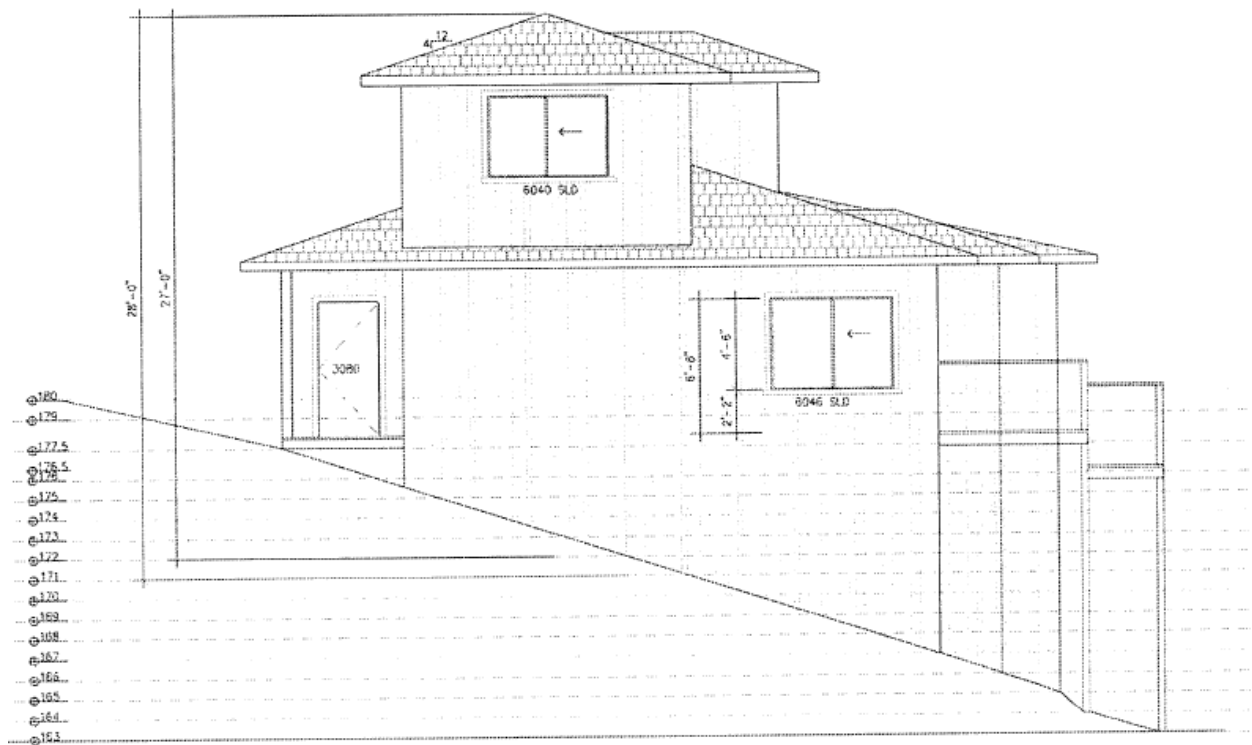


Fig 3 (West/Bedroom Elevation, Detail from Prior Residence Building Plans Sheet A3.02)

The applicant has submitted a Soil Erosion Mitigation Proposal, which details erosion control measures and BMPs to be employed both during construction and on an ongoing basis afterward. During construction, a temporary Filtrexx Sox barrier will be installed, to be removed once the permanent erosion mitigation measures have been put in place. The proposed permanent measures include drainage gutters, planting of deep-rooted native shrubs, and a pea gravel flow interrupter supported by an 8 inch retaining block.

There is currently a straw wattle running across the parcel, parallel to and about one foot north from the tree line (see Fig A5, attached). This appears to correspond with the “arrangement of sandbags” referenced in the “previous efforts” section of the Soil Erosion Mitigation Plan. It is not clear from the application materials if this will be retained during construction or upon completion of the project.

Habitats and Natural Resources: Coastal Element Chapter 3.1 and MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* applies to all development proposed in the Coastal Zone, unless and until it can be demonstrated to the approving authority that the project will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. The *LCP Habitats & Resources* map depicts the site as made up of scrub and riparian habitat (See attached).

The proposed site of the project will primarily displace nonnative grasses, although some of the denser vegetation towards the south end of the parcel may need to be removed as well. CNDDDB identifies the site as supporting Behren’s silverspot butterfly (*Speyeria zerene behrensii*). This species is considered possibly extirpated in the area, and CDFW did not respond to a request for comment on this project. Given this, no environmentally sensitive habitat areas are presumed onsite, and no takings of protected species are anticipated.

Due to the steep slope of the proposed site, erosion from grading and construction activities would have the potential to impact Jack Peters Creek downslope. However, the measures and BMPs delineated in the Soil Erosion Mitigation Proposal appear to adequately address the potential sources of sedimentation, so no significant impacts on this habitat are anticipated.

Archaeological/Cultural Resources: On March 16, 2022, the proposed project was referred to the Northwest Information Center for literature review regarding potential archaeological sensitivity within the Area of Potential Environmental Impact. On April 19, 2022, a response was received in writing, recommending no further inventory, evaluation, or impact mitigation. On March 16, 2022, local tribes were contacted and comments on the proposed were requested; no response relating to cultural resources has been received. As proposed, the project would be consistent with the archaeological resource policies of Coastal Element Chapter 3.5 and MCC Chapter 22.12.

Hazards Management: Coastal Element Chapter 3.4 and MCC Chapter 20.500 *Hazard Areas* applies to all development proposed in the Coastal Zone unless and until it is determined by the Coastal Permit Administrator that the project is not subject to threat from geologic, flood, or other hazards.

MCC Section 20.500.025 *Fire Hazard* – The parcel is located in an area classified as “Very High Fire Hazard” (See attachment *Fire Hazard Zones & Responsibility Areas* map). Fire protection services are provided by the Mendocino Fire Protection District and California Department of Forestry and Fire Prevention (CalFire). The application was referred to the Mendocino Fire Protection District and CalFire for input; to date, no response has been received from the former. CalFire recommended conditional approval and commented that the project will be required to adhere to the applicable sections of the SRA/VHFHSZ Fire Safe Regulations.

MCC Section 20.500.030 *Flood Hazard* – The southernmost portion of the parcel falls within the 1 percent annual chance flood zone (aka 100-year flood zone), and is subject to the Land Use Restrictions of MCC Section 20.500.030(B). All proposed development is located outside this floodplain.

Mapping does not associate the project site with any of the following: faults, bluffs, landslides, or erosion hazards. With the inclusion of standard conditions requiring the property owner to obtain all necessary permits from local, State, and federal agencies, the project would be consistent with MCC Chapter 20.500 *Hazard Areas* (See Condition #4).

Visual Resources: The project site is not mapped as a Highly Scenic Area; therefore, applicability of Coastal Element Chapter 3.5 policies and MCC Chapter 20.504 *Visual Resources and Special Treatment Areas* is limited.

Transportation and Circulation: The project would contribute minimally to new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from residential land uses were considered



when the Coastal Element land use designations were assigned. As proposed, the project would not affect transportation or circulation and would be provided with adequate access.

The project was referred to the Department of Transportation, who declined to comment on it.

Groundwater Resources: One of the purposes of MCC Chapter 20.516 *Transportation, Utilities, and Public Services* is "... *that development occurs in areas where public services are available...*" New development shall be approved subject to the availability of necessary public services and consistent with MCC Sections 20.516.015(A) *Septage and Leach Field* and (B) *Water Supply*. On April 7, 2022, the proposal was referred to agencies for comment, including the Mendocino County Division of Environmental Health (DEH) and the California Coastal Commission (Commission).

**MCC Section 20.516.015(A) *Septage and Leach Field*.** The proposed project includes installation of an on-site septic tank and pump station, with septage to be pumped to a community leach field. On April 7, 2022, the project was referred out to the Division of Environmental Health and the California Coastal Commission; no comment was received from the former and, to date, no response has been received from the latter.

**MCC Section 20.516.015(B) *Water Supply*.** The property and surrounding lands are mapped as "Critical Water Resources" (See attached *Ground Water Resources* map). No well is proposed; per the application, water will instead be supplied by Surfwood Mutual Water Corporation, which is itself supplied by surface water from Jack Peter's Creek.

As proposed, the project would be consistent with the implementation measures, as listed in Chapter MCC Section 20.516.015, that require new development to be approved subject to the availability of necessary public services and consistent with provisions for septic, leach fields, and water supply.

**Water Conservation Measures:** In response to the current drought conditions in the region, on June 22, 2021 the Mendocino County Board of Supervisors passed **Ordinance No. 4493**, which remains in effect. Said ordinance reads in part

*The County ... shall not approve any application for subdivision, use permit, variance, or other discretionary entitlement for use which is required in order to comply with the County's zoning ordinances, specifically including but not limited to discretionary permits for cannabis cultivation, during the term of this ordinance without (A) considering the anticipated water use of the proposed development and (B) imposing conditions of approval related to limiting or phasing any expansion of water use, as deemed appropriate by the reviewing authority.*

*The authority approving the discretionary entitlement is authorized, as a condition of permit approval, to implement water use restrictions during the term of this ordinance.*

According to the County of Mendocino Coastal Groundwater Development Guidelines, "Water Requirements for single family residences along the Mendocino Coast are estimated to be 180 gal/day per capita (DWR, 1982)." A more recent report authored by DWR, *Results of the Indoor Water Use Study (2021)*, states that the statewide median indoor residential water use is 48 gallons per capita per day.

The following water conservation measures are imposed by MCC 16.24.030:

**MCC 16.24.030 - Conservation Devices.**

*No building permit within the scope of Section 16.24.020 shall be issued where the plumbing fixtures to be installed do not meet the following standards:*

*(A) All tank-type water closets shall use not in excess of one and six-tenths (1.6) gallons per flush and shall be of an "ultra low flush" type.*

*(B) Potable hot water piping in accessible unconditioned areas leading from water heaters shall be insulated for the first five (5) feet from water heater to provide an installed conductance of 0.33 or less.*

An exemption can be requested to the above requirements pursuant to MCC 16.24.050. Given the conditions necessitating Ordinance No 4493, Condition 8 is recommended, eliminating the proposed project's eligibility for such an exemption. Note that CalGreen standards impose a stricter 1.28 gallons per flush standard on all residential construction/alteration anyway, rendering MCC 16.24.030(A) irrelevant.

Public Access: The site is not designated as a potential public access trail location. As shown on LCP Map 15 Caspar, **existing public access to the coast follows the shoreline** (See attached). MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements* standards for minimum access are established west of the project site, at the shore. As proposed, the project would satisfy the requirements of MCC Chapter 20.528 that implement the goals and policies of *Coastal Element Chapter 3.6 Shoreline Access and Trail/Bikeway System*.

**ENVIRONMENTAL DETERMINATION**: The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. The project meets the criteria to be Categorically Exempt from the California Environmental Quality Act, per CEQA Guidelines Section 15303 (a) and (e): new construction of a single-family residence and accessory structures in a residential zone.

### **PROJECT FINDINGS AND CONDITIONS**

Pursuant to the provisions of Chapter 20.532 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions:

#### **FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified local coastal program

*The construction of a Single-Family Dwelling and accessory structures and improvements comply with the certified Local Coastal Program. The proposed project allows for residential use of the site, which is consistent with the intent of the Rural Residential Classification.*

2. Pursuant with MCC Section 20.532.095(A)(2), the project will be provided with adequate utilities, access roads, drainage and other necessary facilities

*Water will be provided by Surfwood Mutual Water Corporation. The project will be required to fulfil all pertinent requirements of a Building Permit before receiving a Certificate of Occupancy, including all related permits such as a Septic Permit from Environmental Health.*

3. Pursuant with MCC Section 20.532.095(A)(3), the project is consistent with the purpose and intent of the Rural Residential District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code

*The Rural Residential District is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability. The addition of a residence on the otherwise vacant subject parcel is consistent with this goal.*

4. Pursuant with MCC Section 20.532.095(A)(4), the project, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and is determined to be Categorically Exempt from further environmental review

*The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. The project meets the criteria to be Categorically Exempt from the California Environmental Quality Act, per CEQA Guidelines Section 15303 (a) and (e).*

5. Pursuant with MCC Section 20.532.095(A)(5), the project will not have any adverse impact on any known archaeological or paleontological resources, and should any archaeological sites or artifacts be discovered further protection measures may be imposed as per Condition 8

*On March 16, 2022, the proposed project was referred to the Northwest Information Center for literature review regarding potential archaeological sensitivity within the Area of Potential Environmental Impact. On April 19, 2022, a response was received in writing, recommending no further inventory, evaluation,*

*or impact mitigation. On March 16, 2022, local tribes were contacted and comments on the proposed were requested; no response relating to cultural resources as defined in Public Resources Code section 21074 has been received. As proposed, the project would be consistent with the archaeological resource policies of Coastal Element Chapter 3.5 and MCC Chapter 22.12.*

6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

*The impact of residential buildout of the Surfwood IV subdivision on public services were considered when the subdivision was permitted. The proposed project is consistent with the planned buildout of said subdivision. There are no operating landfills in the County of Mendocino; solid waste is instead taken to the Potrero Hills landfill, which is not expected to meet capacity until 2048.*

**CONDITIONS OF APPROVAL:**

1. This action shall become final and effective 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 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. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed construction and grading from County, State, and Federal agencies having jurisdiction.
5. 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.
6. 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.
7. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 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.
8. The project shall be subject to the water conservation standards of MCC 16.24.030 and will not be eligible for an exemption to said standards under MCC 16.24.050.

9. Standard erosion control Best Management Practices (BMPs), including all those shown in the 7/23/2022 Soil Mitigation Proposal, shall be employed during construction activities to avoid or minimize impacts to Jack Peters Creek and to reduce sedimentation potential. BMPs shall be shown on submitted site plans for all permit(s) associated with this project.
10. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.
11. Any Building Permit request shall include all conditions of approval of CDP\_2022-0012 (attached or printed on the plans submitted).
12. To record the Notice of Exemption, 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 the end of any project action.
13. Conditions of Approval of CDP\_2022-0012 shall be attached to any building permit application for work covered by the CDP and shall be a part of on-site construction drawings.

---

DATE

---

ROB FITZSIMMONS  
PLANNER II

---

DATE

---

IGNACIO GONZALEZ  
COASTAL PERMIT ADMINISTRATOR

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

APPENDIX A: PHOTOS FROM SITE VISIT, 5/9/2022



Fig A1 – Approximate proposed building site, viewed from the east. Note the steep drop off to the left (south)



Fig A2 – Parcel sloping down to tree line to the south



Fig A3 - Dense vegetation begins approximately 90 feet south from road and continues for the remainder of the parcel down Jack Peters Gulch



Fig A4 – Reverse of Fig A3; view of parcel sloping up to the road to the north



Fig A5 – Straw wattle about one foot north of tree line

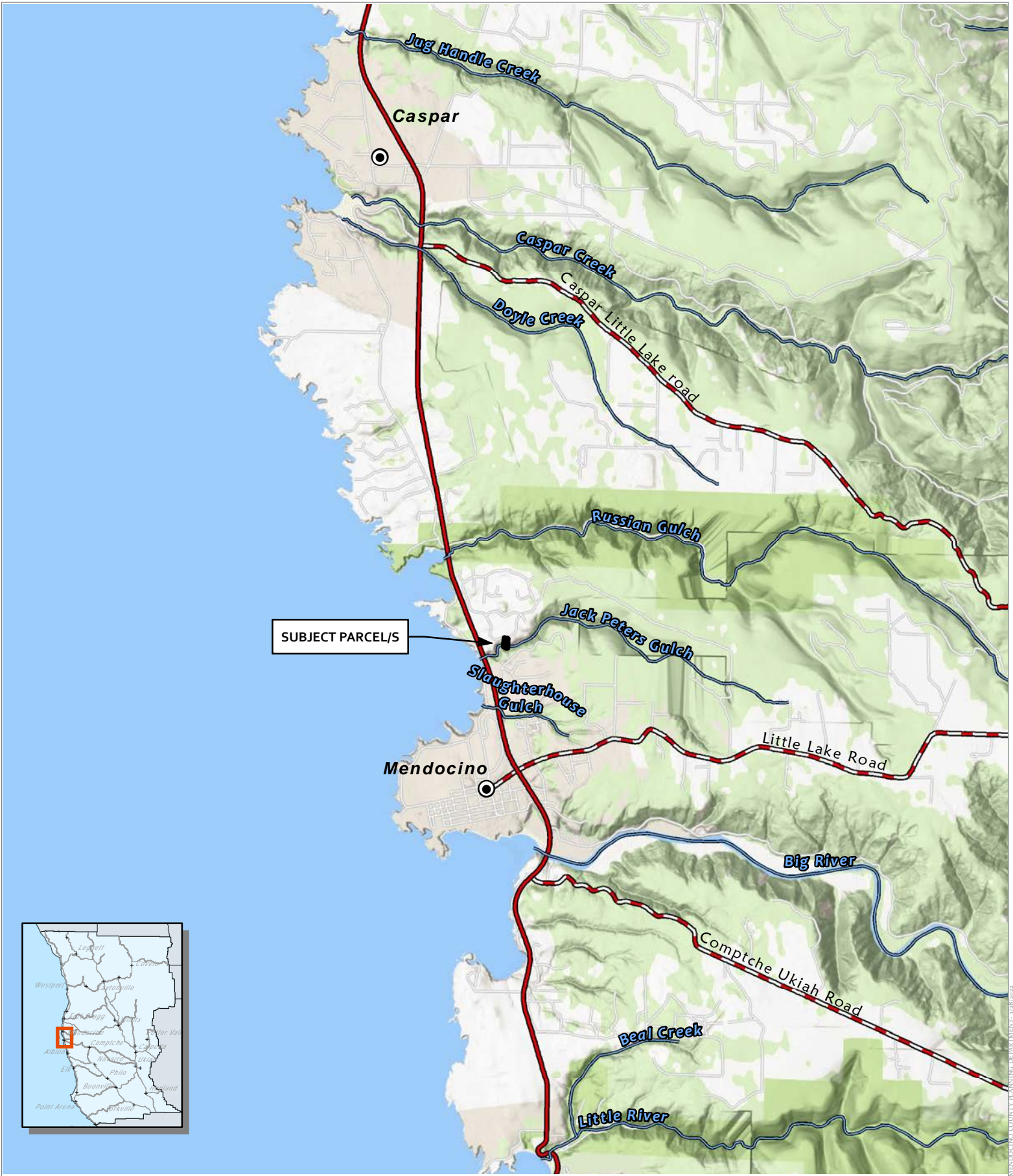


Fig A6 - Baywood Drive and existing development (view to northeast from north edge of subject parcel)




**ATTACHMENTS:**

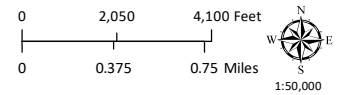
- A. Location Map
- B. Aerial Map Imagery
- C. Aerial Map Imagery (Detail)
- D. Topographical Map
- E. Site Plan
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map 15 & 17: Casper & Mendocino
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resources
- K. Post LCP Certification & Appeal Jurisdiction
- L. Adjacent Parcels
- M. Fire Hazard Zones & Responsibility Areas
- N. Special Flood Hazard Areas
- O. Wetlands
- P. Ground Water Resources
- Q. Estimated Slope
- R. Western Soil Classes
- S. Farmland Classifications
- T. Site Plan revision 7/25/2022
- U. Soil Erosion Mitigation Proposal





**CASE: CDP 2022-0012**  
**OWNER: Neil and Irene Prior**  
**APN: 118-330-41**  
**APLCT: Neil and Irene Prior**  
**AGENT: Neil and Irene Prior**  
**ADDRESS: 44761 Baywood Drive, Mendocino**

-  Major Towns & Places
-  Highways
-  Major Roads

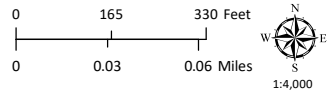


LOCATION MAP

MENDOCINO COUNTY PLANNING DEPARTMENT 3/28/2023



**CASE: CDP 2022-0012**  
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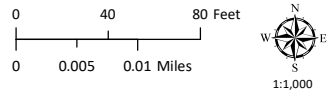
**AERIAL IMAGERY**

MENDOCINO COUNTY PLANNING DEPARTMENT 2/28/2023

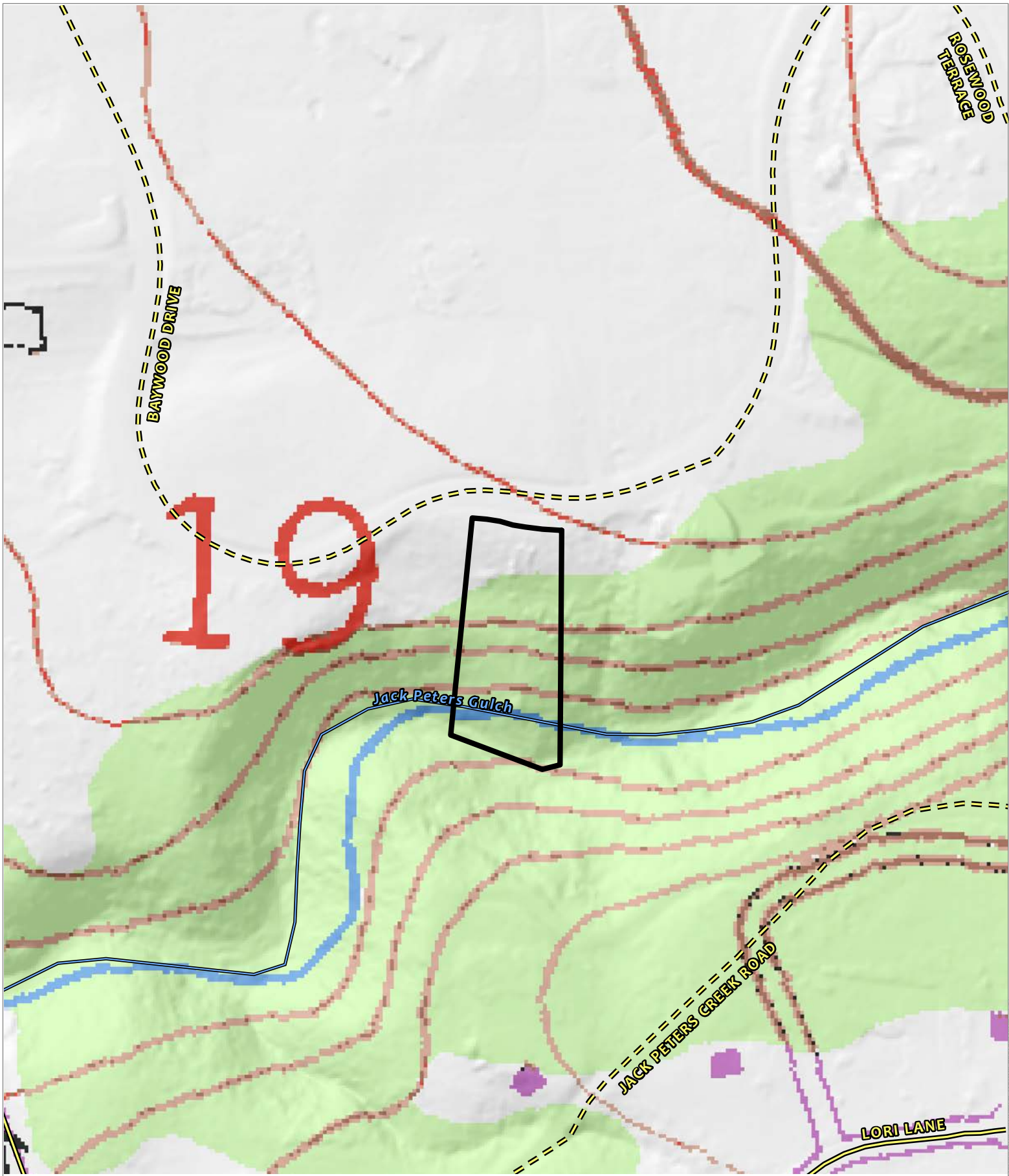


MENDOCINO COUNTY PLANNING DEPARTMENT - 3/28/2023



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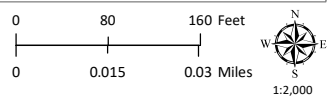


**AERIAL IMAGERY**



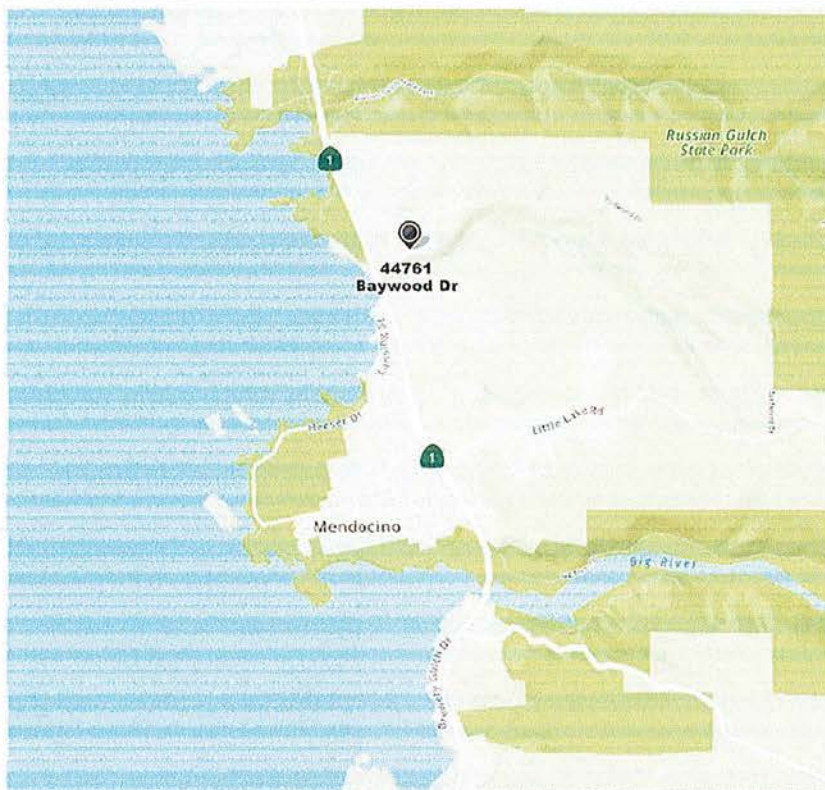
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**OWNER:** Neil and Irene Prior  
**APN:** 118-330-41  
**APLCT:** Neil and Irene Prior  
**AGENT:** Neil and Irene Prior  
**ADDRESS:** 44761 Baywood Drive, Mendocino

-  Public Roads
-  Private Roads



**TOPOGRAPHIC MAP**  
 CONTOUR INTERVAL IS 40 FEET

# VICINITY MAP

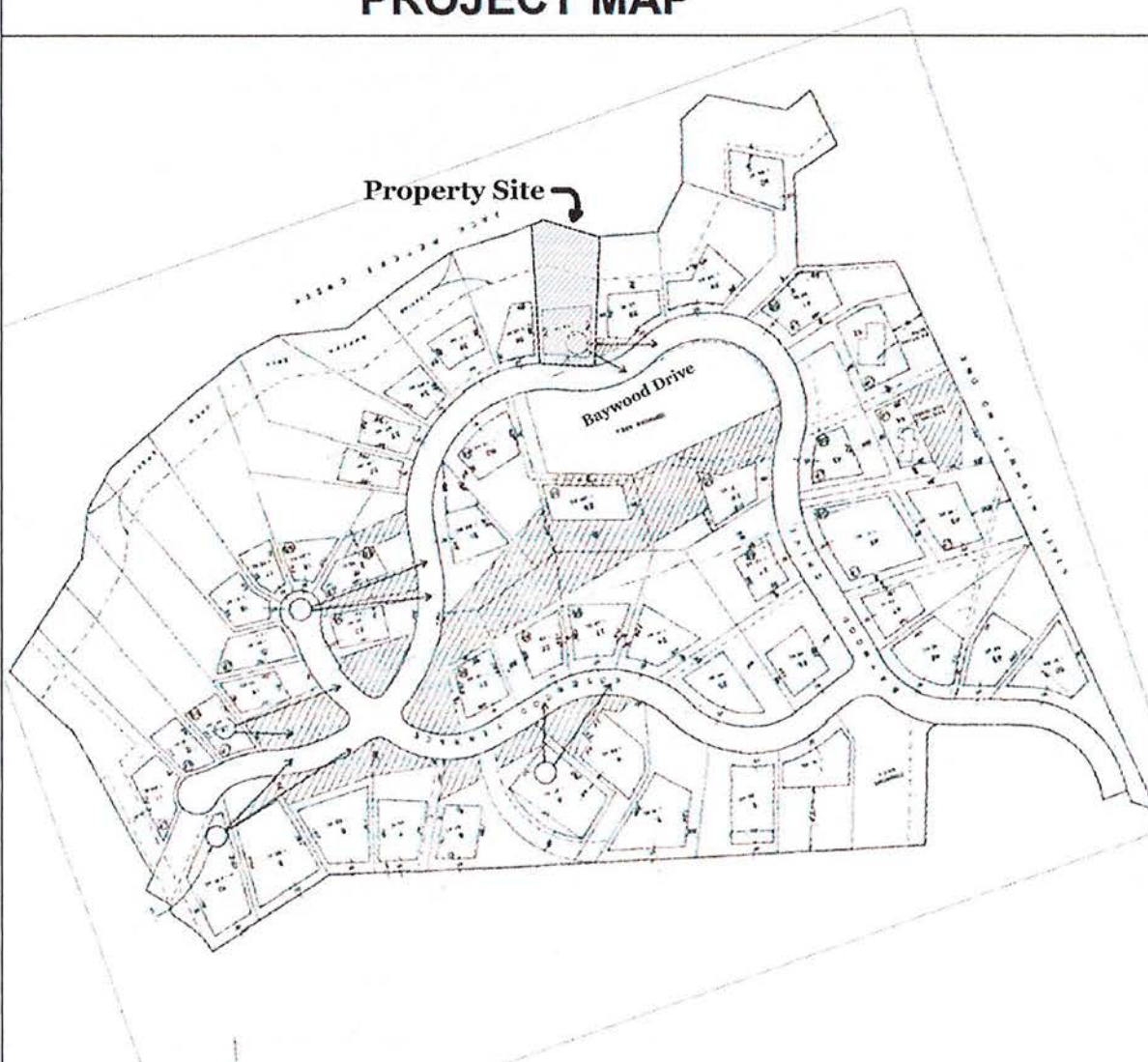


Item B  
location  
map



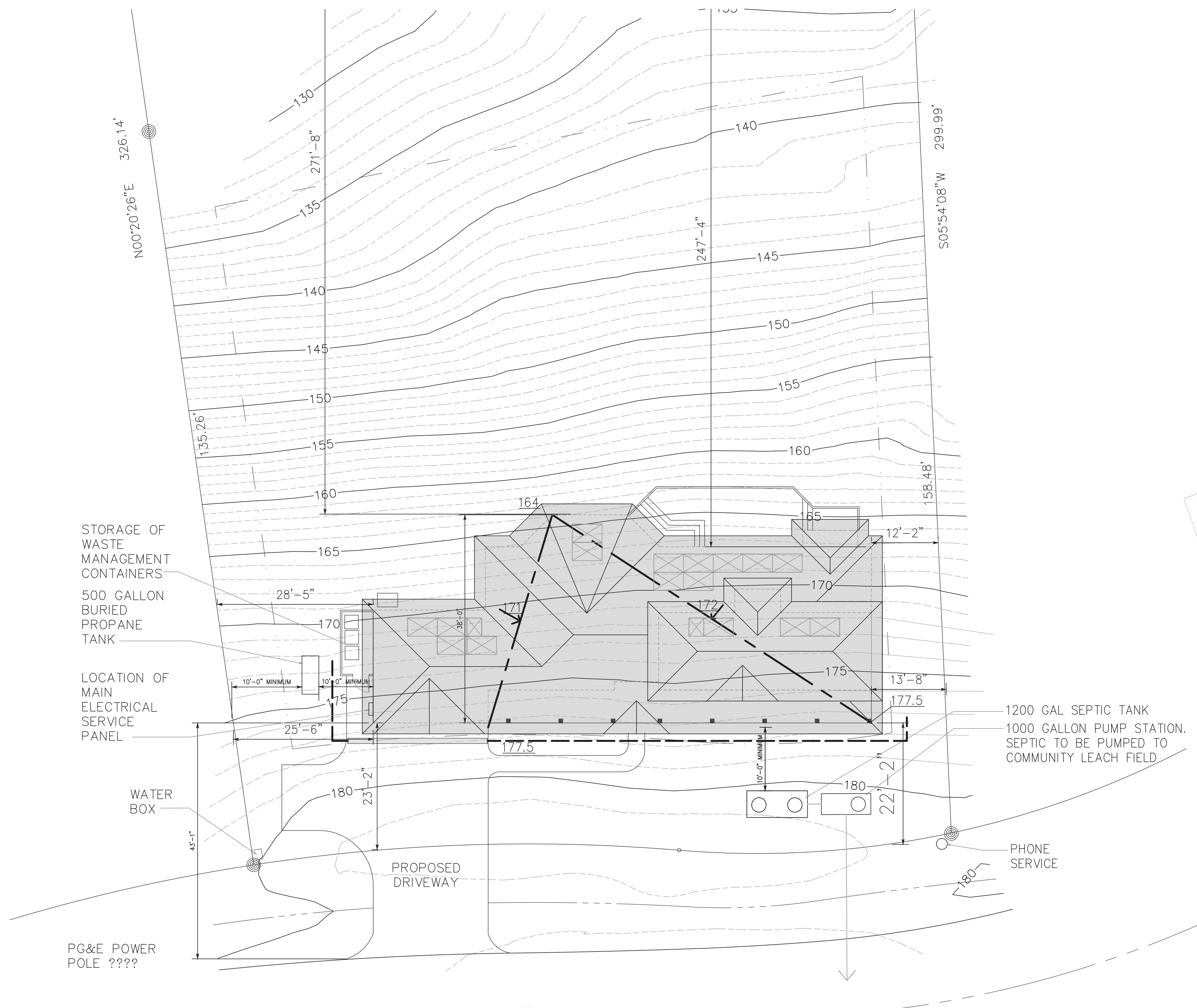
Cynthia L. Owings  
PO Box 1993  
Sonoma, CA 95476  
707.287.2983  
cynthia.owings1@gmail.com

# PROJECT MAP



*Revisions*

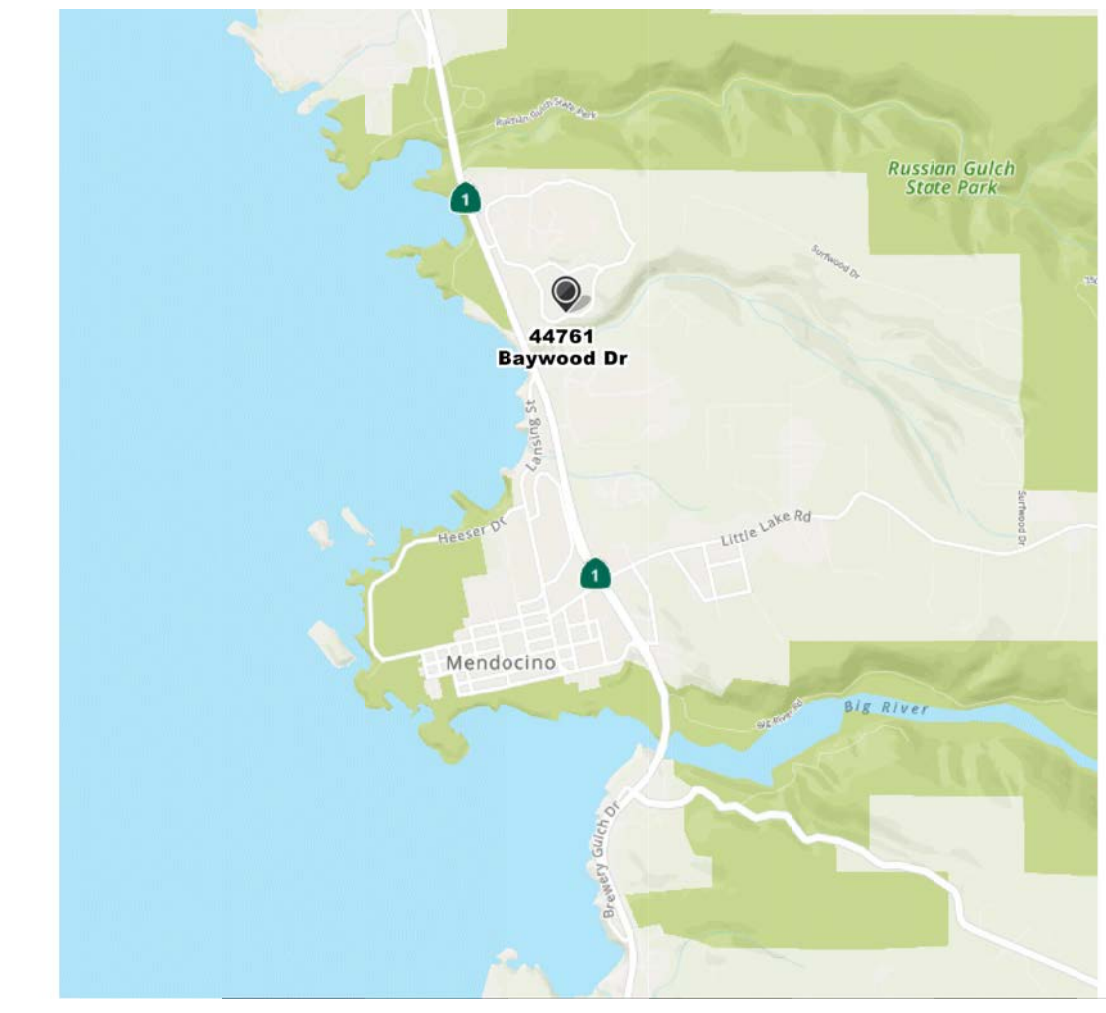
**PRIOR RESIDENCE**  
**44761 BAYWOOD DRIVE**  
**MENDOCINO, CA 95406**  
**118-330-41-00**



1 PROPOSED SITE PLAN  
SCALE: 1" = 10'-0"

Project North	True North	ALL DIMENSIONS SHOWN ARE TO FACE OF STUD OR CENTERLINE OF STUD, WINDOW, DOOR, ETC. (TYPICAL U.O.N.) CONTRACTOR TO VERIFY AND CONFIRM DIMENSIONS PRIOR TO LAYOUT
<b>APN</b>		
<b>018-330-041</b>		

VICINITY MAP



PROJECT MAP



LOT SUMMARY INFORMATION

<b>PARCEL INFORMATION:</b>	
Parcel Number:	118-330-41-00
Lot Size	1.05 ACRES
	45,738 SF
<b>ZONING:</b>	
ZONE:	RR-5
Front Yard Set Back	20'
Side Yard Setback	10'
Rear Yard Set Back	60'
Maximum Main Residence Height	28'

SHEET INDEX

A1.01	VICINITY MAP, PROJECT MAP, LOT SUMMARY INFORMATION, PROPOSED SITE PLAN & SHEET INDEX
A1.02	GRADING PLAN
A1.03	LIGHTING PLAN
A1.04	LANDSCAPE PLAN
A2.01	PROPOSED LOWER LEVEL FLOOR PLAN
A2.02	PROPOSED UPPER LEVEL FLOOR PLAN
A2.03	PROPOSED ROOF PLAN
A3.01	PROPOSED ELEVATIONS
A3.02	PROPOSED ELEVATIONS

**OWINGS DESIGN**  
Cynthia L. Owings  
PO Box 1993  
Sonoma, CA 95476  
707.287.2983  
cynthia.owings1@gmail.com

Revisions

**PRIOR RESIDENCE**  
**44761 BAYWOOD DRIVE**  
**MENDOCINO, CA 95406**  
**118-330-41-00**

PROPOSED SITE PLAN  
LOCATION OF ALL UTILITIES,  
SOLAR PANELS & PARKING

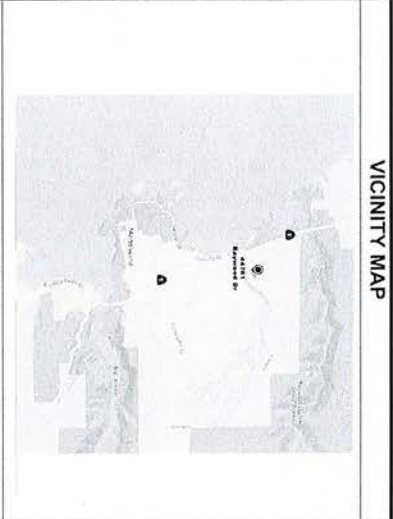
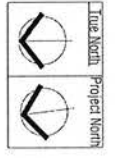
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DRAWN BY: CLO  
CHECKED BY: CLO  
Scale AS NOTED

Sheet Number  
**A1.01**

Item D  
 Architectural  
 Building  
 Floor Plans  
 Six pages



1 PROPOSED SITE PLAN  
 SCALE: 1" = 10'-0"



VICINITY MAP



PROJECT MAP

LOT SUMMARY INFORMATION

PARCEL INFORMATION	
Parcel Number	118-330-41-00
Lot Size	1.15 ACRES
Zone	RM-3
Front Yard Set Back	20
Side Yard Set Back	10
Rear Yard Set Back	40
Maximum Mean Residence Height	28

APN: 018-330-41-00

**OWINGS DESIGN**  
 Cynthia L. Owings  
 P.O. Box 1993  
 Sonoma, CA 95416  
 707.287.2983  
 cynthia.owings@owingsdesign.com

**PRIOR RESIDENCE**  
 44761 BAYWOOD DRIVE  
 MENDOCINO, CA 95406  
 118-330-41-00

Sheet Name:  
**PROPOSED SITE PLAN**

DATE: 3.1.2022  
 DRAWN BY: CLO  
 CHECKED BY: CLO  
 SCALE: AS NOTED

Sheet Number:  
**SP**

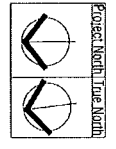
**PRIOR RESIDENCE**  
 44761 BAYWOOD DRIVE  
 MENDOCINO, CA 95406  
 118-330-41-00

Sheet 2 of 2  
**PROPOSED FLOOR PLAN**

DATE:	3.1.2022
DRAWN BY:	C.L.O.
CHECKED BY:	C.L.O.

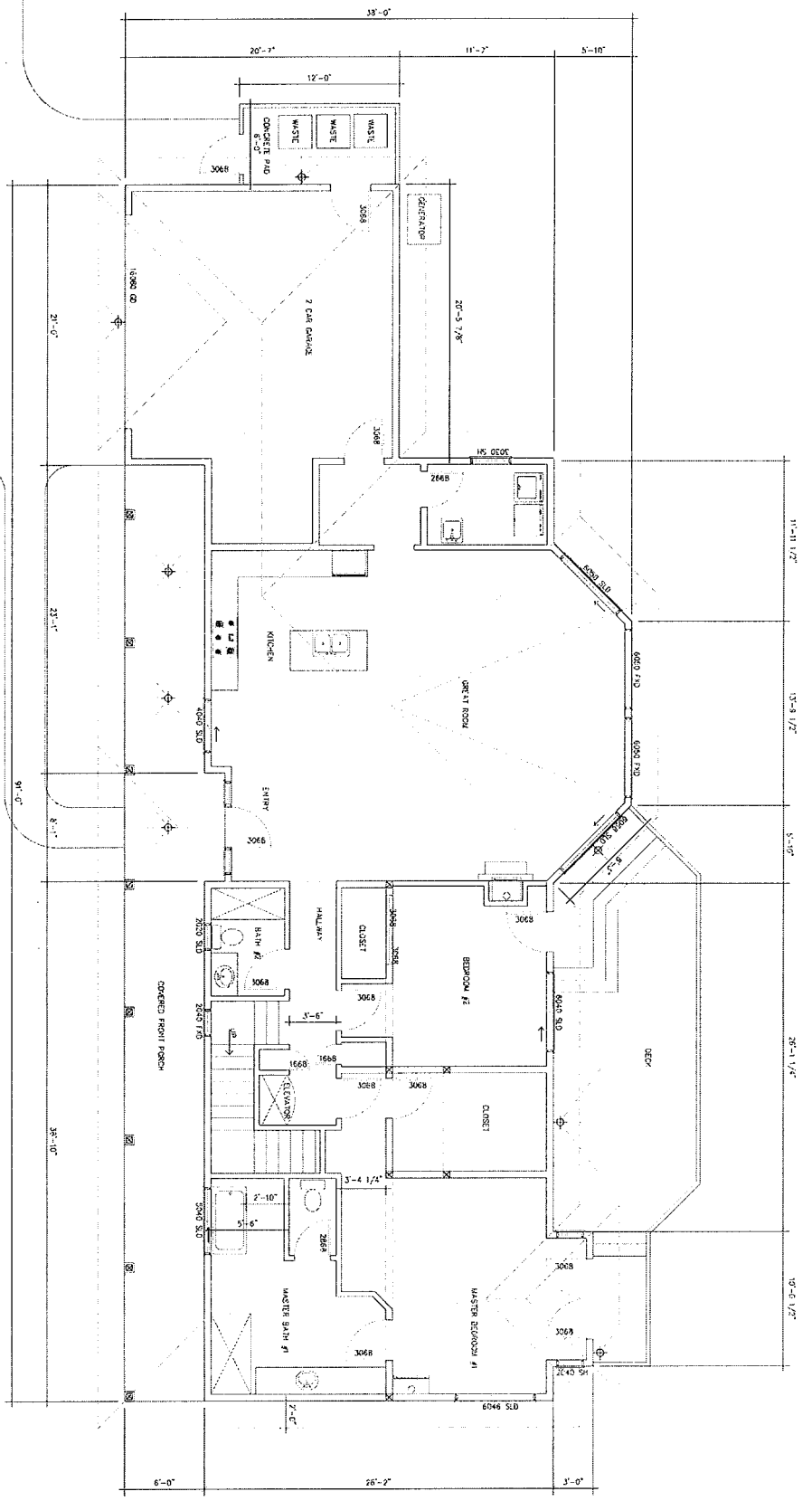
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 Sheet: Alexander  
**A2.01**

<b>STAIRS:</b> RISING 10'-2 3/4" 16 TREADS @ 11" 17 RISERS @ 7'-1/4"	<b>PROPOSED SF:</b> CONDITIONED SPACE: LOWER LEVEL: 80 SF STAIRS UNCONDITIONED SPACE: COVERED FRONT PORCH: BACK DECK: GARAGE:	1,927 SF 575 SF 420 SF 378 SF 475 SF
---	---	--

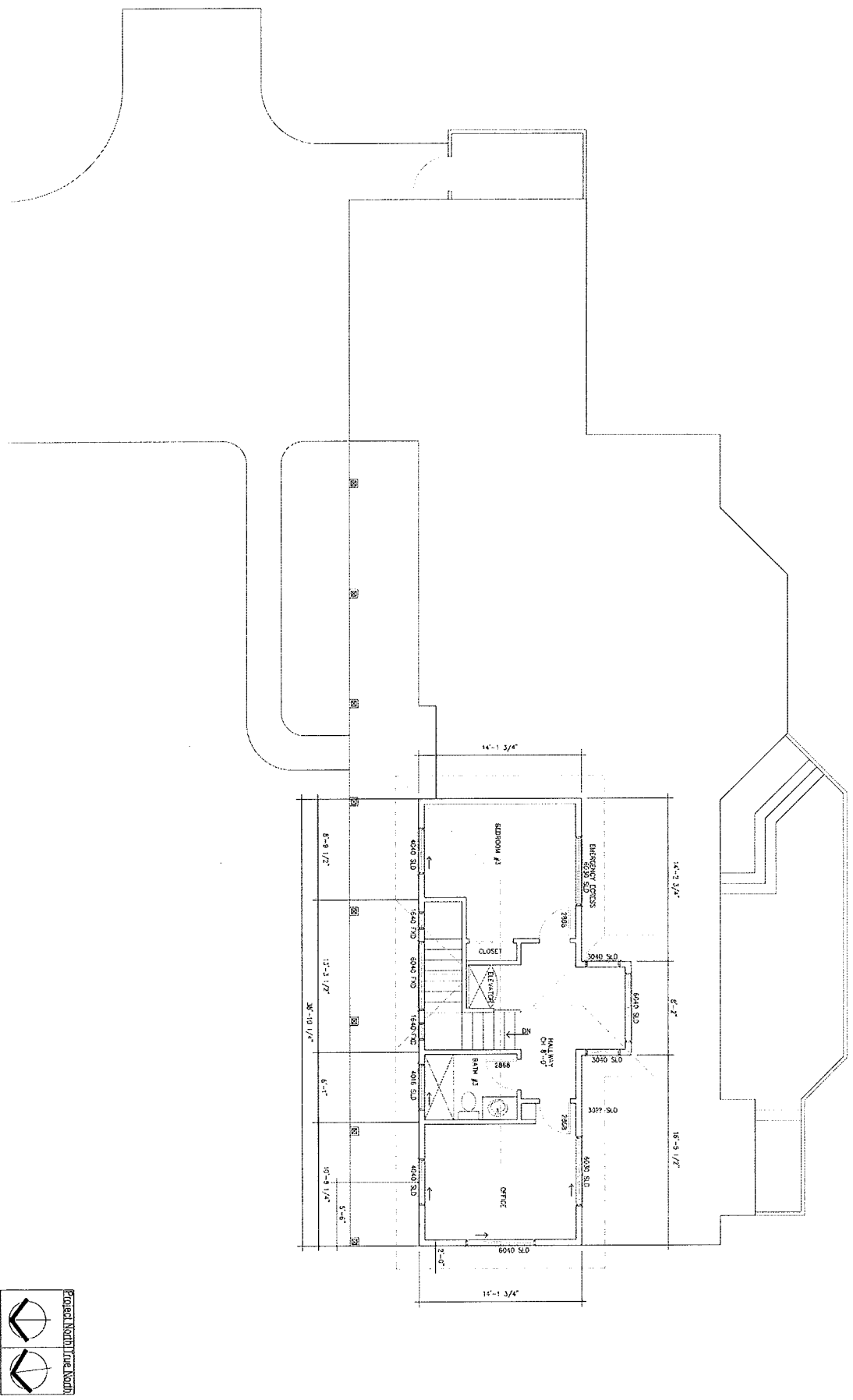


**APN: 118-330-41-00**

**1** PROPOSED LOWER LEVEL FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

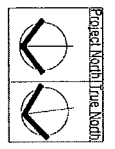






1 PROPOSED UPPER LEVEL FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

APN: 118-330-41-00



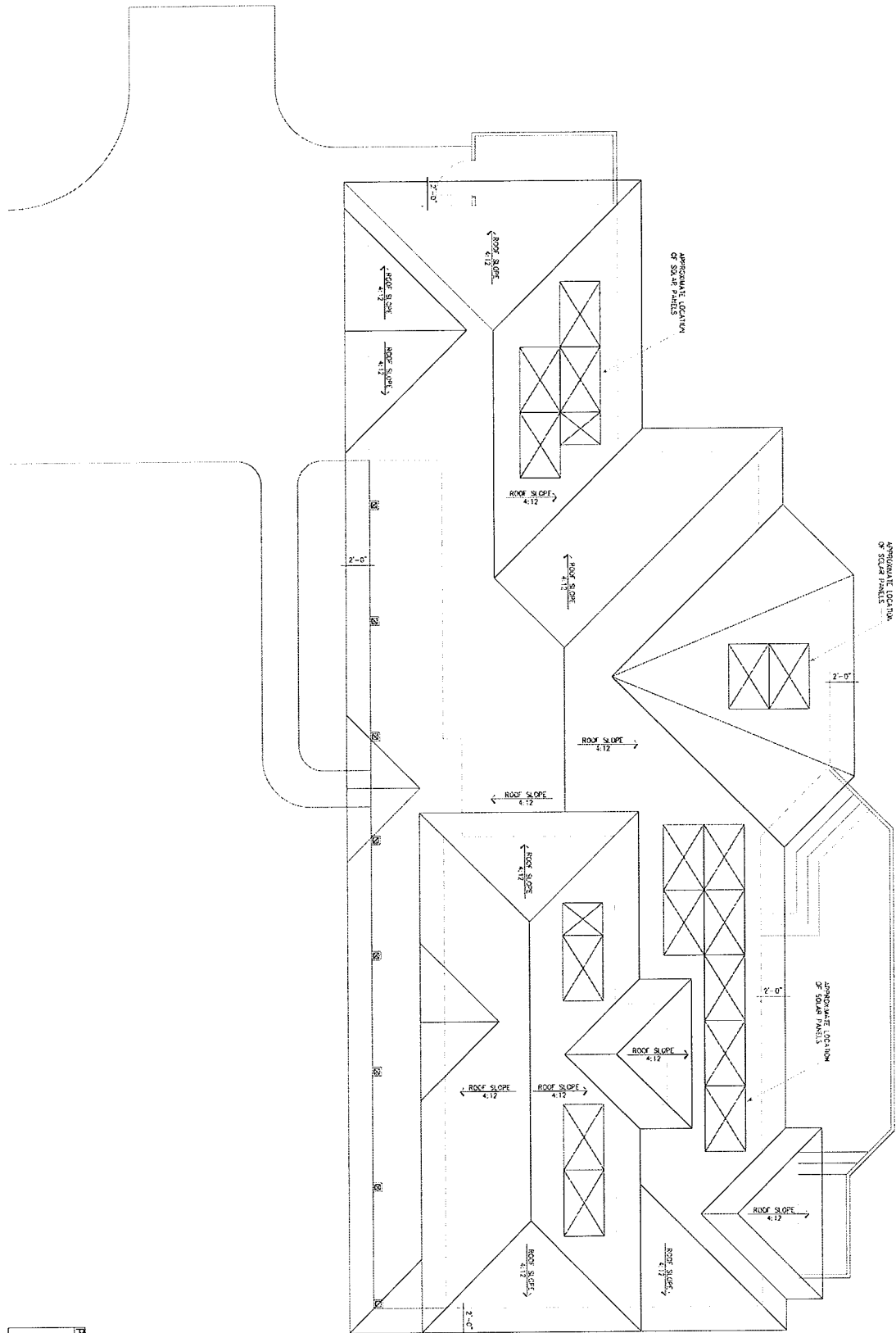
Revisions

**PRIOR RESIDENCE**  
 44761 BAYWOOD DRIVE  
 MENDOCINO, CA 95406  
 118-330-41-00

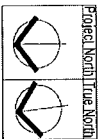
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 FLOOR PLAN**

DATE:	3.1.2022
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CHECKED BY:	CLO
Scale:	AS NOTED
Sheet Number:	

**A2.02**



APN: 118-330-41-00

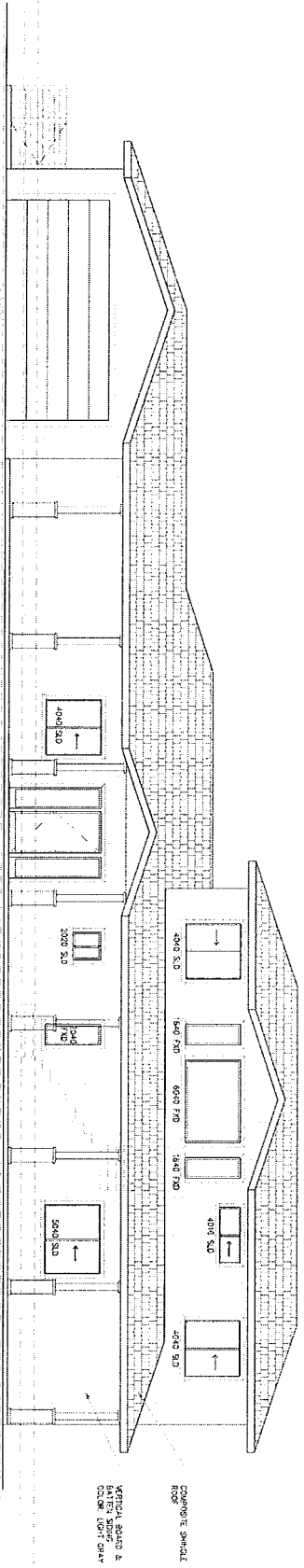


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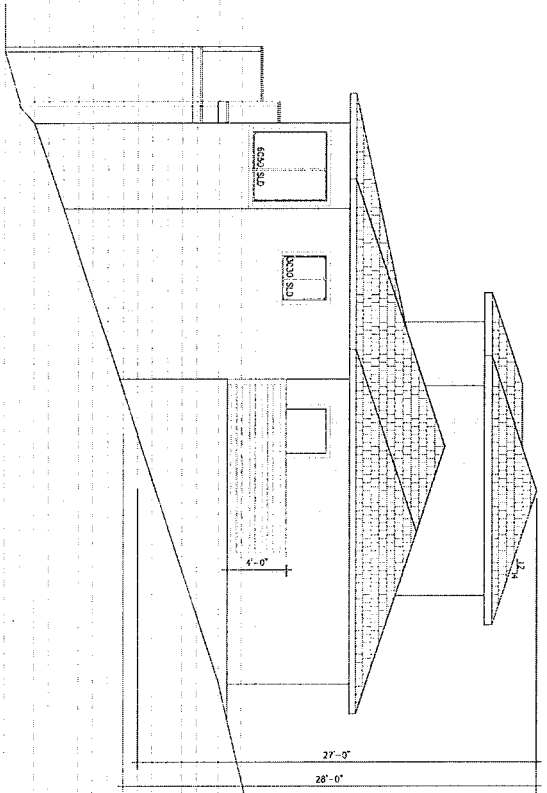
**PRIOR RESIDENCE**  
**44761 BAYWOOD DRIVE**  
**MENDOCINO, CA 95406**  
**118-330-41-00**

REVISIONS

OwningCS DESIGN  
 Cynthia L. Owings  
 PO Box 1993  
 Sonoma, CA 95476  
 707.297.2983  
 cynthia.owings@owningcs.com



1 FRONT/NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



2 EAST/GARAGE ELEVATION  
SCALE: 1/4" = 1'-0"

- 116g
- 117g
- 117Lg
- 117Bg
- 117Cg
- 117Dg
- 117Eg
- 117Fg
- 117Gg
- 117Hg
- 117Ig
- 117Jg
- 117Kg
- 117Lg
- 117Mg
- 117Ng
- 117Og
- 117Pg
- 117Qg
- 117Rg
- 117Sg
- 117Tg
- 117Ug
- 117Vg
- 117Wg
- 117Xg
- 117Yg
- 117Zg

DATE: 3.1.2022  
 DRAWN BY: CLO  
 CHECKED BY: CLO  
 SCALE: AS NOTED  
 SHEET NUMBER: A3.01

Steel Joist  
 PROPOSED  
 ELEVATIONS

**PRIOR RESIDENCE**  
 44761 BAYWOOD DRIVE  
 MENDOCINO, CA 95406  
 118-330-41-00

Revisions

**OWINGS DESIGN**  
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 707.297.2983  
 cynthia@owingsdesign.com



## Exterior Finish and Lighting Schedule

Prior Residence

44761 Baywood Drive

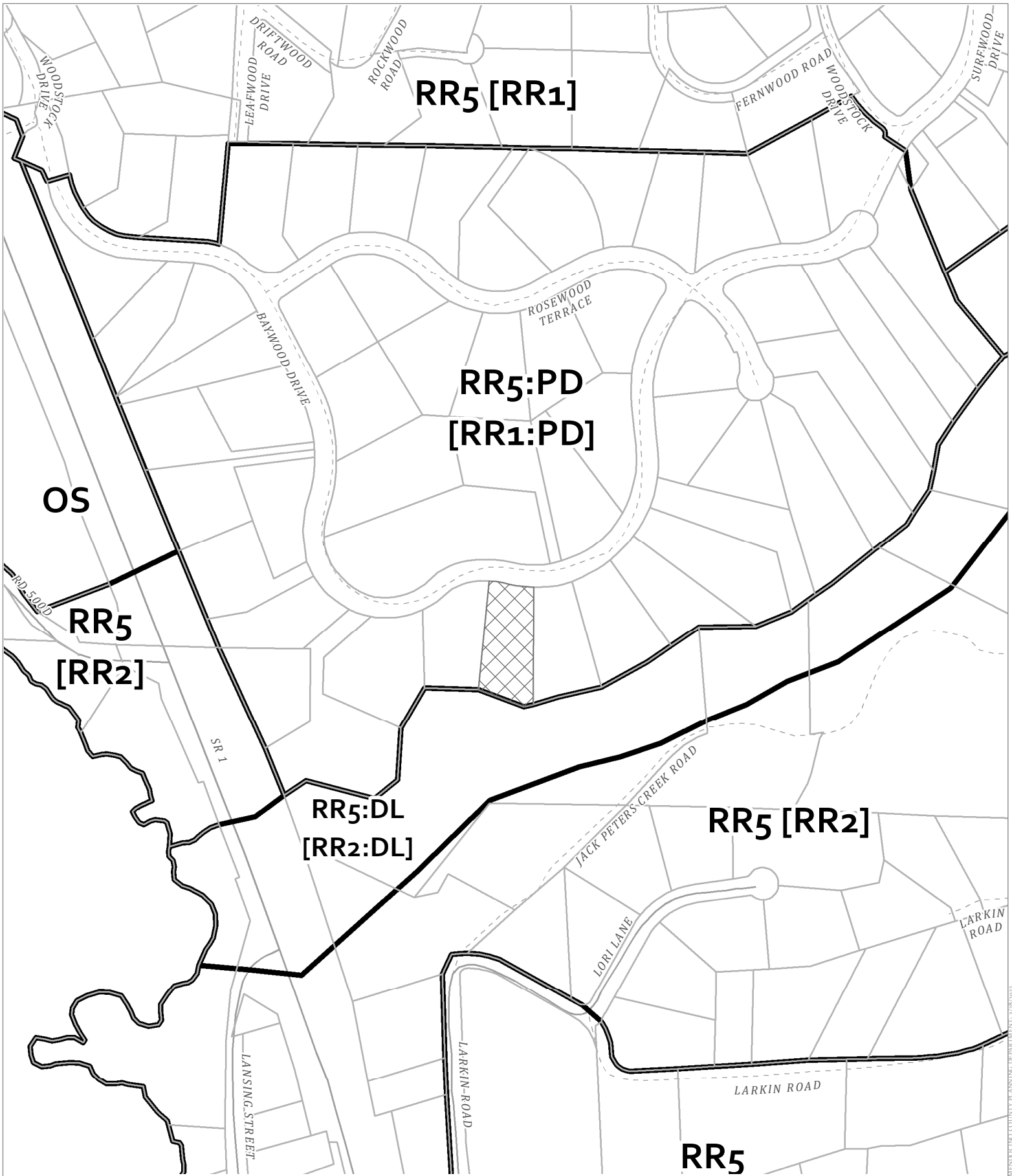
Mendocino, CA 94560

Notes:


- 1) Material color may vary slightly, depending on material availability, however, the basic color scheme will be maintained.
- 2) All finish items will be WUI compliant

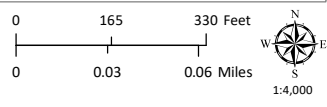
<u>Item</u>	<u>Quantity</u>	<u>Vendor</u>	<u>Description/Part Number</u>	<u>Color</u>
1. Exterior lights	8	Progress	"Dark sky" "Title 24" wall mount Progress P5622-2030K9, LED	Black
2. Doors				
a. Front entrance	1		3068	Dark brown
b. Front entrance security screen	2		Aluminum, screen	Dark gray/black
c. Garage, main	1		16080	Dark gray
d. Garage, side	1		3068	Dark gray
e. Great room to deck	1		6069 SLD	Dark gray/white frame
f. Floor 1, Guest bed to deck	1		3068	Dark gray/white frame
g. Master bedroom to deck	2		3068	Dark gray/black
h. Entrance to crawl space	1		3068	Dark gray/black
3. Windows				
a. Front door, side lites	2	Jeld-Wen	1080 FXD	white frame
b. Front, great room	1	Jeld-Wen	4040 SLD	white frame
c. Front, master bath	1	Jeld-Wen	5040 SLD	white frame
d. Great room, south	2	Jeld-Wen	6050 FXD	white frame
e. Great room, south	1	Jeld-Wen	6050 SLD	white frame
f. Floor 1, Guest bedroom	1	Jeld-Wen	6040 SLD	white frame
g. Laundry	1	Jeld-Wen	3030 SLD	white frame
h. Floor 2 bedroom	1	Jeld-Wen	4040 SLD	white frame
i. Floor 2 bedroom	1	Jeld-Wen	6030 SLD	white frame

j.	Floor 2, office	1	Jeld-Wen	4040 SLD	white frame
k.	Floor 2, office	1	Jeld-Wen	6040 SLD	white frame
l.	Floor 2, office	1	Jeld-Wen	6030 SLD	white frame
m.	Floor 2 hallway	1	Jeld-Wen	6040 SLD	white frame
n.	Floor 2 hallway	2	Jeld-Wen	3040 FXD	white frame
o.	Floor 2, stairway	1	Jeld-Wen	6040 FXD	white frame
p.	Floor 2, stairway	2	Jeld-Wen	1640 FXD	white frame
q.	Floor 2 bathroom	1	Jeld-Wen	4016 SLD	white frame
4.	Fence	21'		textured aluminum	light gray
5.	Gate in fence	3'		textured aluminum	light gray
6.	Deck		Ameradeck	Composite	Weathered wood/light gray
7.	Deck rail	43'		Aluminum/Steel	Dark gray/black
8.	Siding	as req	James Hardie	Fiber cement	pearl gray
9.	Shingles	as req		composite	Dark gray
10.	Front porch/overhang columns	8		Aluminum/WUI compliant	light gray
11.	Gutters (minimum front)	as req		Aluminum	light gray
12.	Soffit	as req			

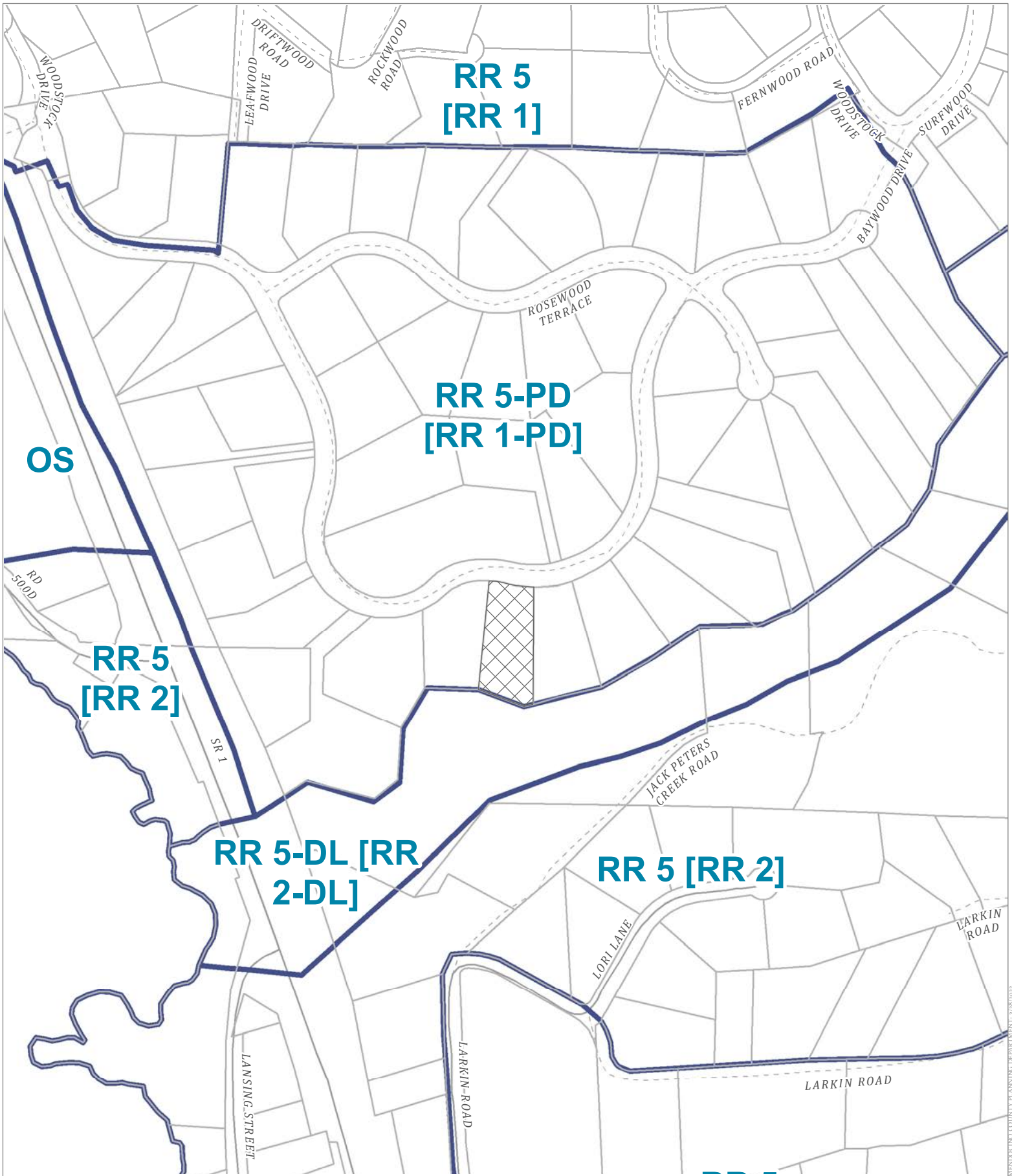


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 Zoning Districts  
 Public Roads

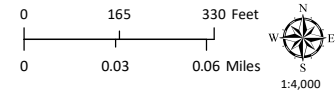


MENDOCINO COUNTY PLANNING DEPARTMENT - 3/28/2023



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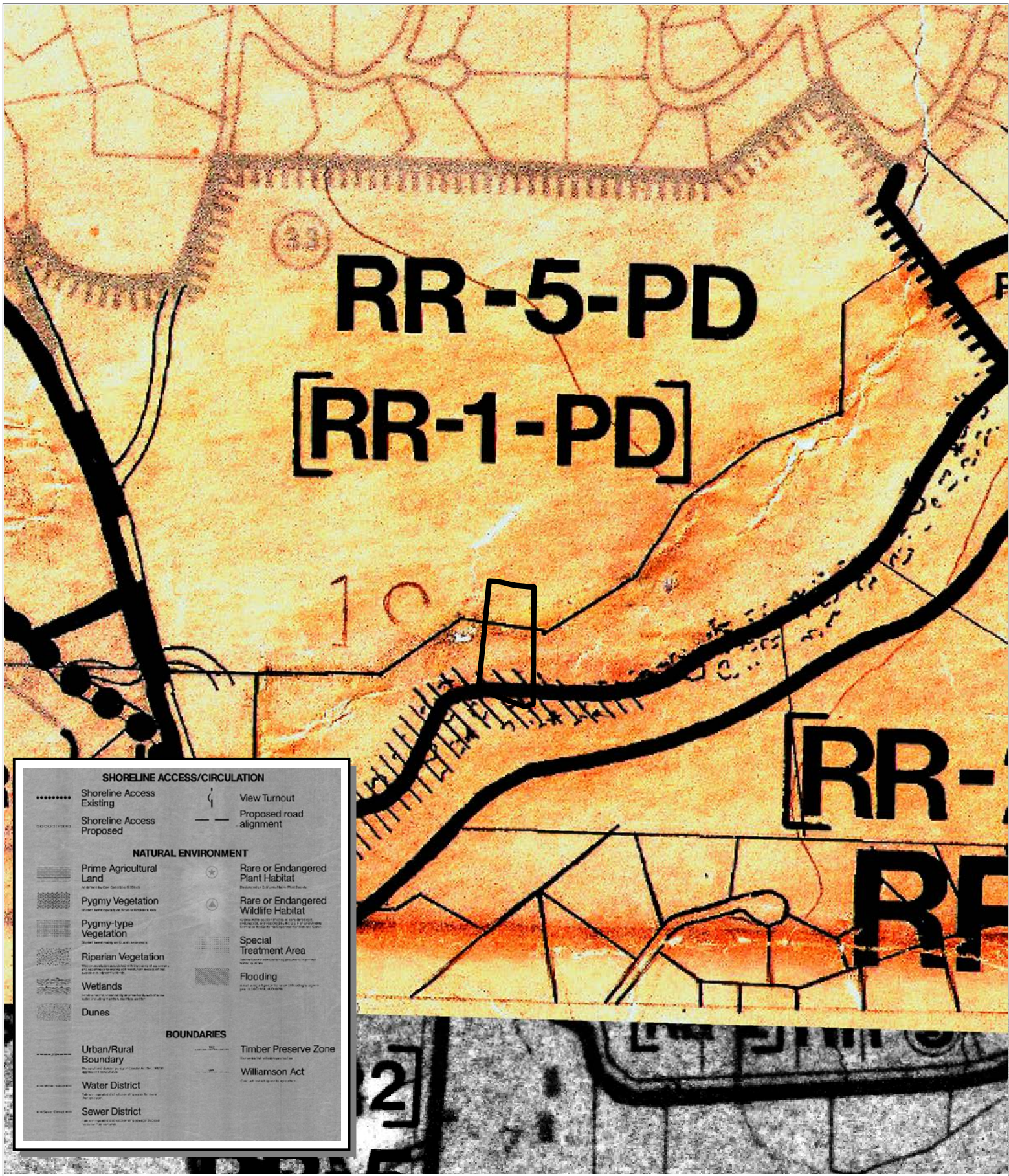
 General Plan Classes  
 Public Roads



**GENERAL PLAN CLASSIFICATIONS**

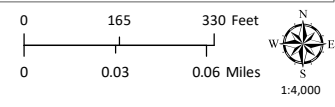
MENDOCINO COUNTY PLANNING DEPARTMENT - 3/28/2023

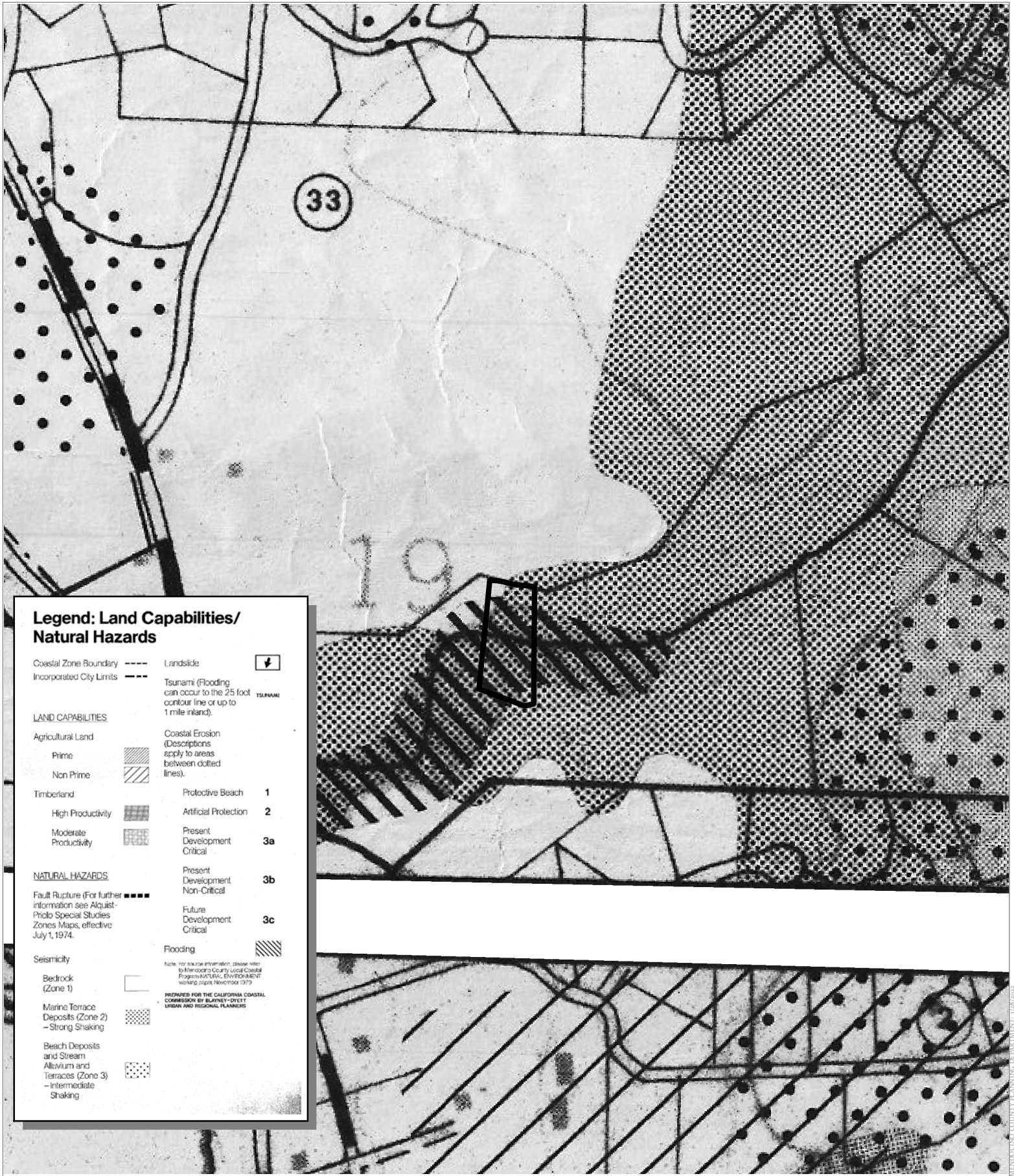




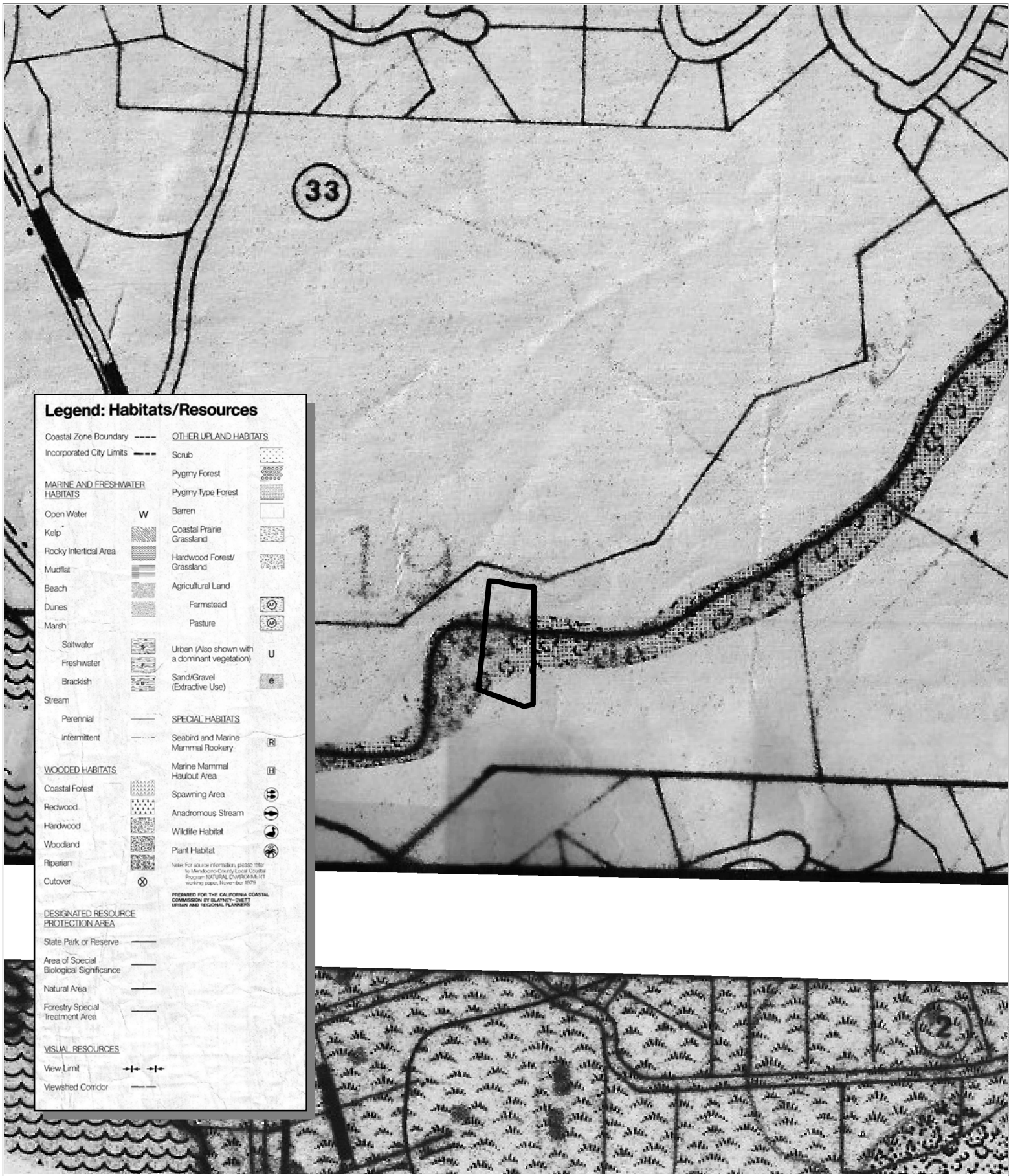
SHORELINE ACCESS/CIRCULATION	
.....	Shoreline Access Existing
-----	Shoreline Access Proposed
⤵	View Turnout
---	Proposed road alignment
NATURAL ENVIRONMENT	
[Pattern]	Prime Agricultural Land
[Pattern]	Pygmy Vegetation
[Pattern]	Pygmy-type Vegetation
[Pattern]	Riparian Vegetation
[Pattern]	Wetlands
[Pattern]	Dunes
[Symbol]	Rare or Endangered Plant Habitat
[Symbol]	Rare or Endangered Wildlife Habitat
[Symbol]	Special Treatment Area
[Symbol]	Flooding
BOUNDARIES	
---	Urban/Rural Boundary
---	Water District
---	Sewer District
---	Timber Preserve Zone
---	Williamson Act

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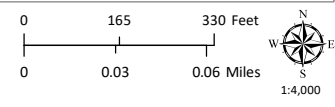
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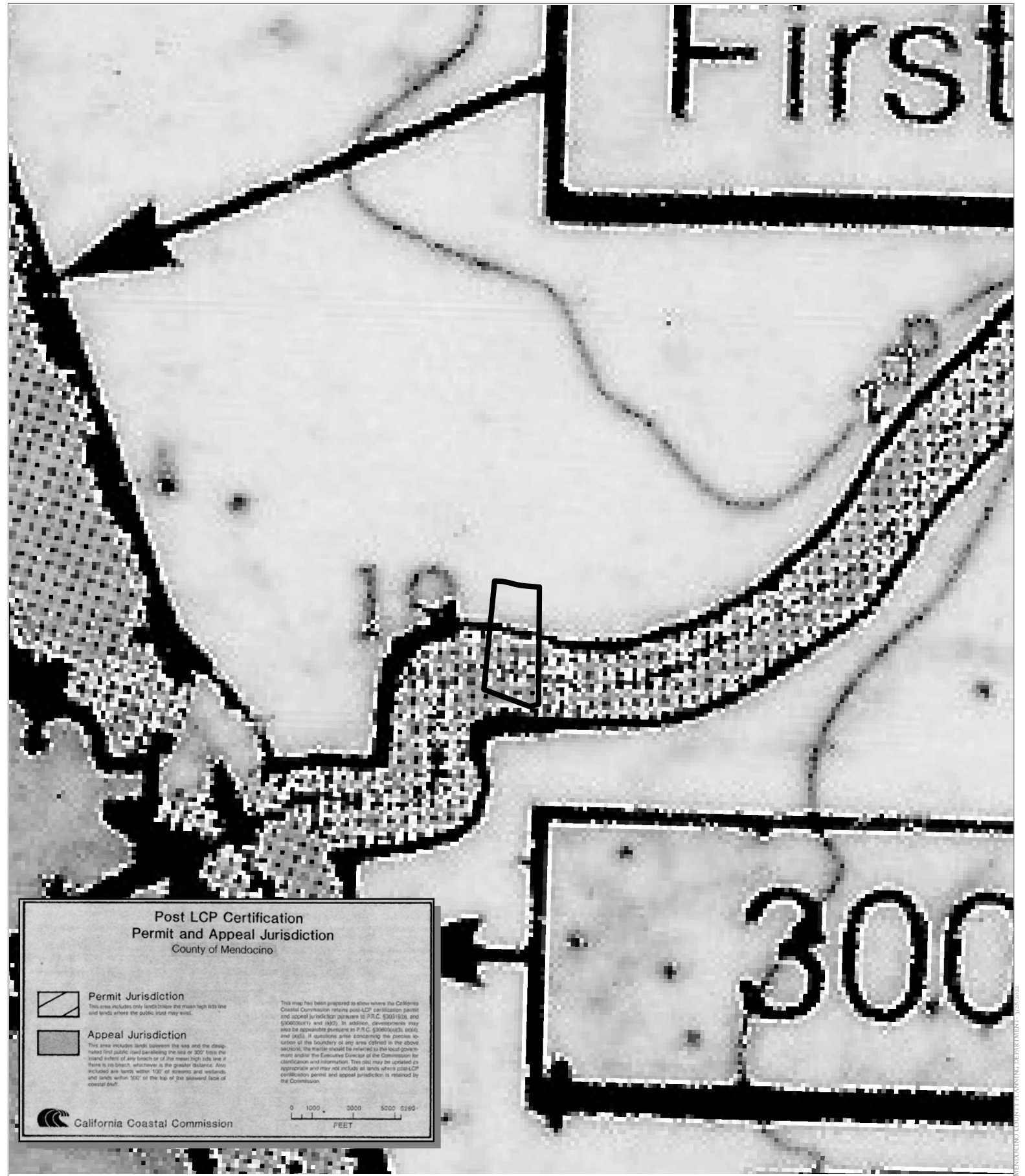


**Legend: Habitats/Resources**



Coastal Zone Boundary	----	OTHER UPLAND HABITATS
Incorporated City Limits	----	Scrub
<b>MARINE AND FRESHWATER HABITATS</b>		Pygmy Forest
Open Water	W	Pygmy Type Forest
Kelp	[Pattern]	Baren
Rocky Intertidal Area	[Pattern]	Coastal Prairie Grassland
Mudflat	[Pattern]	Hardwood Forest/Grassland
Beach	[Pattern]	Agricultural Land
Dunes	[Pattern]	Farmstead
Marsh	[Pattern]	Pasture
Saltwater	[Pattern]	Urban (Also shown with a dominant vegetation)
Freshwater	[Pattern]	Sand/Gravel (Extractive Use)
Brackish	[Pattern]	
Stream		
Perennial	—	<b>SPECIAL HABITATS</b>
Intermittent	---	Seabird and Marine Mammal Rookery
<b>WOODED HABITATS</b>		Marine Mammal Haulout Area
Coastal Forest	[Pattern]	Spawning Area
Redwood	[Pattern]	Anadromous Stream
Hardwood	[Pattern]	Wildlife Habitat
Woodland	[Pattern]	Plant Habitat
Riparian	[Pattern]	
Cutover	⊗	
<small>Note: For accurate information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979.</small>		
<small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY SILVINO-DRETT URBAN AND REGIONAL PLANNERS</small>		
<b>DESIGNATED RESOURCE PROTECTION AREA</b>		
State Park or Reserve	—	
Area of Special Biological Significance	—	
Natural Area	—	
Forestry Special Treatment Area	—	
<b>VISUAL RESOURCES</b>		
View Limit	—+—+—	
Viewshed Corridor	—	

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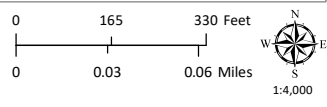
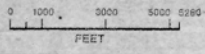
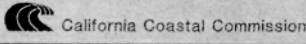




Post LCP Certification  
Permit and Appeal Jurisdiction  
County of Mendocino

-  **Permit Jurisdiction**  
This area includes only lands within the mean high tide line and lands where the public trust may exist.
-  **Appeal Jurisdiction**  
This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any branch or of the mean high tide line if there is no branch, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of coastal dunes.

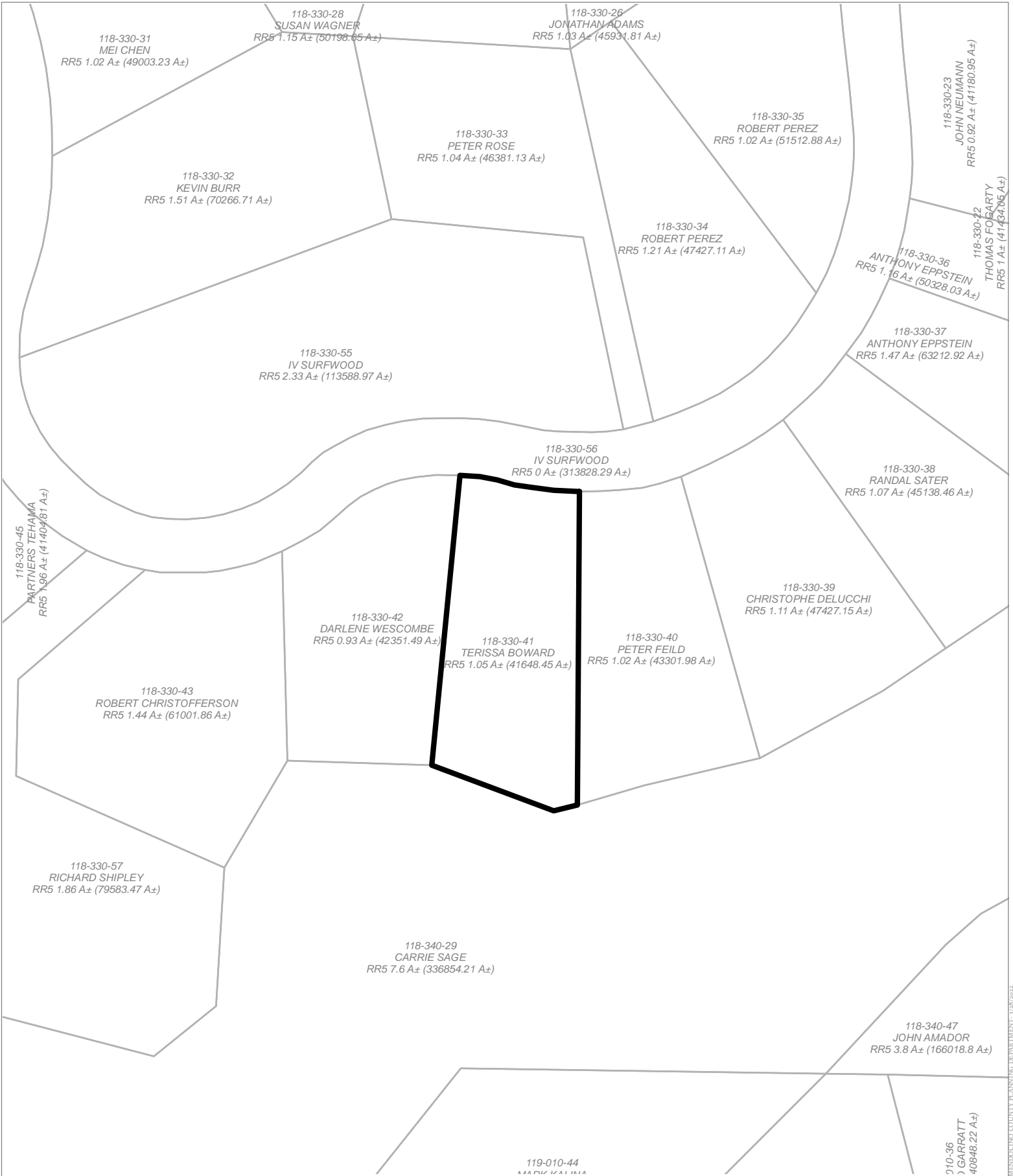
This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.R.C. §301108, and §30600(a)(1) and (a)(2). In addition, developments may also be appealable pursuant to P.R.C. §30600(a)(3), (a)(4), and §30611 if questions arise concerning the precise location of the boundary of any area defined in the above sections; the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This plan may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.



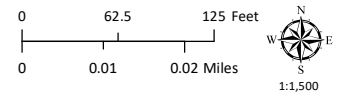
**CASE: CDP 2022-0012**  
**OWNER: Neil and Irene Prior**  
**APN: 118-330-41**  
**APLCT: Neil and Irene Prior**  
**AGENT: Neil and Irene Prior**  
**ADDRESS: 44761 Baywood Drive, Mendocino**

POST LCP CERTIFICATION & APPEAL JURISDICTION

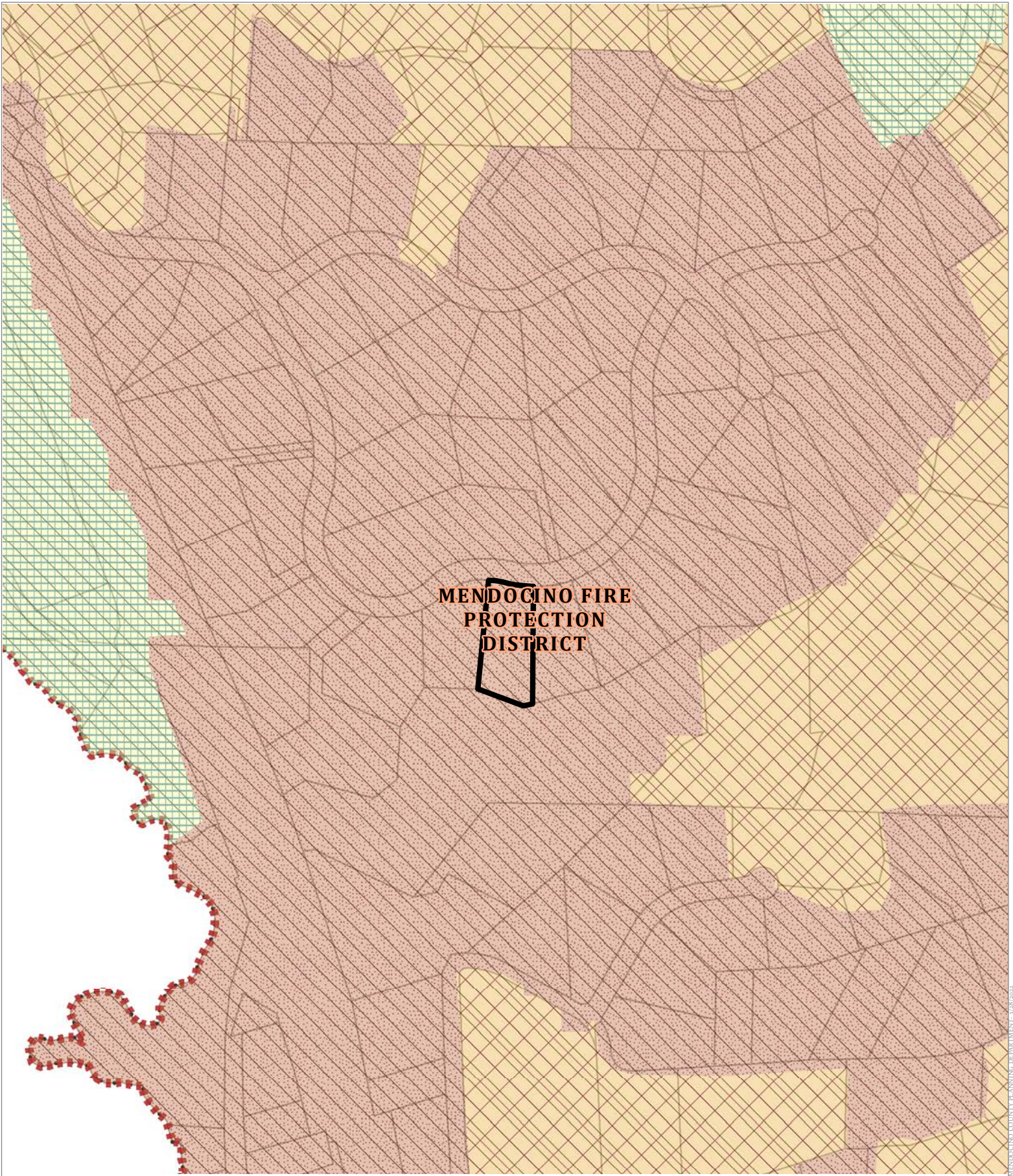
MENDOCINO COUNTY PLANNING DEPARTMENT 20220522






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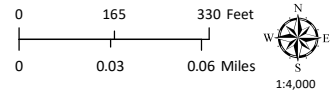


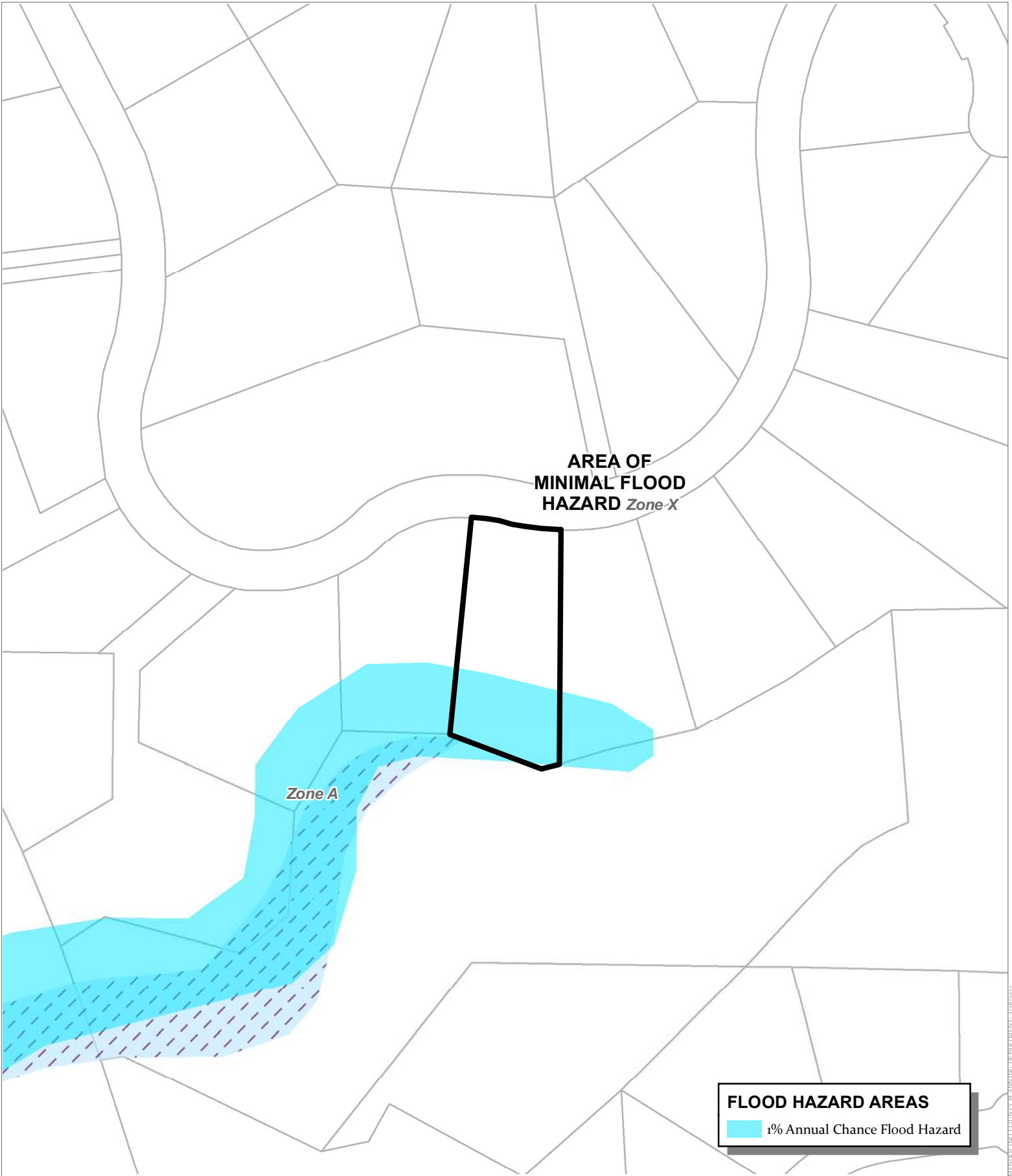
**ADJACENT PARCELS**



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-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard

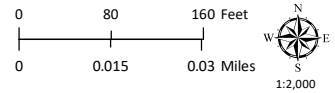




MENDOCINO COUNTY PLANNING DEPARTMENT - 3/28/2022





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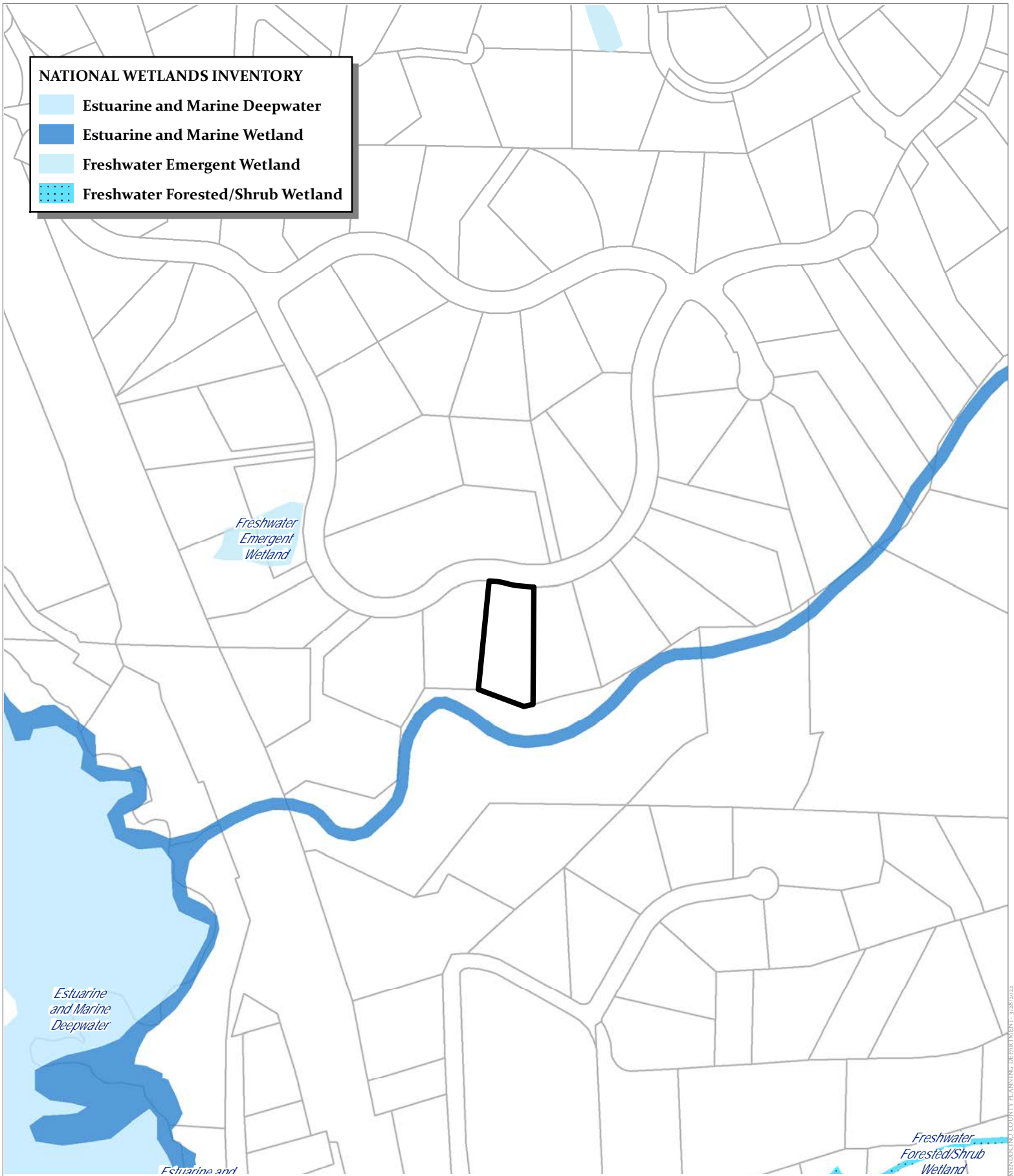
 Tsunami Inundation Zones



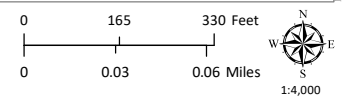
**SPECIAL FLOOD HAZARD AREAS**

**NATIONAL WETLANDS INVENTORY**

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland



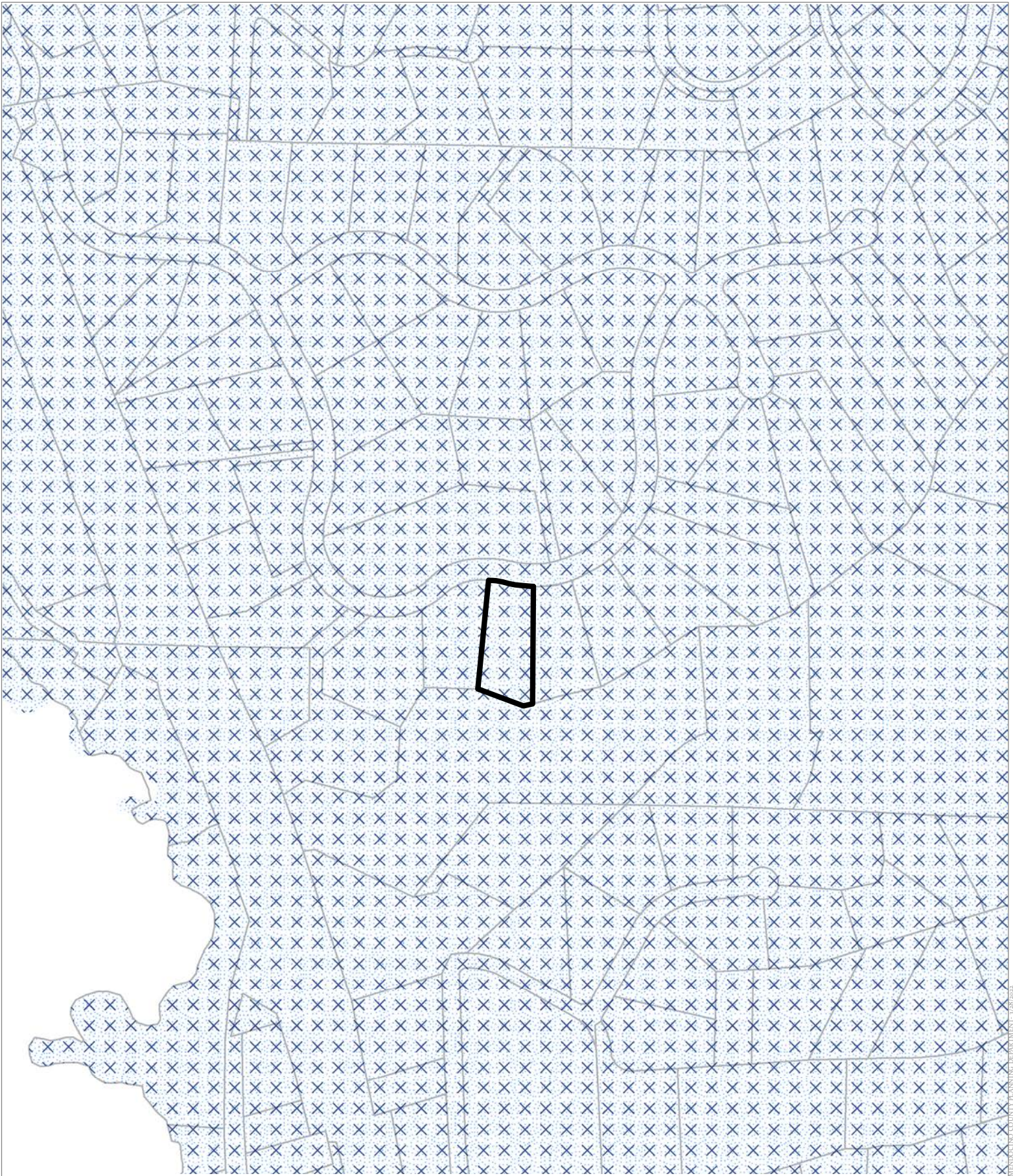
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**WETLANDS**

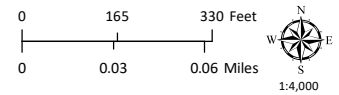
MENDOCINO COUNTY PLANNING DEPARTMENT - 3/28/2023





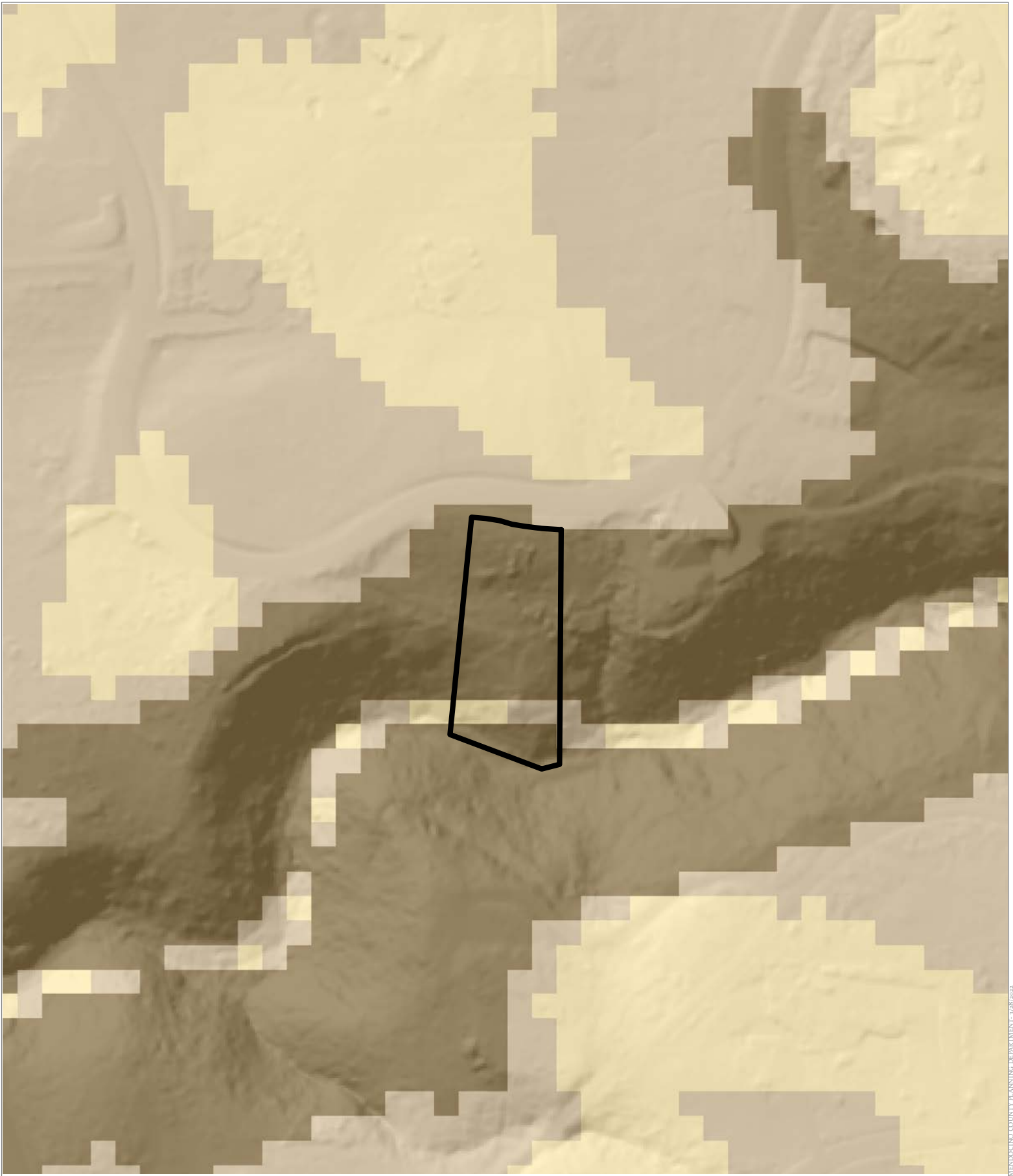
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-  Critical Water Areas
-  Coastal Ground Water Resource Areas



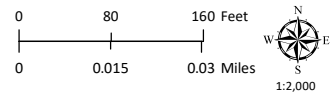
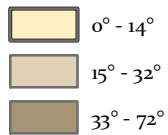
**GROUND WATER RESOURCES**

MENDOCINO COUNTY PLANNING DEPARTMENT 1/28/2022

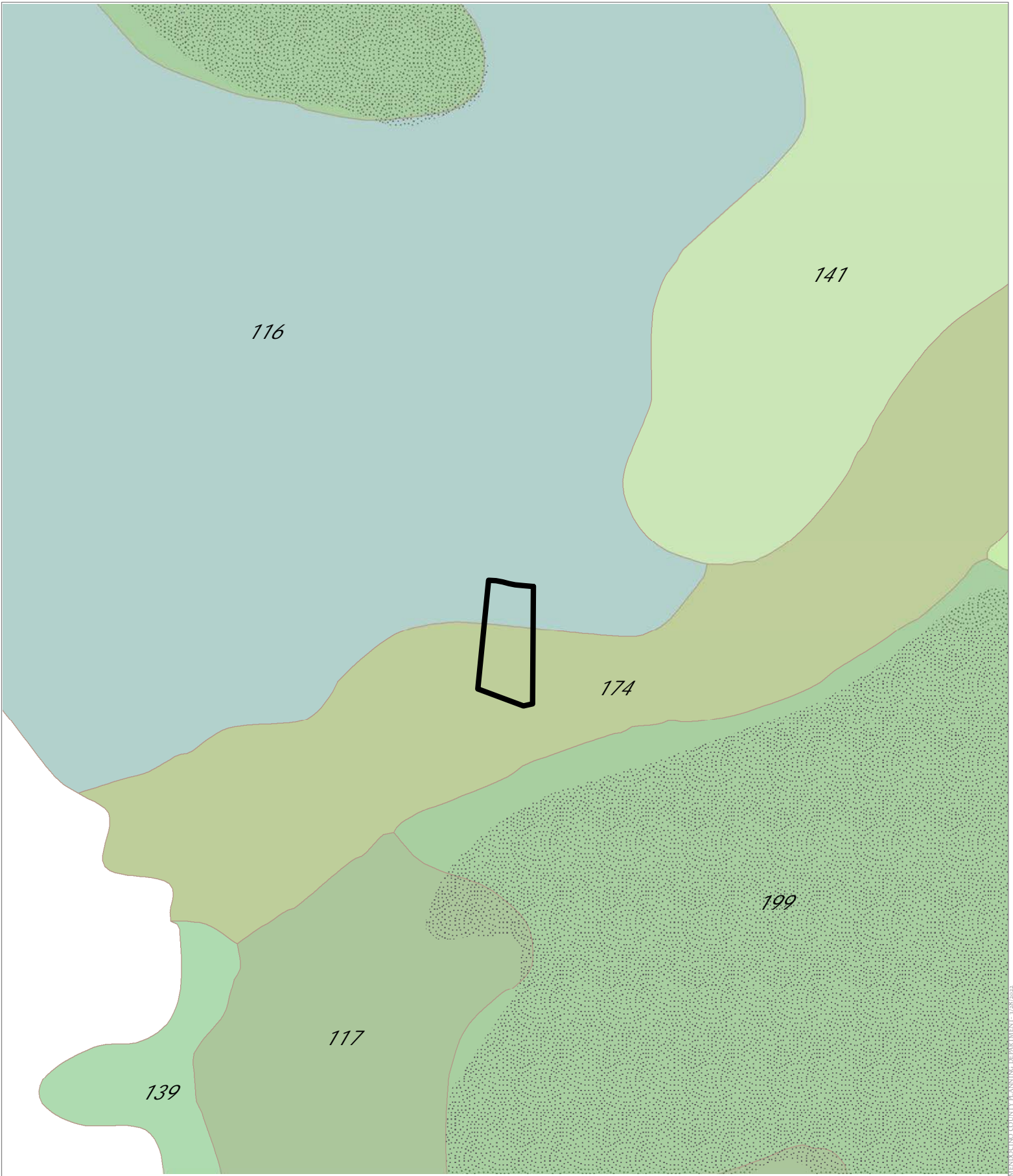


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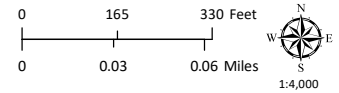


**ESTIMATED SLOPE**



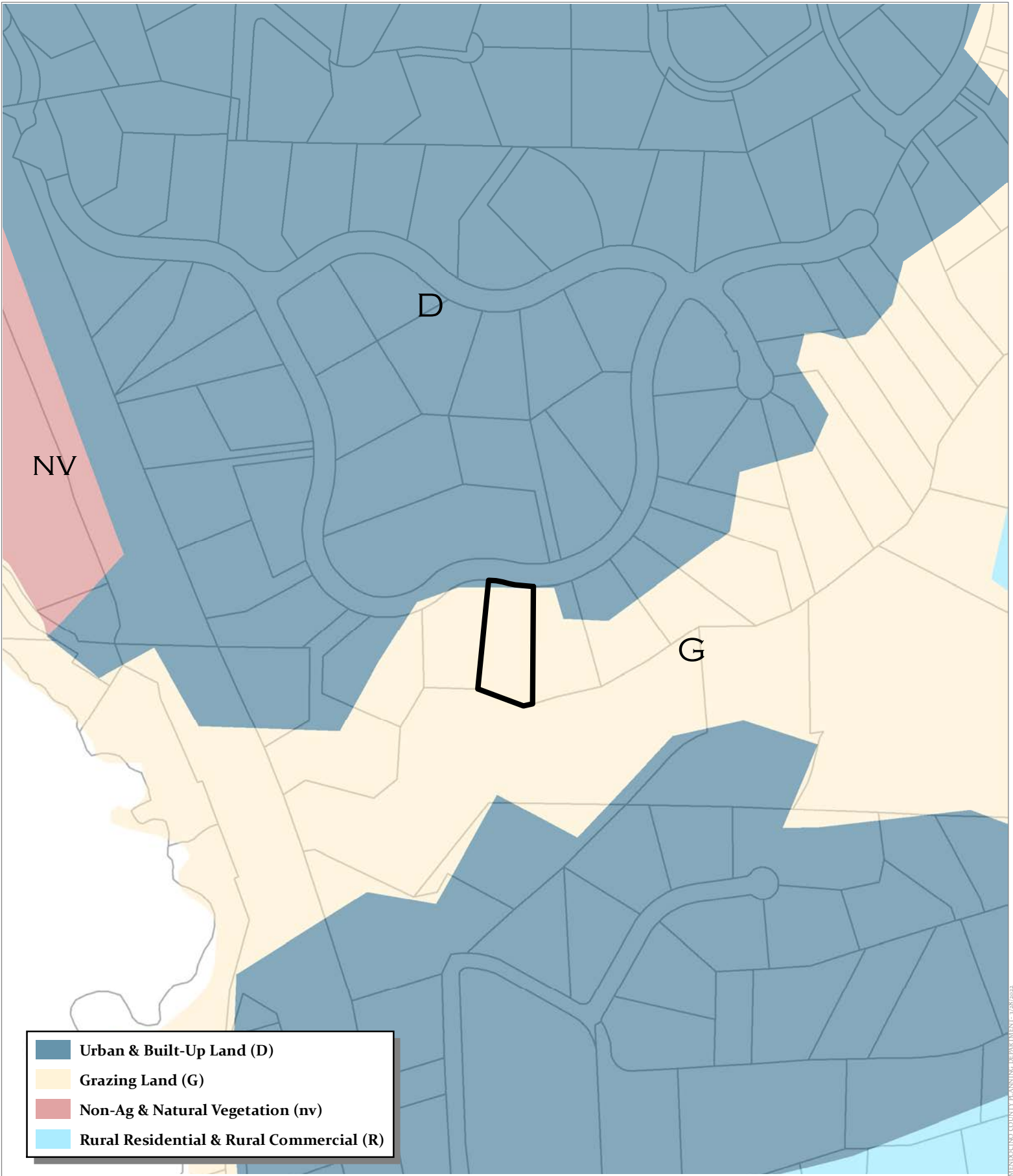
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 Shinglemill-Gibney Complex  
 Western Study Soil Types



**WESTERN SOIL CLASSES**

MENDOCINO COUNTY PLANNING DEPARTMENT 3/28/2023



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