



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

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482  
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

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

December 1, 2022

**PUBLIC HEARING NOTICE OF PENDING ACTION**  
**STANDARD COASTAL DEVELOPMENT PERMIT**

The Mendocino County Coastal Permit Administrator, at a Special Meeting to be held on Thursday, December 22, 2022, at 10:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project that is located in the Coastal Zone. 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 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#:** CDP\_2021-0002

**DATE FILED:** 1/11/2021

**OWNER/APPLICANT:** JULIA CARSON

**AGENT:** WYNN COASTAL PLANNING

**REQUEST:** Standard Coastal Development Permit to renovate an existing residence, construct a detached guest cottage, add decking, and install a generator, roof-mounted solar, and replacement leach field. Development would be phased, including temporary occupancy of the Guest Cottage during renovation of the existing residence.

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**LOCATION:** In the Coastal Zone, 0.5± miles west of the intersection of Caspar Road (CR 569) and State Route 1 (SR 1), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Rd., Caspar; APN: 118-010-27.

**SUPERVISORIAL DISTRICT:** 4th

**STAFF PLANNER:** JULIANA CHERRY

The staff report, and notice, will be available 10 days before the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W Fir Street, Fort Bragg, California, or by e-mail to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) no later than December 21, 2022. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail at [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org), or telecomment, in lieu of personal attendance.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/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 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this

project. 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 Coastal Permit Administrator at or prior to, the public hearing.

**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 may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m.

JULIA KROG, Director of Planning and Building Services



**SUMMARY**

**OWNER/APPLICANT:** JULIA CARSON  
45380 CASPAR POINT RD  
CASPAR, CA 95420

**AGENT:** WYNN COASTAL PLANNING & BIOLOGY  
703 NORTH MAIN STREET  
FORT BRAGG, CA 95437

**REQUEST:** Standard Coastal Development Permit to renovate an existing residence, construct a detached Guest Cottage, add decking, and install a generator, roof-mounted solar, and replacement leach field. Development would be phased, including temporary occupancy of the Guest Cottage during renovation of the existing residence.

**LOCATION:** In the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 410B) and State Route 1 (SR 1), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Rd., Caspar; APN: 118-010-27.

**TOTAL ACREAGE:** 4.7± acres (2.7± acres after the Parcel Map records)

**GENERAL PLAN:** Rural Residential (RR5(2):R)  
Coastal Element, Chapter 4.6

**ZONING:** Coastal Rural Residential (RR:5)  
Mendocino County Coastal Zoning Code

**SUPERVISORIAL DISTRICT:** 4th (Gjerde)

**ENVIRONMENTAL DETERMINATION:** Negative Declaration

**APPEALABLE:** YES, APPEAL JURISDICTION

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** JULIANA CHERRY

**BACKGROUND**

**PROJECT DESCRIPTION:** Broadly, the applicant seeks to renovate their residence. The revised, updated project includes **minor residential additions** (48-square-foot combined) where the interior will be substantially renovated. **Solar arrays** are proposed on two south-facing roofs and an after-the-fact request to replace composition shingles on the roof. A **generator** and 5 by 8-foot concrete slab would be located within the buffer for an environmentally sensitive habitat area or ESHA. The generator installation should include noise dampening features, as this model operates above Mendocino County's allowed residential noise decibels (dBa). A **152-square foot deck** would be added to the easterly entry to the residence. The base exterior color proposed is "Mahogany" and the trim would be "Warm Blush."

A 623 square-foot **guest cottage** with a 672 square-foot **wrap-around deck** is proposed. The application includes phasing of development, where the guest-cottage would be constructed prior to commencing the interior renovation of the existing residence. The applicant requests approval to temporarily occupy the guest cottage in accordance with Mendocino County Coastal Zoning Code (MCC) Section 20.460.025(B) *Minor Construction*.

A **replacement leach field area** is shown on the site plan.

A 100 square-foot **shed** is proposed adjacent to the existing well house and water tank.

On July 3, 2022, the application was further revised, deleting the **garage** from the proposal. A modified site plan was submitted, but not distributed to agencies for comment as the change does not expand the project.

**APPLICANT'S STATEMENT:** On January 11, 2020, the following project description was filed: "Proposing a 48 SF addition to an existing single-family residence and a 152-sf addition to existing deck. Internal remodel to single-family residence. Also proposing a generator on a concrete slab as well as a leach field replacement area. Changing exterior color from red to "Beaujolais" with "Warm Blush" trim." The application was revised in 2022 and the proposed detached garage was removed from the project. On February 22, 2022, the applicant clarified the exterior colors via email and stated, "The color of both the existing house and the guest cottage should be Mahogany. Currently, the main house is listed as Beaujolais, but I would like both the house and the cottage to be the same color and trim as the guest cottage."

**RELATED APPLICATIONS:** In 2021, the Planning Commission approved MS\_2019-0003, a two-lot subdivision. The property owner is proceeding with satisfying the MS\_2019-0002 conditions, but the Parcel Map is not recorded at this time. While the project site consists of one 4.7± acre lot (APN: 118-010-27), review of application CDP\_2021-0002 includes consideration of the subdivided, smaller 2.7± acre lot often called "Parcel 1."

### On-Site

- BL\_2017-0148 Two Whales Room & Board
- MS 24-92 two-lot subdivision - approved, extended, and withdrawn
- MS\_2019-0002 approved two-lot subdivision
- ST27296 leach field replacement area (on MS\_2019-0002 Parcel 1)
- ST27295 Septic Permit for 3 bedrooms (on MS\_2019-0002 Parcel 2)
- 10572 Well Permit (on MS\_2019-0002 Parcel 2)
- Not issued BF\_2022-0089 for roof-mounted solar array
- Not issued BF\_2020-0005 for standby generator
- Not issued BF\_2017-0495 to convert bedroom to granny flat
- Finaled BF\_2014-0495 replace 200-amp electrical panel

**SITE CHARACTERISTICS:** The existing parcel is situated along Mendocino's coastal headlands and in the community of Caspar (See *Location Map* and *Aerial Imagery*). The property includes coastal bluffs; it is located south of Jug Handle Creek and north of Caspar Point. It is designated a Highly Scenic Area.

The residence, septic, leach field, and well were constructed before the Coastal Act took effect and are sited east of the recommended minimum bluff setback. A *Tufted Hair Grass Meadow ESHA*, an environmentally sensitive habitat area, is located west of the residence, along the shore and bluff. Portions of the existing residence encroach into the established 100-foot ESHA buffer.

Existing site characteristics include:

- 1,505 square-foot residence constructed more than 40.25 feet east of coastal bluff edge
- Adopted 100 foot *Tufted Hairgrass Meadow ESHA* buffer
- Adopted 40.25 foot bluff-edge setback
- 1,200 gallon septic tank buried between the residence and *Tufted Hairgrass Meadow ESHA*
- Leach field installed between the residence and *Tufted Hairgrass Meadow ESHA*
- Propane tank located north of the residence and within the ESHA Buffer
- Woodshed within the shore pines



- Well east of the shore pines yielding approximately 0.8 gpm
- Water tank east of the shore pines
- North of the driveway are utility poles and guys (undergrounding is a requirement of the subdivision)
- Fenced vegetable garden situated mid-lot

The geotechnical report describes the location of the existing, 1971 residence along the shoreline, as follows:

*“The existing residence is situated at the back of a small, west-northwest-trending peninsula. The residence is wood-framed, single-story and in the shape of a “U”. The bottom of the “U” faces toward the northwest. The northwest corner of the “U” is 70.0 feet from the bluff on the northeast side of the peninsula, as measured with a 100-foot tape. The center face of the “U” bottom is 75.5 feet from the same point on the northeast peninsula bluff. The center face of the southwesterly arm of the “U” is 53.5 feet from the bluff on the southwesterly side of the peninsula.”*

An existing driveway and overhead utilities follow the length of the northern property boundary. The land is mostly level with westerly bluff slopes to the ocean and Caspar Point (See *Topographic Map* and *Estimated Slope*). The nearest coastal access point is Caspar Road and access from Pacifica Drive (See *LCP Land Use Map 15: Caspar*).

Off-shore and adjacent to the project site are mapped seabird and marine mammal rookery and rocky intertidal areas; and on-shore, the land is mapped as “barren” (See *LCP Habitats & Resources*). The site is mapped with beach deposits and stream alluvium seismic hazards (See *LCP Land Capabilities & Natural Hazards*). The project site and surrounding lands are located within the appeal jurisdiction of the California Coastal Commission (See *Post LCP Certification & Appeal Jurisdiction*). North of Caspar Creek, fire responsibility areas are assigned to Fort Bragg Rural Fire Protection District and California Department of Forestry and Fire Prevention. The project site is mapped as a High Fire Hazard area (See *Fire Hazard Zones & Responsibility Areas*). The property’s shoreline is mapped as a Tsunami Inundation Zone and estuarine and marine wetland (See *Flood & Tsunami Hazard Areas and Wetlands*).

This area of Caspar is a Critical Water Area (See *Ground Water Resources*). The Highly Scenic designation within the coastal zone includes all of the lands in Caspar that are situated west of State Route 1, including the project site (See *Highly Scenic & Tree Removal Areas*).

The Western Soil Classification is 161 and 117 (See *Soil Classifications*). This area has a Rural Residential Farmland Classification (See attached).

In addition to mapped coastal access trails, Jug Handle State Reserve is located to the north and Caspar Headlands State Reserve is to the south of the project site; both are within walking distance (See *Misc*).

**SURROUNDING LAND USE AND ZONING:** Table 1 demonstrates the project site’s similarities to the surrounding land use, general plan, zoning district, and parcel sizes (See *Zoning Display Map, General Plan Classifications, and Adjacent Parcels*).

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
<b>NORTH</b>	Rural Residential (RR5 [RR2])	RR5[RR2]	3.9± Acres	Residential
<b>EAST</b>	Rural Residential (RR5 [RR2])	RR5[RR2]	3.5± Acres	Residential
<b>SOUTH</b>	Rural Residential (RR5 [RR2])	RR5[RR2]	4.0± Acres	Residential
<b>WEST</b>	Ocean	Ocean	Ocean	Ocean

**PUBLIC SERVICES:**

Access: CASPAR POINT ROAD  
Fire District: FORT BRAGG RURAL FIRE PROTECTION DISTRICT

Water District: ON SITE WELL  
 Sewer District: ON SITE SEPTIC & LEACH FIELDS

**AGENCY COMMENTS:** On March 10, 2021 and April 1, 2022, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project (Table 2). Any comments that would trigger a project modification are discussed in full in the following **LOCAL COASTAL PROGRAM CONSISTENCY** section.

Table 2. Responsible or Trustee Agencies with Jurisdiction	
REFERRAL AGENCIES	COMMENT
Addresser	No comment
Archaeological Commission	Comment
Assessor	No comment
Building Inspection – Fort Bragg	No comment
Planning – Ukiah	Comment
Environmental Health – Fort Bragg	Comment
Transportation	Comment
Fort Bragg Rural Fire District	No response
Calif. Coastal Commission	Comment
Calif. Dept. of Fish & Wildlife	Comment
Calif. Dept. of Forestry & Fire Prevention	Comment
Cloverdale Rancheria	No response
Redwood Valley Rancheria	Comment
Sherwood Valley Band of Pomo Indians	No response

**LOCAL COASTAL PROGRAM CONSISTENCY**

The proposed residential project is consistent with the goals and policies of the Local Coastal Program as detailed below:

**1. GENERAL PLAN:** The subject parcel is classified as Rural Residential (RR5(2)). Coastal Element Section 2.2 describes the intent of this classification as:

*“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 residence occupations. Conditional uses include the conservation of natural resources.”*

A 2021 Planning Commission action on application MS\_2019-0003 allows for a two-lot subdivision and upon recording the Parcel Map, the subject site will be a 2.7± acre lot known as Parcel 1. Planning Commission found the two-lot subdivision satisfied variable residential density policies, including Coastal Element Policy 3.8-10. The Planning Commission did not waive the Parcel Map and adopted conditions requiring undergrounding of overhead utilities, recording a deed restriction, and establishing a 100 foot buffer from environmentally sensitive habitat areas or ESHA, and others.

**2. ZONING:** The intent of the Rural Residential (RR) District is to implement Coastal Element Rural Residential Classification goals and policies; for example, *Coastal Residential Use Types* are principally permitted in the RR District. As the RR District standards sets the maximum dwelling density as one unit per two acres, except as provided pursuant to *Accessory Uses, Use of a Trailer Coach, and Family Care Unit* regulations, and recently adopted Ordinance No. 4497 that established MCC Chapter 20.458 *Accessory Dwelling Units* and other associated amendments to Mendocino County Coastal Zoning Codes.

Table 3 lists the development standards for the Rural Residential District where lot areas are either two acres (e.g., Parcel 2) or between two and five acres (e.g., Parcel 1).

Table 3. Mendocino County Code (MCC) Rural Residential & Highly Scenic Height Regulations		
CRITERIA	2-5 ACRE PARCELS	PROPOSED DEVELOPMENT
20.376.030(A) Minimum Front & Rear Yards	20 feet	20 feet
20.376.040 Setback Exception	20 feet	20 feet
20.376.045 Building Height Limit	28 feet	18 feet
20.376.065 Maximum Lot Coverage	15%	15%
20.504.015(C)(2) Highly Scenic Height Limit	18 feet	18 feet

The existing 4.7± acre site (and the approved 2.7± acres Parcel 1) is subject to MCC Section 20.376.040 *Setback Exception* with a 20 foot front, rear, and side yard minimum.

MCC Section 20.308.050(I) Guest Cottage. A 623 square-foot guest cottage with wrap-around deck is proposed. It would be detached from the existing residence and situated east of the bluff setback and south of the dwelling. A deed restriction is proposed to memorialize use of the Guest cottage and to specify that, in accord with local codes, a guest cottage is a detached building “of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot and intended for use without compensation by guests of the occupants of the primary dwelling.” (See recommended **Condition 10**.) The proposed development will be phased, and the guest cottage will be completed first. Building Inspection of the guest cottage should be completed prior to renovating the existing residence.

MCC Section 20.460.025(B) Minor Construction. In accord with the referenced code, the applicant requests to occupy the proposed guest cottage as a temporary dwelling during the construction and renovation of the existing 1,505 square-foot residence. Cabinets, counters, appliances, plumbing and electrical outlets in-service of the temporary kitchen would be capped or removed prior to final inspection of the renovated residence. A Building Inspection will confirm conversion of the temporary dwelling to a Guest Cottage. A Coastal Permit for temporary occupancy of the guest cottage may be issued for the period required to complete renovations to the existing residence but the permit shall not exceed two years unless it is renewed (See recommended **Condition 11**).

MCC Section 20.532.020 Exemptions. As the site is designated a Highly Scenic Area and the circa 1971 residence is approximately fifty (50) feet from coastal bluffs and tidal wetlands, California Administrative Code Title 14, Subchapters 6, 7 and 7.5 would exclude exemptions from MCC Chapter 20.532. Additionally, as interior renovations to the house will exceed fifty percent, Coastal Commission staff suggests the proposed project constitutes a replacement structure and 14 CCR 13252(b) applies:

*(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence ... is not repair and maintenance under Section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.*

In summary, the project is consistent with Coastal Element Chapter 2.2 goals and policies for residential land uses. As conditioned, the proposal also satisfies the requirements of MCC Chapters 20.376, 20.480, and 20.532 regulations.

**3. GRADING, EROSION, AND RUNOFF:** 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. On-site grading includes leach fields, structural foundations, road access way and undergrounding overhead utilities, and others. The recommendations of a qualified engineering geologist and geotechnical engineer, including those prepared by Brunsing Associates, should be considered prior to grading. Grading can be the source of short-term dust generation and can affect coastal air quality; therefore, in support of MS\_2019-0003 and the two-lot subdivision, Air Quality Management District (MCAQMD) requested two conditions. The Planning Commission in approving the subdivision supported this request and other conditions relating to geology and soils (See Resolution No. PC\_2021-0009 and its Conditions 2, 3, and 7).

As proposed, the residential development is subject to the grading, erosion, and run-off standards specified in MCC Chapter 20.492 and the adopted Planning Commission resolution. These standards are applied at the time of building permit review; in some instances, recommendations from a qualified engineer guides the on-site construction to assure public health, safety, and welfare. Staff recommends an often-adopted condition to assure compliance with the intent of MCC Chapter 20.492 *Grading, Erosion, and Runoff* (See recommended **Condition 12**).

**4. HABITATS AND NATURAL RESOURCES:** MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* shall applies to the project site. In approving the two-lot subdivision MS\_2019-0003, the Planning Commission approved a 100foot buffer to protect the *Tufted Hair Grass Meadow ESHA* on Parcel 1 (See Resolution No. PC\_2021-0009 and Condition 24). Adopted Condition 24 allows that the buffer width may be amended by the Coastal Permit Administrator as part of considering a coastal development permit request.

The *LCP Habitats & Resources* exhibit depicts the land as barren (attached). Biological scoping and botanical site surveys identified a tufted hair grass meadow near and along the coastal bluffs. Less than fifty (50) feet from this ESHA are the existing leach field, septic tank, the residence, and east-facing entry-deck (see site plan). Some of the proposed roof-mounted solar panels would be less than fifty (50) feet from the ESHA.

The surveying biologist believes a reduced buffer is sufficient to provide adequate protection to the *Tufted Hair Grass Meadow ESHA* and the project design includes measures to avoid direct impacts to sensitive coastal resources. With the filing of the minor subdivision application and this Coastal Development Permit application, California Department of Fish and Wildlife (CDFW) and Coastal Commission staff have had many opportunities to visit the site, review the application, and comment on the request to reduce the buffer width to fifty feet. These agencies have not stated support to reduce the buffer, as required by MCC Section 20.496.020(A). It should be noted that the residential footprint provides a cultural barrier between the ESHA and habitats east of the house.

The proposed roof-mounted solar arrays, proposed entry deck, and proposed generator are shown within the 100 foot buffer. Development permitted within the buffer area shall comply at a minimum with MCC Section 20.496.020(A)(4) standards. Some of the proposed development within the ESHA buffer are unlikely to disturb the *Tufted Hair Grass Meadow ESHA*; for example, the arrays installed on the existing residential roof should avoid the ESHA. Additionally, the existing residence is a barrier between the tufted hairgrass meadow and the proposed entry deck. However, the proposed location for the generator does not share these same attributes; therefore, locating some of the proposed ancillary development more than 100 feet from the *Tufted Hairgrass Meadow ESHA* is advised (See recommended **Condition 13**).

On March 22, 2021, CDFW provided comments on the proposed residential development stating,

*“With the inclusion of the mitigation measures provided in the biological assessment, significant impacts to sensitive resources are not likely to occur through project activities. The mitigation measures should be included as conditions of approval for the project.”*

The avoidance measures are part of the project design and memorized with the approval of the minor subdivision (See Resolution No. PC\_2021-0009 and its Condition 26); and the proposed avoidance measures are intended to lessen the potential effect of development on sensitive habitat.

As conditioned, the proposed project would satisfy Coastal Element Policies 3.1-2 and 3.1-7. The proposed project would similarly satisfy MCC Chapter 20.496 regulations and establish avoidance measures intended to protect birds and bats, special status amphibians, soils and vegetation, and reduce planting of invasive plants in landscaped areas (See recommended **Condition 14**).

**5. HAZARD 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, fire, flood, or other hazards. Mapping does not associate seismic faults with project site. A 2016 Geotechnical Investigation report

prepared by Brunsing Associates concludes that the site is suitable for residential additions (e.g., remodel and guest unit addition). The main geotechnical considerations affecting design and construction are bluff retreat, bluff/slope stability, potential for strong seismic shaking and vertical settlement and lateral spread due to liquefaction (Brunsing, page 4).

Geologic Hazards. In approving the minor subdivision, the Planning Commission and the Coastal Commission Geologist considered the 2016 geologic recommendations prepared by Brunsing Associates. Additionally, Planning Commission Resolution No. PC\_2021-0009 Conditions 22 (Grading and Erosion), 23 (Deed Restriction), and 27 (Bluff Setback) are memorialized as an exhibit attached to the property's deed.

- **Bluffs.** The 2016 Geotechnical Investigation report describes the ocean bluffs as comprised of hard rock. The Geotechnical Investigation Report Section 5 describes bluff stability, retreat rates, and the effects of sea level rise. The recommended minimum coastal bluff set back is 40.25 feet. In response to the March 2021 and April 2022 requests for comments, Coastal Commission staff suggest a supplemental deed restriction that restates "shoreline protective devices are prohibited" and strikes from the previously recorded deed restriction "unless approved by a Coastal Development Permit or permit amendment." As follows:

*The Declarant shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan in EXHIBIT [insert] or other improvements in the event that these structures are subject to damage or other erosional hazards in the future, ~~unless approved by a Coastal Development Permit or permit amendment.~~*

The basis for this request is that the scope of the proposed residential renovation meets the State regulatory definition of new development, noting the majority of the 1971 residential interior will be renovated and a guest cottage is proposed. See 14 CCR 13525(b). In support of the Coastal Commission's request, **Condition 15** is recommended.

- **Tsunami and Flood Hazards.** The *Wetlands* exhibit identifies shoreline areas as Estuarine and Marine Wetlands (Attached). The *Flood & Tsunami Hazard Areas* exhibit maps an inundation zone along shore (Attached). The coastline is subject to flooding. The Geotechnical Investigation Report Section 5.7 describes tsunami and storm wave hazards, as follows:

*"As typical of Mendocino County coastal area, the site could be subject to large storm waves of tsunami waves. ... The overall height of the bluffs affords blufftop structures continued protection from storm surges, tsunamis, and wave run-ups, except for extreme events, even considering the projected sea level rise."*

- **Landslides.** *LCP Land Capabilities and Natural Hazards* maps do not depict landslide hazards near Caspar Point nor along the property's shoreline, but bluff contours include slopes 33° or greater (See *Estimated Slope and LCP Hazards & Land Capabilities*). Site conditions described in the Geotechnical Investigation Report Section 3 are:

*"The property is on a gently sloping, marine terrace adjacent to a steep ocean bluff. ... The ocean bluffs at the property are approximately 60 to 65 feet in vertical height. U.S. Coast & Geodetic Survey Monument, "MID", is located in the backyard of the northerly neighbor. Set in 1919, "MID" has an elevation of 62 feet above Mean Sea Level. The upper marine terrace slopes toward the ocean bluff with a slope gradient that varies from about 10 horizontal to 20 horizontal to one vertical (10H to 20H:1V). The bluffs at the property are very steep, approximately 1H:1V to near vertical. (2016, page 3)."*

Geotechnical Investigation Report Section 5.8 analyzes slope stability and concludes with a recommended bluff setback that combines the recommended minimum "slope stability" setback and

minimum “bluff retreat rate” setback (page 8). The recommended minimum coastal bluff set back is 40.25 feet. The existing residence is 53.5 feet east of the bluff (See recommended **Condition 16**).

- **Erosion.** The *LCP Land Capabilities and Natural Hazards* exhibit identifies erosion hazards as “Present Development Critical” or 3a (Attached). The Geotechnical Investigation report Section 6 recommends site grading, bluff setback, foundation support, seismic design criteria, concrete slab floor support, and site drainage methods to reduce erosion hazards (pp. 8-11).

Fire Hazard. The *Fire Hazard Zones & Responsibility Areas* exhibit identifies Caspar as a “Very High Fire Hazard” area (attached). On March 10, 2021, and April 1, 2022, the proposed project was referred to California Department of Forestry and Fire Protection (CalFire) and Fort Bragg Rural Fire Protection District. No response has been received from the local fire protection district. California Department of Forestry and Fire Protection has provided preliminary clearance by issuing CalFire File 90-19 and Fire 409-21. These established fire safety requirements for the site, including standards for property address, driveway, and maintenance of defensible space and fuel modification and the proposed site plan would meet these requirements. Note: Planning Commission Resolution No. PC\_2021-0009 Conditions 7 and 8 address fire hazards specifically; this resolution is attached as an exhibit to property’s deed restriction

On January 5, 2022, Fire Captain Chris Vallergera wrote, *“In reference to Ms. Carson’s latest project submission, the CalFire Mendocino Unit has reviewed the submitted changes found in CalFire #409-21. Per our prior email correspondence between December 31, 2021, and January 4, 2022, the changes submitted in CalFire #409-21 primarily deal with the existing project on file, CalFire #137-20. Therefore, the Mendocino Unit will amend CalFire #137-21 with the changes submitted in CalFire #409-21, eliminating CalFire #409-21 in its entirety. The Conditions of Approval found in CalFire #137-21 will be considered valid with these amendments.”*

As proposed, the residential development would not conflict with Coastal Element Chapter 3.4 policies, including Policy 3.4-13 (fire hazards); and would satisfy MCC Chapter 20.500 regulations regarding development in hazard areas.

**6. VISUAL RESOURCES:** MCC Chapter 20.504 applies to those areas identified as highly scenic areas, special communities, and special treatment areas. The *Highly Scenic & Tree Removal Areas* exhibit identifies the site and surrounding area as “Highly Scenic” (attached). All development proposals shall be reviewed by the Coastal Zone Permit Administrator to determine if the standards set forth in MCC Chapter 20.504 shall apply. The purpose of Chapter 20.504 is *“to insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.”* Table 2 lists the development criteria of MCC Chapter 20.504 and compares the proposed to the adopted standard.

MCC SEC. 20.504.015(C) DEVELOPMENT CRITERIA	PROPOSED
20.504.015(C)(1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, ... , coastal streams, and waters used for recreational purposes.	The proposed is similar to surrounding residential development. It would not substantially alter coastal views from public areas.
20.504.015(C)(2) In highly scenic areas west of Highway 1 ..., new development shall be limited to 18 feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.	Building height is 18 feet above natural grade.
20.504.015(C)(3) New development shall be subordinate to the natural setting and minimize reflective surfaces. ... building materials, including siding and roof materials, shall be selected to blend in hue and brightness with their surroundings.	The proposed exterior base color is “Mahogany” with “Warm Blush” trim color. There will be a roof-chimney and roof-mounted solar, the colors will blend with the color of the roof material. * See <b>Condition 17</b>

Table 4: Comparison of Highly Scenic Area Development Standards and Proposed Project	
MCC SEC. 20.504.015(C) DEVELOPMENT CRITERIA	PROPOSED
20.504.015(C)(7) Minimize visual impacts of development on terraces by the following criteria: (a) Avoiding development, other than farm buildings, in large open areas ...; (b) Minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms; (c) Provide bluff setbacks for development adjacent to or near public areas along the shoreline; (d) Design development to be in scale with rural character of the area.	The residential development is designed to be in scale with surrounding structures and the rural character of residences adjoining Caspar Point Road. The basic building form will include nominal changes.
20.504.015(C)(12) Power distribution lines shall be placed underground ..., power lines shall be placed below ridgelines if technically feasible.	Locating power distribution lines underground. The distribution line between the residence and an on-site pole are underground.  * See <b>Condition 18</b>

Today’s Satellite Receiving Dishes are typically less than 36-inches in circumference and either mounted to a building façade or roof. They are ubiquitous; therefore, staff recommends a condition allowing for their installation and encourages minimizing their visual impact (See recommended **Condition 19**).

Planning Commission Resolution No. 2021-0009 adopted Condition 1 requires “*All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.*” This condition has been memorialized by recording a Deed Restriction and placing notes on the recorded Parcel Map. As MCC Section 20.504.035 *Exterior Lighting Regulations* is typically specified by condition, staff recommends inclusion of **Condition 20**.

As proposed, the residential development would not conflict with Coastal Element Chapter 3.5 goals and policies, including Policy 3.5-15 regarding dark skies and reducing sources of light glare.

**7. ARCHAEOLOGICAL/CULTURAL RESOURCES & MCC CHAPTER 22.12:** On March 10, 2021, and April 1, 2022, the application was referred to three local tribes: Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. At this time, no response has been received.

On August 12, 2020, the Archaeological Commission accepted a survey report prepared by Alex DeGeorgey and recommended that MCC Section 22.12.090, the Discovery Clause, be adhered to when a cultural, historical, or archaeological site is observed. Additionally Planning Commission Resolution No. PC\_2021-0009 includes Condition 6, which reads: “*In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.*” This condition has been memorialized by recording a Deed Restriction and placing notes on the recorded Parcel Map. See also recommended **Condition 8**.

As proposed, the proposed project would satisfy Coastal Element Policy 3.5-10 and MCC Chapter 22.12 regulations.

**8. UTILITIES AND PUBLIC SERVICES:** Coastal Element Chapter 3.8 policies and MCC Chapter 20.516 *Transportation, Utilities and Public Services* apply to all new development; Planning Commission Resolution No. PC\_2021-0009, which authorized a two-lot subdivision, established that an existing well produces sufficient access to ground water for a single-family residence (See Resolution PC\_2021-0009 Condition Nos. 9 through 13 and 17 through 19).

Septage and Leach Field. On July 28, 2022, Division of Environmental Health (DEH) staff approved a Site Evaluation Report for an On-Site Sewage System Permit for the guest cottage, see Permit No. ST27472. On March 29, 2019, DEH staff also approved a Site Evaluation Report for the discover and replacement of septic for the existing three-bedroom home, see On-site Sewage System Permit No. ST27296. The site includes an existing leach field with two 60 foot lines; existing 1,200 gallon concrete septic tank and existing

distribution box; and proposes a replacement leach field with two 60 foot lines. Carl Rittiman & Associates recommend that the existing and proposed system is sufficient for a four-bedroom residence due to an increase in the application rate 0.8 to 1.1 gallons per square foot per day. **Condition 21** is recommended to ensure that the On-Site Sewage System Permit Nos. ST27472 and ST27296 are finalized by DEH staff prior to the issuance of a building permit for the fourth bedroom (which is the proposed Guest Cottage).

Division of Environmental Health procedures require identifying suitable areas for the primary and replacement leach fields. Typically, primary leach fields are reliable for twenty years or longer. The replacement leach field is often installed after the primary field is saturated. Site conditions and the extent of habitat may change over time. After the initial effective period of the permit concludes (two years), the property owner should first obtain a coastal development permit or amendment to CDP\_2021-0002 before installing a replacement leach field (See recommended **Condition 22**).

Groundwater Resources. The project location is mapped as a "Critical Water Resource Area" (See *Ground Water Resources*). As the residence is not served by a public water system, the applicant filed the following studies that were reviewed and accepted.

- Evaluation of relevance of 1991 Hydrology Report to Current Parcel Split, 45380 Caspar Point Road. Lawrence & Associates. July 24, 2020.
- Well recovery flow test, 45380 Caspar Point Road. David G. Hautala. July 10, 2014.
- Measurement of Depth to Water in Neighboring Wells, 45380 Caspar Point Road. Lawrence & Associates. September 18, 2020.
- Hydrological Study, AP 118-010-07, 45380 Caspar Point Road. Clark Engineering/Hydrology. October 1991.

The property owner has continuously relied upon the Cober Well for residential water consumption. Previously, in 1991 the property owner confirmed the well yield exceeded the minimum required (Clark, 1991). On July 10, 2014, and after continuous pumping over a 24-hour period, the well (often referred to as the Cober Well) sustained a recovery rate of 3.1 gallons per minute (Hautala). Adjacent to the Cober Well is a water storage tank. As proposed, the project satisfies MCC Section 20.516.015(B) requirements and Coastal Element Policy 3.8-9.

On April 9, 2022, PBS received comments from Loraine and Ray Duff of 45300 Caspar Point Road (attached). Generally, they express concern about residential development within Critical Water Resource Areas, or CWR, like Caspar and concern for the potential loss of water resources when additional wells are installed. In coastal areas of Mendocino County, approval of development is contingent upon an adequate water supply. The basis of this policy is likely Mendocino Coastal Groundwater Study (1982). Following the certification of Mendocino County's LCP, several measures (policies, goals, studies, guidelines, regulations, and Board of Supervisor Ordinances) have been taken by the County to plan for the anticipated development of residential lots, including lots mapped as CWR. This application demonstrates compliance with adopted regulations that are intended to implement County goals and policies, including policies to conserve water and demonstrate access to an adequate water supply.

Water Conservation Measures: In response to Board of Supervisors Ordinance 4493, staff recommends adding the *Mendocino County Coastal Ground Water Study* water conservation measures as conditions, where appropriate (See recommended **Conditions 23, 24, 25, and 26**). For example, the project would implement the study's conservation measure 1, as all new residential development is required to incorporate proven water conservation technology in the construction of the project (e.g., low-flush toilets, control inserts on showers, single-control faucets, and similar). For example, the project would implement conservation measure 5 by preserving natural drainage areas, which the study found aids in ground water recharge. With the inclusion of these conditions and findings, staff recommends the project satisfies Ordinance No 4493 objectives to (A) consider the project's anticipated water use and (B) impose conditions of approval to appropriately limit and phase the expansion of water use.

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 septage and leach fields, and water supply.

**9. TRANSPORTATION AND CIRCULATION:** Coastal Element Chapter 3.8 policies and MCC Chapter 20.516 *Transportation, Utilities and Public Services* apply to all new development; Planning Commission Resolution No. PC\_2021-0009, which authorized a two-lot subdivision, required the subdivider to complete specific road improvements (See Resolution PC\_2021-0009 Conditions 9 through 13 and 17 through 19). In response to a request for comments regarding the renovation of the residence and CDP\_2021-0002, and on March 23, 2021, the Department of Transportation (MCDOT) recommended approval of the CDP\_2021-0002 with the two conditions. On March 8, 2022, MCDOT staff clarified via email that the property owner had satisfied requirements as part of finalizing the two-lot subdivision, MS\_2019-0003. MCDOT withdrew their request to approve the project with specified conditions. As proposed, the project would satisfy MCC Section 20.516.015(C) *Transportation* requirements.

**10. PUBLIC ACCESS:** Coastal Element Chapter 3.6 policies and MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements* applies to all projects in the coastal zone which fall within the definition of development. Public access to the shore is provided in the surrounding area as shown on *LCP Land Use Map 15: Caspar* (attached). For example, south of APN 118-010-26 or 45350 Pacifica Drive a shoreline access route is mapped; access is mapped along Caspar Road; and access to the shore is available from Jug Handle State Natural Reserve and Caspar Headlands State Beach. Nearby coastal access trails are also listed in Coastal Element Appendix 13, lines 39, 40, and 43. Staff recommends the proposed project would be consistent with Coastal Element Chapter 3.6 policies and satisfies MCC Chapter 20.528 regulations.

**11. ENVIRONMENTAL PROTECTION:** 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, and the project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Classes 1 and 2, Sections 15301(e) and 15302(d). Class 1 exemptions include additions to existing structures. Class 2 exemptions include replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Class 2(d) exemptions include conversion of overhead electric utility distribution system facilities to underground include connection to existing overhead elect utility distribution lines where the surface is stored to the condition existing prior to the undergrounding.

### **PROJECT FINDINGS AND CONDITIONS**

Pursuant with the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, staff recommends the Coastal Permit Administrator approve CDP\_2021-0002, an application to complete minor residential additions, install roof-mounted solar arrays, install composition roof shingles; and a request to install outside of ESHA and ESHA buffers, a generator with noise dampening features (e.g. cabinet enclosure), construct decks, construct a guest cottage (and temporarily occupy the guest cottage during renovation of the existing residence), temporary use of the residence for construction support, install a replacement leach field area, construct a shed and underground overhead utilities; and complete the mitigation and avoidance measures described in Section 7 of the December 30, 2020 Biological Scoping and Botanical Survey Report. The property is in the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 410B) and State Route 1 (SR 1), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Road, Caspar (APN: 118-010-27)

### **RECOMMENDED FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), Coastal Residential Land Use Types are principally permitted in the Rural Residential classification; the single-family residential development satisfies the goals and policies of the certified Mendocino coastal program, including policies identified in Coastal Element Chapters 3.4 (Hazards) to avoid bluff retreat; Chapter 3.3 (Visual Resources) to restore and enhance visual quality in visually degraded areas by undergrounding overhead utilities; and Chapter 4.6 (Jug Handle Creek to Russian Gulch Planning Area); and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed residence would have access to on-site septic, leach fields, water well and on-site water storage, PG&E service, and enjoys access to adequate

utilities, and access roads, including County Road 410B known as Caspar Road, and other necessary facilities; and

3. Pursuant with MCC Section 20.532.095(A)(3), Coastal Residential Land Uses and accessory buildings, e.g., a detached guest cottage, detached shed, (noise dampened, enclosed) generator, water storage tank), are principally permitted uses in the Rural Residential District; and the proposed project is consistent with the purpose and intent of MCC Chapter 20.376 Rural Residential District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the project will not have any significant adverse impacts on the environment and the project would not substantially alter natural landforms along bluffs; and as proposed, the habitat enhancement measures would restore the protective values of the environmentally sensitive habitat buffers; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed would not have any adverse impact on any known archaeological or paleontological resources, as Standard Condition 8 is in place when archaeological sites or artifacts are discovered, and the Archaeological Commission accepted the cultural report on December 9, 2020; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services are in place to serve the existing coastal Residential Land Uses, including on-site solid waste, County Road 410B and State Route 1 capacity, and these services are adequate; and
7. Pursuant to MCC Section 20.532.095(B)(1), the proposed development conforms to public access and public recreation policies of Coastal Element Chapter 3.6 of Mendocino County General Plan; shoreline access is available within walking distance of the residence, Jug Handle State Reserve, Caspar Headlands State Beach, and other local trails; and
8. Pursuant to MCC Section 20.532.100(A)(1), the application includes protection of on-site sensitive habitat areas by avoiding development within protected areas and their buffers, and on-site planting of regionally native vegetation; and

**RECOMMENDED CONDITIONS:**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Zoning Code. The permit shall become effective after the ten working-day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and or use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress toward completion of the project must be continuous.
2. To remain valid, progress towards completion of the project must be continuous. The property owner(s) has 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 development from County, State and Federal agencies having jurisdiction.
5. The property owner(s) shall secure all required building permits for the proposed project, as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.

- b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
  8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
  9. Any Building Permit request shall include all conditions of approval of Coastal Development Permit CDP\_2021-0002. Conditions shall be attached to or printed on the plans submitted.
  10. In accordance with **MCC Section 20.308.050(I)**, "Guest Cottage" means a detached building (not exceeding six hundred forty square feet of gross floor area), of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot and intended for use without compensation by guests of the occupants of the primary dwelling.
  11. In accordance with **MCC Section 20.460.025(B)**, the property owner may occupy the Guest Cottage as a temporary dwelling during the construction and renovation of the existing 1,505 square-foot residence. Occupancy of the temporary dwelling is limited to two years, unless an application to extend the expiration date is submitted in accordance with MCC Section 20.536.030 *Renewal*. Prior to final inspection of the renovated residence, a Building Inspection will confirm conversion of the temporary dwelling to a Guest Cottage. Cabinets, counters, appliances, plumbing and electrical outlets in-service of the temporary dwelling shall be removed prior to occupancy of the renovated residence and guest cottage.
  12. In accordance with **MCC Chapter 20.492** and **MCC Section 20.500.020(E)(3)**, all grading specifications and techniques will follow MCC Chapter 20.492 requirements, and the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (for example, Brunsing Associates, Inc. Geotechnical Investigation Carson Residence and Guest Unit 45380 Caspar Point Road, Caspar, California. January 8, 2016).
  13. In accordance with **MCC Section 20.496.020(A)**, the *Tuft Hair Grass Meadow ESHA* shall be protected. An established 100-foot-wide buffer area protects the environmentally sensitive habitat (or ESHA) from degradation resulting from developments. Future uses in the ESHA and its buffer shall be compatible with the continuance of the *Tuft Hair Grass Meadow ESHA*. The request to reduce the buffer width is denied.
    - a. As there is no feasible alternative location, the following existing and new structures may be located within the established ESHA buffer: renovated single-family residence; 1,200 gallon septic tank; existing leach field; existing propane tank; replacement composition roofing and new roof-mounted solar panels; new expanded entry deck east of the residence; and limited trenching.
    - b. The generator, 4 by 8 foot cement pad, (and generator noise-dampening cabinet) shall be installed outside of the ESHA and its buffer.

- c. Future development, including repair, maintenance, and improvements to any structure, located within Environmentally Sensitive Habitat Area (ESHA) buffers, or ESHA resource areas, shall require a coastal development permit or permit amendment. Development may be exempt from the requirements of MCC Chapter 20.532, provided it meets the exemption criteria and is located outside of ESHA buffers and ESHA resource areas.
14. The property owner shall implement the mitigation and avoidance measures described in Section 7 of the *Biological Scoping & Botanical Survey Report for 45380 Caspar Point Road, Caspar, CA 95420* prepared by Wynn Coastal Planning & Biology and dated June 12, 2019, including:
  - a. Seasonal and nest avoidance of birds described in Section 7.1.
  - b. Pre-construction surveys for bats and limiting construction activities during daylight hours, as described in Section 7.2 and intended to protect bats.
  - c. Measures to avoid amphibians, as described in Section 7.3.
  - d. Staging Area Plan, 100 foot Buffer (not a 50 foot buffer), orange construction fencing, and employing Best Management Practices, as described in Section 7.4 to protect the *Tufted Hairgrass Meadow ESHA*.
  - e. Measures to reduce invasive plants and guide landscaping, as described in Section 7.5 are intended to limit use of heavy machinery and to encourage planting native vegetation.
15. Prior to the issuance of a building permit, the property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel. The deed restriction will include the following statements and exhibits:
  - a. The property owner understands that the site may be subject to extraordinary geologic and erosion hazards and the property owner assumes the risk from such hazards; and
  - b. The property owner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
  - c. The property owner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
  - d. The property owner shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan or other improvements in the event that these structures are subject to damage or other erosional hazards in the future; and
  - e. The property owner shall remove the structures shown on the Site Plan when bluff retreat reaches the point where the structures are threatened. In the event that portions of the structures shown on the Site Plan, or other improvements, fall to the beach or ocean before they can be removed from the blufftop, the property owner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The property owner(s) shall bear all costs associated with such removal; and
  - f. The property owner agrees to limit activities within identified environmentally sensitive habitat areas and their buffers to Coastal Open Space Use Types, such as MCC Section 20.340.015 *Passive Recreation*, and other conditionally allowed Coastal Open Space Use Types in the Rural Residential District (See MCC Chapter 20.368); and
  - g. The property owner agrees to use the guest cottage in accordance with MCC Section 20.308.050(I) and Condition No. 10 shall be included as part of the deed restriction; and

- h. The conditions of Permit CDP\_2021-0002 are imposed as covenants, conditions and restrictions on the use and enjoyment of the property; and
  - i. Attached as exhibits to the Deed Restriction shall be (i) the adopted findings and conditions approving CDP\_2021-0002; and (ii) a Site Plan. The Site Plan exhibit shall identify the boundaries the *Tufted Hair Grass Meadow ESHA*, its buffer, the geotechnical bluff set back, and others, and shall be printed in black and white. The Director of Planning and Building Services, or their designee, shall review and accept the Site Plan exhibit; and
  - j. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
16. In accordance with **MCC Section 20.500.020(B)** and Planning Commission Resolution No. PC\_2021-0009, the minimum bluff set back is 40.25 feet.
17. In accordance with **MCC Section 20.504.015(C)**, all structures be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings; therefore, the building materials and exterior color palette shall be as follows:
- a. Composition roof shingles shall match the existing roof color, hue, and brightness; for example, "Weatherwood" or "Driftwood" Class A 50 year fiberglass shingles. An after-the-fact building permit to replace roof shingles is required.
  - b. To minimize sources of glare, non-reflective solar panels shall be installed. To blend roof materials with their surroundings, the composition-shingle color and solar-panel color shall be similar.
  - c. Exterior siding shall be cement board (Hardiboard, Hardiplank, or similar). Exterior base color shall be Mason's Select Woodperfect Series fiber cement coating color #6701 "Mahogany" or similar. Exterior trim shall be painted "Warm Blush" from the same manufacturer (or alternative coating with similar color, hue, and brightness to "Warm Blush," or "Mahogany," or the bronze window-frame color).
  - d. The windows shall be marine grade material with bronze-color frames (or similar color, hue, and brightness). To minimize reflective surfaces, the window frame finish shall be matte, and the window glass shall not be a source of glare or reflection.
  - e. Chimney and pipe color shall match the composition roof color. Pursuant to MCC Section 20.536.025 *Application for Permit Amendment*, the chimney pipe may be finished with brick or stone following a Director's determination that the alternative material is compatible with its surroundings.
  - f. Decks shall be redwood (without colored or pigmented stain).
18. When poles are moved or replaced and in accordance with **MCC Section 20.504.015(C)(12)**, the property owner shall underground overhead power distribution lines.
19. In accordance with **MCC Section 20.504.030**, one satellite receiving dish (less than 36-inch diameter) may be installed. Equipment color shall match the hue and brightness of the surface to which it is affixed and adjacent.
20. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director or their designee. In compliance with **MCC Section 20.504.035**, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
21. In accordance with **MCC Section 20.516.015(A)** and prior to issuance of a building permit for the Guest Cottage, the property owner shall final On-Site Sewage System Permit Nos. ST27296 and ST27472.

22. The primary and replacement leach fields, pump chamber, and septic tank may be repaired and installed during the effective period of this permit. Deferred installation of the replacement leach field shall require a Coastal Development Permit or permit amendment.
23. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will incorporate proven water conservation technology in the construction of the project, including, but not limited to, low-flush toilets, flow-control inserts on showers (or similar), single-control faucets, water efficient dishwashers and clothes washers, and hot-water pipe insulation. The property owner may apply for a Coastal Development Permit to install grey-water recycling.
24. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the property owner will install and maintain water efficient irrigation systems that minimize runoff and evaporation, and maximize the water intended to reach plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems are methods of improving irrigation efficiency.
25. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will either keep rainwater on site in a retention basin to aid in ground water recharge, or where this is not feasible, the project shall be designed to reduce, retard, and disperse runoff. This may be accomplished by mulched and or terraced slopes to reduce erosion and retain rainfall, porous drain swales and paving materials for infiltration, out-sloped roads to spread runoff evenly down slope, and landscaping with suitable water-conserving erosion control plants that will protect the soil, facilitate infiltration of rainwater, and reduce runoff.
26. In accordance with the 1982 *Mendocino County Coastal Ground Water Study* recommended water conservation measures and to encourage ground water recharge, the project will preserve existing natural drainage areas and encourage the incorporation of natural drainage systems in the development of the site.

25 October 2022

---

DATE



JULIANA CHERRY  
PLANNER III

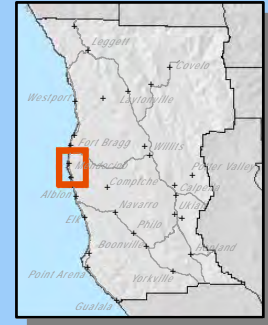
Appeal Period: 10 Days  
Appeal Fee: \$2,620.00

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Imagery
- C. Aerial Imagery
- D. Topographic Map
- E. Revised Site Plan dated July 3, 2022
- F. House Remodel Plan Sheets AH-101 through AH-202
- G. Sample Materials and Colors
- H. Zoning Display Map
- I. General Plan Classifications
- J. LCP Land Use Map 15: Caspar
- K. LCP Habitats & Resources
- L. LCP Land Capabilities & Natural Hazards
- M. Post LCP Certification & Appeal Jurisdiction
- N. Adjacent Parcels
- O. Fire Hazard Zones & Responsibility Areas
- P. Flood & Tsunami Hazard Areas

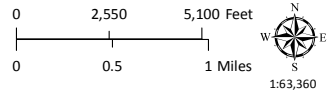
- Q. Wetlands
- R. Ground Water Resources
- S. Highly Scenic & Tree Removal Areas
- T. Estimated Slope
- U. Soil Classifications
- V. Farmland Classifications
- W. Misc
- X. Planning Commission Resolution PC\_2021-0009 approving a minor subdivision
- Y. Public Comment from Loraine and Ray Duff, April 2022





CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

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



LOCATION MAP

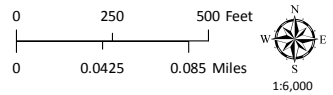
MENDOCINO COUNTY PLANNING DEPARTMENT 12/20/2023





CASE: CDP 2021-0002  
OWNER: CARSON, Julia  
APN: 118-010-27  
APLCT: Julia Carson  
AGENT: Tara Jackson  
ADDRESS: 45380 Caspar Point Road, Caspar

Public Roads




AERIAL IMAGERY

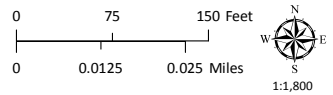




RENDERING COUNTY TECHNOLOGY DEPARTMENT - 12/29/2021

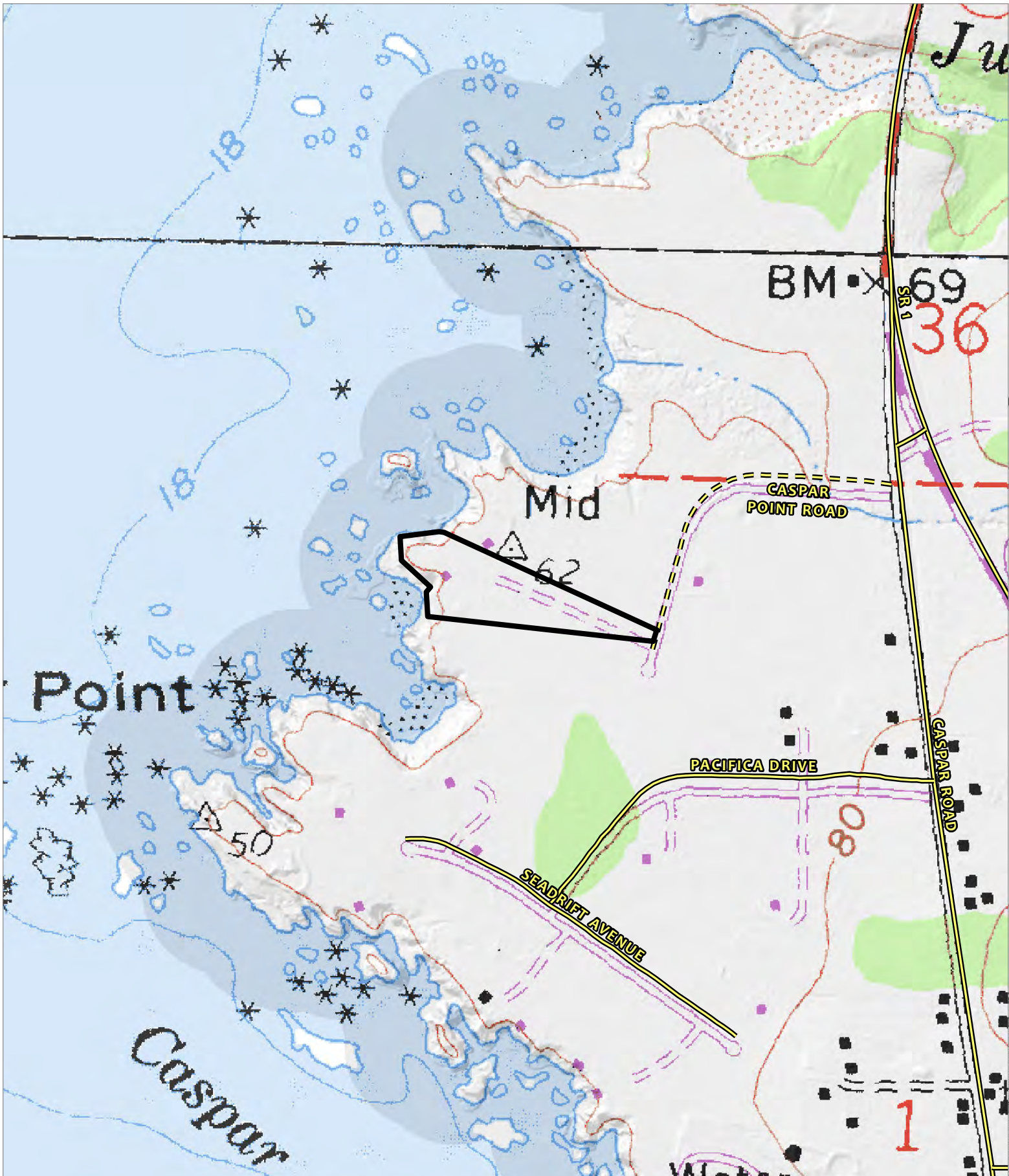
CASE: CDP 2021-0002  
OWNER: CARSON, Julia  
APN: 118-010-27  
APLCT: Julia Carson  
AGENT: Tara Jackson  
ADDRESS: 45380 Caspar Point Road, Caspar

 Public Roads




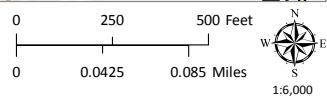
AERIAL IMAGERY





CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

 Public Roads



TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET



Lands of Carson  
 Section 1, Township 17 North,  
 Range 18 West, Mount Diablo Meridian  
 Mendocino County, CA

General Notes  
 General Plan Designation:  
 Zoning District:  
 Urban/Rural:  
 Highly Scenic Area:  
 Proposed Land Use:

RR 5  
 RR 5 (2)  
 Rural  
 Yes  
 Addition to SFR, Generator w/ Concrete Slab,  
 Guest Cottage, Storage Unit

Appealable to Coastal Commission:  
 Entitlement Permit Type:  
 Yard Setbacks:  
 CalFire Setbacks:  
 Corridor Preservation Setback:  
 Height Limit:  
 Environmental Constraints:  
 Potential Geologic Hazards:  
 Landscaping:  
 Water Source:  
 Wastewater Disposal:  
 Tree Removal:  
 Lot Coverage Tabulation Gross Site Area:  
 Gross Site Area:  
 Maximum allowable lot coverage:

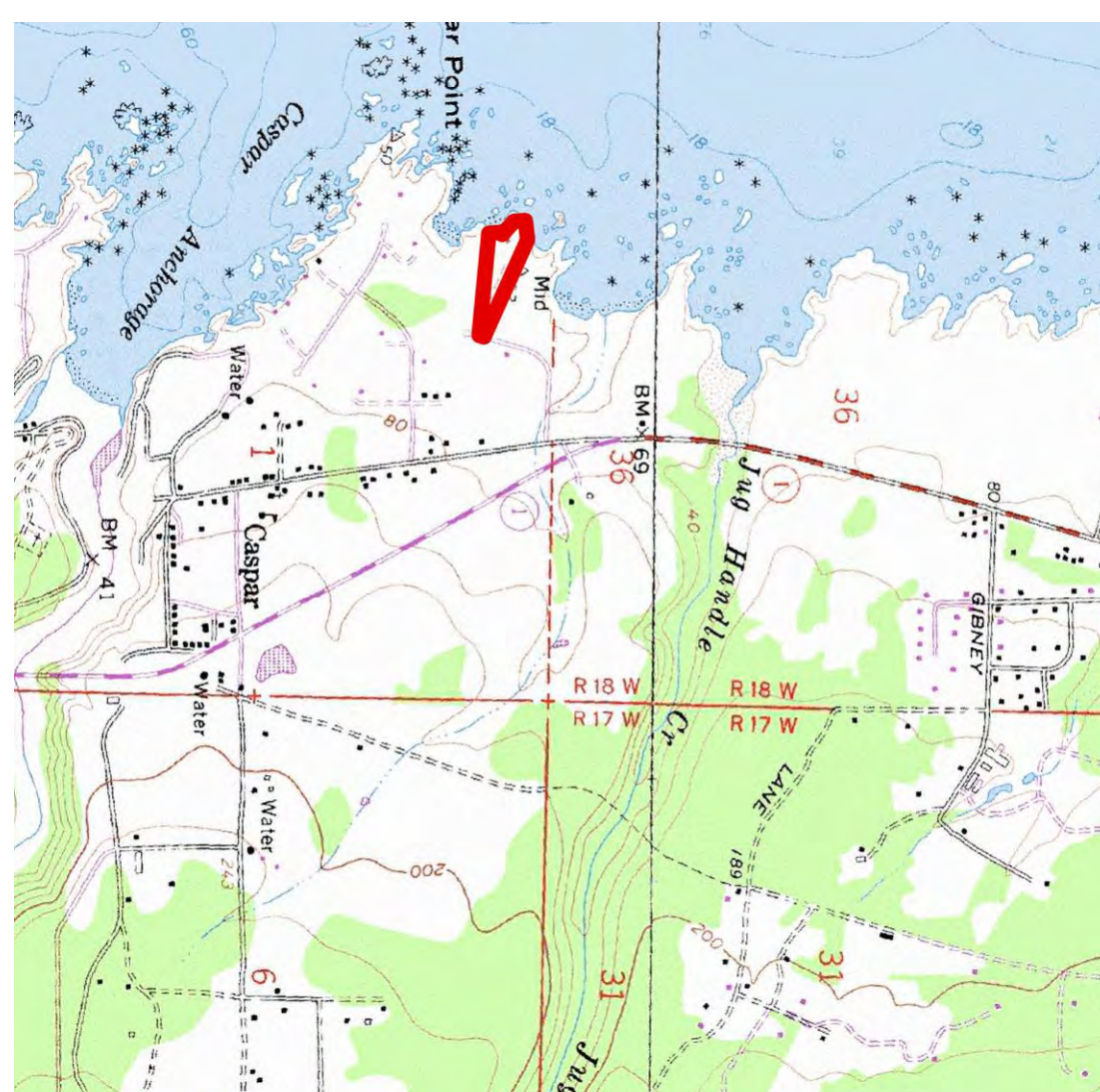
Yes  
 CDP  
 20' front, rear & sides  
 30'  
 25' from centerline of Caspar Point Road  
 18'  
 Yes  
 No  
 On-site well  
 On-site septic  
 None  
 4.67 ac (203,166 sf)  
 15% (30,475 sf)

Lot Coverage:

(E) Residence:	1,505 sf
(E) Attached Garage:	650 sf
(E) Decks:	742 sf
(P) Addition - SFR:	31 sf
(P) Boiler Closet:	17 sf
(P) Deck:	152 sf
(P) Concrete Slab:	40 sf
(P) Guest Cottage:	623 sf
(P) Deck & Ramp:	672 sf
(P) Storage Unit:	100 sf
<b>Total Building Footprint:</b>	<b>4,532 sf</b>

(E) Driveway & Parking: 12,071 sf  
 Total Driveway & Parking: 12,071 sf  
**Total Lot Coverage (Footprint): 16,603 sf (8.17%)**

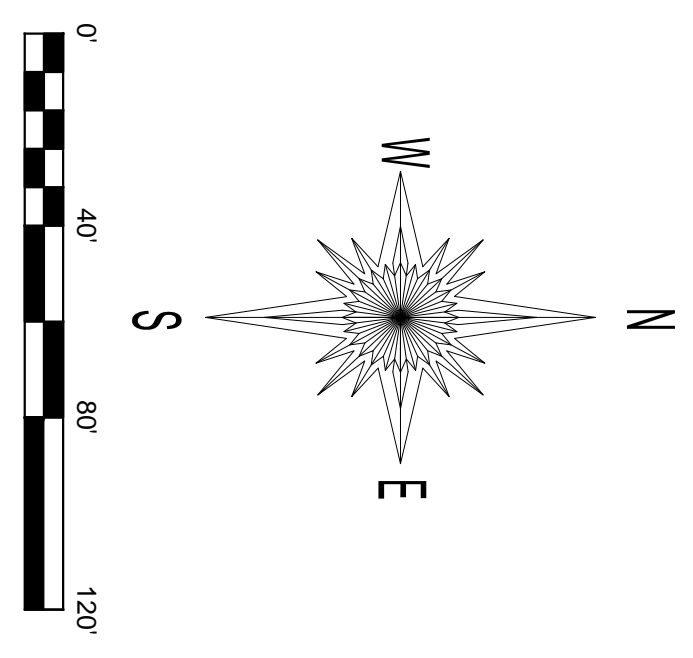
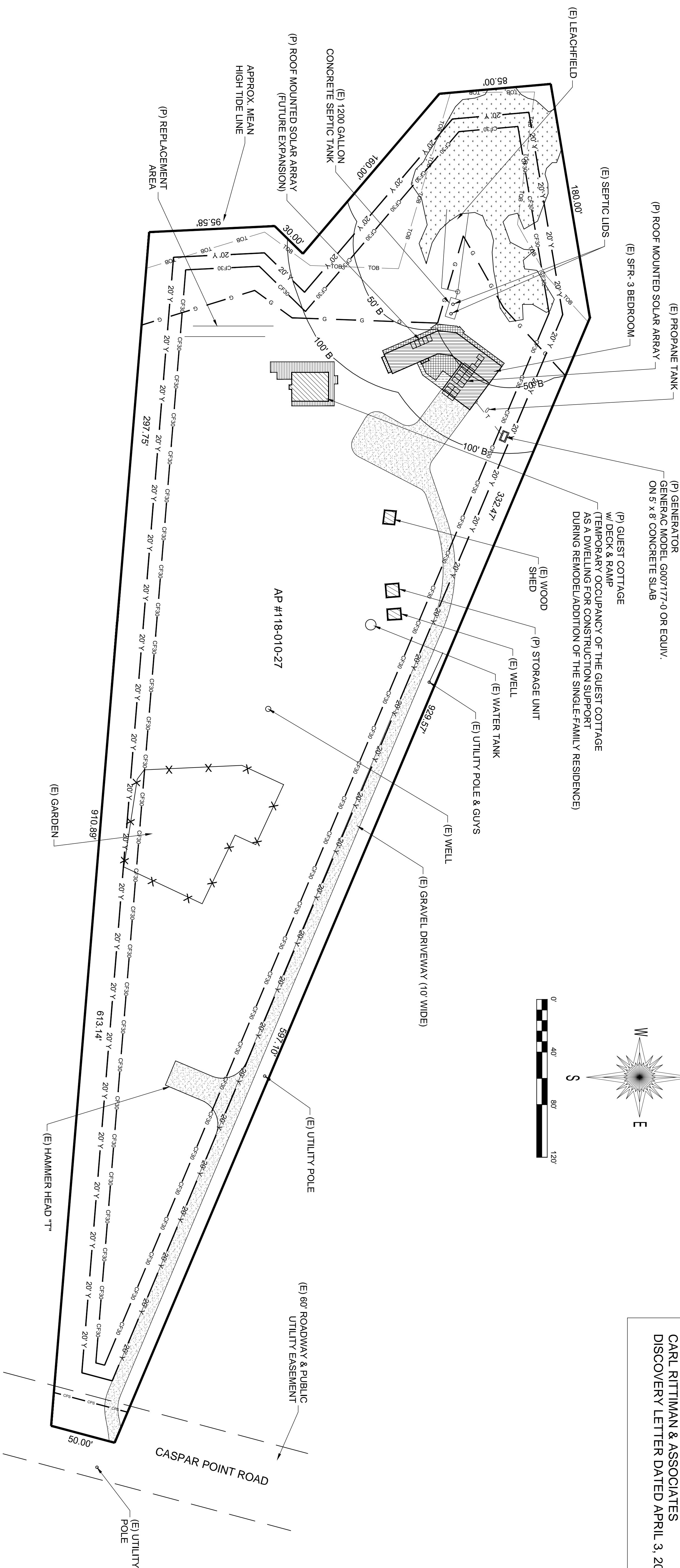
Distance from Development



LEGEND:

	TUFTED HAIRGRASS MEADOW (ESHA)
	(E) GRAVEL DRIVEWAY
	(E) SINGLE FAMILY RESIDENCE
	(E) DECK
	(P) ADDITION TO SFR
	(P) DECK
	50' BUFFER
	100' BUFFER
	CAL FIRE 30' YARD SETBACK
	(E) FENCE
	CORRIDOR PRESERVATION SETBACK
	YARD SETBACK
	APPROXIMATE TOP OF BLUFF
	40.25' GEOTECHNICAL SETBACK
	(P) TRENCH

EXISTING LEACHFIELD LOCATION BASED UPON  
 CARL RITTMAN & ASSOCIATES  
 DISCOVERY LETTER DATED APRIL 3, 2020.



SITE PLAN 1 : 40 1

REVISION	BY	DATE	AFN
Temporary Occupancy Guest Cottage as Dwelling	TH	2.22.22	118-010-27-00
Proposed Roof Mounted Solar Array	TH	5.17.22	
Removed Garage	TH	7.1.22	

CARSON  
 45380 Caspar Point Road  
 Caspar, CA 95420

703 North Main Street, Fort Bragg CA 95437  
 ph: 707-964-2537 fx: 707-964-2622 www.WCPLAN.com

Design review, not meant for construction.



# Floor Plan - Existing

SCALE : 1/4" = 1'-0"

## A-101

DRAWN BY : SLLC

DATE : 1/16/2020

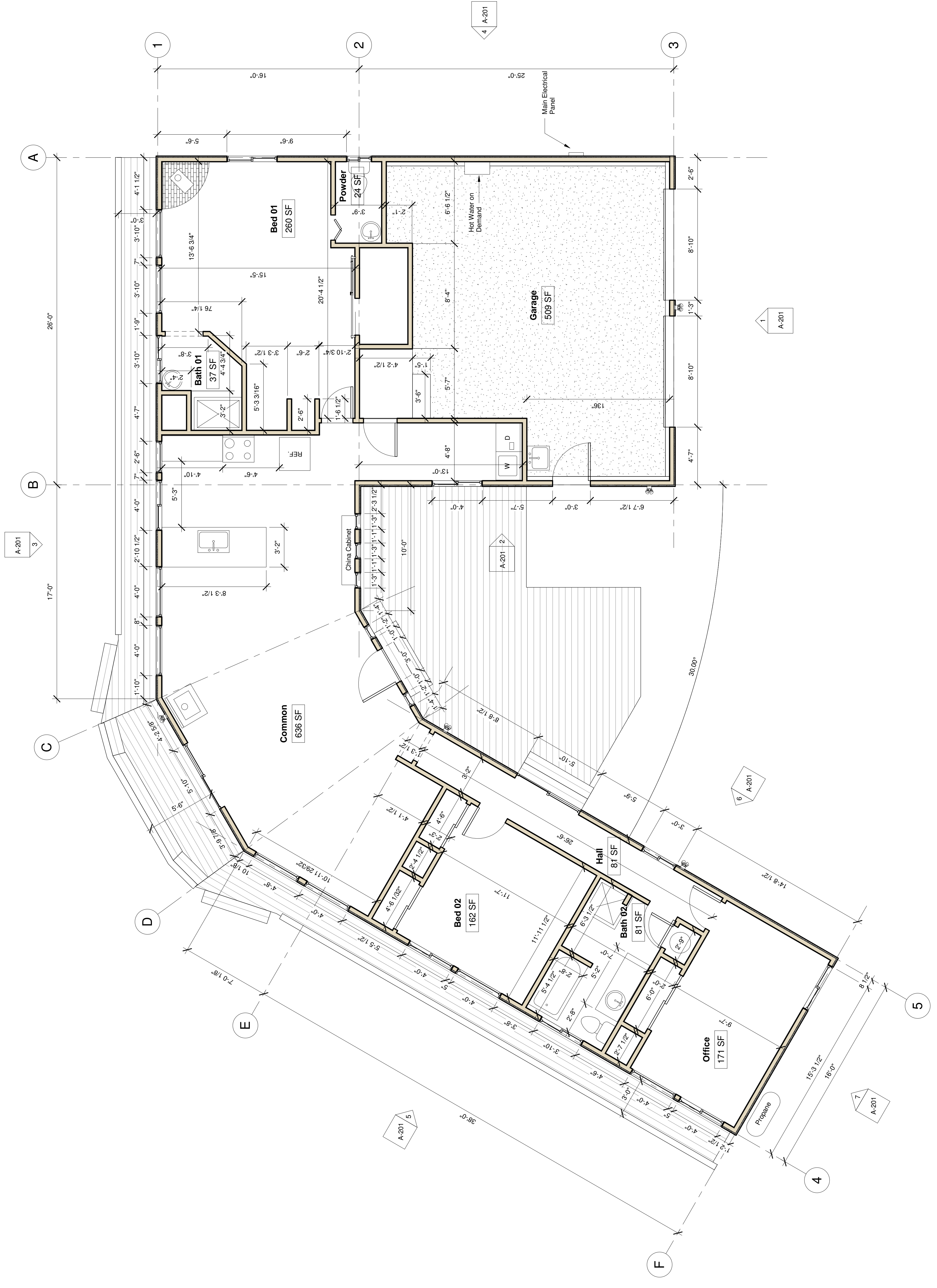
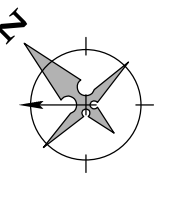
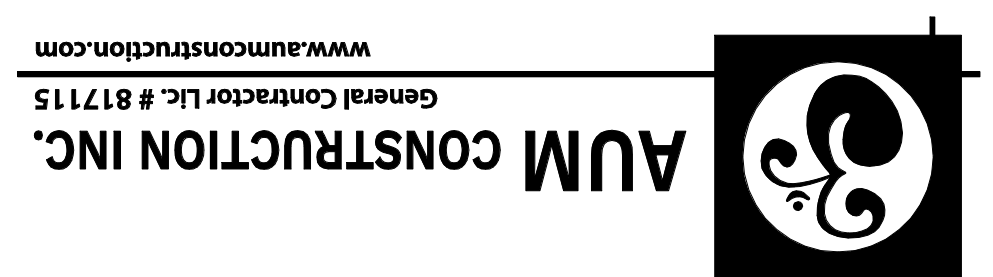
APN # : 118-010-27-00

### Julia Carson House Remodel

45380 Caspar Point Rd, Caspar, CA 95420

No.	Description	Date

CONTRACTORS:







AUM CONSTRUCTION INC.  
General Contractor Lic. # 817115  
www.aumconstruction.com

CONTRACTORS:

No.	Description	Date

REVISIONS:

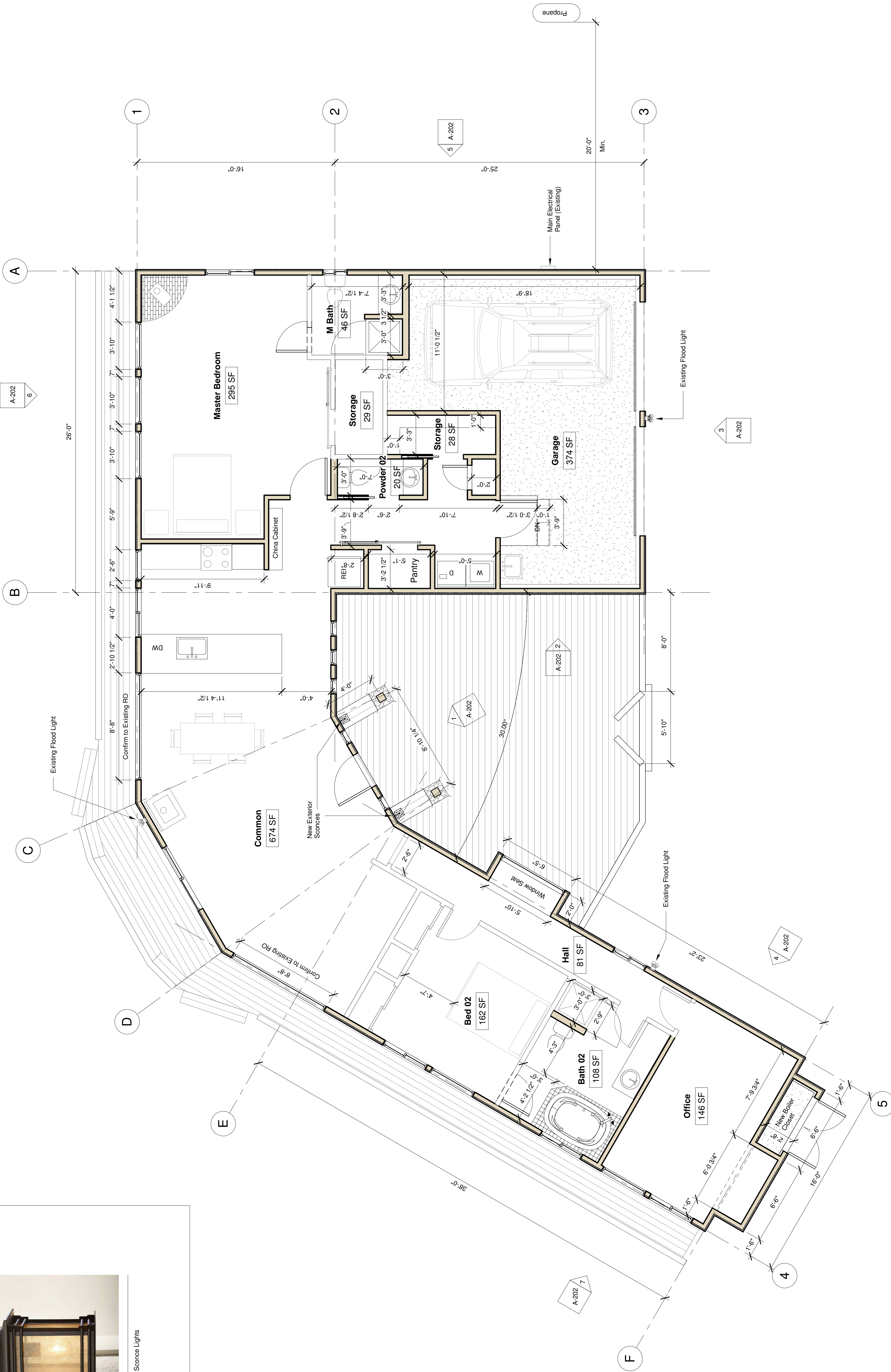
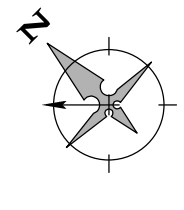
Julia Carson  
House Remodel  
45380 Caspar Point Rd, Caspar, CA 95420

APN #: 118-010-27-00  
DATE: 11/16/2020  
DRAWN BY: SLLC

A-102

SCALE: 1/4" = 1'-0"

Floor Plan - Proposed



Proposed New Exterior Sconce Lights

Roof - Existing

SCALE : 1/4" = 1'-0"

A-103

DRAWN BY : SLLC

DATE : 1/16/2020

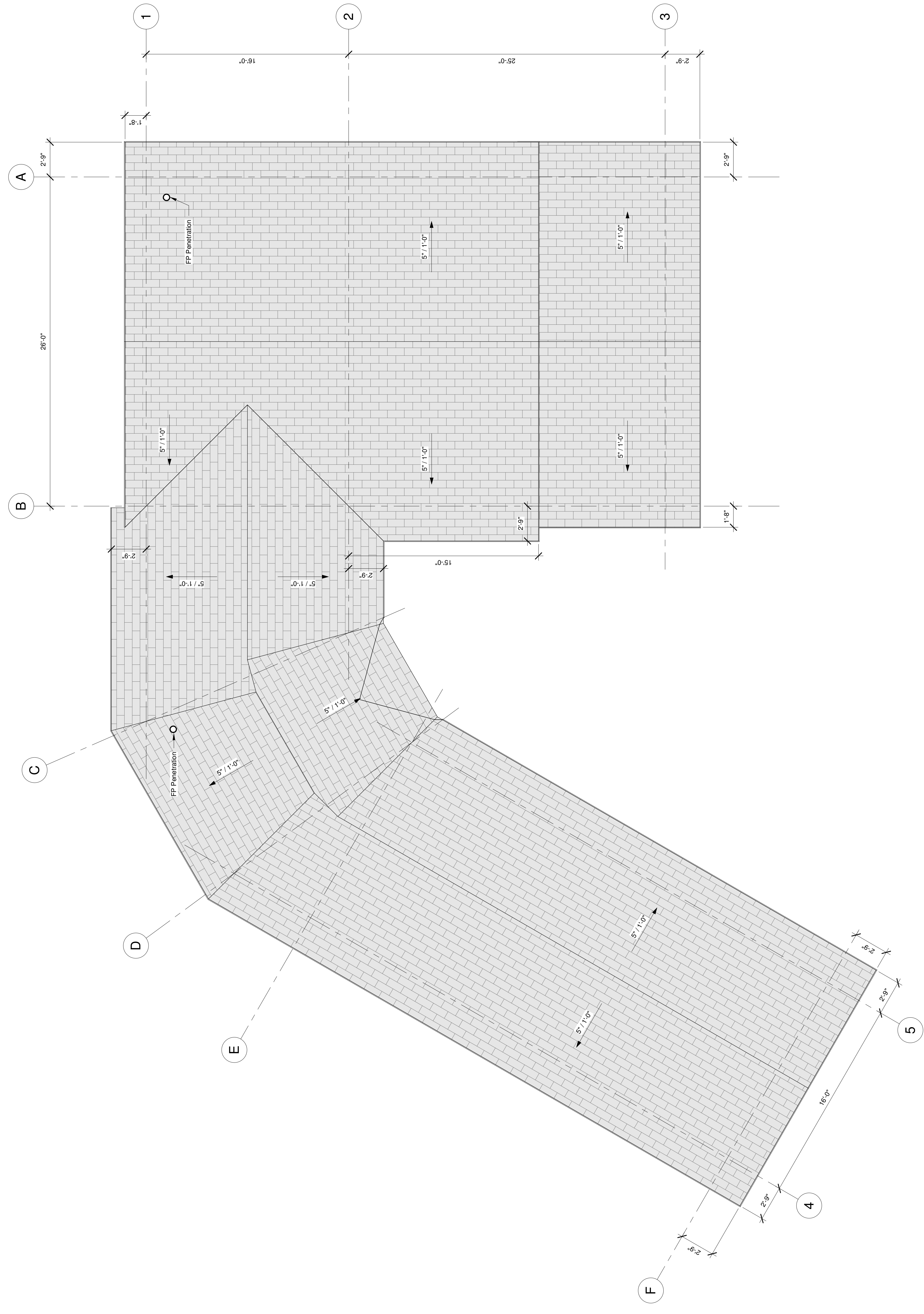
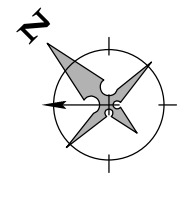
APN # : 118-010-27-00

Julia Carson  
House Remodel  
45380 Caspar Point Rd, Caspar, CA 95420

No.	Description	Date

CONTRACTORS:

REVISIONS:



1 Roof 1/4" = 1'-0"

Roof - Proposed

SCALE : 1/4" = 1'-0"

A-104

DRAWN BY : SLLC

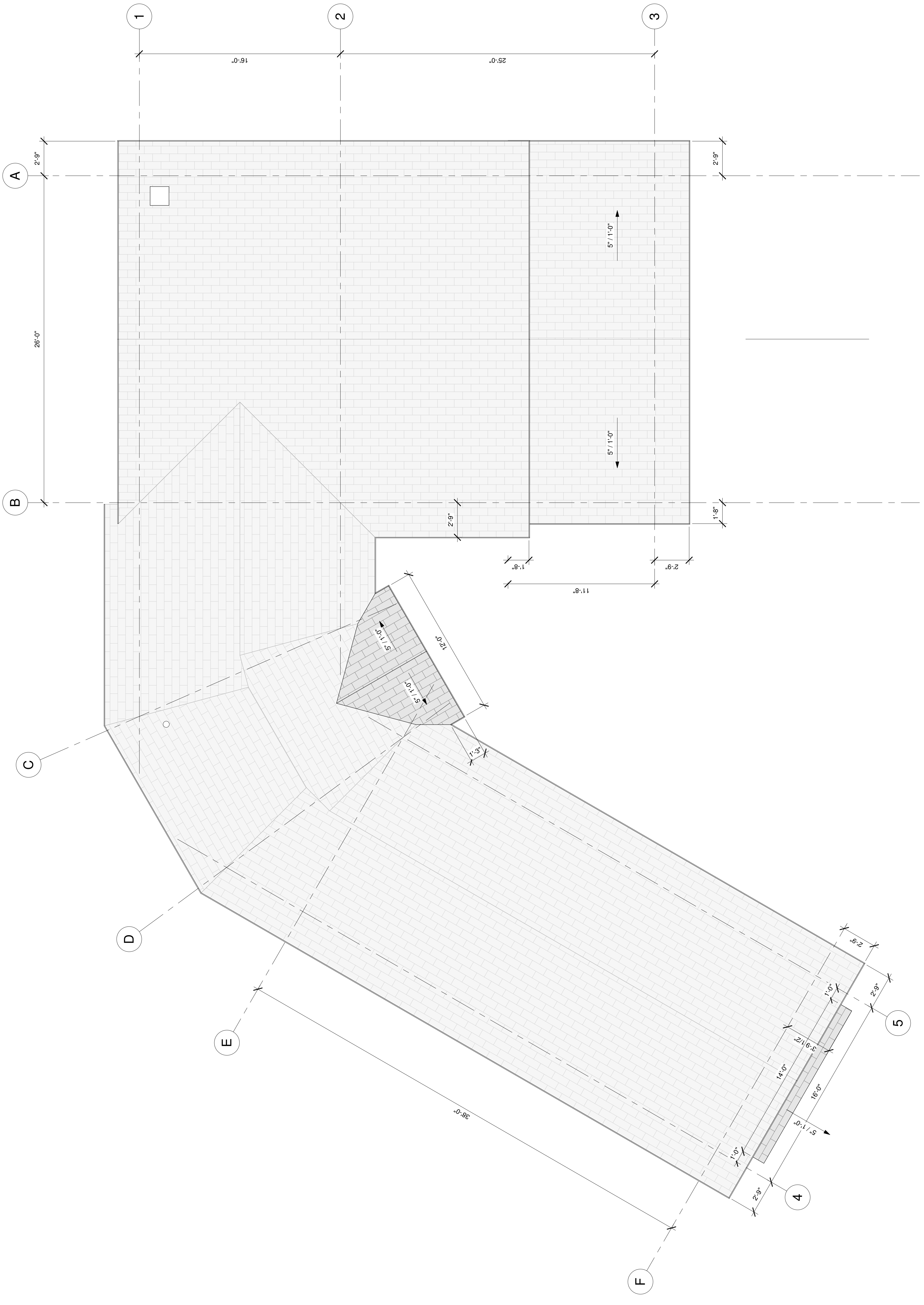
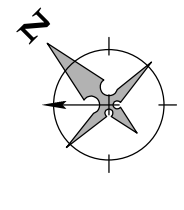
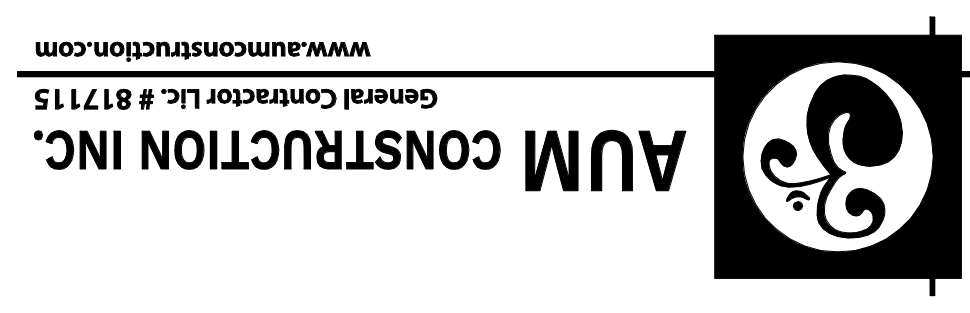
DATE : 1/16/2020

APN # : 118-010-27-00

Julia Carson  
House Remodel  
45380 Caspar Point Rd, Caspar, CA 95420

No.	Description	Date

CONTRACTORS:







CONTRACTORS:

No.	Description	Date

REVISIONS:

45380 Caspar Point Rd, Caspar, CA 95420

**House Remodel**

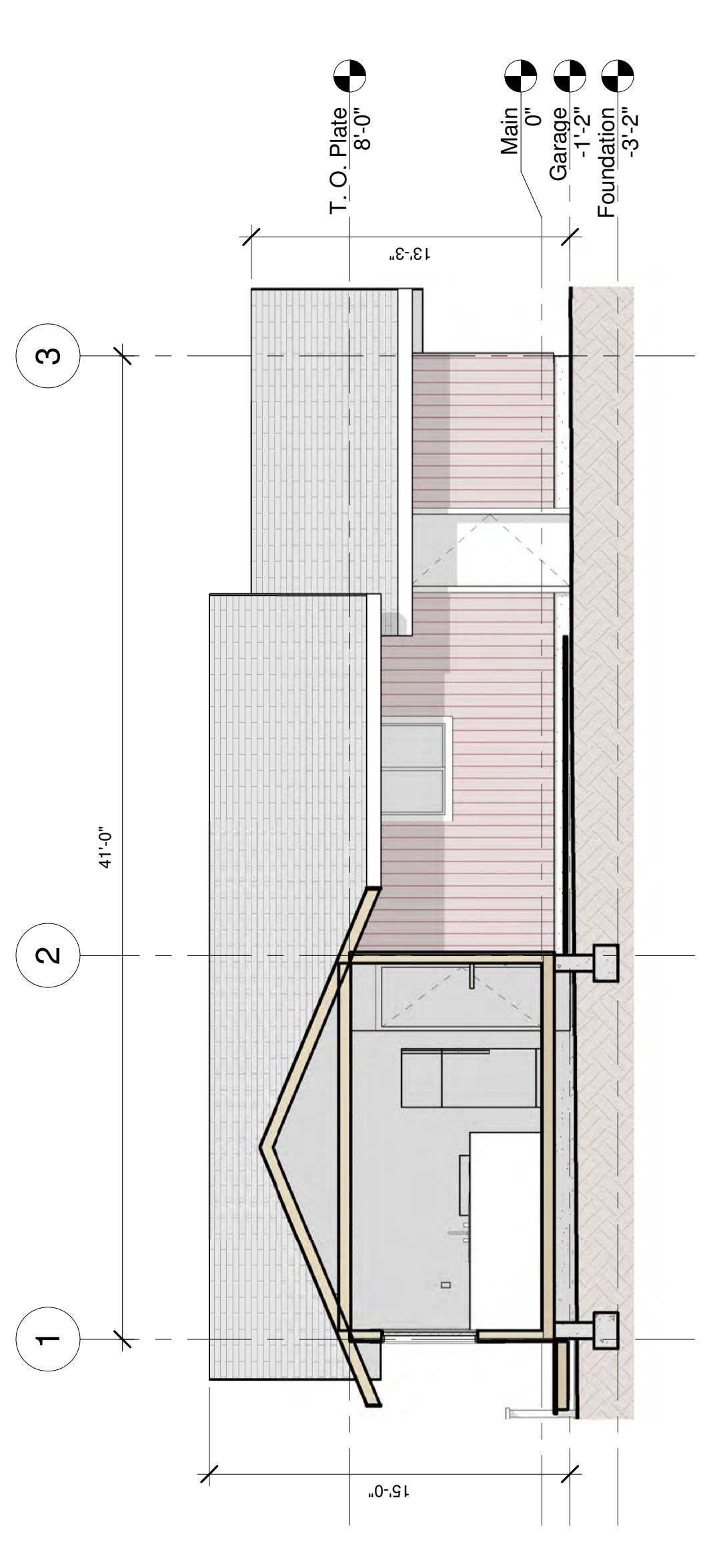
Julia Carson

APN #: 118-010-27-00  
 DATE: 1/16/2020  
 DRAWN BY: SLLC

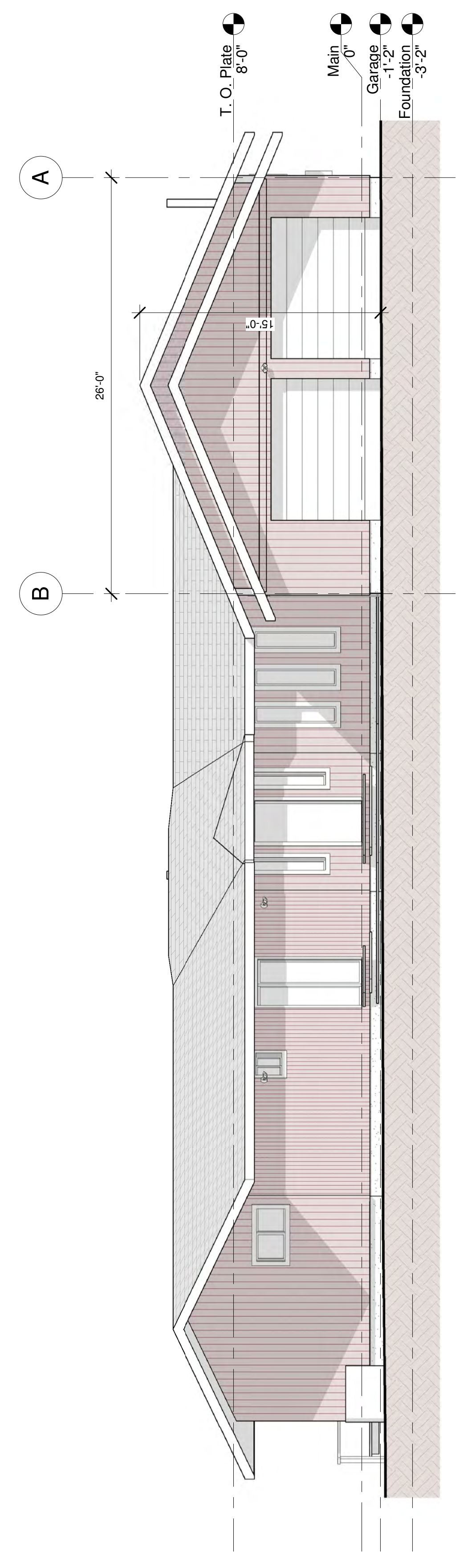
**A-201**

SCALE: 3/16" = 1'-0"

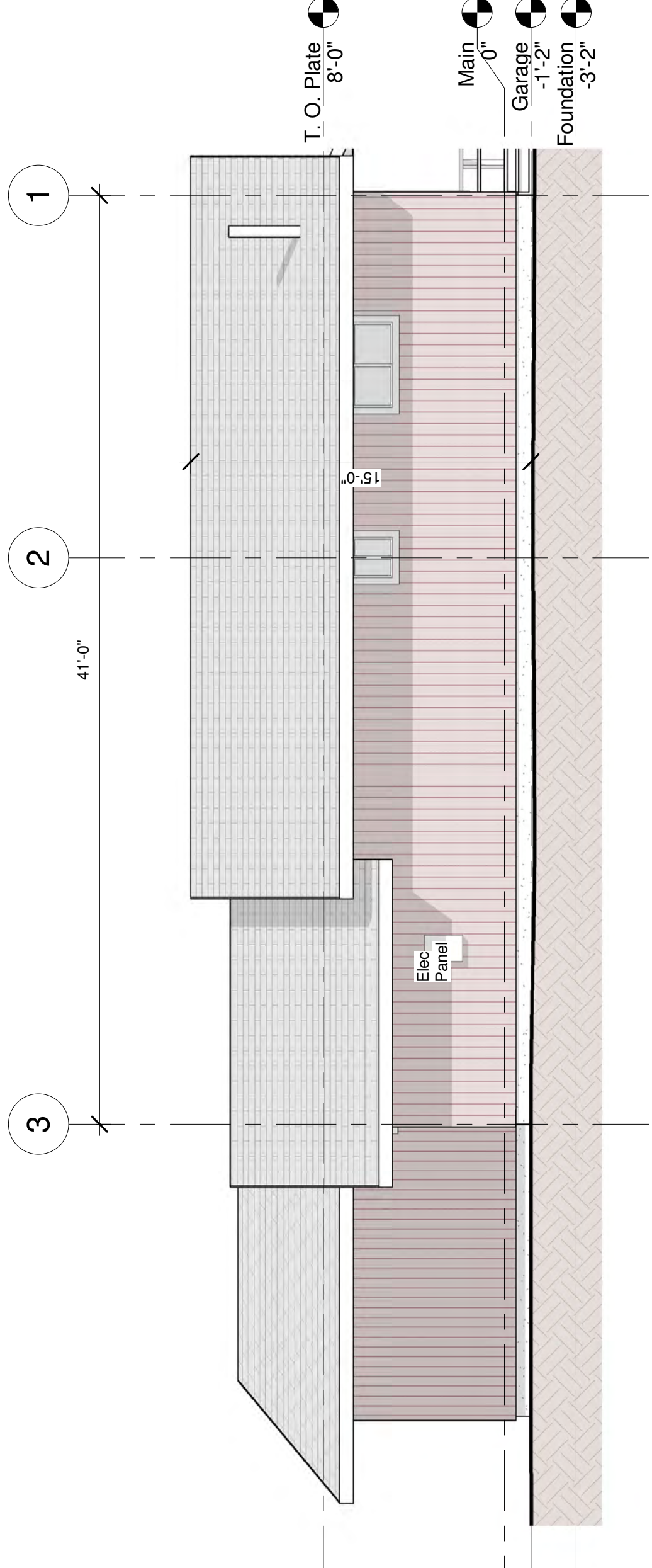
**Elevations - Existing**



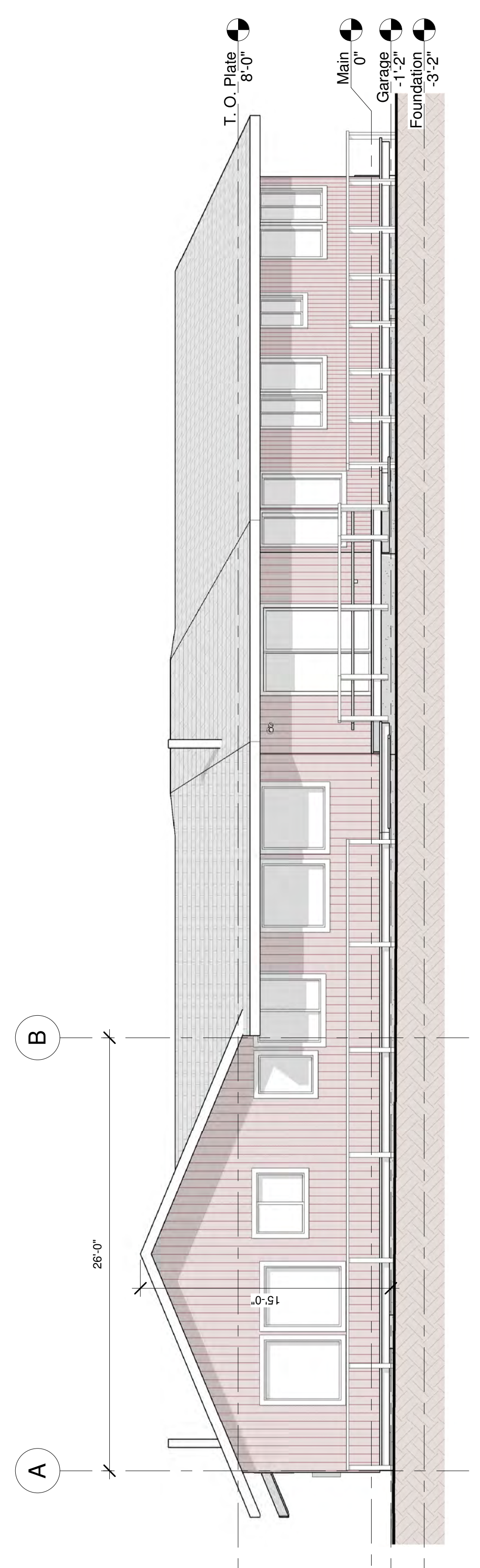
② Elevation - West  
3/16" = 1'-0"



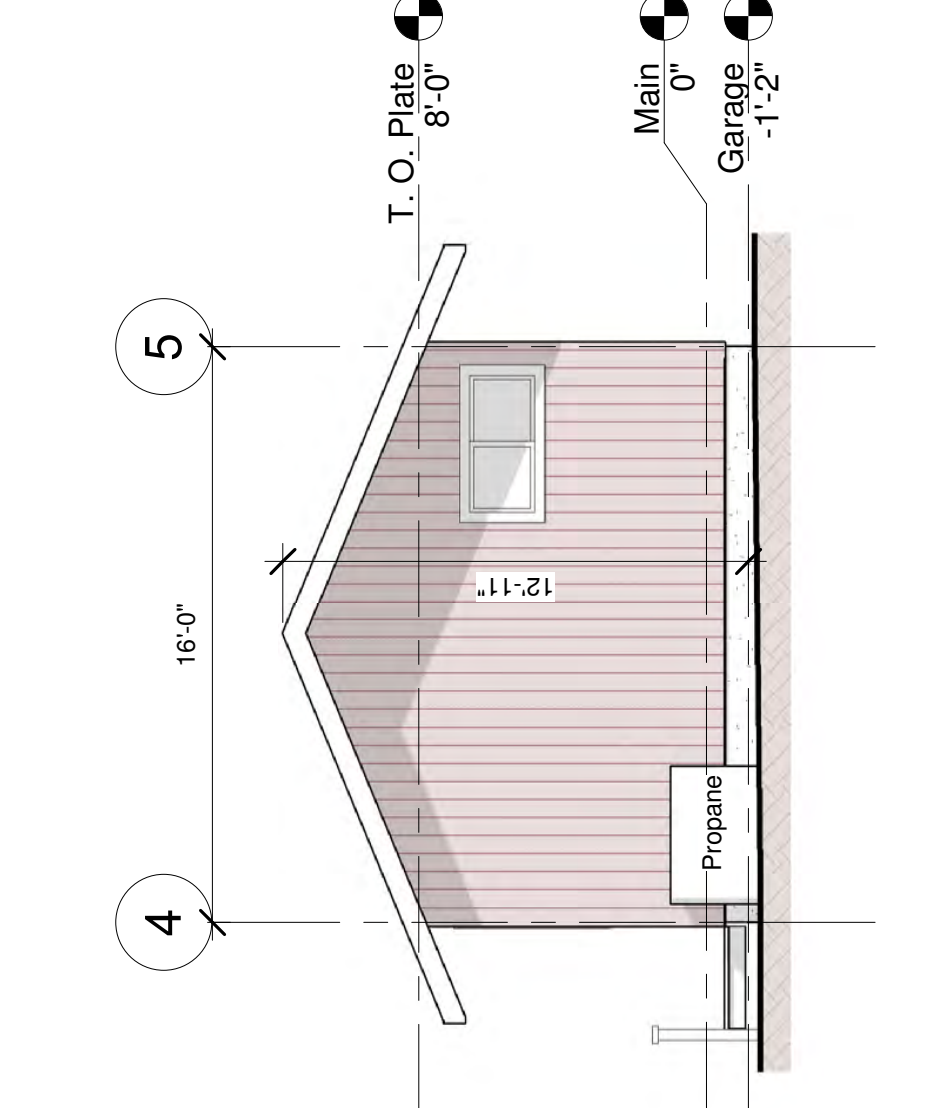
① Elevation - South  
3/16" = 1'-0"



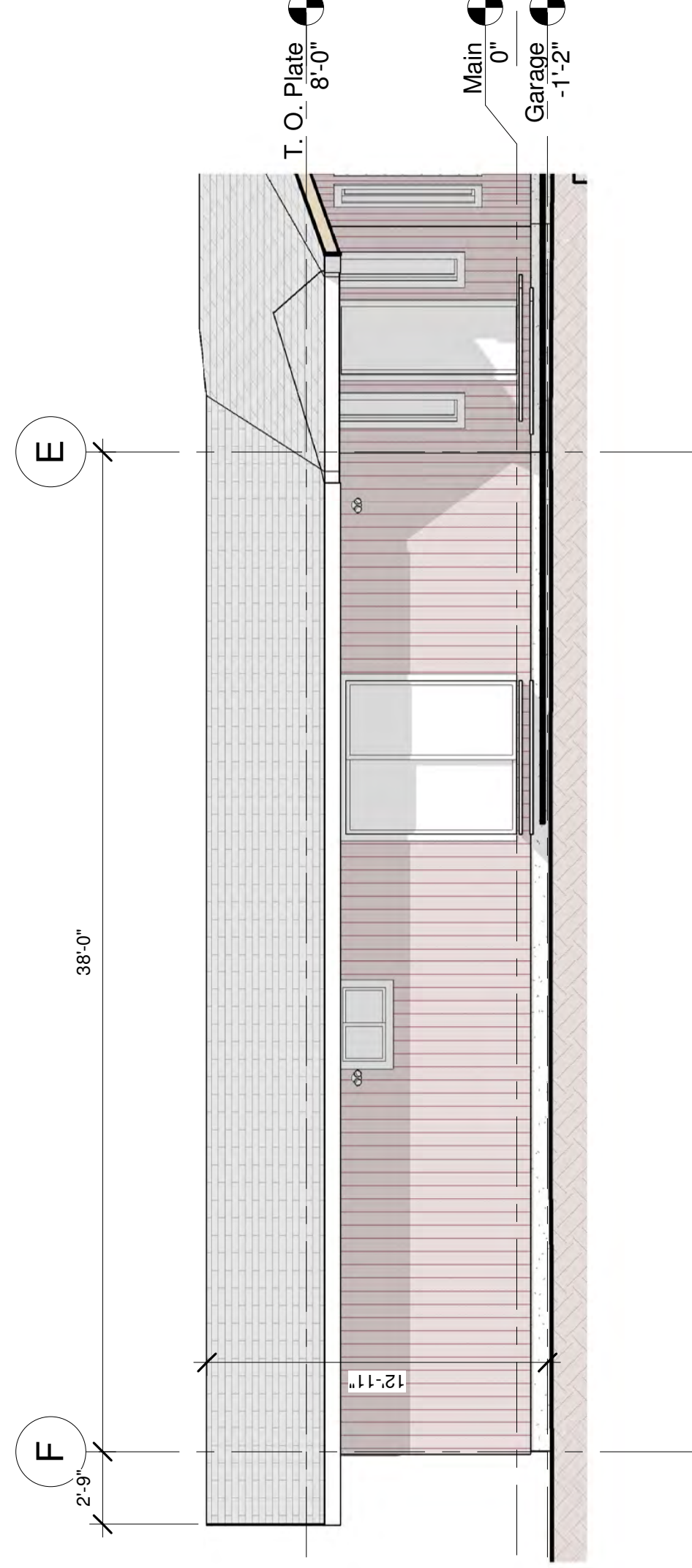
④ Elevation - North  
3/16" = 1'-0"



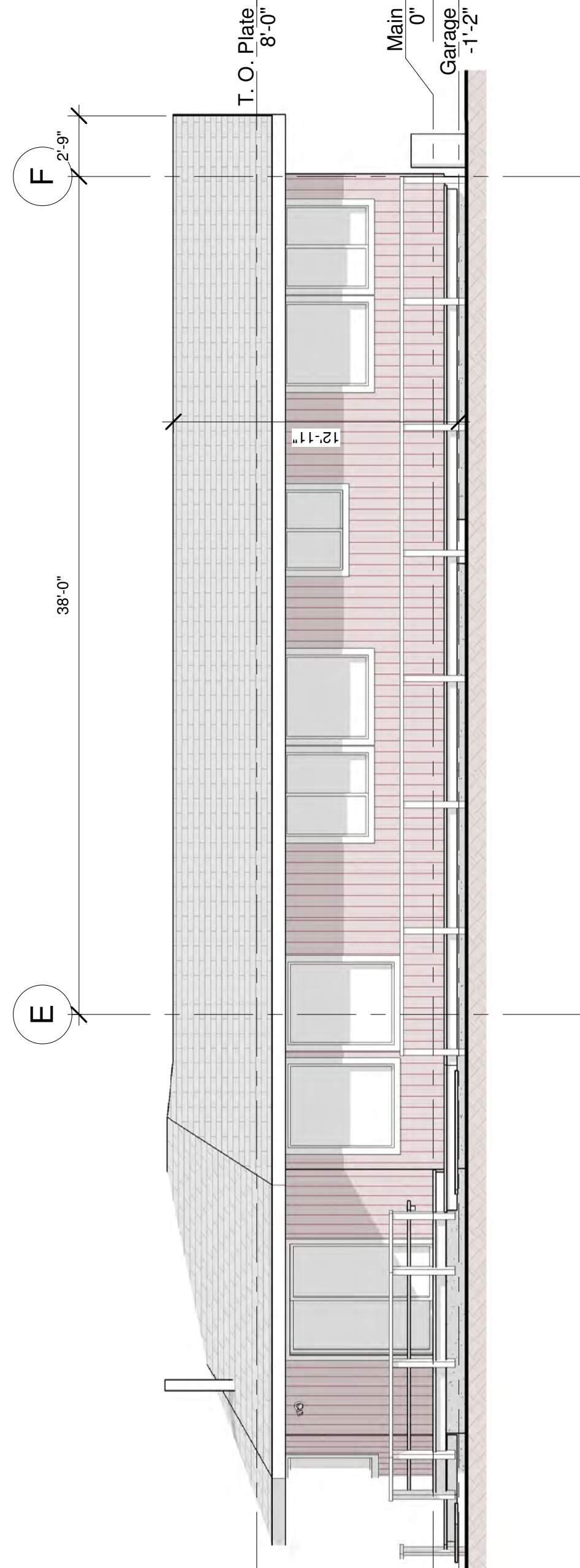
③ Elevation - West  
3/16" = 1'-0"



⑦ Elevation - SE Wing  
3/16" = 1'-0"

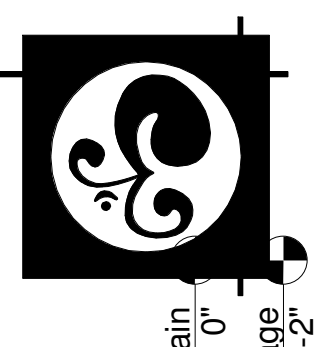


⑥ Elevation - SW Wing  
3/16" = 1'-0"



⑤ Elevation - SE Wing  
3/16" = 1'-0"





CONTRACTORS:

No.	Description	Date

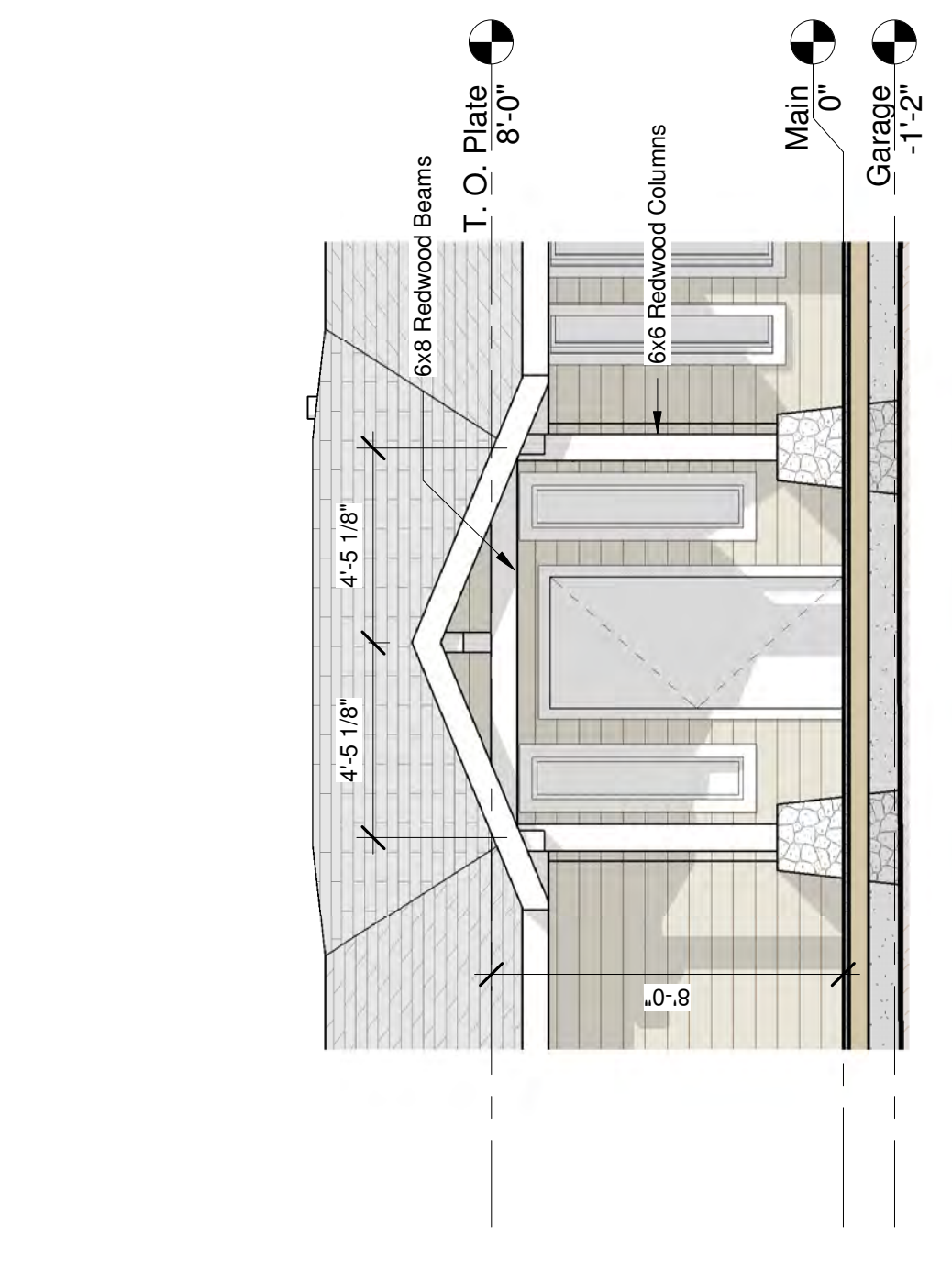
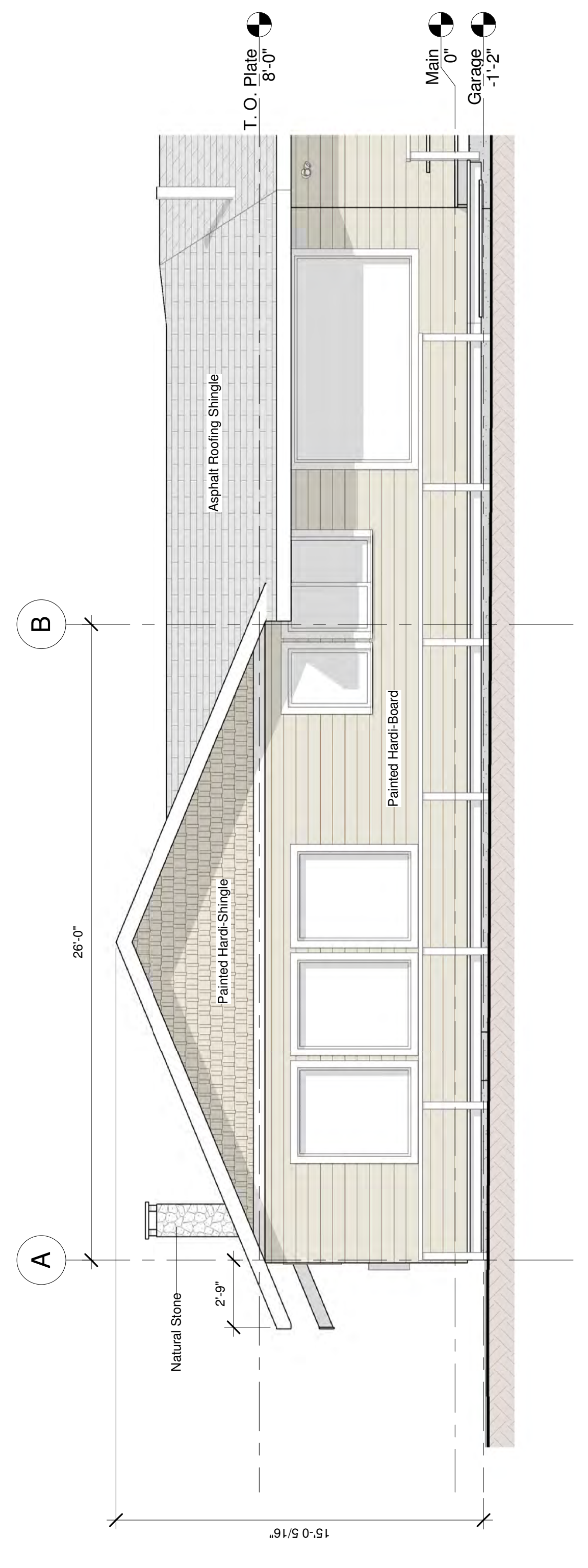
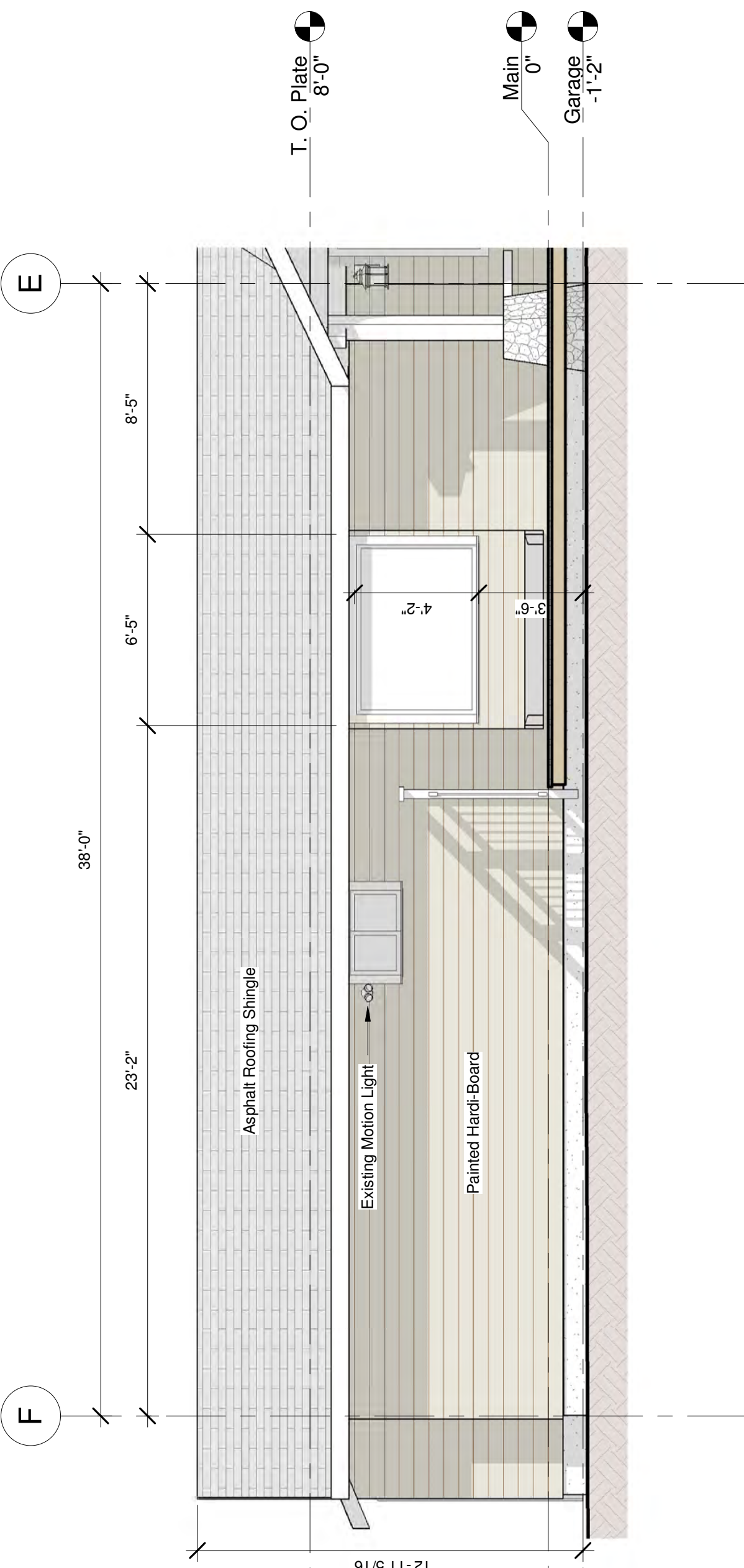
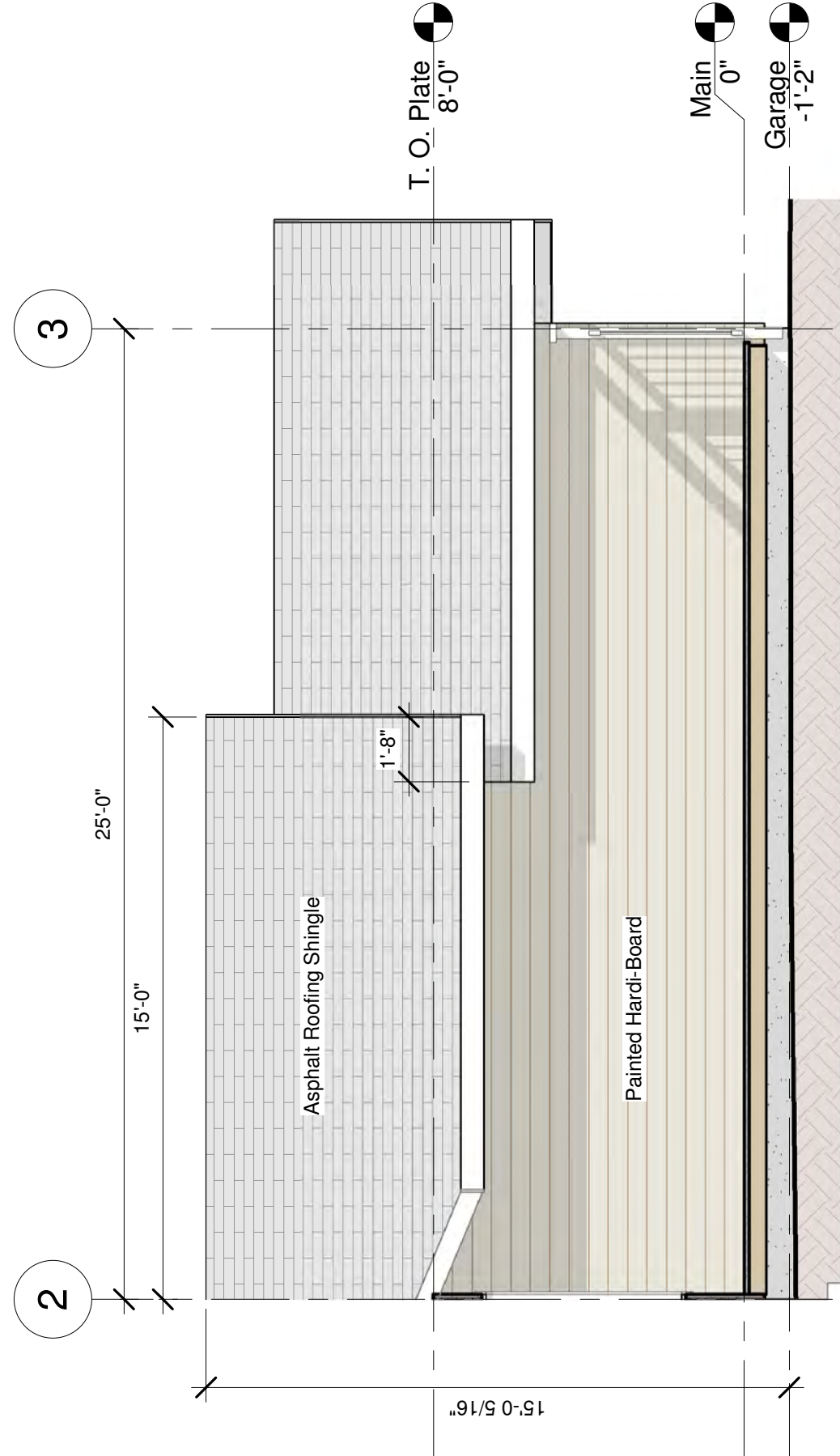
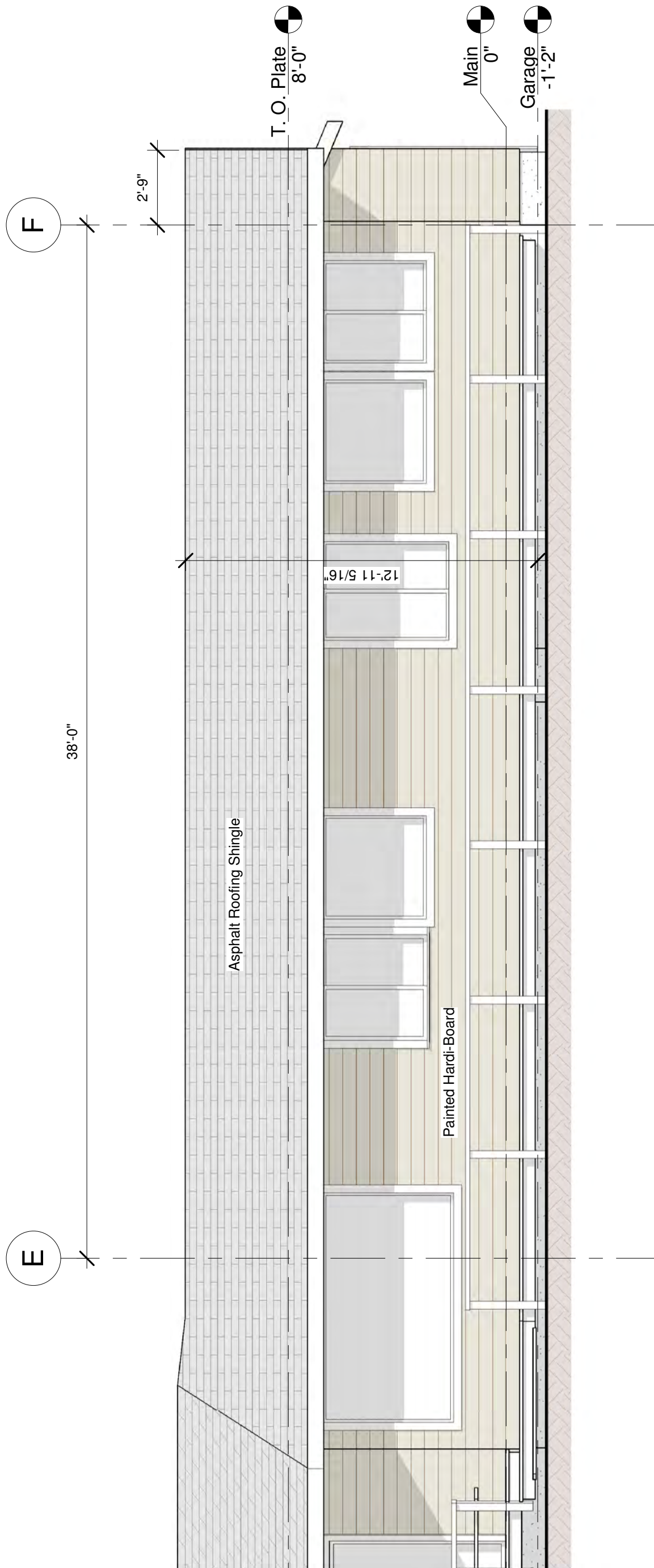
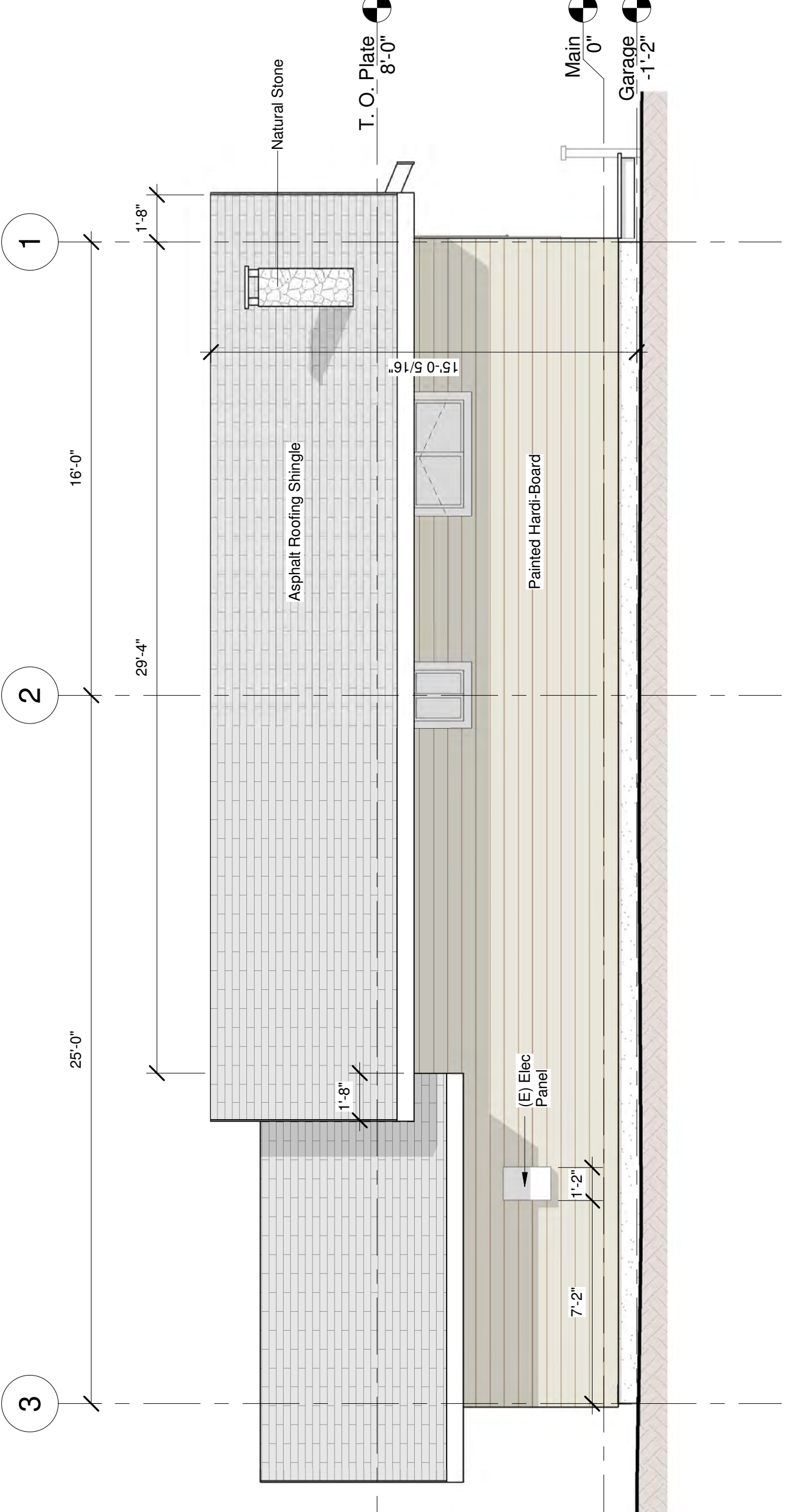
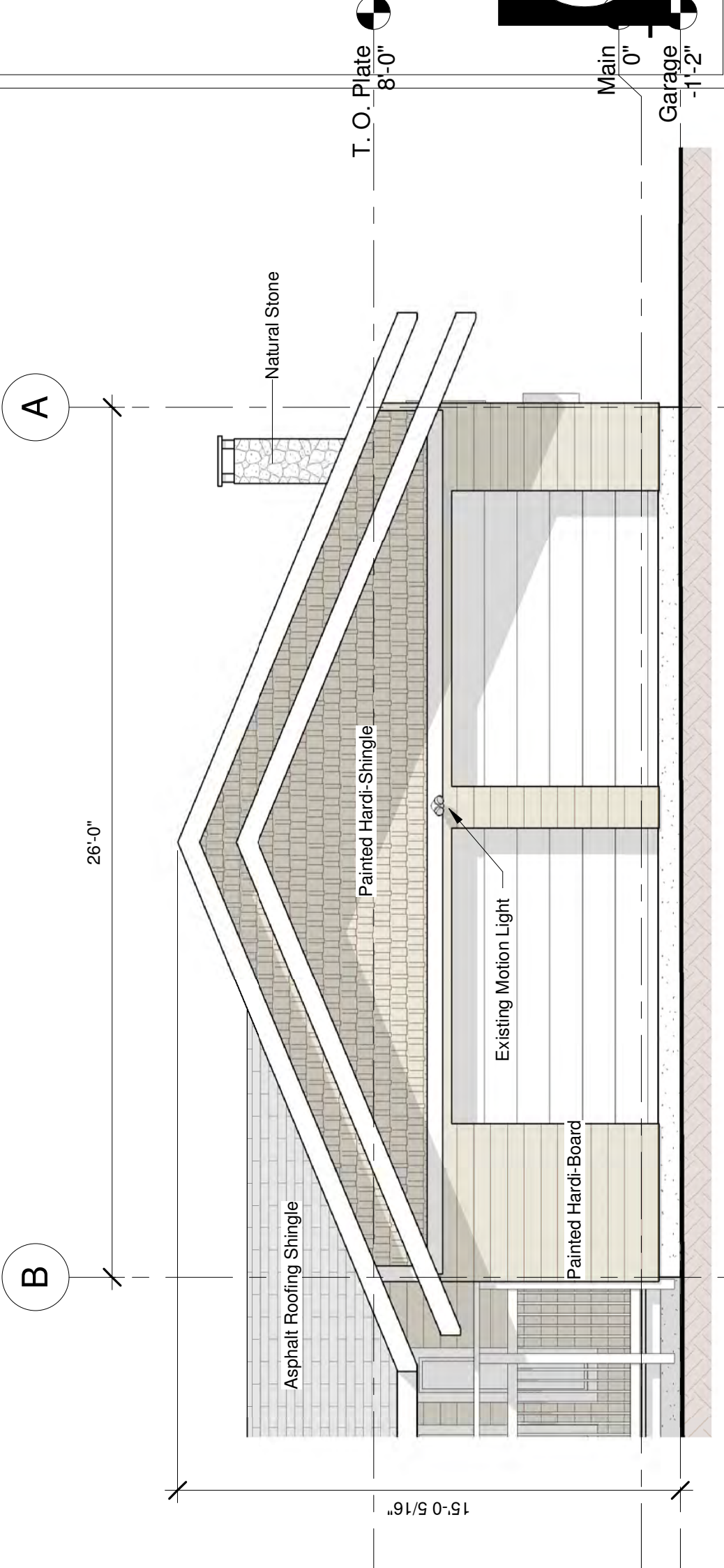
**Julia Carson**  
**House Remodel**  
 45380 Caspar Point Rd, Caspar, CA 95420

APN #: 118-010-27-00  
 DATE: 11/16/2020  
 DRAWN BY: SLIC

**A-202**

SCALE: 1/4" = 1'-0"

**Elevations - Proposed**







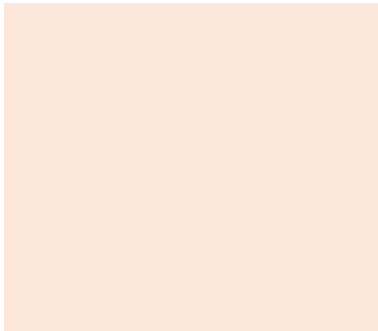
Beaujolais

**SIDING: HardiPlank Beaded Cedarmill;  
JamesHardie Maghonany**



Warm Blush

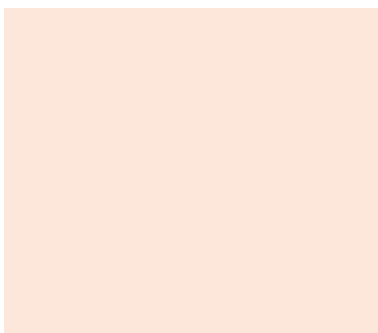
**TRIM, DOORS: HardiPlank Beaded Cedarmill;  
JamesHardie Warm Blush**



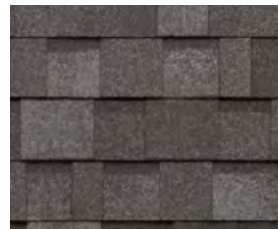
**WINDOW FRAMES: Marvin Windows, aluminum  
Warm Blush**



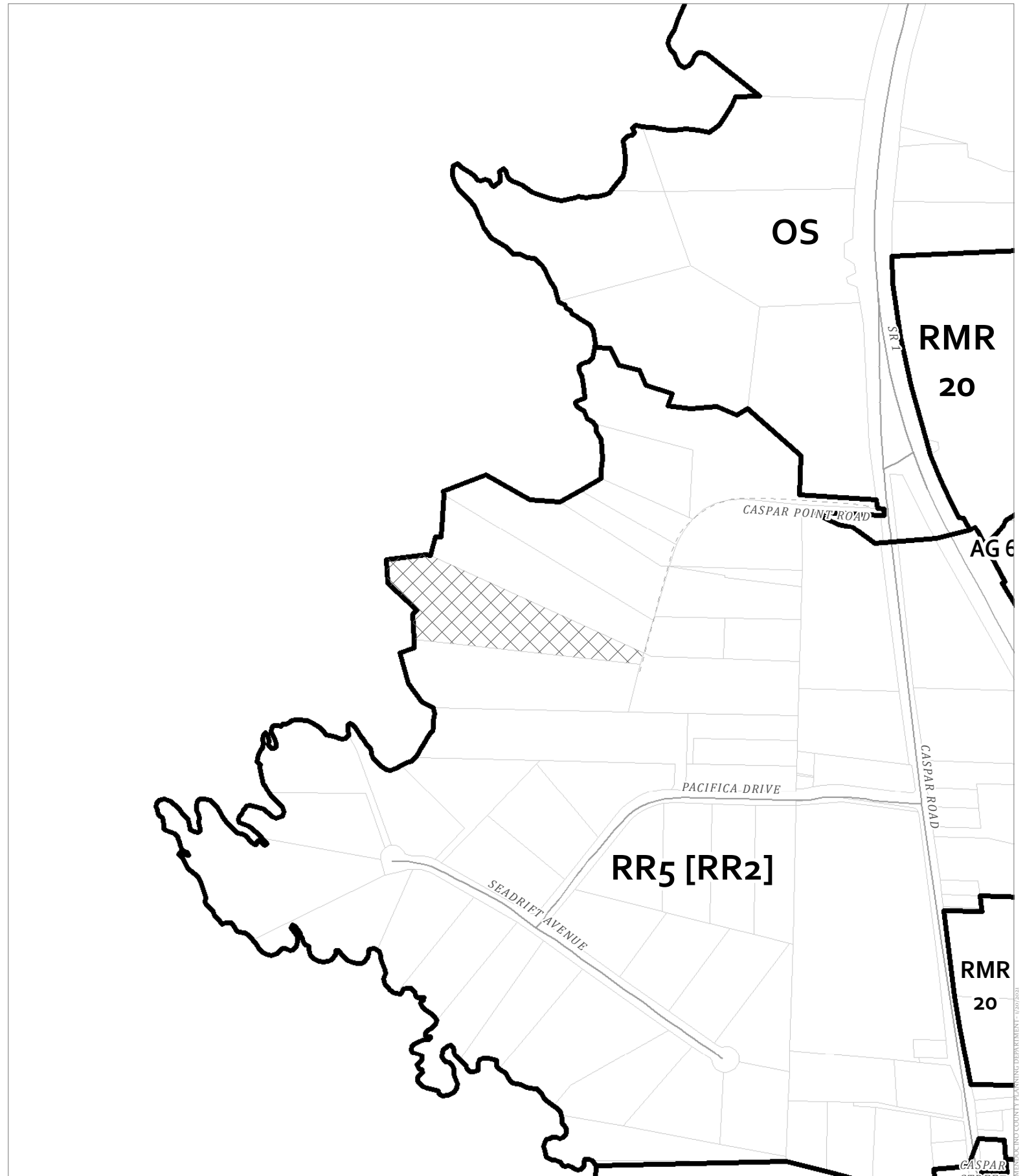
**EXTERIOR LIGHTING: Sconce**





**DOORS: Wood;  
Warm Blush Benjamin Moore 892**

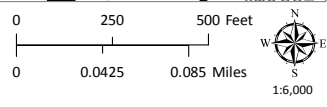


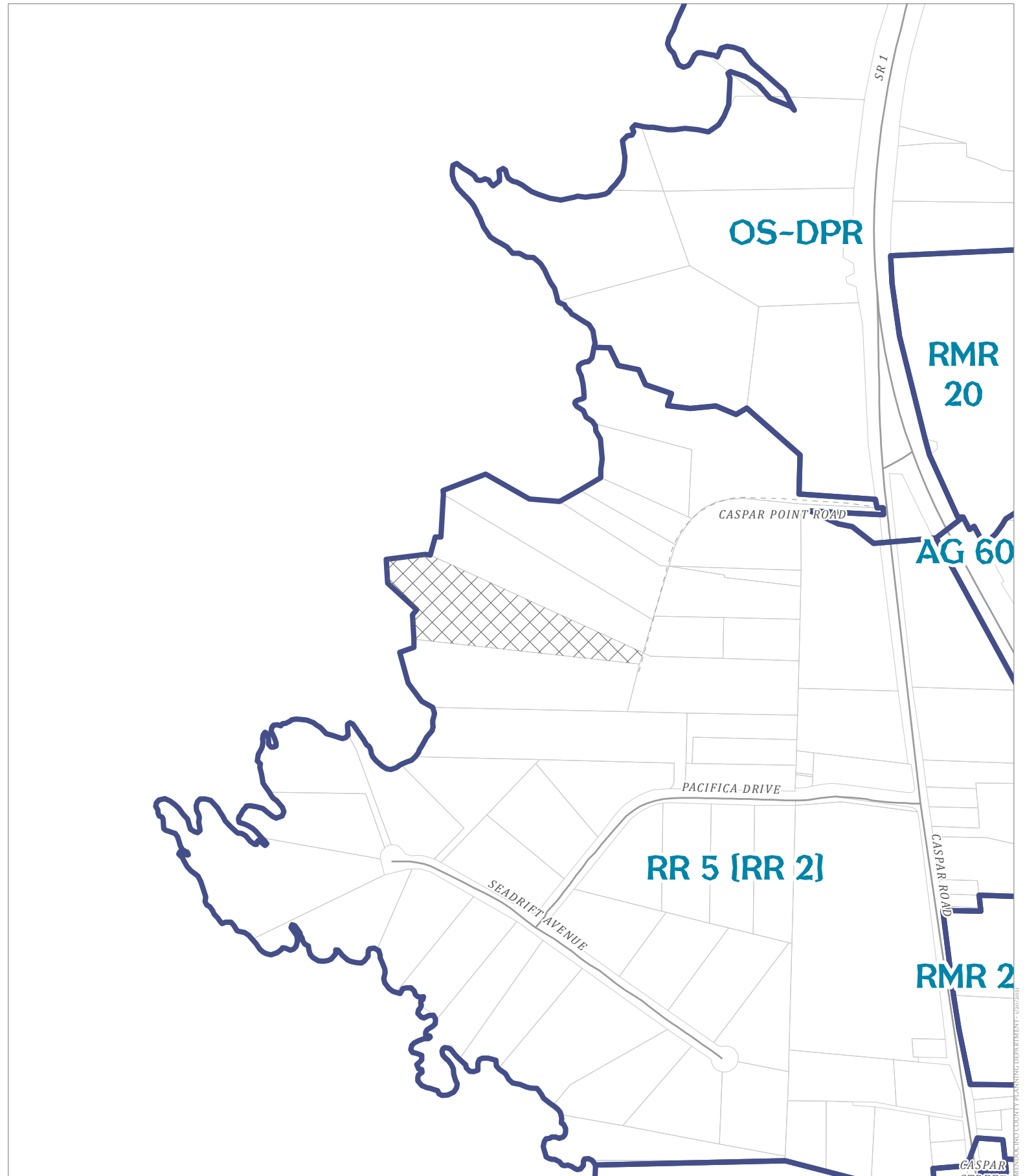
**ROOFING: Asphalt Roofing Shingle**





CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

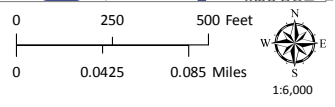
 Zoning Districts  
 Public Roads





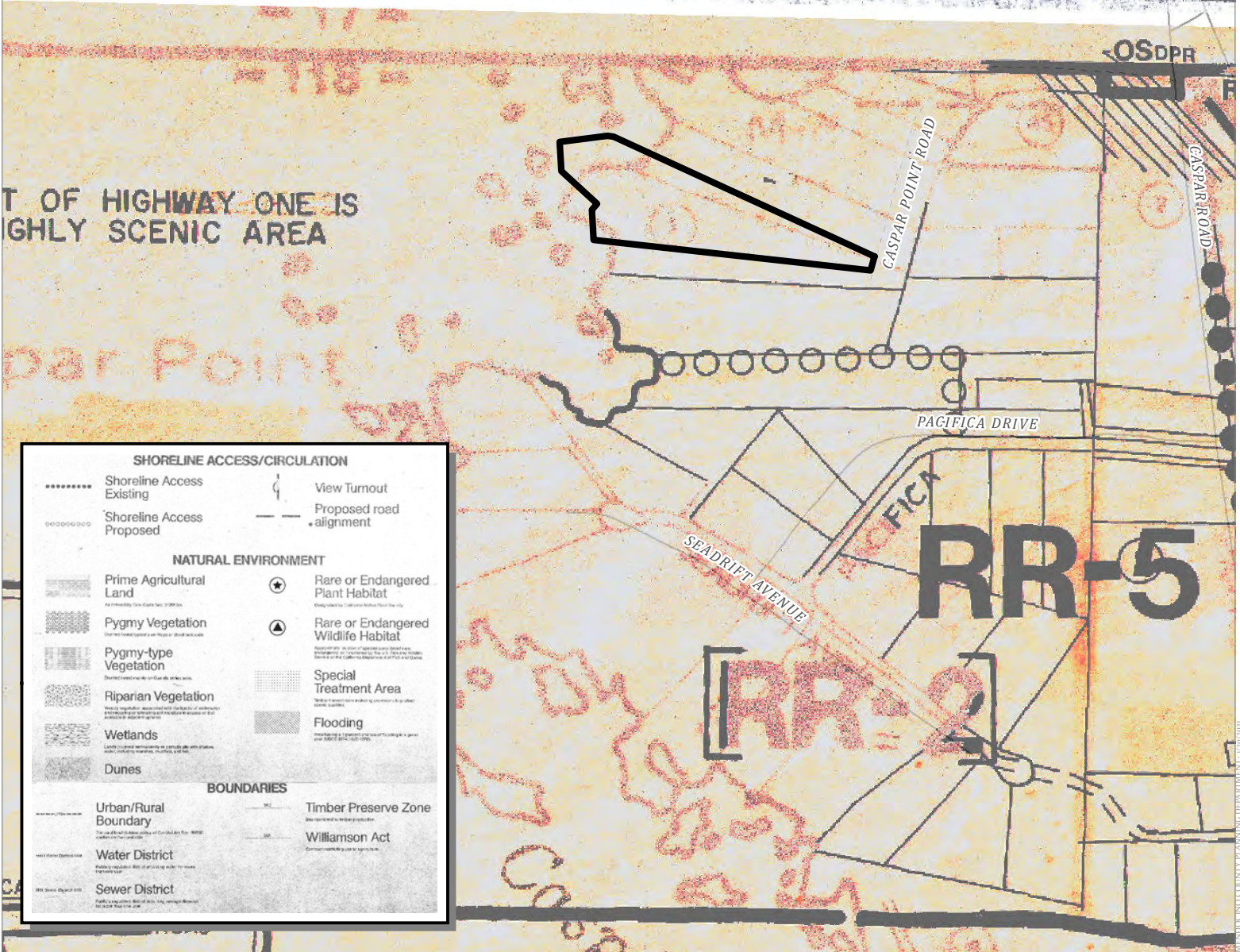
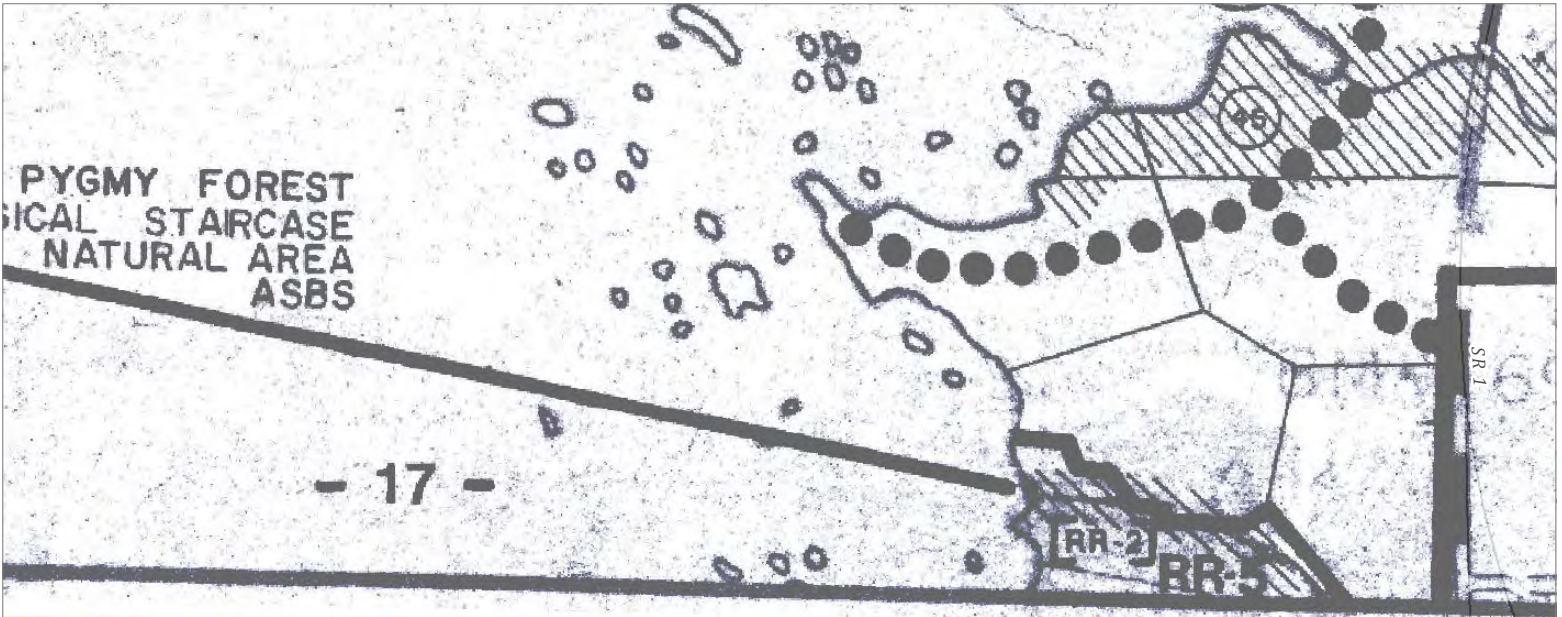
CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

 General Plan Classes  
 Public Roads



MERCED COUNTY PLANNING DEPARTMENT - 1/20/2021

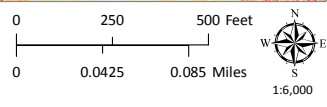




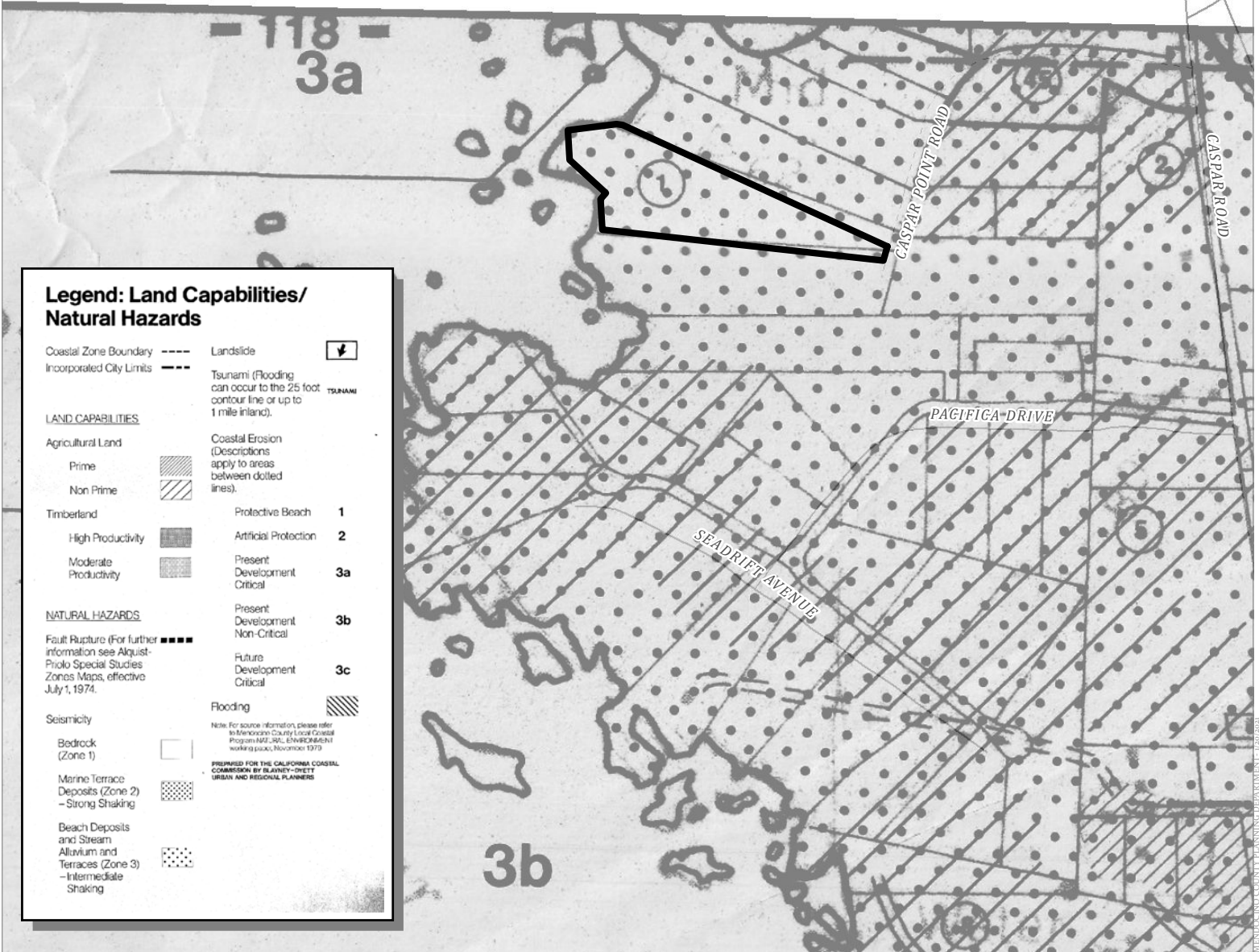
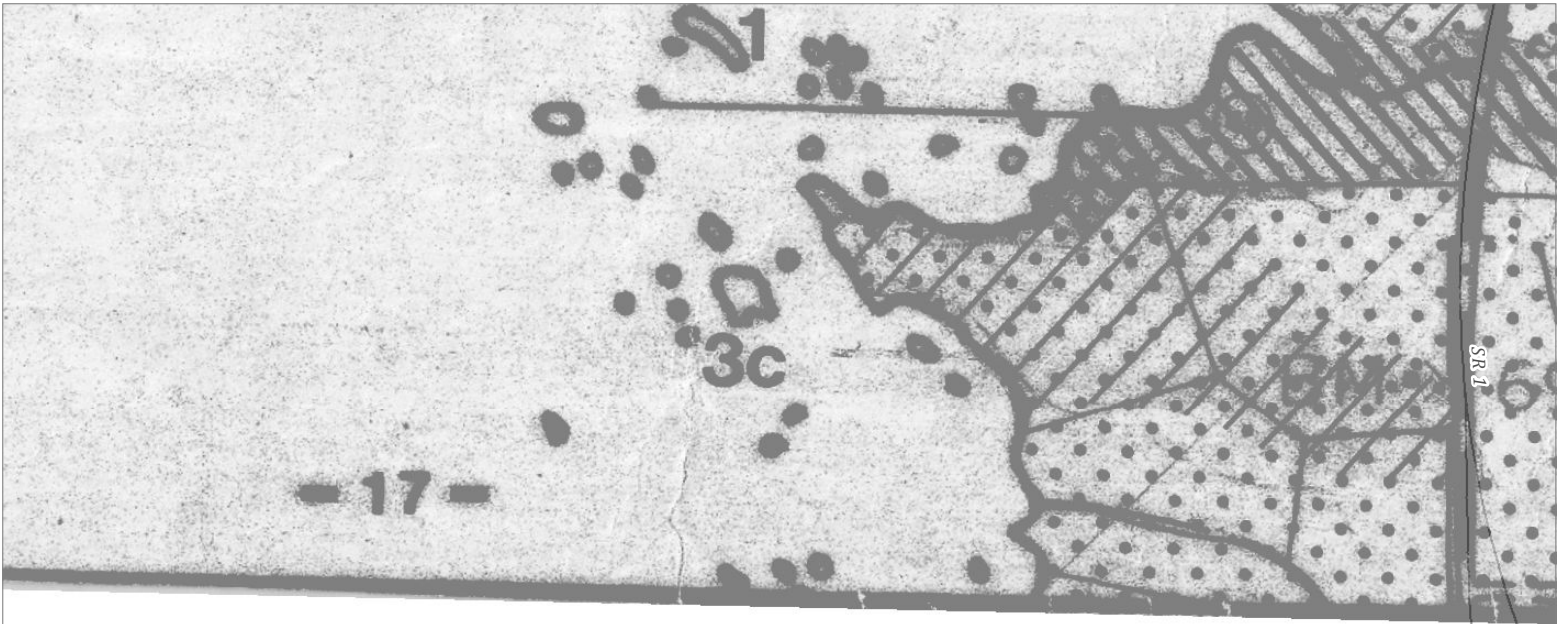
SHORELINE ACCESS/CIRCULATION	
.....	Shoreline Access Existing
.....	Shoreline Access Proposed
⤵	View Turnout
---	Proposed road alignment
NATURAL ENVIRONMENT	
[Symbol]	Prime Agricultural Land <small>As identified on State Maps (SRM 6)</small>
[Symbol]	Pygmy Vegetation <small>Designated on the State Maps (SRM 6)</small>
[Symbol]	Pygmy-type Vegetation <small>Designated on the State Maps (SRM 6)</small>
[Symbol]	Riparian Vegetation <small>Wetlands regulated under the Federal Clean Water Act and the California State Water Resources Control Act</small>
[Symbol]	Wetlands <small>Wetlands regulated under the Federal Clean Water Act and the California State Water Resources Control Act</small>
[Symbol]	Dunes
[Symbol]	Rare or Endangered Plant Habitat <small>Designated by the California Native Plant Society</small>
[Symbol]	Rare or Endangered Wildlife Habitat <small>Designated by the California Department of Fish and Game</small>
[Symbol]	Special Treatment Area <small>Wetlands regulated by provisions of the public water supplies</small>
[Symbol]	Flooding <small>Areas of special concern for flooding in areas with a 100-year flood return period</small>
BOUNDARIES	
[Symbol]	Urban/Rural Boundary <small>As defined by the California Department of Conservation (CDOP)</small>
[Symbol]	Water District <small>Publicly regulated. All of its activities are for water transmission</small>
[Symbol]	Sewer District <small>Publicly regulated. All of its activities are for sewer transmission</small>
[Symbol]	Timber Preserve Zone <small>See regulations for timber production</small>
[Symbol]	Williamson Act <small>Contract with the state for agriculture</small>

CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

Public Roads





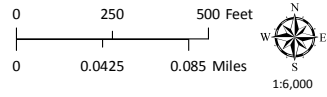


**Legend: Land Capabilities/  
Natural Hazards**

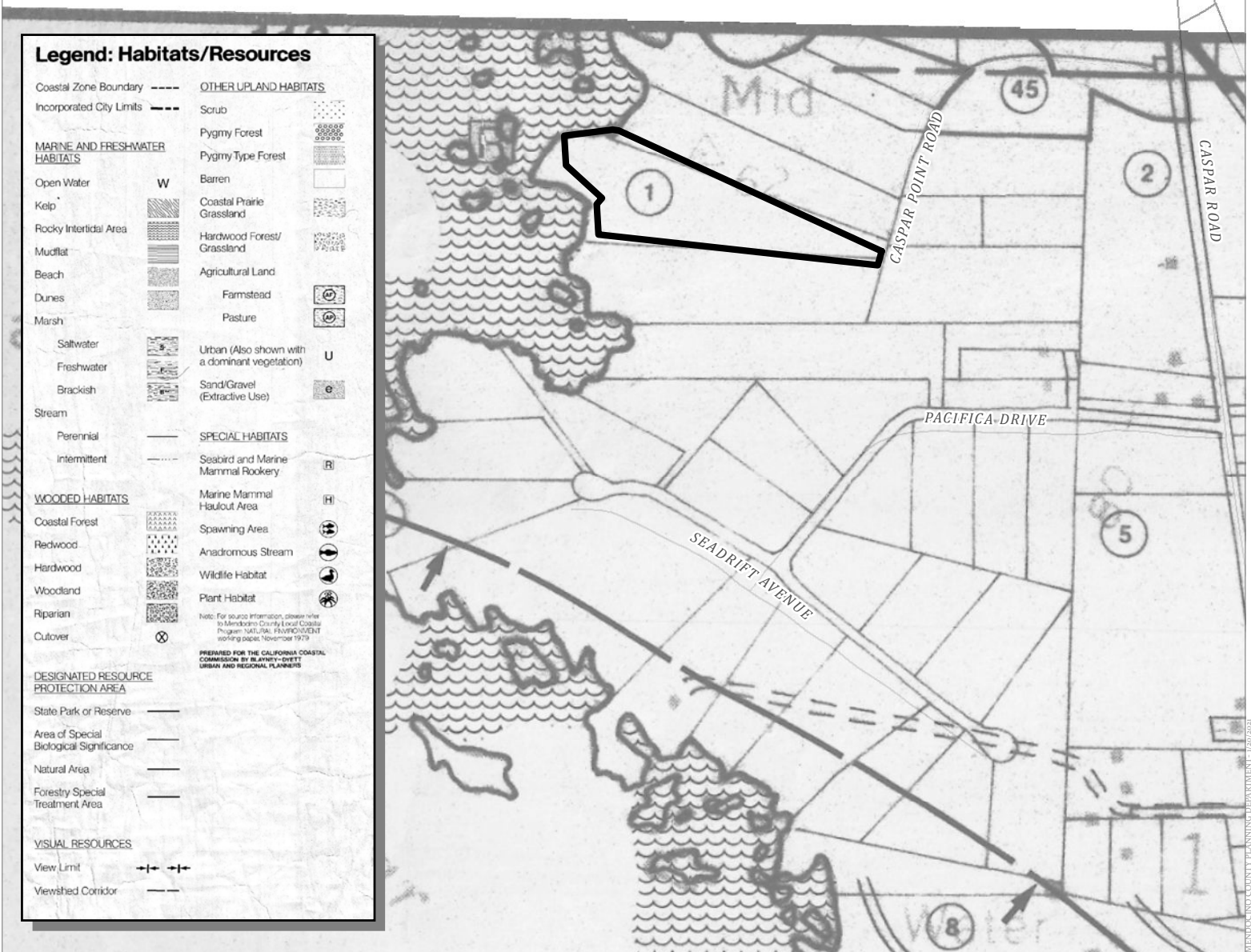
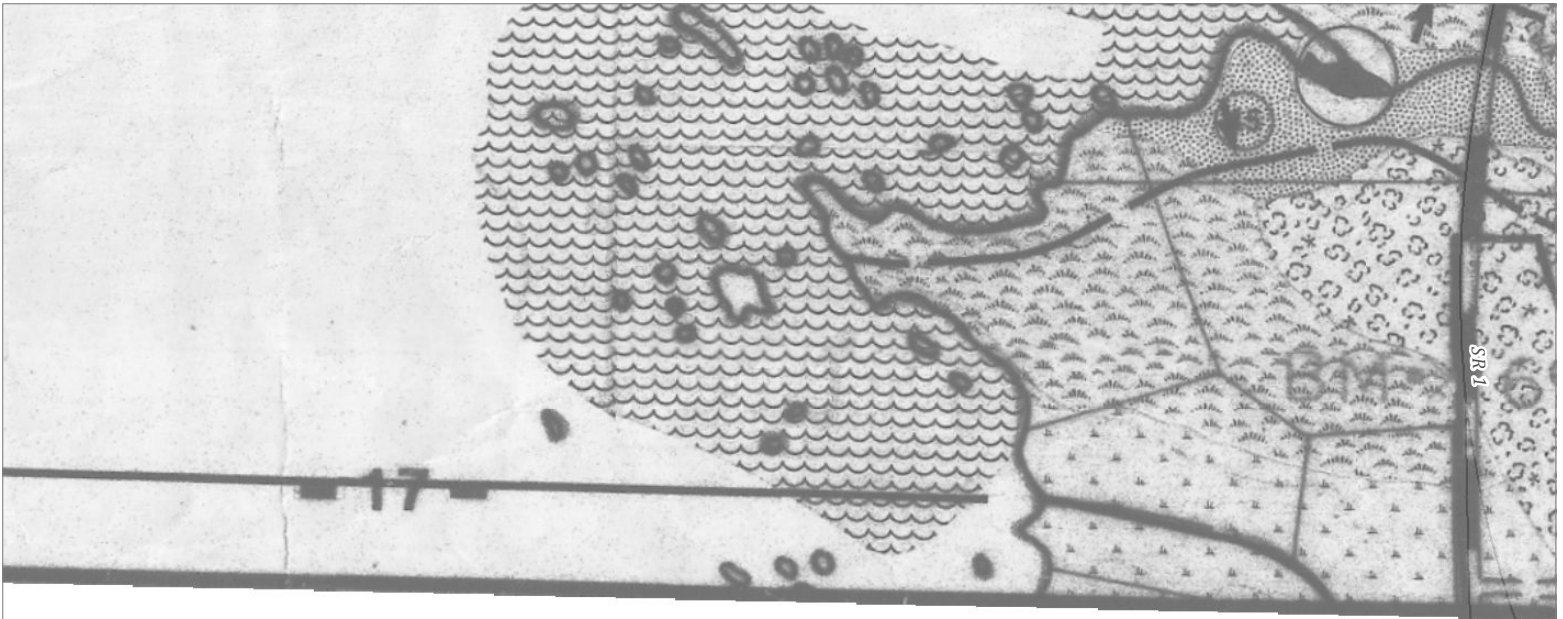
Coastal Zone Boundary	---	Landslide	
Incorporated City Limits	---	Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland).	
<b>LAND CAPABILITIES</b>			
Agricultural Land		Coastal Erosion (Descriptions apply to areas between dotted lines).	
Prime		Protective Beach	1
Non Prime		Artificial Protection	2
Timberland		Present Development Critical	3a
High Productivity		Present Development Non-Critical	3b
Moderate Productivity		Future Development Critical	3c
<b>NATURAL HAZARDS</b>			
Fault Rupture (For further information see Alquist-Prilo Special Studies Zones Maps, effective July 1, 1974).		Flooding	
Seismicity		<small>Note: For source information, please refer to Mendocino County Local Coastal Program MAP 201-202, ENVIRONMENTAL WORKING GROUP, November 1973.</small> <small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANEY-DWETT URBAN AND REGIONAL PLANNERS</small>	
Bedrock (Zone 1)			
Marine Terrace Deposits (Zone 2) - Strong Shaking			
Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking			

CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

— Public Roads

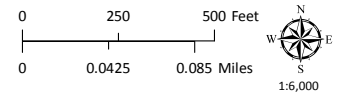






CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

Public Roads



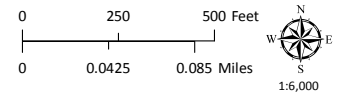




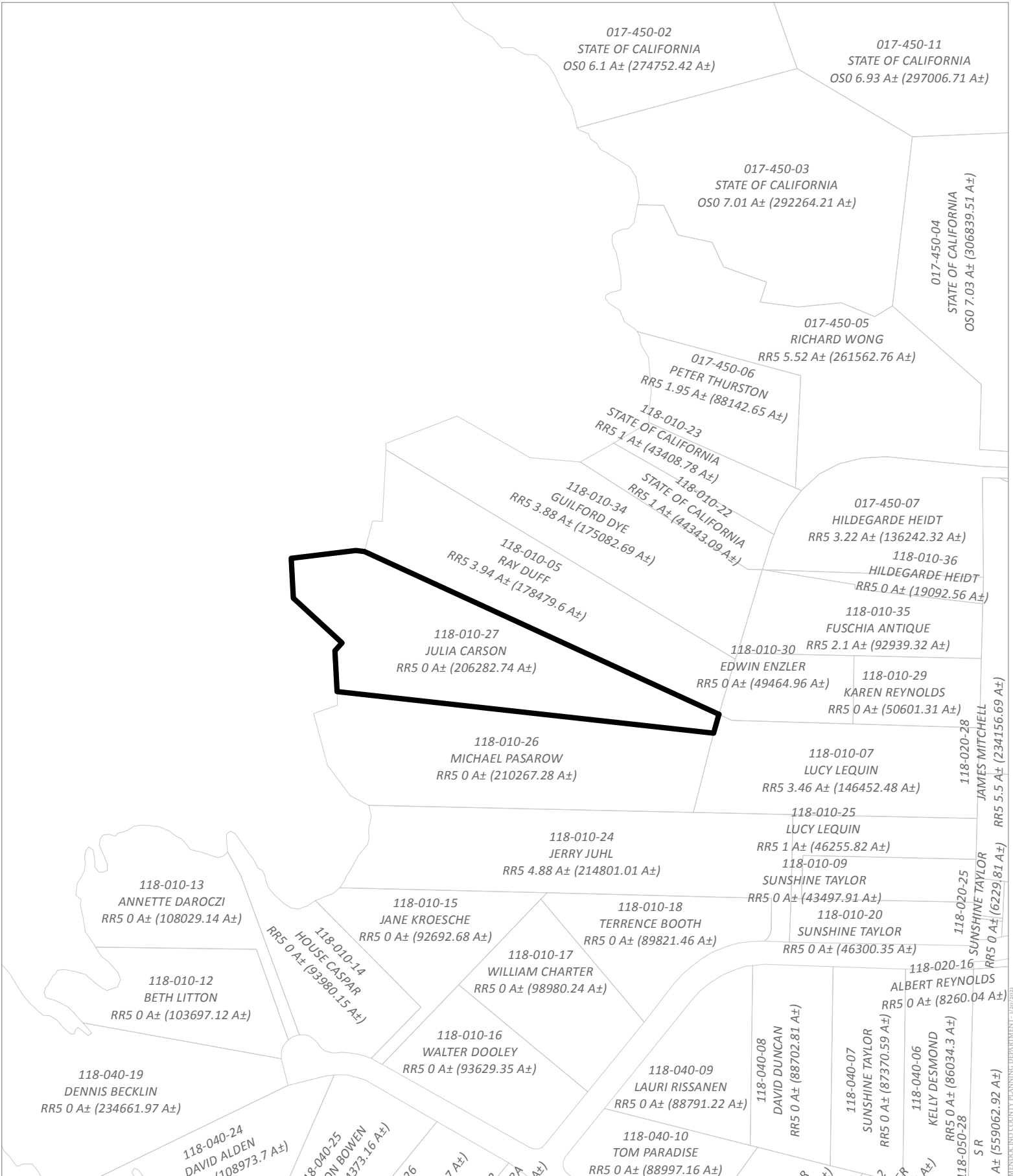
MENDOCINO COUNTY PLANNING DEPARTMENT - 1/27/2021

CASE: **CDP 2021-0002**  
 OWNER: **CARSON, Julia**  
 APN: **118-010-27**  
 APLCT: **Julia Carson**  
 AGENT: **Tara Jackson**  
 ADDRESS: **45380 Caspar Point Road, Caspar**

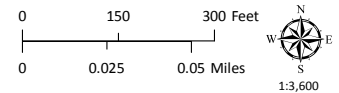
— Public Roads



**POST LCP CERTIFICATION AND APPEAL JURISDICTION**

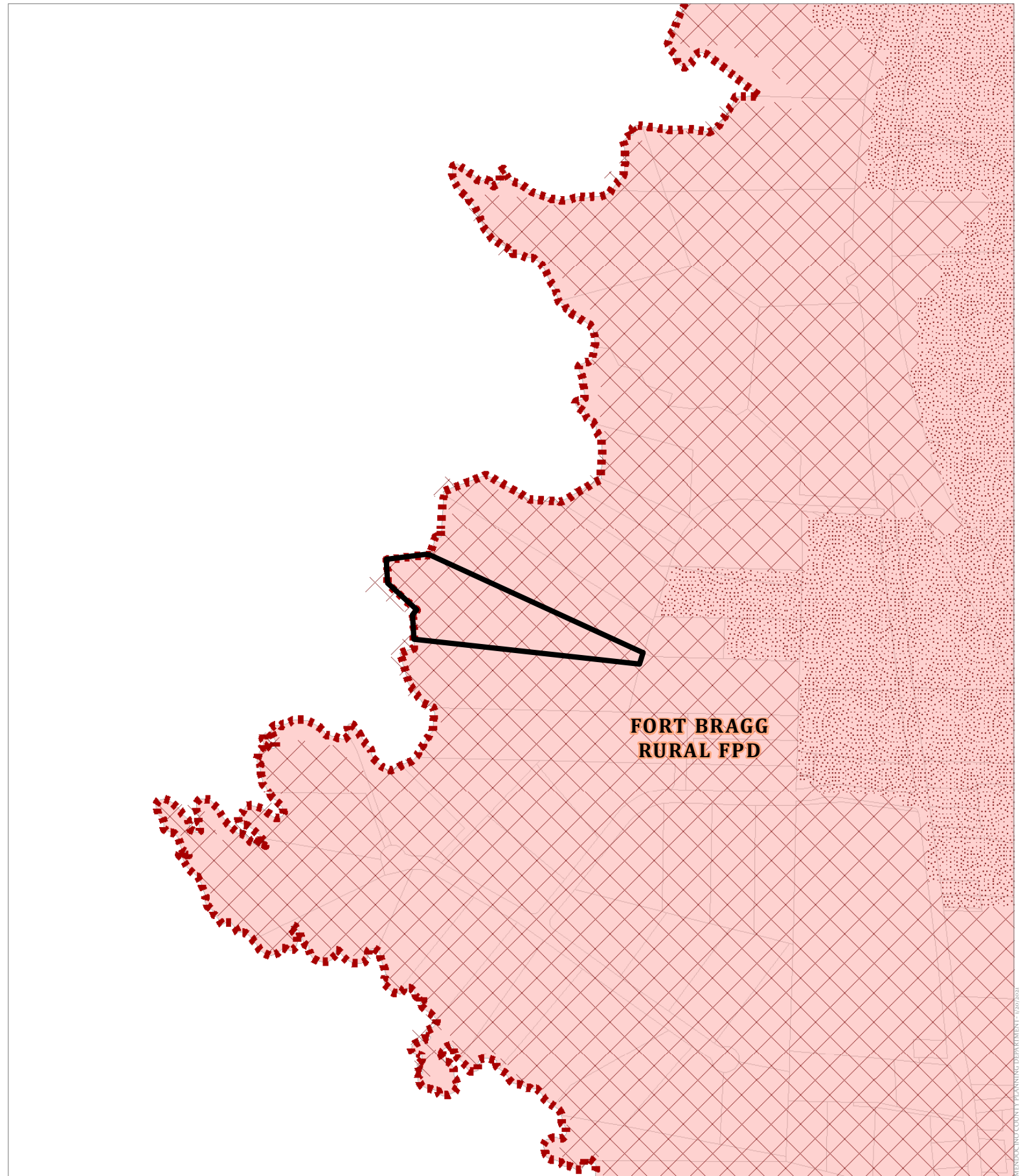


CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar






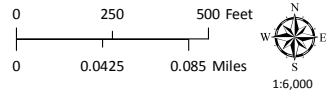
ADJACENT PARCELS





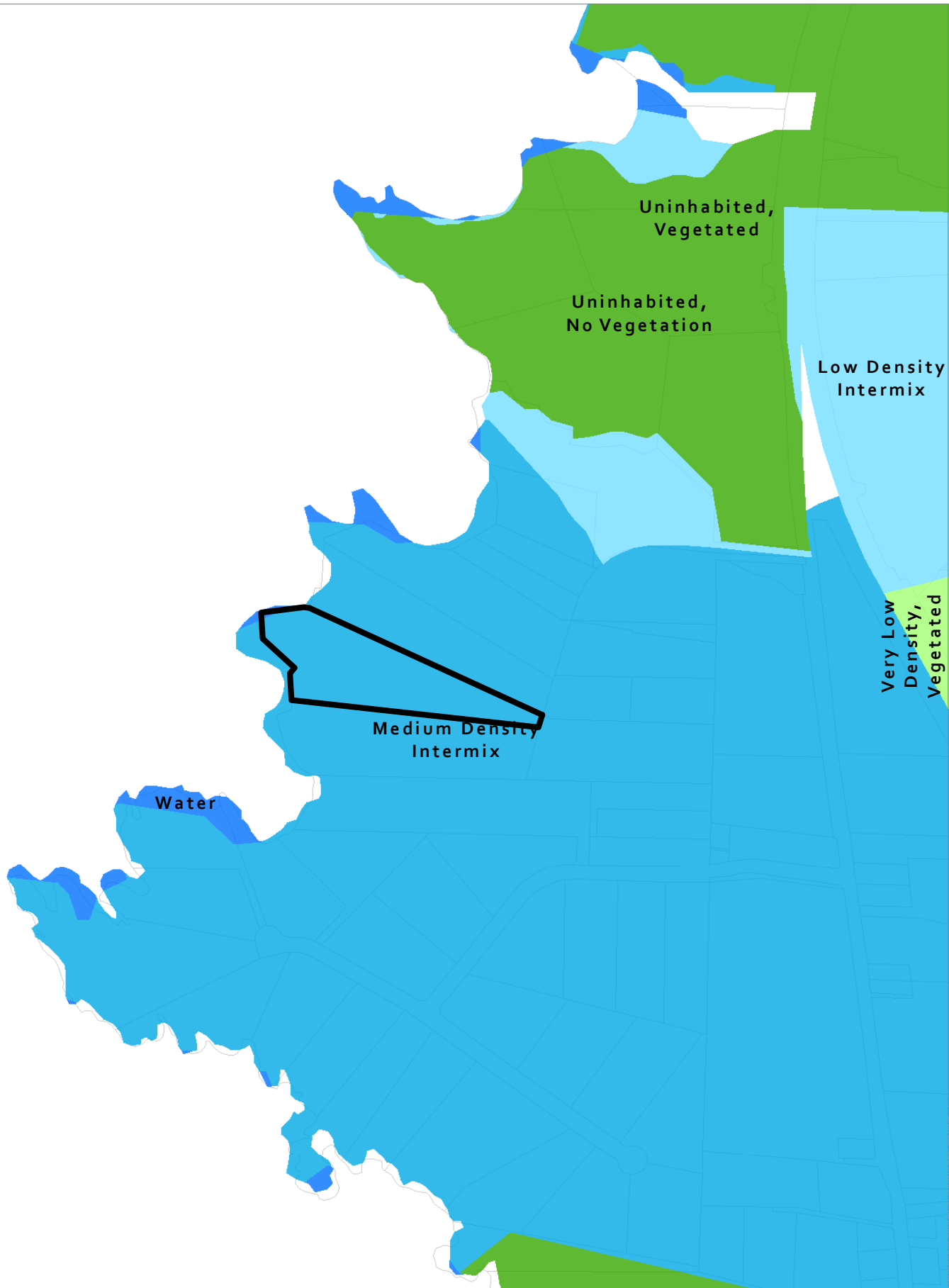
CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

-  Very High Fire Hazard
-  High Fire Hazard
-  County Fire Districts



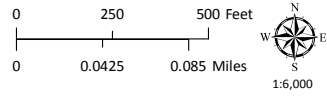
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

MENDOCINO COUNTY PLANNING DEPARTMENT 7/20/2023

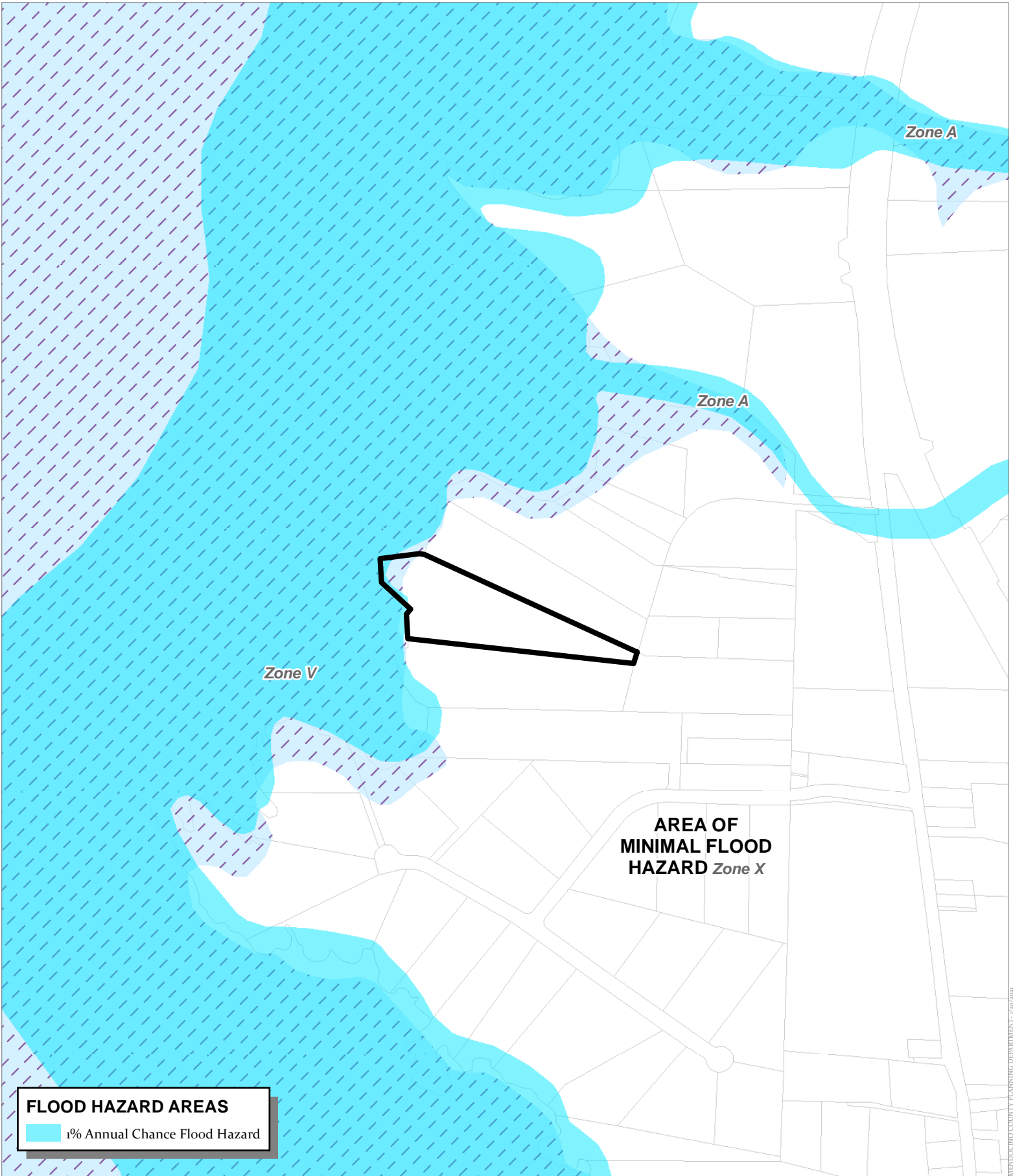


CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

 Water




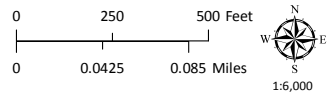
MENDOCINO COUNTY PLANNING DEPARTMENT - 12/29/2021

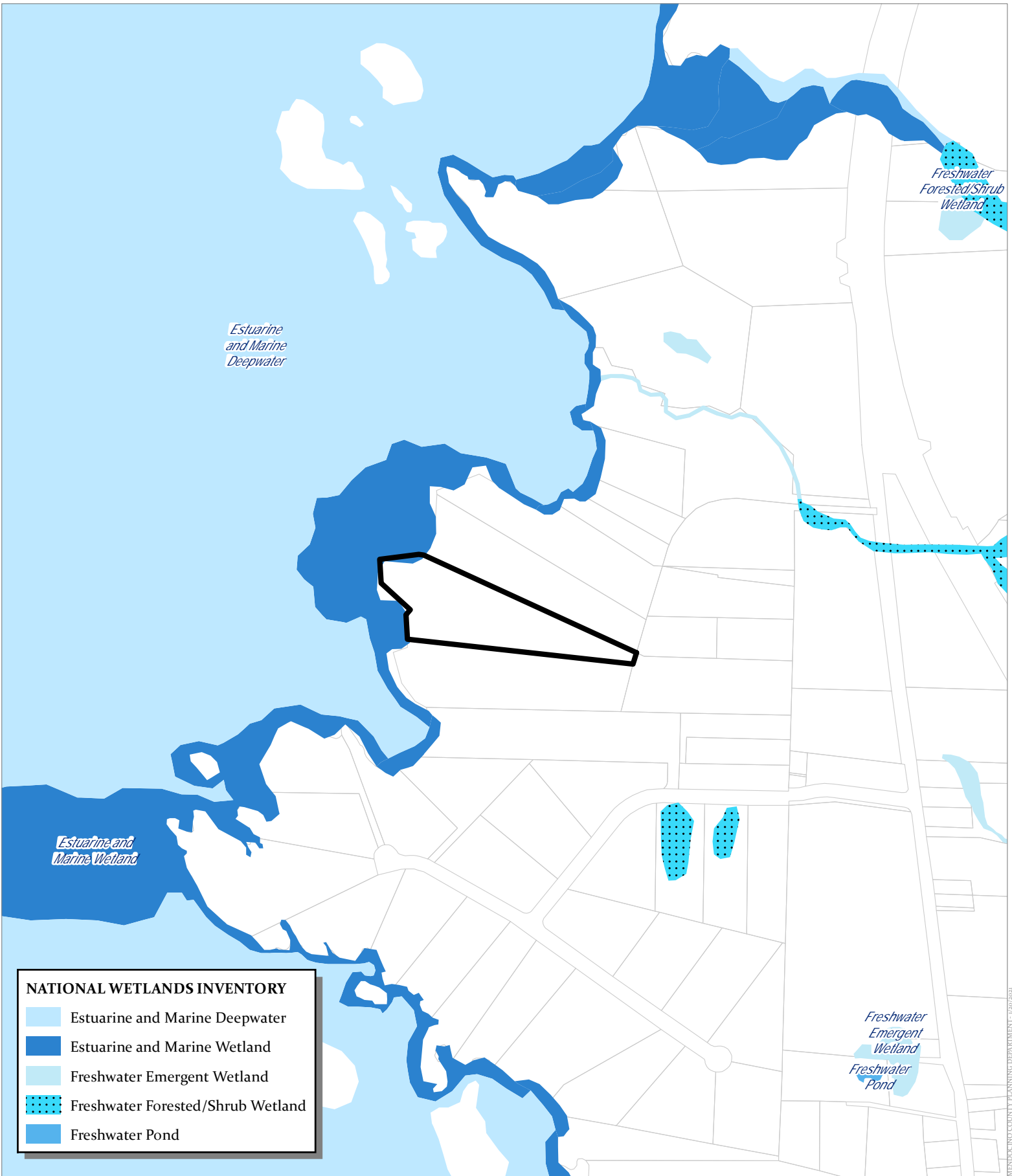


MENDOCINO COUNTY PLANNING DEPARTMENT - 7/20/2021

CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

 Tsunami Inundation Zones

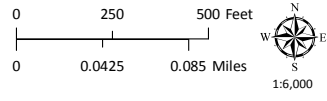




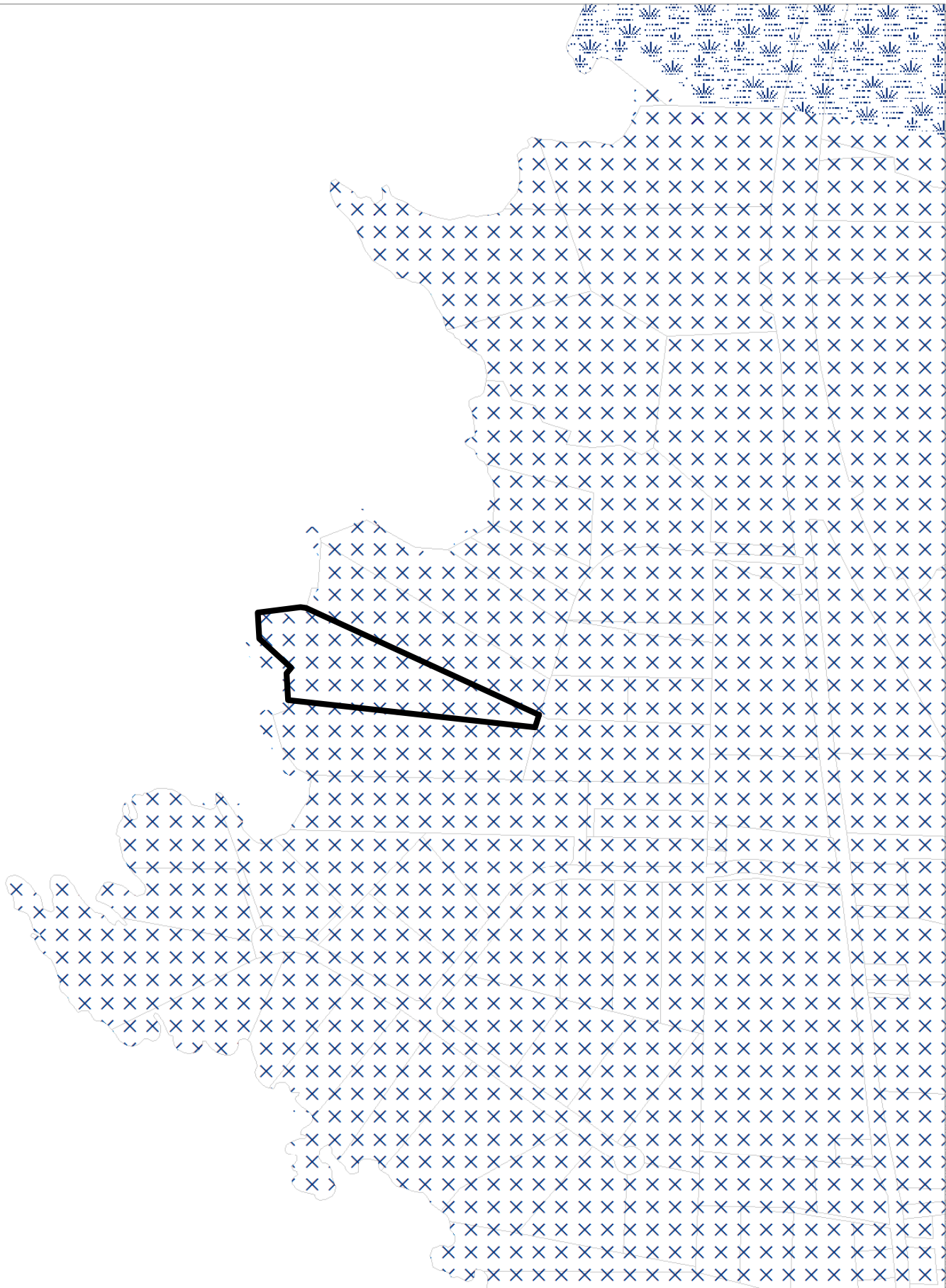
**NATIONAL WETLANDS INVENTORY**

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

CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar

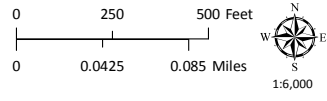


MENDOCINO COUNTY PLANNING DEPARTMENT - 1/20/2021



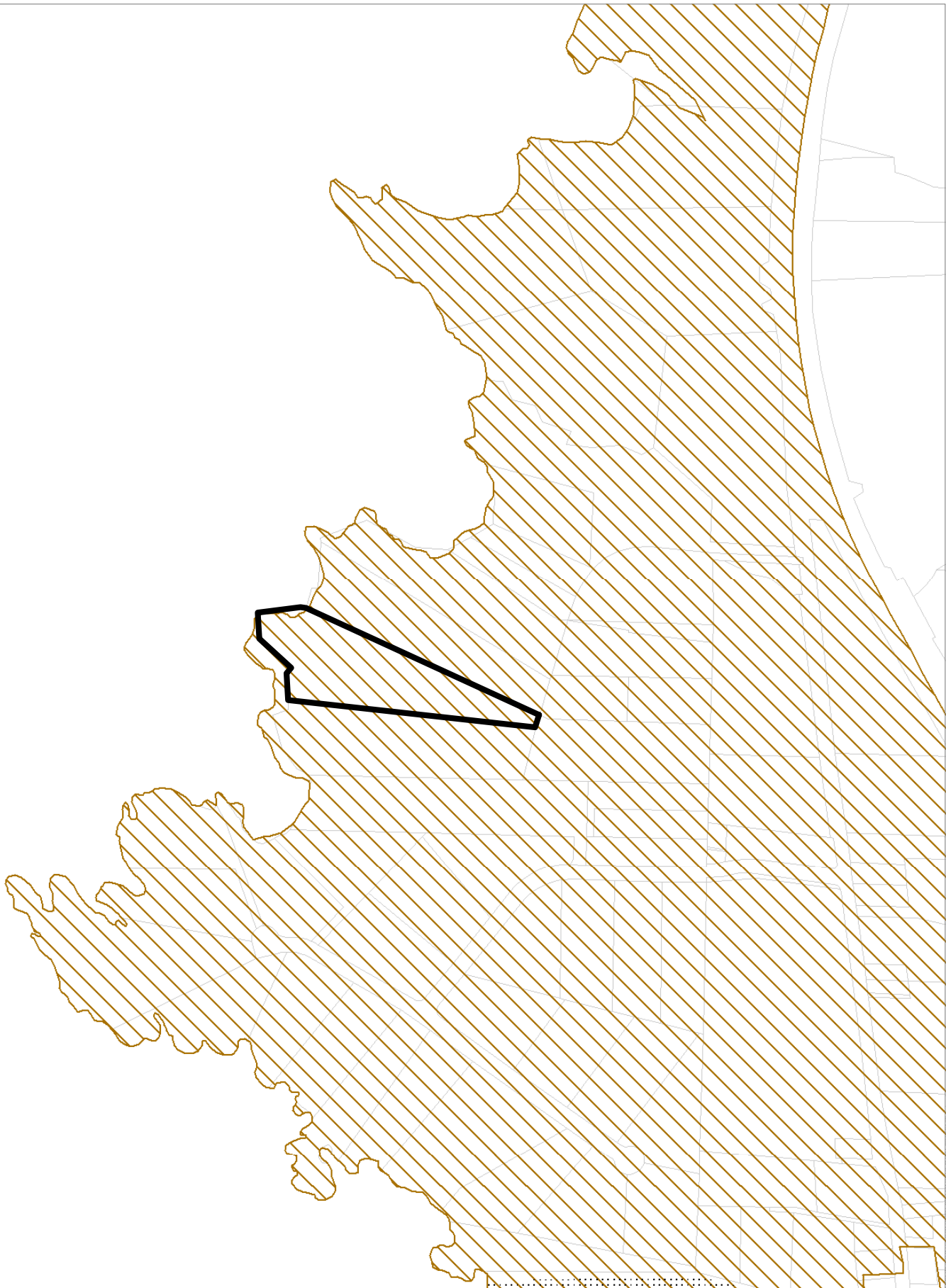
CASE: CDP 2021-0002  
OWNER: CARSON, Julia  
APN: 118-010-27  
APLCT: Julia Carson  
AGENT: Tara Jackson  
ADDRESS: 45380 Caspar Point Road, Caspar

- Critical Water Areas
- Marginal Water Resources





GROUND WATER RESOURCES





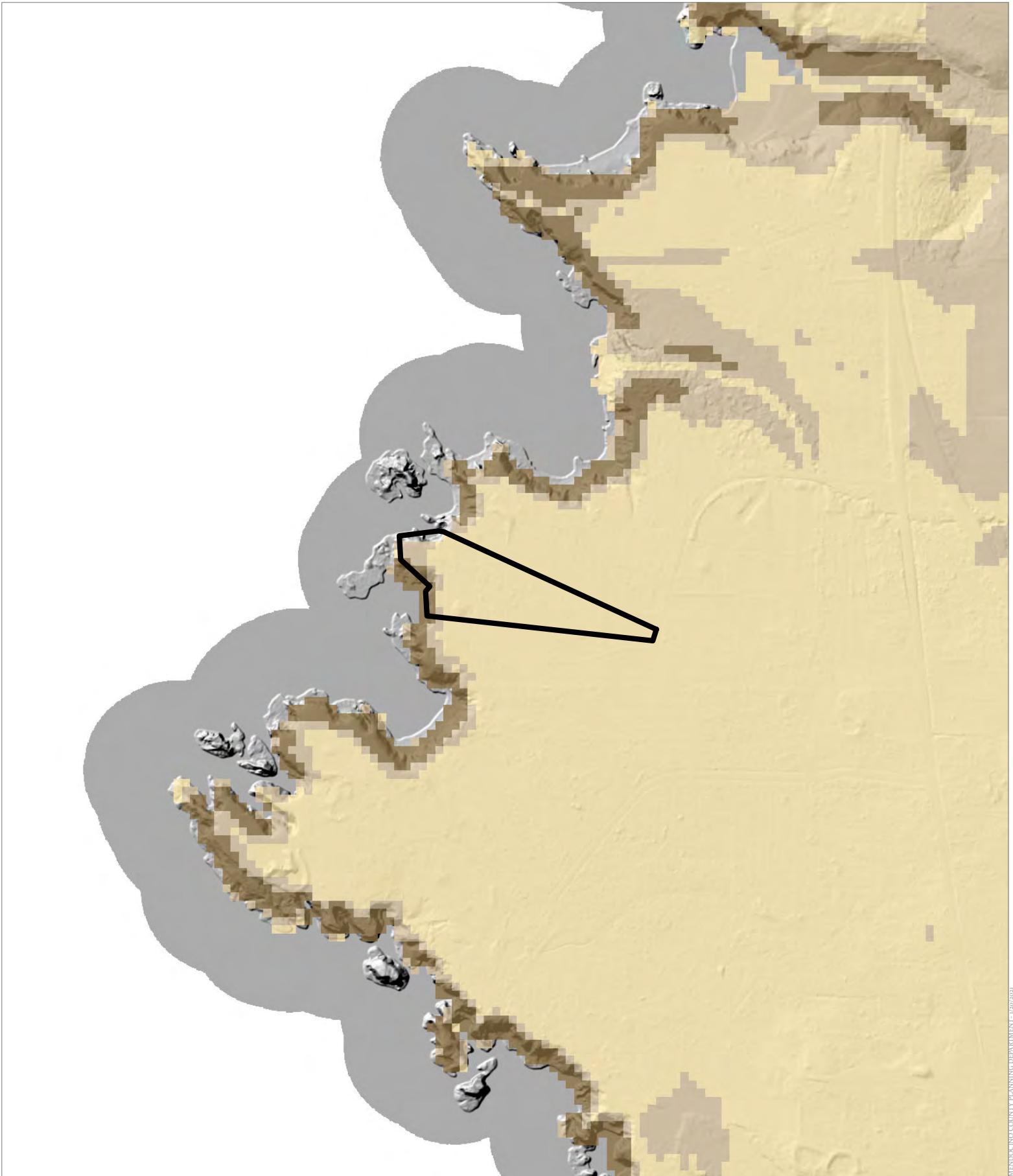
CASE: CDP 2021-0002  
OWNER: CARSON, Julia  
APN: 118-010-27  
APLCT: Julia Carson  
AGENT: Tara Jackson  
ADDRESS: 45380 Caspar Point Road, Caspar

 Tree Removal Area  
 Highly Scenic Area

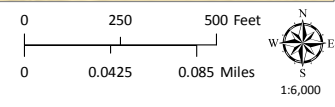
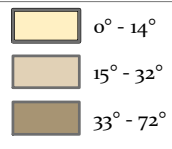
0 250 500 Feet  
0 0.0425 0.085 Miles  
N  
W E  
S  
1:6,000

**HIGHLY SCENIC & TREE REMOVAL AREAS**

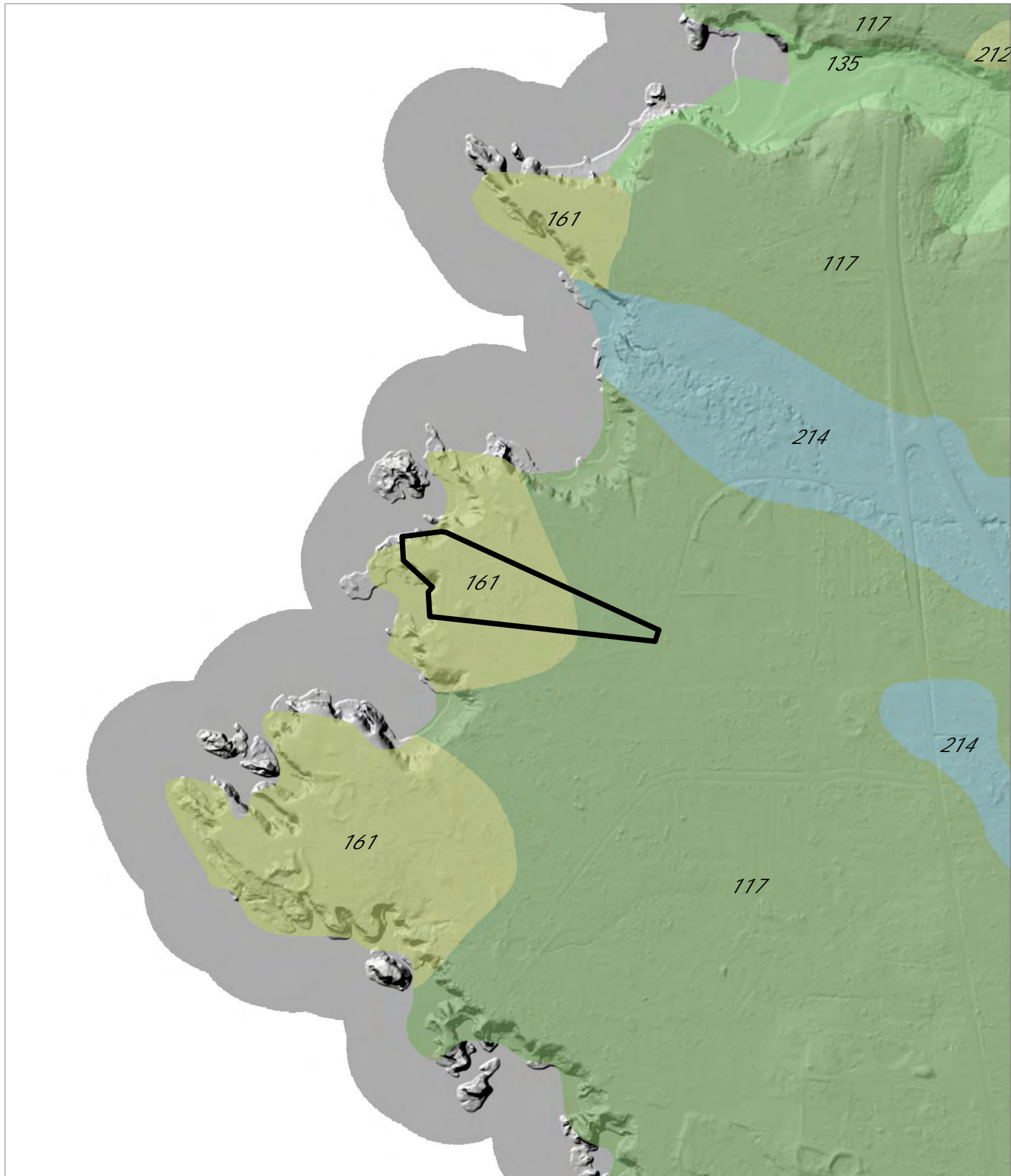




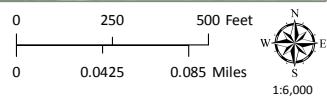
CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar



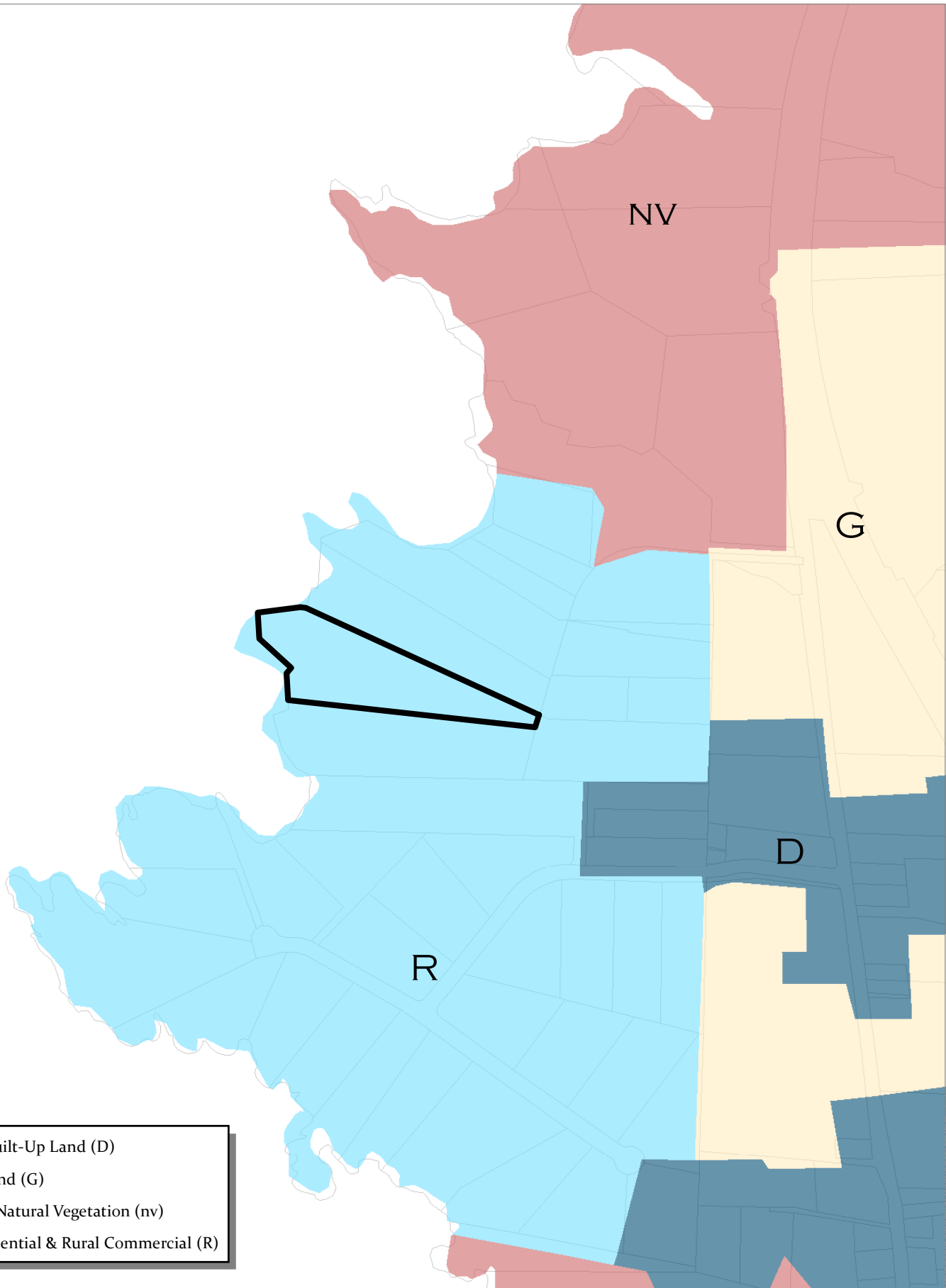
ESTIMATED SLOPE



CASE: CDP 2021-0002  
OWNER: CARSON, Julia  
APN: 118-010-27  
APLCT: Julia Carson  
AGENT: Tara Jackson  
ADDRESS: 45380 Caspar Point Road, Caspar

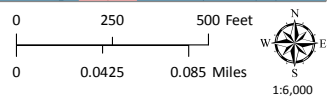


WESTERN SOIL CLASSES



- Urban & Built-Up Land (D)
- Grazing Land (G)
- Non-Ag & Natural Vegetation (nv)
- Rural Residential & Rural Commercial (R)

CASE: CDP 2021-0002  
 OWNER: CARSON, Julia  
 APN: 118-010-27  
 APLCT: Julia Carson  
 AGENT: Tara Jackson  
 ADDRESS: 45380 Caspar Point Road, Caspar



**Resolution Number PC 2021-0009**

County of Mendocino  
Ukiah, California

JUNE 17, 2021

MS\_2019-0003 JULIA CARSON

**RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF  
MENDOCINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE  
DECLARATION AND GRANTING A MINOR SUBDIVISION**

WHEREAS, the applicant, JULIA CARSON, filed an application for a minor subdivision with the Mendocino County Department of Planning and Building Services to subdivide 4.67± acres into two 2.67± acres and 2.0± acres parcels, in the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 410B) and State Route 1 (SR), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Rd., Caspar (APN: 118-010-27); General Plan RR5(2):R; Zoning RR:5/FP; Supervisorial District 4; (the "Project"); and

WHEREAS, during February 2020 California Coastal Commission, California Department of Fish & Wildlife, Planning & Building Services staff, and others conducted a site visit with the purpose of agreeing upon the extent of environmentally sensitive habitat areas; and on February 14, 2020 and pursuant with MCC Section 20.496.015(D) all agencies agreed that the Tufted Hair Grass Meadow is an environmentally sensitive habitat area, or ESHA, and the Shore Pine stand is isolated, generally a fragmented habitat, does not rise to the status of a "forest", and, in this particular case, does not warrant protection as an ESHA; and

WHEREAS, on May 6, 2021, the Planning Commission met and heard recommendations from staff, the applicant's agent (including a request for four exceptions from road standards) and consultants, and received and heard comments from the public; and

WHEREAS, on May 6, 2021 and following public comments, Planning Commissioner Jones moved to approve the application with modified conditions; and following additional discussion between the Commissioners, she withdrew her motion; and

WHEREAS, on May 6, 2021, Commissioner Jones offered a motion to continue the matter to June 17, 2021 and accepted an amendment to the motion from Commissioner Paulin, who then seconded the amended motion, and subsequently the motion passed by unanimous voice vote (4-0-1), with Commissioner Wiedemann abstaining; and

WHEREAS, A Negative Declaration was prepared for the Project and noticed and made available for agency and public review on April 8, 2021, in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, May 6, 2021 and June 17, 2021, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative declaration and the Project; and

WHEREAS, Minor Subdivision Application MS\_2019-0003 was reviewed by the Mendocino County Subdivision Committee on August 13, 2020 and is supported by the Committee with recommended conditions; and

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

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

1. **General Plan and Zoning Consistency:** The subject parcel is classified in the Coastal Element of the General Plan as *Rural Residential* (RR) and the Project is consistent with this designation. The parcel is assigned a variable density, RR5(2):R, that allows 2 acre minimum lot sizes and the Project is consistent with the intent of MCC Chapter 20.376 *Rural Residential District*; and
2. **Division of Land Regulations:** The Project is consistent with Chapter 17 of the Mendocino County Code, Division of Land Regulations and the Subdivision Committee recommends conditional approval for the proposed minor subdivision to the Planning Commission pursuant with MCC Section 17-48.5. The Planning Commission approves the requested exception to roadway standards as requested by the Applicant finding that pursuant to MCC Section 17-87 that there are special circumstances or conditions affecting the proposed division of land and that it will not be detrimental to the public welfare or injurious to surrounding property. The exception findings can be made as the lot has existing development, the reduced width would limit the amount of vegetation removal necessary and associated impacts to the environment, and there is minimal traffic along this private roadway that would be impacted by the granted exception; and
3. **Pursuant with MCC Section 20.524.025(E)**, the two lot subdivision will not result in a parcel having more than one zoning district designation; and
4. **Pursuant with MCC Section 20.532.095(A)(1)** and as conditioned, the two lot subdivision would conform with the certified Local Coastal Program, including Coastal Element Chapter 2.2 (Land Use Plan), Chapter 3.9 (Locating and Planning New Development), and Chapter 4.6 (Caspar Planning Area); and
5. **Pursuant with MCC Section 20.532.095(A)(3)** and as conditioned, the proposed two lot subdivision is consistent with the purpose and intent of the Rural Residential District, satisfies the development requirements of the District, and satisfies the specified requirements of the MCC Chapters 20.500 *Hazards* and 20.504 *Visual Resources and Special Treatment Areas*, and all other provisions of Division II; and
6. **Pursuant with MCC Section 20.532.095(A)(5)**, the Project will not have any adverse impacts on any known archaeological or paleontological resource and supports Coastal Element Policy 3.5-10. A standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities; and
7. **Pursuant with MCC Section 20.532.095(B)(1)**, the Project conforms to public access policies, including Chapter 20.528 *Coastal Access Regulations and Open Space Easements*; and there are coastal access points and trails within the vicinity; and
8. **Pursuant with MCC Section 20.532.100(A)(1)**, the Project conforms to Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* regulations as it establishes a minimum buffer distance from surveyed environmentally sensitive habitat areas (ESHA), including *Tufted Hair Grass Meadow ESHA*, and the Project supports Coastal Element Policies 3.1-2 and 3.1-7; and
9. **Pursuant with MCC Section 20.532.100(C)(1)(a)**, the Project will have access to on-site ground water, as the test well produced 1,170 gallons per day in 1991 and recent evaluations found no



significant change in ground-water levels, and septage disposal, roadway, and other necessary services; and

10. Pursuant with MCC Section 20.532.100(C)(1)(b), the Project will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources, and a Negative Declaration has been prepared pursuant to the California Environmental Quality Act; and
11. Pursuant with MCC Section 20.532.100(C)(1)(c), the new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands as surrounding areas are not identified as agricultural or timber lands and the Project supports Coastal Element Policy 3.9-8; and
12. Pursuant with MCC Section 20.532.100(C)(1)(d) and as conditioned, the proposed two lot subdivision is provided with adequate utilities, access roads, drainage and other necessary facilities and supports Coastal Element Policy 3.8-10. The Planning Commission finds that a ten foot wide road is sufficient to serve parcels 1 and 2; and
13. Pursuant with MCC Section 20.532.100(C)(1)(e), the proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element, including Coastal Element Chapter 3.9 policies regarding land divisions.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested minor subdivision and exception to the Division of Land Regulations, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

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

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

ATTEST: JAMES FEENAN  
Commission Services Supervisor

By: 

BY: IGNACIO GONZALEZ  
Interim Director, Planning & Building Services

DIANA WIEDEMANN, Vice-Chair  
Mendocino County Planning Commission

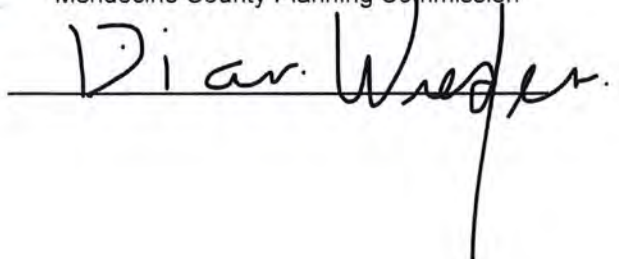


EXHIBIT A

CONDITIONS OF APPROVAL

JUNE 17, 2021

MS\_2019-0003 JULIA CARSON

**APPROVED PROJECT DESCRIPTION:** Coastal Minor Subdivision of a 4.67± acre parcel into two parcels of 2.67± acres and 2.0± acres.

**CONDITIONS OF APPROVAL:** For a Minor Subdivision which has been approved according to the Mendocino County Code, the following "Conditions of Approval" shall be completed prior to filing a Parcel Map.

**ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.**

**Aesthetics:**

1. The following note shall be placed on the Parcel Map:

*All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.*

**Air Quality:**

2. A notation shall appear on the Parcel Map:

*Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval.*

3. A note shall appear on the Parcel Map:

*The access road, driveway and interior circulation routes be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air quality Management District regulations regarding asbestos content.*

**Biological & Botanical Resources:**

4. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. **Said fee of \$ 2,530.25 OR CURRENT FEE 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 appeal period.** Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment

will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.

**Cultural Resources:**

5. A note shall appear on the Parcel Map:

*In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.*

**Geology & Soil:**

6. The subdivider shall acknowledge in writing to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
  - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
  - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 15<sup>th</sup> or before a weather event with an at least thirty percent (30%) chance of rain, whichever comes first.
  - f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
  - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
    - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 cubic meters) on any one lot and does not obstruct a drainage.



**Fire:**

7. The subdivider shall comply with those recommendations in the CalFire letter of (CAL FIRE FILE 90-19) or other alternatives as acceptable to CAL FIRE. Written verification shall be submitted from CalFire to the Department of Planning and Building Services that this condition has been met to the satisfaction of CalFire.
8. The subdivider shall comply with those recommendations of the Fort Bragg Rural Fire District or other alternatives as acceptable to the Fire District. Written verification shall be submitted from Fire District to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Fire District.

**Hydrology & Water Quality:**

9. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
10. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM 42.04) for Parcel 2 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM 26.09).
11. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM 42.04) for a replacement system for the existing structure(s) located on Parcel 1 completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM 26.09).
12. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development.
13. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from an identified source on the subdivision. Compounds to be tested for, at a minimum are: Calcium, Iron (total), Magnesium, Manganese (total), Potassium, Sodium, Bicarbonate, Carbonate, corrosivity (pH), alkalinity (total), total dissolved solids, turbidity, Chloride, Fluoride, Nitrate, Sulfate, Calcium hardness, Magnesium hardness and total hardness.

**Land Use & Planning:**

14. The applicant is hereby notified that this proposed division lies within the Coastal Zone Boundary and additional action may be necessary. For information you should contact the California Coastal Commission Northern California Office, 1385 8th St., Arcata, CA 95521, 707-836-8950.
15. That verification be received by a licensed civil engineer or surveyor that each parcel created is a minimum of 2 acres, net.
16. All existing structures shall meet current setback requirements to newly proposed property lines. A Site Plan exhibit shall be submitted to the satisfaction of Planning and Building Services clearly identifying compliance.

**Transportation:**

17. Easements & Dedications:

- a. There shall be provided an access easement of 40 feet in width from a publicly maintained road to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
- b. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.
- c. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map.

18. Road Improvement Requirements:

- a. Subdivision road from Caspar Point Road to terminus of access easement shall be improved in accordance with the County of Mendocino Road and Development Standards drawing A10H and the following minimum standards: Ten (10) foot wide, eight (8) inch minimum thickness Class 2 aggregate base rock road within the access easement.
- b. A standard private road approach shall be constructed to a minimum width of eighteen (18) feet, with improved approach extending twenty (20) feet from the edge of the County road, paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.

19. Turnaround Requirements:

- a. A 40 foot radius turnaround shall be constructed within a 50 foot radius easement at terminus of access easement to the satisfaction of the Mendocino County Department of Transportation. Alternatively, subdivider may construct a "Hammerhead-T" turnaround within a forty (40) foot wide by eighty (80) foot long easement at the terminus of the access easement. Turnaround shall be constructed with eight (8) inch minimum rock base, twenty (20) feet wide and sixty (60) feet long, with twenty (20) foot radius surfacing returns. If desired, the "Hammerhead-T" may be located at the driveway of the proposed residence on Parcel 2, provided that the entirety of the "Hammerhead-T" is included in the easement. The turnaround must be constructed before parcel map recording.
- b. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed. Prior to the filing of the parcel map, required road improvements must be inspected and approved by the Department of Transportation. Current inspection fees apply.
- c. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

**Special Conditions:**

- 20. Building/Development Setbacks indicating Front/Rear/Side to all property boundary's (existing and proposed) and roadway/easements shall be designated on the Parcel Map (MCC Sec. 17-52.(I))
- 21. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Parcel Map, the subdivider must: (a) Obtain a Certificate from the Mendocino County Tax Collector stating that all

- current taxes and any delinquent taxes have been paid and; (b) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.
22. In accordance with MCC Section 20.500.020(E)(3), all grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (for example, Brunsing Associates, Inc. Geotechnical Investigation Carson Residence and Guest Unit 45380 Caspar Point Road, Caspar, California. January 8, 2016).
  23. The property owner shall execute and record a deed restriction, in a form and content acceptable to the Director of Planning and Building Services and County Counsel, which shall provide that:
    - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
    - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
    - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
    - d. The landowner shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan or other improvements in the event that these structures are subject to damage or other erosional hazards in the future, unless approved by a Coastal Development Permit or permit amendment; and
    - e. The landowner shall remove the structures shown on the Site Plan when bluff retreat reaches the point where the structures are threatened. In the event that portions of the structures shown on the Site Plan, or other improvements, fall to the beach or ocean before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and
    - f. Attached as exhibits to the Deed Restriction shall be (i) the adopted findings and conditions approving MS\_2019-0003; and (ii) a Site Plan. The Site Plan exhibit shall identify the boundaries the *Tufted Hair Grass Meadow ESHA*, its buffer, the geotechnical bluff set back, and others, and shall be printed in black and white. The Director of Planning and Building Services, or their designee, shall review and accept the Site Plan exhibit; and
    - g. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
  24. In accordance with MCC Section 20.496.020(A), a buffer area shall be established adjacent to all environmentally sensitive habitat areas (ESHA), including the *Tuft Hair Grass Meadow ESHA*. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from developments and shall be compatible with the continuance of the habitat areas. The width of the buffer area shall be a minimum 100 feet. In accordance with MCC Chapters 20.496 and 20.532, the Coastal Permit Administrator may consider a request to modify the buffer width.
  25. Development, including repair, maintenance, and improvements to any structure, located within Environmentally Sensitive Habitat Area (ESHA) buffers, or ESHA resource areas, shall require a coastal development permit or permit amendment. Development may be exempt from the

requirements of MCC Chapter 20.532, provided it meets the exemption criteria and is located outside of ESHA buffers and ESHA resource areas.

26. Future development shall implement the mitigation and avoidance measures described in Section 6 of the *Biological Scoping & Botanical Survey Report for 45380 Caspar Point Road, Caspar, CA 95420* prepared by Wynn Coastal Planning & Biology and dated June 12, 2019 (or the adopted measures associated with a Coastal Development Permit).
27. The bluff setbacks, as specified in the Geotechnical Investigation report prepared by Brunsing Associates dated January 9, 2016, shall be memorialized on the Parcel Map (and on the Site Plan exhibit attached to the Deed Restriction). In accordance with MCC Chapters 20.500 and 20.532, the Coastal Permit Administrator may consider a request to modify the bluff setback distance.

**THIS DIVISION OF LAND IS DEEMED COMPLETE WHEN ALL CONDITIONS HAVE BEEN MET, AND THE APPROVED PARCEL MAP IS RECORDED BY THE COUNTY RECORDER.**

>>> Ray Duff <rayduff@mcn.org> 4/11/2022 4:11 PM >>>

CDP\_2021-0002 Public Comments for the April 15, 2022 Hearing

April 9, 2022

Re: CDP\_2021-0002

Owner. Applicant: Julia Carson

Staff Planner Juliana Cherry

Presentations to the Planning Commission did not fully examine water availability in this particular instance, and glossed over essential elements of the Coastal Commission guidelines for land in the coastal zone. We write to request that you consider some additional information regarding the proposed development on Caspar Point Road:

The property is located in a Critical Water Resource Area; the most critical category. Not all neighboring residential properties have been developed. APN 118-010-25 directly southeast of Carson is an undeveloped property 3.4 acres. Adjacent APN118-010-25 are two more undeveloped parcels. The hydrology testing done does not ensure these existing parcels will be served with adequate water when they are ready to develop. Additionally, several neighbors had dry wells during the 2020-21 dry season, including APN 118-010-25, 118-010-20 and 118-020-22, all located within roughly 350 to 1,000 feet of the Carson property. Allowing for additional housing not only decreases water availability for these property owners, but additionally sets a precedent for future parcels in an area where water availability is already an issue.

The present application includes a request to construct a detached guest cottage, and a detached garage, although the detached garage is not shown on the documents presented. And while the documents describe the detached guest cottage as temporary for us during construction, there is no assurance they will not be used after construction is completed. One, if not both of these buildings could use water.

Mendocino County is experiencing drought conditions, and the local coastal area is worse. Certainly, the trend over the years we have live in Caspar, there has been less and less available water. We have had to add a storage tank, as others have built on adjacent properties, and all neighbors along our road with development have extra storage.

The Carson new well to serve the newly allowed parcel produces water at a rate of .8 gallon per minute. A rate of 1 gallon per minute is generally the minimum required for a residential use. We know a rate as low as .5 gallon a minute can be considered acceptable with sufficient water storage on site. Any approval assumes that on-site water storage will be needed in order for there to be sufficient water for a new residence. This is acceptable, but it should be considered because it is an indication that there is not an abundance of water available.

A former Hydrologist for Mendocino County Water Agency previously advised that using a 30-year-old Hydrologic Study when the lot split was allowed seemed insufficient. This applies to the current project. The Hydrologist said hydrological studies must conform with the Mendocino County Coastal Groundwater Development Guidelines (CGDG). There has been no mention of CGDG in the present proposal. Carson's hydrologic consultant mentioned that current well depths were substantially similar to 1991. While the immediate neighborhood may not have changed, changes in the groundwater basin over the past 30-years are significant. There are more new wells, new gardens, and even second residential units. Using a 30-year-old Hydrological Study as proof-of-water in a current project is problematic.

Sincerely,

Ray and Loraine Duff 45300 Caspar Point Road #46, Caspar, CA 9542