

<p>May 26, 2022 CDP_2020-0020 NOFA</p>	<p>January 26, 2023 CDPM_2022-0007 Staff Report</p>
<p>CPA ADOPTED FINDINGS:</p>	<p>RECOMMENDED FINDINGS:</p>
	<p>Add 2. Modified Conditions No. 10(d) and 19 are consistent with Coastal Element Policy 3.4-12, relating to future armoring; and</p>
	<p>Add 3. As the property, a coastal terrace sloping towards Mendocino County's coastline, is designated as a Highly Scenic Area, project modifications are consistent with Coastal Element Policies 3.5-1, 3.5-3, and 3.5-4; for example, the modified project is visually compatible with the character of the surrounding lands and the site design protects views to and from public vantage points, including State Route 1, the Peg and John Frankel Trail, and the Pacific Ocean; modified Condition No. 21(a) is consistent with policies intended to reduce sources of glare and modified Condition No. 26 appropriately restricts exterior lighting to areas adjacent to doors and stairwells; and in an area designed as highly scenic, Subchapter 6 and Subchapter 7.5, Title 14, California Administrative Codes establishes that a coastal development permit is required for improvements to a single-family residence and any [other] structure; and</p>
<p>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 10,000 gallons of on-site water storage, PG&E service, and enjoys access to adequate utilities, and access roads, including State Route 1, and other necessary facilities; and the results from a Proof of Water Test will be reviewed by the Coastal Permit Administrator prior to issuance of a building permit; and</p>	<p>Revise 4. Pursuant with MCC Section 20.532.095(A)(2), the project satisfies Coastal Element Policies 3.8-7, 3.8-9, and 3.9-1; for example, the existing 160-foot deep residential well yielded 4.7 gallons permit when tested in August 2022 and the proposed residence would have access to on-site septic, leach fields, 10,000 gallons of on-site water storage, PG&E service, and enjoys access to State Route 1, and other necessary facilities; and</p>
<p>8. Pursuant to MCC Section 20.532.100(A)(1), the application includes protection of on-site sensitive habitat areas by encouraging grazing in areas that will not affect Grand Fir Forest ESHA; by limiting activities to allowed Open Space Use Types within ESHA and ESHA buffer areas; and on-site planting of regionally native vegetation; and</p>	<p>Revise 10. Pursuant to MCC Section 20.532.100(A)(1), the project is consistent with Coastal Element Chapter 3.1 policies because the application includes protection of on-site sensitive habitat areas by encouraging grazing in areas that will not affect Grand Fir Forest ESHA; the project includes additional planting of regionally native vegetation; the application limits activities within ESHA and ESHA buffer areas to allowed Open Space Use Types; and modified Condition No. 17, which is intended to protect on-site ESHA and their buffers from future development, will require the property owner to obtain a Coastal Development Permit or permit amendment for any future improvements; and</p>
<p>9. Pursuant to MCC Section 20.532.100(A)(2), the proposed Light Agricultural and residential land uses are permitted land use types in the Range Lands District, e.g. the horse barn and horse grazing; residential uses are compatible with the long-term protection of the surrounding resource lands; and the size of the 18.2-acre lot, which is considerably smaller than 160-acres, is consistent with Coastal Element Policy 2.2 that states, "the Range Lands classification includes ... intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands;" and</p>	<p>Revise 11. Pursuant to MCC Section 20.532.100(A)(2), the proposed Light Agricultural and residential land uses are permitted land use types in the Range Lands District, e.g. the horse barn and horse grazing; residential uses are compatible with the long-term protection of the surrounding resource lands; and the size of the 18.2-acre lot, which is considerably smaller than 160-acres, is consistent with Coastal Element Policy 2.2 that states, "the Range Lands classification includes ... intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands;" and the project does not conflict with Coastal Element Chapter 3.2 agricultural policies; and</p>

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10. Pursuant with MCC Section 20.532.100(B)(3), no conversion of non-prime agricultural lands to a non-agricultural use is proposed, rather the project includes a Light Agricultural land use, e.g. stabling and grazing of horses, which is a permitted activity type within the Range Lands District.	Revise 12. Pursuant with MCC Section 20.532.100(B)(3), no conversion of non-prime agricultural lands to a non-agricultural use is proposed, rather the project includes a Light Agricultural land use, e.g., stabling and grazing of horses, which is a permitted activity type within the Range Lands District; and Condition No. 31 lists the principally permitted and conditional uses in the RL District, as these uses include Coastal Agricultural Use Types.
10.d. The property owner shall not construct any bluff or shoreline protective devices to protect the subject structures or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future without first obtaining a coastal development permit or permit amendment; and	Revise #10.d. The property owner shall not construct any bluff or shoreline protective devices to protect the subject structures or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future; and

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CPA ADOPTED CONDITIONS:	RECOMMENDED CONDITIONS:
10.g. Pursuant to MCC Section 20.308.050(I), "Guest Cottage" means a detached building (not exceeding six hundred forty (640) 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; and	Delete CDP_2020-0020 Condition #10.g. Guest Cottage is not proposed
10.i The adopted findings and conditions approving CDP_2020-0020 and the approved site plan (e.g. Sheets A1.2 and A1.3 stamped received Dec 04 2020) shall be attached as exhibits to the Deed Restriction; and	Revise #10.i The adopted findings and conditions approving CDPM_2022-0007 and the approved site plan (e.g., Sheets A1.2 and A1.3 dated July 26, 2022) shall be attached as exhibits to the Deed Restriction; and
17. Future development, beyond that approved by the subject Coastal Development Permit, may be exempt from the requirement of a new Coastal Development Permit, provided development meets the exemption requirements of MCC Section 20.532.020 and is located outside adopted Environmentally Sensitive Habitat Area (ESHA) buffers and ESHA resource areas. Future development located within ESHA buffers or ESHA resource areas requires a coastal development permit or permit amendment.	Revise #17. Future development may be exempt from the requirement of a new Coastal Development Permit, provided development meets the exemption requirements of MCC Section 20.532.020 and PRC section 30610/Title 14 CCR §13250-13253, as applicable, and the development is located outside adopted Environmentally Sensitive Habitat Area (ESHA) buffers and ESHA resource areas. <u>Future development located within ESHA buffers or ESHA resource areas requires a coastal development permit or permit amendment.</u>
19. In accordance with MCC Section 20.500.020(E), a coastal development permit, or permit amendment, is required prior to constructing seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls. These structures shall not be permitted unless judged necessary for the protection of existing development, public beaches or coastal dependent uses. (Noting, a coastal development permit or permit amendment is required prior to maintaining the retaining wall that follows the easterly edge of the driveway.)	Revise #19. A coastal development permit or permit amendment is required prior to maintaining the retaining wall that follows the easterly edge of the driveway.
21.a. Roof material shall be CertainTeed composition shingles color Atlantic Blue (or similar material that is non-reflective and similar in hue and color). Metal materials shall blend in hue and brightness with their surroundings. Clear coat galvanized steel or other metallic finish are not permitted. Roof mounted solar panels shall not be a source of glare; non-reflective surfaces are encouraged.	Revise #21.a. Roof material shall be CertainTeed composition shingles color Atlantic Blue (or material similar in hue and color). Roof mounted solar panels shall not be a source of glare; non-reflective surfaces are encouraged.

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<p>26. 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.</p>	<p>Revise #26. 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, 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. Exterior illumination is limited to areas adjacent to doors, stairs, and similar points of egress.</p>
<p>27. In accordance with MCC Section 20.516.015(B), demonstration of proof of water shall be completed prior to issuance of a building permit and prior to the conclusion of the initial expiration date for CDP_2020-0020. On-site groundwater testing may be completed in four (4), or fewer, locations and one test well shall be converted to a production well.</p>	<p>Delete CDP_2020-0020 Condition #27</p>
<p>#32. 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 \$ \$2598.00 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 property owner has the sole responsibility to insure timely compliance with this condition.</p>	<p>Delete CDP_2020-0020 Condition #32</p> <p>The property owner satisfied CDP_2020-0020 Condition #32</p>
<p>#33. Construction of the barn and residence with guest cottage may be phased, as follows: a. Initially recording the deed restriction and paying CDFW fees. b. Applying for a grading permit and completing rough grading prior to the onset of autumn rains. c. Applying for a well permit and satisfying requirements of MCC Section 20.516.015(C) Water Supply. d. Applying for building permits to construct the barn, residence, and guest cottage.</p>	<p>Delete CDP_2020-0020 Condition #33 a-d</p>
	<p>Add #31. Development shall be limited to those approved by CDPM_2022-0007 and agricultural land uses. Principally permitted Agricultural Use Types may include General Agriculture, Light Agriculture, Row and Tree Crops, and Tree Crops. Conditional Agricultural Use Types may include Animal Waste Processing, Forest Production and Processing: Commercial Woodlots; Forest Production and Processing: Limited; Horticulture; Packing and Processing: General; and Packing and Processing: Fisheries Byproducts.</p>