



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
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May 1, 2023

PUBLIC HEARING NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, May 25, 2023, at 10:00 a.m. will conduct a public hearing on the following project located in the Coastal Zone at the time listed or as soon thereafter as the item may be heard. This meeting will take place in the **Planning and Building Services Conference Room, located at 860 North Bush Street, Ukiah** and virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing on line on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance, the public may participate digitally in meeting by sending comments to: pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

CASE#: CDP_2019-0017

DATE FILED: 4/24/2019

OWNER/APPLICANT: JAMES TJOGAS

REQUEST: An after-the-fact Coastal Development Permit to install a 24 foot by 32 foot shed and an 8 foot by 20 foot shipping container on a vacant lot.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 7± miles north of the town of Gualala, 1± miles east of the intersection of Roseman Creek Road (private) with State Route 1 (SR 1), located at 41779 Roseman Creek Rd, Gualala; APN: 143-010-29-05.

SUPERVISORIAL DISTRICT: 5

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 West Fir Street, Fort Bragg, California, or by e-mail to pbscommissions@mendocinocounty.org no later than May 24, 2023. 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, 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



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MEMORANDUM

DATE: MAY 25, 2023
TO: COASTAL PERMIT ADMINISTRATOR
FROM: PLANNER JULIANA CHERRY
SUBJECT: **CDP_2019-0017 REVISED GRADING RECOMMENDATIONS AND AMENDED FINDINGS No. 1 – 3 AND CONDITION No. 10 – 12, 18; AND ADDING CONDITION No. 25 - 27**

Background: The hearing for application CDP_2019-0017 was continued by the Coastal Permit Administrator on July 28 and December 14, 2022. These actions gave the applicant additional time to prepare and present geotechnical recommendations for the existing cut slopes adjacent to the circa 2018 constructed agricultural storage building (attached). Additionally, on December 13, 2022, staff received from the Coastal Commission staff suggestions to use imperatives with Conditions No. 10 and No.11 (attached).

Consulting Geologist Evan Wolf provided additional guidance to support the existing cut slopes, including:

- Retain and grade existing cut slopes over 5 feet tall.
- Figure 2, Retaining Wall & Grading Plan
- Wood timber wall height with post spacing and depth specifications
- Specifying 8 foot deep, 12 inch diameter drilled pier foundations for wood walls
- Specifications to slope terrain above the retaining wall
- Excavating 47± cy from the sloping terrain between the retaining wall and Roseman Creek Road
- Direction to disburse fill within level portions of existing graded pad
- Erosion control measures, including compaction and covering fill with gravel
- Controlling site drainage and directing water discharge away from fill slopes

The engineering geologist's final observations are that; "It is not uncommon for unanticipated conditions to be encountered during site grading and/or retaining wall construction. In addition, the proposed retaining wall and grading plan accompanying this letter is considered schematic in nature and variations in the layout and construction of the proposed features may need to be made in the field. If the proposed project will be field modified, the planned modifications should be reviewed and approved or amended by this office in writing." And "... due to variations in surface and subsurface conditions *with time this report may need to be updated if the construction does not commence within 24 months* from the date that this report is submitted." Report is dated November 18, 2022.

Recommendations: Staff has reviewed the filed report and suggests approving the project with conditions requiring the property owner to adhere to guidance prepared by Evan Wolf, geologist, and dated November 18, 2022. Given statements provided in the report, staff recommends requiring an engineering geologist on site during the grading activities to ensure best practices are followed when field decisions are made. Prior to any extension to the permit's expiration date, the property owner shall furnish updated geotechnical recommendations.

Attached are suggested revisions to the July 26, 2022 recommended Findings No. 1, 2, and 3; suggested revisions to Conditions No. 10, 11, 12, and 18; and additional Conditions No. 25, 26, and 27.

Attachments:

- A. Amended Findings and Conditions as recommended in the July 28, 2022 CPA Staff Report
- B. Evan Wolf. Geotechnical Engineering Consultation Letter, Proposed Site Retaining Wall, 41779 Roseman Creek Road, Gualala, Mendocino County, Calif., APN: 143-010-29-05. November 18, 2022.

Link to on-line documents:

Email between Bente Jansen and Juliana Cherry with subject line: CDP_2019-0017 Tjogas: Suggestions to modify Conditions #10 & #11. Dated December 13, 2022 and February 24, 2023. <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

Coastal Permit Administrator Staff Report for Standard Coastal Development Permit CDP_2019-0017. July 28, 2022. <https://www.mendocinocounty.org/home/showpublisheddocument/51862/637927822793670000>

**AMENDED FINDINGS AND CONDITIONS
AS RECOMMENDED IN THE JULY 28, 2022 CPA STAFF REPORT****WITH STRIKEOUT AND UNDERLINED COPY****PREPARED FOR THE MAY 25, 2023 CPA MEETING**

The following lists the July 26, 2022 published findings and conditions. Recommended additional text is underlined. ~~Strikeouts~~ indicate where text would be deleted. See revisions to Findings No. 1, 2, and 3; and revisions to Conditions No. 10, 11, 12, and 18; and additional Conditions No. 25, 26, and 27.

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code (MCC), the Coastal Permit Administrator approves the proposed agricultural shed, shipping container, water-storage tank, ~~and on-site storage of one travel trailer,~~ and adopts the following findings and conditions, as revised, and adding Conditions No. 25, 26, and 27.

RECOMMENDED FINDINGS REVISIONS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed agricultural shed, water-storage tank, and shipping container, ~~and on-site storage of a travel trailer~~ conforms with the certified Local Coastal Program as it proposes the construction of a permitted, accessory structure on lands classified as Rural Residential Development Limited (RR-DL); and, as described in the staff report, the project satisfies Coastal Element Chapters 3.1 (Habitat and Natural Resources) and 3.4 (Hazard Management) policies; and
2. Pursuant with MCC Section 20.532.095(A)(2), as conditioned the proposed agricultural shed, water-storage tank, and shipping container, ~~and on-site storage of a travel trailer~~ are provided with adequate utilities, access roads, drainage and other necessary facilities. The proposed project does not include installation of an on-site sewage disposal system, as the buildings will be used for storage (and not habitation). The property owner will store water on-site and convert the existing test well to agricultural use; and
3. Pursuant with MCC Section 20.532.095(A)(3), as conditioned the proposed agricultural shed, water-storage tank, and shipping container, ~~and on-site storage of a travel trailer~~ are consistent with the purpose and intent of the Rural Residential Development Limited District, satisfies the development requirements of the District, and satisfies the specified requirements of the MCC Chapters 20.500 *Hazards* and all other provisions of Division II. Prior to issuance of a building permit, the property owner will record a deed restriction acknowledging hazards associated with the property. The property owner will apply for a grading permit and remediate slope cuts, as recommended by Bagg Engineers in their December 18, 2020 geotechnical engineering consultation report et al; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development will not have any significant adverse impacts on the environment and a Categorical Exclusion for the construction of an agricultural shed has been prepared pursuant to the California Environmental Quality Act; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource and is consistent with Coastal Element Chapter 3.5 policies regarding cultural resources. 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
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. Well water will be supplied for agricultural irrigation and no residential use of the property is proposed. The project does not conflict with Coastal Element Chapter 3.8 policies, because the project does not include installing an on-site sewage disposal system, residential water well, and use

of other public services; and

7. Pursuant with MCC Section 20.532.095(B)(1), the proposed development is in conformity with public access policies, including Coastal Element Chapter 3.6 policies and MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements*. Coastal access is available west of State Route 1 and the project site; and
8. Pursuant with Board of Supervisor Ordinance No. 4493, use of groundwater resources has been considered (e.g. an agricultural well and water storage tank) and permit conditions include water conservation measures, as recommended in *Mendocino County Coastal Groundwater Study* and the 2020 geotechnical report prepared by Bagg Engineers of San Jose, California.

RECOMMENDED CONDITION REVISIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County 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 use of the property in reliance on such permit have been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits 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 owners 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. Conditions approving CDP_2019-0017 shall be attached to any building permit application and shall be a part of on-site construction drawings.
10. CDP Permit 2019-0017 does not authorize temporary camping at 41779 Roseman Creek Road. In accordance with **MCC Section 20.460.030**, temporary camping is limited ~~to not more than sixty (60) days in any six (6) month period,~~ and a use permit may be required. Connections to any utility, such as gas or electricity, or use of a generator is prohibited.
11. CDP Permit 2019-0017 does not authorize storage of a Travel Trailer at 41779 Roseman Creek Road. In accordance with **MCC Section 20.460.035**, temporary use of a Travel Trailer is limited. A use permit or coastal development permit may be required.
12. In accordance with **MCC Chapter 20.492**, a building permit (or grading permit exemption) shall be required for any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two (2) cubic yards of material. Grading activities, including maintaining driveway and parking areas, and any work associated with an Encroachment Permit, shall comply with

* MCC Chapters 20.492, 20.496, and 20.532 regulations; and

* the December 18, 2020 geotechnical recommendations prepared by Bagg Engineers of 138 Charcot Avenue, San Jose, California (Job No: TJOGS-01-00) that is sometimes referenced as *Geotechnical Engineering Consultation Report, Existing Agricultural Building, 41770 Roseman Creek Road, Gualala, Mendocino County, California, by BAGG Engineers, dated December 18, 2020;*

* *Report Update, Geotechnical Engineering Consultation, Existing Agricultural Building, 41779 Roseman Creek Road, Gualala, Mendocino County, California, by Evan Wolf Consulting Geologist, dated July 25, 2022;* and

* *Geotechnical Engineering Consultation Letter Proposed Site Retaining Wall, 41779 Roseman Creek Road, Gualala, Mendocino County, California, Evan Wolf Consulting Geologist, dated November 18, 2022.*

Including but not limited to the following:

- a. To conform to current grading standards, the cut slopes over five feet in vertical height which encompass the agricultural shed shall (i) be sloped at an inclination of 1.5H:1V (horizontal:vertical) where sandstone bedrock is exposed and (ii) shall be sloped at an inclination of 2H:1V where soil and/or decomposed bedrock is exposed.
- b. To reduce potential for future erosion, the cut slopes shall be vegetated (or provided with other stabilization measures, such as jute netting or other suitable devices of natural composition).
- c. To reduce potential for future erosion, the fill slopes, along the southern fringes of the graded pads which are not sufficiently vegetated, shall be planted with deep-rooted, drought tolerant and regionally native plants. Planting nursery-stock Monterey Pines is prohibited.
- d. To aid in protecting the integrity of the sloping terrain, site drainage shall be controlled in a manner that directs discharge away from the agricultural structure and existing fill slopes and toward appropriate discharge locations (i.e. natural slopes or ravines or to the base of the sloping terrain).
- e. Roof or pad runoff may be collected and retained in small concentrations and used for site watering or other necessary means. No additional development of the site should be initiated without prior

consultation from a geotechnical engineer and the County of Mendocino, particularly in the areas containing undocumented fill.

13. Grading Standards: Applications to grade, i.e. building permits for a foundation, septage permits, leach field permits, and driveway grading, shall demonstrate compliance with **MCC Sec. 20.492.010**, including the following:
 - a. Grading shall not significantly disrupt natural drainage patterns and shall not significantly increase volumes of surface runoff unless adequate measures are taken to provide for the increase in surface runoff.
 - b. Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to an absolute minimum.
 - c. Essential grading shall complement the natural land forms. At the intersection of a manufactured cut or fill slope and a natural slope, a gradual transition or rounding of contours shall be provided.
 - d. The cut face of earth excavations and fills shall not be steeper than the safe angle of repose for materials encountered. Where consistent with the recommendations of a soils engineer or engineering geologist, a variety of slope ratios shall be applied to any cut or fill slope in excess of two hundred, (200) feet in length or ten (10) feet in height. For individually developed lots, a variety of slope ratios shall be applied to all cut or fill slopes when a building pad area exceeds four thousand five hundred (4,500) square feet, or when the total graded area of the lot exceeds nine thousand (9,000) square feet. The steepest permissible slope ratio shall be two to one (2:1), corresponding to a fifty (50) percent slope.
 - e. The permanently exposed faces of earth cuts and fills shall be stabilized and revegetated, or otherwise protected from erosion.
 - f. Adjoining property shall be protected from excavation and filling operations and potential soil erosion.
 - g. The area of soil to be disturbed at any one time and the duration of its exposure shall be limited. Erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Construction equipment shall be limited to the actual area to be disturbed according to the approved development plans.
14. Erosion Standards: Applications to grade, including constructing foundation or installing septage and leach fields, shall demonstrate compliance with **MCC Sec. 20.492.015** erosion standards, including the following:
 - a. The erosion rate shall not exceed the natural or existing level before development.
 - b. Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.
 - c. Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily. In environmentally sensitive habitat areas, the revegetation shall be achieved with native vegetation. In buffer areas adjacent to environmentally sensitive habitats, non-native vegetation may be used provided that it is non-invasive and would not adversely affect the environmentally sensitive habitat area.
 - d. Mechanical or vegetative techniques to control erosion may be used where possible or necessary providing that they are fully discussed in the approved development plan (e.g. shown on the adopted site plan).

- e. To control erosion, development shall not be allowed on slopes over thirty (30) percent unless adequate evidence from a registered civil engineer or recognized authority is given that no increase in erosion will occur.
 - f. Development of sites that will result in road cuts, which pose a hazard and/or which create the potential for uncontrollable problems and adverse impacts from erosion and sedimentation, shall not be allowed. Alternative road routes may be required for projects. Where possible, roads in hilly areas should follow ridgetops to avoid extensive cuts and fills.
 - g. Erosion control devices shall be installed in coordination with clearing, grubbing, and grading of downstream construction; the plan shall describe the location and timing for the installation of such devices and shall describe the parties responsible for repair and maintenance of such devices.
15. Sedimentation Standards: Applications to grade, including constructing foundation or installing septage and leach fields, shall demonstrate compliance with **MCC Sec. 20.492.020** sedimentation standards, including following:
- a. Sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed in conjunction with initial grading operations and maintained through the development/construction process to remove sediment from runoff wastes that may drain from land undergoing development to environmentally sensitive areas.
 - b. To prevent sedimentation of off-site areas, vegetation shall be maintained to the maximum extent possible on the development site. Where necessarily removed during construction, native vegetation shall be replanted to help control sedimentation.
 - c. Temporary mechanical means of controlling sedimentation, such as hay baling or temporary berms around the site, may be used as part of an overall grading plan, subject to the approval of the Coastal Permit Administrator.
 - d. Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection.
 - e. The grading plan when required shall set forth a schedule for the construction and maintenance of any structure to be developed under MCC Sec. 20.492.020 and shall include a statement designating who shall be responsible for the long-term management of the devices.
16. Runoff Standards: Applications to grade, including constructing foundation or installing septage and leach fields, shall demonstrate compliance with **MCC Sec. 20.492.025** runoff standards, including the following:
- a. Water flows in excess of natural flows resulting from project development shall be mitigated.
 - b. If the Coastal Permit Administrator determines that a project site is too small or engineering, aesthetic and economic factors make combined drainage facilities more practical for construction by the County, the County may require a fee and dedication of land, which the County shall use to construct these facilities. The County may allow several developers to jointly construct facilities to approved County specifications.
 - c. The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage and oversized storm drains with restricted outlets or energy dissipators.
 - d. Retention facilities and drainage structures shall, where possible, use natural topography and

natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.

- e. Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes.
- f. Adequate maintenance of common and public retention basins or ponds shall be assured through the use of performance bonds or other financial mechanisms.
- g. Subsurface drainage devices shall be provided in areas having a high-water table and to intercept seepage that would adversely affect slope stability, building foundations, or create undesirable wetness.
- h. A combination of storage and controlled release of storm water runoff shall be required for all development and construction that drains into wetlands.
- i. The release rate of storm water from all developments that drains into wetlands shall not exceed the rate of storm water runoff from the area in its natural or undeveloped state for all intensities and durations of rainfall. The carrying capacity of the channel directly downstream must be considered in determining the amount of the release.
- j. Where coastal development projects within the Gualala Town Plan planning area have the potential to degrade water quality, the approving authority shall require all relevant best management practices to control polluted runoff, as appropriate.
- k. All development that is within, or drains into, environmentally sensitive habitat, is a commercial or residential subdivision, is a service station or automotive repair facility or that includes commercial development or a parking lot, shall capture and infiltrate or treat, using relevant best management practices, including structural best management practices, all runoff from storms of a magnitude such that the runoff from eighty-five percent (85%) of storms is encaptured or treated.

17. Measures to avoid sensitive habitat areas include:

- a. Special status birds and bats. The bird breeding season typically extends from February to August. Clearing of vegetation and construction and demolition activities shall be done during the non-breeding season between September and January. When these activities cannot be completed during the non-breeding season, then a biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. When active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the exclusion zone is sufficient to protect the nest site from potential disturbances.

Bat roost sites can change from year-to-year; therefore, pre-construction or demolition surveys are required to determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys do not need to be performed if work or vegetation removal activities occur between September 1 and October 31 and after young have matured and prior to the bat hibernation period. Preconstruction bat surveys shall be conducted between November 1 and August 31. When bats are found, a minimum 50-foot buffer shall be established around the roost site. Removing roost trees shall occur in September and October, or after the bats have left the roost.

- b. California Red-Legged Frog Avoidance. Within two weeks prior to construction or demolition, project contractors will be trained by a biologist in the identification of the California red-legged frog. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any fences to detect the presence of frogs. When a California red-legged frog is

detected, construction or demolition activities will stop and the property owner shall contact the US Fish & Wildlife Service or a biologist, and gain clearance prior to re-initiating work. When a rain event occurs during the construction period, all construction-related activities will cease for a period of 48 hours after the rain stops. Prior to resuming construction or demolition activities, trained persons will examine the site for the presence of frogs. When no special status frogs are found, then construction activities may resume.

- c. Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction or demolition. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stock piles will need to be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project should be re-vegetated with native vegetation and/or native seed mixes for soil stabilization.
 - d. The property owner is encourage to cultivate plants native to the Roseman Creek watershed. Landscaping on the parcel should not include any invasive plants. Heavy equipment undercarriages and tires should be washed prior to entering the site in order to remove any invasive plant seed.
18. 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, 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 landowner; and
 - d. The landowner shall not construct any slope 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
 - e. The landowner shall remove the subject structures when structures are threatened by geologic hazards. In the event that portions of the subject structures or other improvements associated with the subject structures fall to the gulch, creek, or ocean before they can be removed, the landowner shall remove all recoverable debris associated with these structures from Roseman Creek and the ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and
 - f. The landowner shall restate Conditions #10, #11, #12, #25, #26, #27, and #21 and declare that they are bound to adopted conditions and local regulations; 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.
19. 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. Prior

to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director.

20. The test well may be converted to an agricultural use only.
21. The accessory structures, including the agricultural shed and shipping container, shall not have any plumbing installed without first applying for a coastal development permit (or permit amendment) and only after obtaining an approved permit from the Division of Environmental Health.
22. 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.
23. 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 are also regionally native plants, that will protect the soil, facilitate infiltration of rainwater, and reduce runoff.
24. 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. During grading, a geotechnical engineer shall be on-site.
26. Prior to extending the Permit expiration date, the property owner shall provide updated and current geotechnical engineering recommendations.
27. To the satisfaction of the Coastal Permit Administrator, the code violation, construction of an agricultural shed, on-site use of a shipping container, and storing a Travel Trailer on site, shall be resolved prior to the expiration of CDP Permit 2019-0017, including but not limited to:
 - a. Within 30 days of the initial effective period of CDP Permit 2019-0017, the property owner shall request a site visit from Code Enforcement staff to confirm that a Travel Trailer is not located at 41779 Roseman Creek Road, Gualala.
 - b. Within 30 days of the initial effective period of CDP Permit 2019-0017, a Building Permit Application for an on-site shipping container shall be filed. Prior to extending the initial expiration date of CDP Permit 2019-0017, (1) a Building Permit Inspection of the shipping container shall be completed and the Building Permit finalized; (2) or the property owner shall ask Code Enforcement staff to confirm that a shipping container is not located at 41779 Roseman Creek Road.
 - c. Prior to extending the initial expiration date of CDP Permit 2019-0017, the agricultural storage building shall either be (1) deconstructed and removed from the property or (2) a Building Permit Inspection of the agricultural storage building shall be completed and the Building Permit finalized.
 - d. Prior to November 18, 2024, the recommendations, described in the Geotechnical Engineering Consultation Letter dated November 18, 2022 and others referenced there in, to support the existing cut slopes shall be completed.

Evan Wolf - Consulting Geologist
CERTIFIED ENGINEERING GEOLOGIST: PG #9581, CEG #2743

November 18, 2022

James Tjogas
P.O. Box 370911
Montara, California 94037

Geotechnical Engineering Consultation Letter
Proposed Site Retaining Wall
41779 Roseman Creek Road
Gualala, Mendocino County, California
APN: 143-010-29-05

References:

- 1) *Geotechnical Engineering Consultation Report*, Existing Agricultural Building, 41779 Roseman Creek Road, Gualala, Mendocino County, California, by BAGG Engineers, dated December 18, 2020.
- 2) *Report Update, Geotechnical Engineering Consultation*, Existing Agricultural Building, 41779 Roseman Creek Road, Gualala, Mendocino County, California, by Evan Wolf Consulting Geologist, dated July 25, 2022.

Dear Mr. Tjogas:

In accordance with our discussions and correspondence with the Mendocino County Planning and Building Services Department, the following consultation letter has been prepared to provide geotechnical recommendations regarding support of the existing cut slopes in the vicinity of the recently constructed agricultural storage building on the north portion of your property in Gualala, Mendocino County, California.

As discussed in the referenced Geotechnical Engineering Consultation Report, dated December 18, 2020, the existing agricultural storage building is situated along the northern margin of the western, lobe-shaped, graded pad at the site. Cut slopes forming the northern margins of the graded pad generally ranged from about 4 to 7 feet in height and exposed weathered sandstone overlain by about 1 to 2 feet of sandy to silty soils. The agricultural building site consisted of an approximately 45-foot-wide (east-west direction) by 20- to 30-foot-long (north-south direction) level pad notched into the sloping terrain on the northern margin of the western graded pad at the site. The agricultural building site was observed to be bordered to the north, west, and east by near-vertical cuts ranging from about 5 to 8 feet in height. Based on recent topographic data obtained by the U.S. Geological Survey 3D Elevation Program, the terrain upslope of the subject building pad generally ascends to the north at gradients on the order of 4H:1V to 5H:1V (horizontal to vertical) toward Roseman Creek Road, situated about 50 feet north of and 20 feet in elevation above the graded building pad. The accompanying Figure 1, Existing Conditions, depicts the approximate layout and topography of the site in the vicinity of the subject agricultural building.

Evan Wolf - Consulting Geologist*CERTIFIED ENGINEERING GEOLOGIST: PG #9581, CEG #2743*

To aid in improving the stability of the cut slopes bordering the subject agricultural building, and to conform with current grading standards, it is recommended that cut slopes over 5 feet in vertical height which encompass the structure be retained and graded in accordance with the Mendocino County Building Code and the geotechnical design recommendations presented in this letter. To retain the cut slopes, while keeping site grading to a minimum, it is recommended that retaining walls up to 4 feet in height be constructed at the base of the cut slopes bordering the subject building pad and that the sloping terrain above the proposed retaining walls be sloped at an inclination of 2H:1V (horizontal to vertical). The accompanying Figure 2, Retaining Wall & Grading Plan, depicts the approximate layout and topography of the site in the vicinity of the subject agricultural building as well as a schematic retaining wall layout and proposed site topography.

Per our discussions, it is my understanding that it is desired to construct the proposed retaining wall from wood timbers and utilize the material excavated during grading onsite. As such, it is recommended that the proposed site retaining walls should be constructed in conformance with the "generic" retaining wall design presented in Section 17-5 of the Mendocino County Residential Construction Manual, dated February 10, 2012. Per Section 17-5, wood retaining walls shall not exceed 4 feet in height and be constructed with 6-inch-wide pressure treated wood posts spaced 4 feet on center and embedded to a depth equal to two times the retained height of the wall. The wood walls shall be supported by minimum 12-inch diameter drilled pier foundations extending up to 8 feet deep. The foundation excavations are anticipated to encounter sandstone bedrock for the full depth and thus are considered adequate for support of the proposed retaining walls and sloping terrain. Pressure treated wood members shall be used between the posts and provided with minimum ¼-inch spaces between wood members to allow for drainage of subsurface seepage behind the walls.

The sloping terrain above the retaining wall shall be sloped at inclinations of 2H:1V (horizontal to vertical) over distances necessary to conform with the adjacent existing grades. The proposed site grading is anticipated to slope the surface soils and/or upper portion of the weathered bedrock at inclinations considered stable for the earth materials and configuration of the site slopes. Based on the schematic retaining wall and grading plan presented on Figure 2, the proposed grading is anticipated to extend up to 14 feet from the proposed retaining walls except at the northeast corner of the pad where excavations are anticipated to extend about 20 feet north of the proposed retaining wall. As such, the slope grading is anticipated to extend to within 26 to 36 feet of the southern boundary of Roseman Creek Road, and therefore, is not anticipated to be surcharged by or have an adverse effect on the roadway in the vicinity of the planned project. Calculations indicate that the proposed site grading is anticipated to remove about 47 cubic yards of material from the sloping terrain. The excavated material may be utilized as onsite fill on the level portions of the existing graded pads at the site. Given an overall pad area of about 690 square yards (excluding 140 square yard building pad area), it is anticipated that the proposed fill will be on the order of 2½-inches thick. Fill shall not be placed on slopes having an inclination steeper than 5H:1V (horizontal). It is also imperative that fill not be placed on the sloping terrain downslope of the graded pads due to the steepness of the slope and potential for erosion into the watershed below.

Evan Wolf - Consulting Geologist

CERTIFIED ENGINEERING GEOLOGIST: PG #9581, CEG #2743

Following completion of site grading, the newly constructed cut slopes shall be outfitted with environmentally friendly erosion control measures (jute netting, straw wattles, etc.) and the slopes vegetated with deep-rooted, drought tolerant, plants. In addition, it is recommended that the thin fill placed on the level portions of the graded pads be compacted with light compaction equipment or by track-walking and preferably surfaced with gravel or further stabilized using suitable erosion control measures. Furthermore, site drainage should be controlled in a manner that directs discharge away from the fill slopes along the southern margin of the graded pads and toward appropriate discharge locations. Provided these recommendations are implemented accordingly, the additional grading associated with the construction of the proposed retaining wall and slope reconfiguration noted in his report is not believed to have an adverse effect on erosion and sedimentation at the site.

The conclusions and recommendations contained in this letter are based on surface conditions observed during an August 2020 site visit, geologic literature, and available topographic data. It is not uncommon for unanticipated conditions to be encountered during site grading and/or retaining wall construction. In addition, the proposed retaining wall and grading plan accompanying this letter is considered schematic in nature and variations in the layout and construction of the proposed features may need to be made in the field. If the proposed project will be field modified, the planned modifications should be reviewed and approved or amended by this office in writing. In addition, due to variations in surface and subsurface conditions with time this report may need to be updated if the construction does not commence within 24 months from the date that this report is submitted.

I trust this letter provides the information you require at this time. Please do not hesitate to contact me if you have any questions or comments.

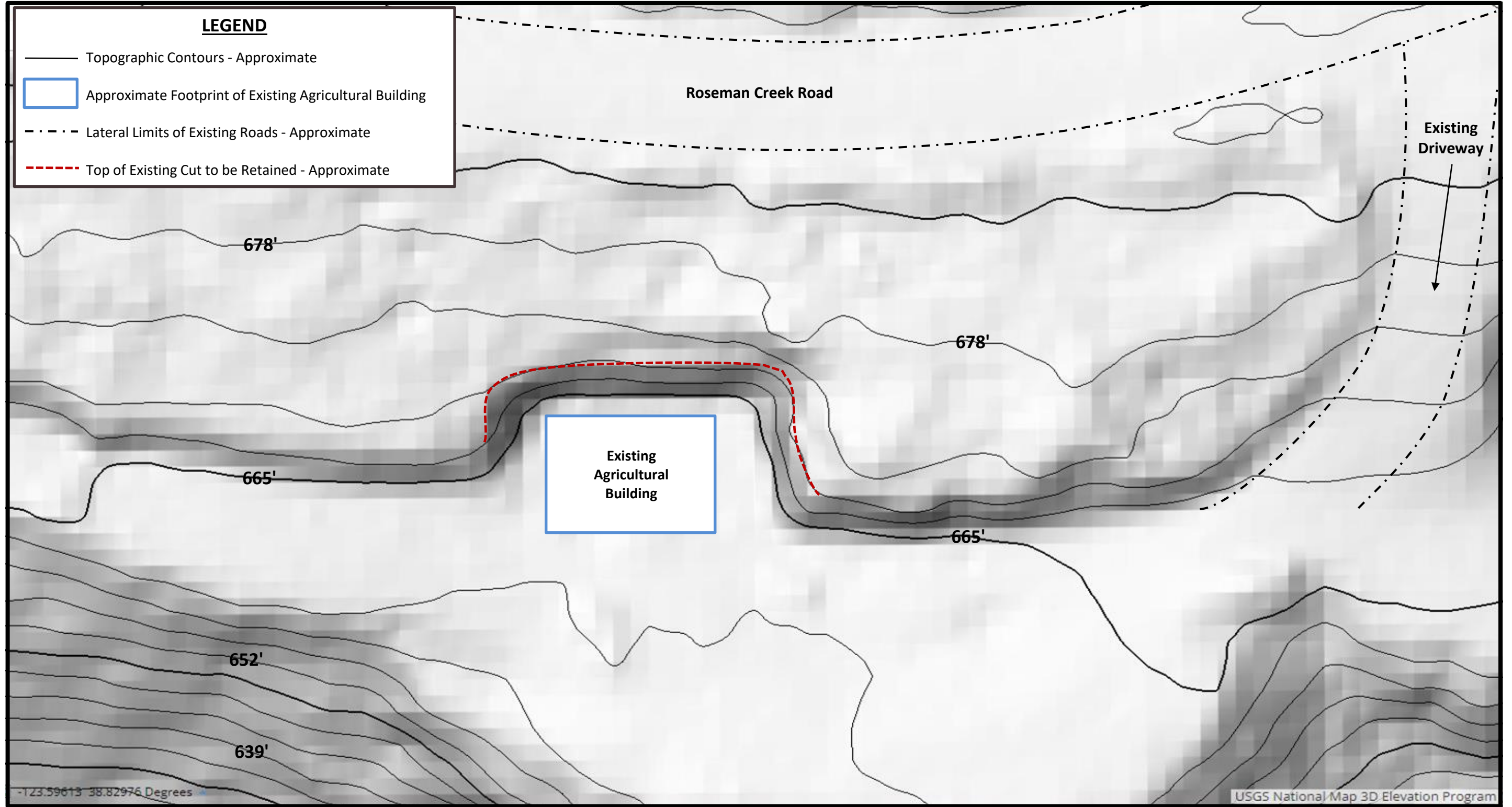
Sincerely,



Evan Wolf
Certified Engineering Geologist

Attachments:

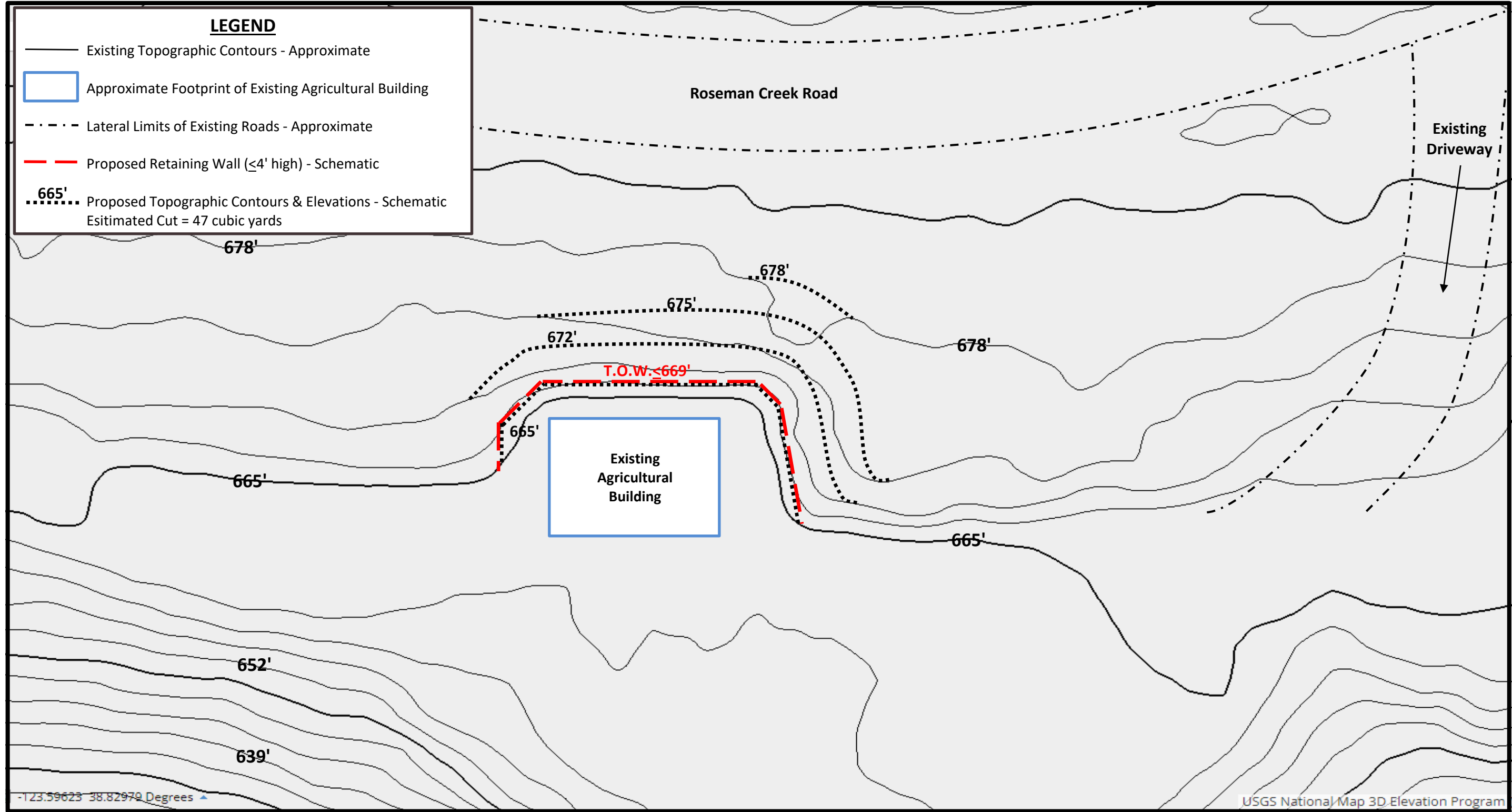
- Figure 1 Existing Conditions
- Figure 2 Retaining Wall & Grading Plan



Approximate Scale: 1 inch = 20 feet
 Approximate Contour Interval: 1 Meter (3.28 feet)
 Base: Shaded relief image and topographic contours obtained from the U.S. Geological Survey National Map Application (<https://apps.nationalmap.gov/3depdem>) and produced by the U.S. Geological Survey using data obtained by the U.S. Geological Survey 3D Elevation Program (3DEP) from 3/1/2017 through 4/3/2018. Published on 9/4/2018.

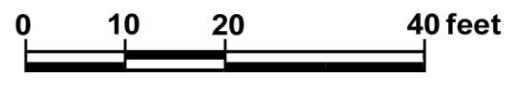
EXISTING CONDITIONS
 41779 ROSEMAN CREEK ROAD
 GUALALA, MENDOCINO COUNTY, CALIFORNIA

FIGURE 1
 NOVEMBER 2022
 Job No: TJOGS-01-01



Approximate Scale: 1 inch = 20 feet
 Approximate Contour Interval: 1 Meter (3.28 feet)

Base: Topographic contours obtained from the U.S. Geological Survey National Map Application (<https://apps.nationalmap.gov/3depdem>) and produced by the U.S. Geological Survey using data obtained by the U.S. Geological Survey 3D Elevation Program (3DEP) from 3/1/2017 through 4/3/2018. Published on 9/4/2018.



Mendocino County

FEB 27 2023

From: [Juliana Cherry](#)
To: [Bente Jansen](#)

Subject: CDP_2019-0017 Tjogas: Suggestions to modify Conditions
Date: #10 & #11 Friday, February 24, 2023 12:13:00 PM

Planning & Building Services

Hi Bente,

I was just re-reading emails. Thank you for your comments last December (below). The project was originally heard by the CPA on July 28, 2022; continued to December 14, and then continued to a date uncertain. Last December, staff's recommendations remained unchanged from July 2022. I am not certain, but I think the comments mailed on December 13 are the only comments Coastal Commission staff have sent to PBS regarding CDP_2019-0017.

I agree that often an imperative, like 'shall,' is appropriate for project conditions. In this instance, both activities – camping and use of a travel trailer – are subject to MCC Chapter 20.460. PBS staff chose 'may' instead of the imperative because the applicant is not requesting to camp or use a travel trailer on-site. These conditions are intended to provide future direction to the property owner(s); for example, what should they do when they want to either camp or use a travel trailer on-site.

Please let me know if you continue to feel that the imperative is necessary. I am preparing final recommendations for this project today. I am happy to continue exploring your inquiry but would prefer to finalize the recommendations before February 27. For your files, I am attaching a copy of the long waited additional grading recommendations.

Thank you for your ongoing attention to CDP staff recommendations. I very much appreciate your input and look forward to the next opportunity to collaborate. – J.

Thank you for your message,
Juliana Cherry, MURP
Planner III
Planning and Building Services

Sent: Tuesday, December 13, 2022 12:19 PM

Subject: CDP_2019-0017 (Tjogas)

Hi Juliana,

Please see below for my comments regarding the above referenced CDP staff report.

1. Consider changing the language in Condition 10 from "may" to "shall" in "... and a use permit shall be required."
2. Consider changing the language in Condition 11 from "may" to "shall" in "... or coastal development permit use permit shall be required."

Thank you,
Bente Jansen (she/her)
Coastal Program Analyst

1385 8th Street, Suite 130. Arcata, CA 95521
Phone: (707) 826-8950 ext. 5 (currently teleworking; voice mail only)