



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM #7

DATE: AUGUST 24, 2023
TO: COASTAL PERMIT ADMINISTRATOR
FROM: JESSIE WALDMAN, PLANNER II
SUBJECT: CDP_2020-0024 (BOOTHE) - REQUEST FOR CONTINUANCE TO DATE UNCERTIAN

On April 27, 2023, at the request of the agent Wynn Coastal Planning & Biology (WCPB), the proposed project was continued by the Coastal Permit Administrator (CPA) to a date certain, August 24, 2023, where direction is required on or before June 1, 2023, and no further continuances will be granted by the CPA. Specifically, to allow additional time for the landowner, their agent and adjacent parcel owners to review and provide direction on the proposed project to Mendocino County Planning and Building Services. Planning Staff has not received revisions or correspondence regarding CDP_2020-0024 (Boothe).

On May 31, 2023, the proposed project was requested to be continued to a date uncertain, by the agent WCPB, with a revised condition that a fully revised Coastal Development Permit request be submitted to Mendocino County Planning and Building Services on or before January 1, 2024.

BACKGROUND: CDP_2020-0024 was originally submitted to Planning and Building Services on September 9, 2020.

The project has been originally presented to the CPA on June 6, 2021. The project has been continued four (4) times since the June 2021 hearing which brings us to today's CPA hearing. The main topics for these continuances are with respects to potential impacts to Environmentally Sensitive Habitat Area (ESHA), Visual Resources to adjacent parcel and adjacent owners concerns for CC&R's.

Where on December 22, 2022, the CPA granted the owner the continuance to today. April 27, 2023, Specifically, to allow additional time for the landowner, their agent and adjacent parcel owners to review and provide direction on the proposed project to Mendocino County Planning and Building Services.

Planning Staff has not received revisions or correspondence regarding CDP_2020-0024 (Boothe).

The project is appealable at both the local and state level. The Biological Scoping Survey (2020), Geotechnical Survey (2019) and possible the Archaeological Study (2019) are now nearing expiration. An update to the Biological Scoping Survey was submitted in July of 2021.

REQUEST: At the request of the agent Wynn Coastal Planning & Biology (WCPB), the proposed project is requested to be continued to a date uncertain, with a revised condition that a fully revised Coastal Development Permit request be submitted to Mendocino County Planning and Building Services on or before January 1, 2024; however, re-noticing fees would apply to the applicant should a date uncertain be selected.

ATTACHMENTS:

A. CDP_2020-0024 Agent request for Continuance to Date Uncertain

Jessie Waldman

From: Meghan Durbin <Meghan@WCPlan.com>
Sent: Wednesday, May 31, 2023 5:51 PM
To: Jessie Waldman; Nash Gonzalez
Cc: Amy Wynn
Subject: Boothe; CDP_2020-0024

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: URGENT

Dear Ms Waldman and CPA Gonzalez,

First and foremost I want to acknowledge and extend our collective gratitude for the County's grace and willingness to grant an extended amount of time for the applicant and neighbors to try work out their differences amicably.

As you both know neighbor issues such as this tend to be emotionally charged and call for delicate negotiations. After the original hearing in June 2021, both sides took to their respective posts and fortified defenses. After the thorough work by Ms Waldman, evidenced by the memo dated October 13, 2022, in response to environmental concerns and CEQA process brought up by the Buechlers' attorney, it became apparent that their objections were an effort to protect their current views from being changed substantially. Their remaining argument was then whittled down to the setbacks imposed by the CCRs. Regrettably there is not much to show for the back and forth that has occurred, however many hours, meetings and site visits have occurred as all parties involved worked toward resolution.

Though we are confident that the project as proposed is approvable by the county, after much consideration the anxiety and cost/value trade-off of potentially becoming stuck in a civil lawsuit over defunct CCRs has led the applicant to proceed with revising the house location. Due to legitimate environmental concerns and constraints, shifting the location of the house farther south prompts the need for a redesign of the septic system. As you know, Mendocino County is woefully in need of additional soils engineers, particularly on the coast. Rittiman works hard to meet their exorbitantly high demand, but there are only so many hours in the day. It will take at least 2.5 months for them to re-evaluate the site and they cannot begin that work until the geotechnical setback recommended by Brunzing & Associates is flagged. Once the flagging and septic re-evaluation is complete, assuming a septic system that meets current standards can be designed at all, the biology and geotechnical reports will need to be revisited and updated regarding the effects of the design change.

Projecting a realistic combined lead time for flagging, septic, biology and geotechnical updates, we are looking at 5-6 months. We respectfully request one last extension of the deadline to submit revision material to January 1, 2024 leaving the determination of the next hearing date in your capable hands. A substantial sum of money has been spent on this project just to get to this point and many more thousands will be spent on these updates. We humbly ask for applicable fees to be limited to those associated with cost recovery, re-referral fees, etc and that the application not be deemed withdrawn. We understand this further extension will not be free, but hope that some concessions can be made.

Sincerely,
Meghan

**Meghan Durbin, Senior Planner
Wynn Coastal Planning & Biology**

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