

Mendocino County

AUG 08 2023

Planning & Building Services

David Guggenheim
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Mendocino, CA 95460
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August 7, 2023

Coastal Permit Administrator
County of Mendocino
Planning and Building Services
860 North Bush St.
Ukiah, CA 95482

Re: CDP_2018-0012 (Sheppard); August 10, 2023 @ 10:00 AM Permit Hearing

To whom it may concern:

My name is David Guggenheim. I am a co-owner of 10770 Calypso Lane, the property located adjacent to the Sheppards' parcel, on the west and downhill of the Sheppards' parcel, and the 20 acre Calypso Lane hillside on the east. I built my home in 1984, moved away around 2005, and was able to re-purchase my home in 2013. My home and the Sheppard Parcel were originally one parcel, but during the time the parcels were owned by a third-party in 2006 they were subdivided subject to certain conditions of the county.

Thank you for listening to me and considering my comments.

I am now in court to preserve the subdivision requirements that were imposed in 2006 when my parcel and the Sheppard's' parcel were subdivided. These include that the 2006 Unilateral Agreement required a system of culverts and trenching to provide adequate drainage. I am also in court to preserve my historic driveway. These issues are presently being litigated. You would have had the Court's ruling on these issues by now if Noah Sheppard had not intentionally delayed the court date.

Regarding permit application number CDP 2018-0012, I object to the present application. I object to the potential approval of the Sheppards' current plan because it will continue to cause flooding to my house. Since the Sheppards' destroyed the trenching without a permit my house floods in heavy rains. The Sheppard's proposal will not solve this issue. Only restoring the original trenching deemed necessary in 2006 will resolve this issue. This system of culverts and trenching is the only way to divert all the water that flows down the Calypso Lane hillside to my home.

Please carefully review the 2006 Unilateral Agreement that was required to subdivide these properties. A primary purpose for creating this document and requiring the drainage control system of culverts and trenching was to prevent what is now the Sheppards' parcel and the Calypso hillside from flooding my home.

The 2006 Unilateral Agreement was given to me when I re-purchased 10770 Calypso Lane in 2013. I understood—and relied upon the fact—that this document was to prevent what is now the Sheppards' parcel and Calypso hillside from flooding my home. I understood that this document was binding and ran with the land.

The trenching required under the 2006 Unilateral Agreement was located in the area of my driveway that the Sheppards now propose to destroy. Calypso Lane is a 20 acre hillside that presently generates tremendous runoff on rainy days and my house is located near the bottom of this hill. The drainage controls contemplated and built in conformity with the 2006 Unilateral Agreement are essential to protecting my home.

Without culverts and trenching south of the easement area on the Sheppard Parcel, the rainwater follows the path of least resistance down the easement and into my house. I have built railroad tie walls around my house and dug twelve-inch-deep moats around my house, but nothing fully works to stop the runoff that flood my home. Please help me protect my home.

For the past three years my house has been flooded and the wood floors in my house have been ruined because in 2018 Noah Sheppard illegally dumped dirt without a permit, illegally graded his parcel, and illegally compacted his parcel, and destroyed the culverts and trenching built to comply with the 2006 subdivision's unilateral agreement. I have owned my property twice. I built my home in 1984, moved away around 2005, and was able to re-purchase my home in 2013. Flooding was not an issue until Noah Sheppards' illegal and unpermitted grading.

This matter is presently in litigation and this department should not take any action until after this matter has been fully litigated, which is expected to occur in the first half of 2024.

I object to the Sheppard proposal because:

- 1) The Sheppards' current Plan destroys the drainage controls required under the 2006 subdivision agreement.
- 2) The Sheppards' current plan destroys my historic easement road which is located away from the creek watershed drop-off. The Sheppards proposed changes would run me into the watershed drop-off and be dangerous for the elderly.

- 3) The Sheppards' current plan destroys the only fire lane to my house and creates dangerous conditions in case of fire. In the case of fire, vehicles will not be able to navigate safely around one another. Years ago, there was a fire in the area. The Mendocino coast does have fires.
- 4) The Sheppards' current plan is inconsistent with the conditions required for the 2006 subdivision because it does not speak to requirement CPA-12, no. 25, which provides that "[d]rainage culverts shall be installed or replaced where necessary." Noah Sheppard destroyed these culverts.

I object to the destruction of my driveway and my fire lane and the drainage meant to protect my home. These matters are being litigated in court and the court should decide these issues before planning takes any action.

If you approve this project, Noah Sheppard will destroy what remains of my drainage protection and driveway. During the past three years I have done everything possible to mitigate the runoff from the Sheppards' parcel flooding my house including railroad tie walls and moats around my house.

Please deny this project, which will destroy the drainage control system and my driveway, which I relied upon having when I purchased my home.

Thank you for your patient consideration.

Respectfully,

David Guggenheim