



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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June 17, 2024

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, July 11, 2024, at 11:00 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 take place at the Planning & 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 online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>.

CASE#: CDP_2024-0014

DATE FILED: 4/22/2024

OWNER/APPLICANT: Thomas & Deborah Johnson

REQUEST: Standard Coastal Development Permit for two (2) test wells on a vacant parcel.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 0.35± miles north of the Caspar town center, lying on the east side of Caspar Road (CR 569), 220± feet north of the intersection with Caspar Road (CR 569) and Pacifica Drive (CR 559), located at 15405 Caspar Road, Caspar; APN 118-020-18.

SUPERVISORIAL DISTRICT: 4 (Gjerde)

STAFF PLANNER: Jessie Waldman

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.gov/departments/planning-building-services/public-hearing-bodies>

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.gov no later than July 10, 2024. 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.gov, 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.gov/departments/planning-building-services/public-hearing-bodies> under the Coastal Permit Administrator tab.

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



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT – STANDARD CDP**

**JULY 11, 2024
CDP_2024-0014**

SUMMARY

OWNER/APPLICANT: Thomas & Deborah Johnson
251 Forsythe Drive
Redwood Valley, CA 95470

REQUEST: Standard Coastal Development Permit for two (2) test wells on a vacant parcel.

LOCATION: In the Coastal Zone, 0.35± miles north of the Caspar town center, lying on the east side of Caspar Road (CR 569), 220± feet north of the intersection with Caspar Road (CR 569) and Pacifica Drive (CR 559), located at 15405 Caspar Road, Caspar; APN 118-020-18.

TOTAL ACREAGE: 3.4± Acres

GENERAL PLAN: Rural Residential, 5-acre minimum with an alternate density of 2-acre minimum, RR5(2)
General Plan, Coastal Element Chapter 2.2

ZONING: Rural Residential, (RR5)
Mendocino County Code Title 20, Division II

CODE REFERENCE: Single-Family Residence, Detached Garage
Mendocino County Code (MCC) Section 20.376.010 and Section 20.456.015(A)

SUPERVISORIAL DISTRICT: District 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt - Section 15304, Class 4

APPEALABLE: YES (Highly Scenic Area)

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Jessie Waldman

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development of the parcel with a residential use.

Multiple studies were provided by the landowner as part of the CDP Application, including the following:

- Biological Scoping & Reduced Buffer Analysis, Wetland Delineation and Botanical Survey Report, prepared by Wynn Coastal Planning and Biology (WCPB), December 10, 2021, kept on file with the Mendocino County Department of Planning & Building Services
- Archaeological Survey prepared by Alex DeGeorgey of Alta Archaeological Consulting, dated November 20, 2019, with an updated report dated September 14, 2023

APPLICANT'S STATEMENT: CDP Application date received April 22, 2024, stating the following:

“This is a secondary Coastal Development Permit (CDP) application to drill test wells to prove availability of an adequate water supply in support of CDP application 2022-0034 (Johnson) filed on October 7, 2022. There are two proposed well sites labeled #1 and #2 on the attached site map, It is the intent to drill at site #1 and if adequate water is produced at that site, there will be no drilling at site #2. If site #1 does not produce enough water to satisfy the ‘adequate water supply’ standards, then a second test well will be drilled at site #2. Only one site will be utilized unless the production at both site is required to meet the ‘adequate water supply’ standards. Casings and seals will be installed if ‘adequate water supply’ standards are met.

RELATED APPLICATIONS ON-SITE:

- Record of Survey (Map 2, Drawer 86, Page 67 of Mendocino County Records)
- WW5391 – On-Site Well Permit – Pending CDP issuance
- ST27618 – On-Site Septic System Permit - Pending CDP_2022-0034 issuance
- CDP_2022-0034 – develop vacant parcel with Single-family residence - Pending proof of adequate water

NEIGHBORING PROPERTIES:

- APN: 118-020-21 – CDP 15-96 (Convert garage/storage into Guest Cottage – Approved)

SITE CHARACTERISTICS: The project site is developed with two (2) dilapidated sheds and a degraded driveway. The project site is located within the Coastal Zone, 0.35± miles north of the Caspar town center, as shown on the *Location & Aerial Maps*. The surrounding lands are classified and zoned Rural Residential (RR) and Remote Residential (RMR) and developed with residential uses, as shown on the *Aerial Imagery, Zoning Display and General Plan Classifications* maps. The subject site is situated approximately 90 feet above sea level, as shown on the *Topographical Map*. The bulk of the parcel is mapped as “*Bedrock (Zone 1)*”, with portions adjacent to Caspar Road (CR 569) mapped as “*Beach Deposits and Stream Alluvium and Terraces (Zone 3) – Intermediate Shaking*”, as shown on the attached *LCP Land Capabilities and Natural Hazards Map*. The *LCP Habitats and Resources Map* does not show any sensitive resources being located on the subject parcel and is mapped as “*Barren*”. The *Appealable Areas* map indicates the most western parcel boundary line, adjacent to Caspar Road (CR 569), is the appeal jurisdiction boundary. The site is mapped within a Highly Scenic Area, as shown in the *Highly Scenic & Tree Removal Areas Map*. The site is mapped as a “*Very High Fire Hazard*” area and is located within a State Responsibility Area and Fort Bragg Rural Fire Protection District, as shown on the attached *Fire Hazard Zones and Responsibility Areas Map*. The site is designated as a Critical Water Resource Area, as shown on the *Ground Water Resources* map. The attached *Estimated Slope* map shows estimated slopes between 0 and 14 degrees. Soils present on the parcel are Cabrillo-Heeser complex (0-5% slopes) and Tropaquepts (0-15% slopes), as shown on the attached *Local Soils Map*.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR) and Remote Residential (RMR), and developed with residential uses, as shown on the *Aerial Imagery, Zoning Display and General Plan Classifications* maps.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential RR5(2)	Rural Residential RR5	6± Acres	Vacant
EAST	Remote Residential RMR20	Remote Residential RMR20	20± Acres & State Route	Residential
SOUTH	Rural Residential RR5(2)	Rural Residential RR5	1.1± Acres	Residential
WEST	Rural Residential RR5(2)	Rural Residential RR5	2.68± Acres & County Road	Residential

PUBLIC SERVICES:

Access: Caspar Road (CR 569)
 Fire District: Fort Bragg Rural Fire Protection District (FBRFD)
 Water District: On-Site Well
 Sewer District: On-Site Septic System
 School District: Mendocino Unified School District (MUSD)

AGENCY COMMENTS: On May 1, 2024, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. Any comment that would trigger project modification, denial, conditions of approval or required permits are discussed in full in the following sections.

REFERRAL AGENCIES	COMMENTS
California Coastal Commission (CCC)	No Response
California Department of Fish & Wildlife (CDFW)	Comments
Cloverdale Rancheria	No Response
Department of Transportation (MC DOT)	No Comment
Mendocino County Division of Environmental Health (Fort Bragg) (DEH)	Comments
Planning Division (Fort Bragg & Ukiah)	No Comment
Redwood Valley Tribe	No Response
Sherwood Valley Band of Pomo Indians	Comments

California Department of Fish & Wildlife (CDFW) Comments: On May 20, 2024, CDFW responded with *“CDFW previously attended a site visit with Matt Goines for this site’s CDP to construct a single-family residence (SFR). While the ESHAs are not marked on the referral for this CDP, it appears that the test wells will be located close to the proposed SFR and outside of ESHA or ESHA buffers. If this is the case, CDFW does not have any additional comments beyond those previously provided for the SFR’s CDP.”* This is discussed further within the Habitats and Natural Resources section of this staff report.

Mendocino County Division of Environmental Health (Fort Bragg) (DEH) Comments: On May 14, 2024, Mendocino County Division of Environmental Health (DEH) provided comments and recommendations where DEH approved an on-site well permit (WW5391) with two (2) sites and stated, *“If 2 wells are needed another well permit must be purchased and a 100 foot setback to leach field must be maintained.”* This is discussed further within the Groundwater Resources and Transportation, Utilities and Public Services section of this staff report.

Sherwood Valley Band of Pomo Indians Comments: On May 7, 2024, Sherwood Valley Band of Pomo Indians requested clarification regarding location of proposed wells and their proximity to noted archaeological sites. On May 29, 2024, Planning Staff provided the following response, *“This CDP is associated with CDP_2022-0034, which was heard at the October 11, 2023 ARCH Commission Hearing. The CDP_2022-0034 project is pending the review of this CDP_2024-0014 project to show proof of adequate water as required with the California Coastal Commission. The survey concluded no cultural resources were identified within the project area. The survey was accepted with recommendations for approval by the Mendocino County Archaeological Commission, on October 12, 2023. The Archaeological Commission recommended Condition 8, which advises the applicant of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. In addition, the Archaeological Commission recommended Condition 9, which advises the applicant to have either a Tribal Member or Archaeologist present during ground disturbance for the house foundation and septic system installation.”* This is discussed further within the Archaeological/Cultural Resources section of this staff report.

LOCAL COASTAL PROGRAM CONSISTENCY:

The proposed project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development is consistent with the goals and policies of the Local Coastal Program (LCP), General Plan and Zoning Code as detailed below:

Land Use: The project site is located within the boundaries of the Local Coastal Program (LCP) area, as shown on the *LCP Land Use Map 15: Caspar* map. The subject parcel is classified as Rural Residential (RR5(2)) by the Mendocino County General Plan, as shown on the *General Plan Classifications* map. The Coastal Element Chapter 2.2 Rural Residential (RR) classification intends 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 Use: Residential and associated utilities, light agriculture, home occupation.”

Jug Handle Creek to Russian Gulch Planning Area: There are two (2) existing public accesses to the shore within 0.5 miles of the subject parcel, the *Jughandle Creek Shoreline Access*, approximately 0.5 miles north, and the *Caspar Doyle Creek Shoreline Access*, approximately 0.5 miles south, as shown on the *LCP Land Use Map 15: Caspar* map. The nearest existing public access is the *Caspar Road Alternative Coastal Trail*, located on Caspar Road (CR 569). The *Caspar Road Alternative Coastal Trail* is described as a trail running parallel along Caspar Road (CR 569), then unimproved trail along headlands to beach. The proposed development is just north and outside of old town of Caspar and its Rural Village classification. The wells would require a very small portion of the lot, thus preserving the potential for agricultural use on the remaining area. Wells would likely support future development on the lot. Future development may require a subsequent Coastal Development Permit, in which case the future development would also be reviewed for consistency with the RR classification.

Without additional conditions, the proposed development to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development is consistent with principally permitted uses, such as *associated utilities*, within the Mendocino County Coastal Element Rural Residential Land Use classifications and Mendocino County Coastal Element Chapter 2.2 and Chapter 4.6.

Zoning: The project site is located within the coastal Rural Residential (RR) zoning district, as shown on the *Zoning Display Map*. The RR district, per MCC Section 20.376.005, is intended to,

“...encourage and preserve local small-scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.”

MCC Chapter 20.376 lists types of principally permitted uses within the Rural Residential (RR) district, such as a single-family residence. MCC Chapter 20.456 lists the types of accessory uses permitted in all zoning districts which allow a single-family residence. MCC Chapter 20.532 lists the types of development which are subject to coastal development permit regulations, whether the proposed development be removal, construction or repair and maintenance.

The proposed project is consistent with the intent of the RR zoning district in that it would involve a minimal area of ground disturbance and the remaining land would be available for possible agricultural use. The test wells are considered an accessory use permitted by MCC Section 20.456.015(O) and allowable prior to construction of a dwelling because they are *necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use*. **Condition 5** is recommended to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction to ensure any groundwater protection policy or plan will be addressed.

With added conditions, the proposed development to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development is consistent with MCC Chapter 20.376, Chapter 20.456 and 20.532.

Visual Resources: The site is mapped within a Highly Scenic Area, as shown in the *Highly Scenic & Tree Removal Areas Map*, and the proposed development is subject to Visual Resources and Special Treatment Areas Coastal Element Policy 3.5-1 and MCC Chapter 20.504. The parcel is mostly open grassy fields, except for a few small clusters of trees along the parcel boundary lines, consisting of Monterey Pines, Monterey Cypress and Eucalyptus. The Monterey Pine trees at the southeastern corner of the parcel are beyond full maturity and are in decline. No trees will be removed as part of establishing the test wells needed to support future development, such as a single-family residence. The proposed development does not propose visual impacts towards the ocean.

Without added conditions, the proposed development to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development will not increase view obstruction from nearby public areas and will be visually compatible with the character of surrounding areas and is consistent with the Local Coastal Program Policies 3.5-1 and the development standards of MCC Chapter 20.504 regulations related to parcels to be developed within Highly Scenic Areas.

Grading, Erosion, and Run-Off: The subject site and location for the proposed project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development is relatively flat with a very gentle slope towards the northwest and Caspar Road (CR 569), parallel with the mapped Riparian areas, as shown on the *Topographic Map, Site Plan and ESHA* maps. The attached *Estimated Slope* map shows estimated slopes between 0 and 14 degrees. No grading will occur at the time of drilling for the test wells. **Condition 5** is recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction. This ensures any grading, erosion and runoff protection and hazard area policies or plans will be addressed. **Condition 9** is recommended to ensure Best Management Practices (BMP's) will be implemented at the time of construction and protection measures, recommended for the adjacent ESHA, are adhered to. Grading activities, including establishing and maintaining the proposed driveway and parking areas, shall comply with MCC Chapters 20.492 and 20.500 regulations.

With added conditions, the proposed project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development is consistent with the Local Coastal Program Chapter 3.4 related to grading, erosion and runoff protection and hazard area and MCC Section 18.70.027 and MCC Chapters 20.492 and 20.500 regulations.

Groundwater Resources: The site is designated as a Critical Water Resource Area, as shown on the *Ground Water Resources* map. The project was referred to the Mendocino County Division of Environmental Health (DEH). DEH noted an approved on-site well permit (WW5391) with two (2) sites and stated, "If 2 wells are needed another well permit must be purchase and a 100 foot setback to leach field must be maintained." The on-site well permit (WW5391) has not been issued, pending the issuance of this coastal development permit. **Condition 5** is recommended to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction to ensure any groundwater protection policy or plan will be addressed.

Without added conditions, the proposed project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development is consistent with the Local Coastal Program Policies 3.8-1 and 3.9-1, MCC Chapter 20.516 and Section 20.532.095(A)(2) and DEH regulations related to groundwater resources.

Habitats and Natural Resources: Both the LCP Coastal Element Chapter 3.1 policies and MCC Chapter 20.496 address protections granted to Environmentally Sensitive Habitat Areas (ESHA), determination of the extent of sensitive resources, documentation of potential negative impacts, and recommendations for appropriate mitigation and avoidance measures.

A *Biological Scoping, Wetland Delineation and Botanical Survey Report* was prepared by Wynn Coastal Planning and Biology (WCPB), dated December 10, 2021. WCPB's Biological Scoping Survey included a Reduced Buffer Analysis. This is kept on file with the Mendocino County Department of Planning & Building Services. The *Biological Scoping, Wetland Delineation and Botanical Survey Report* identified three types of presumed Environmentally Sensitive Habitat Area (ESHA) within the study area, which are:

- **Delineated Wetland ESHA** – A wetland flows through parts of the property from east to west before draining to a culvert along Caspar Road. The wetland was delineated using the US Army Corp of Engineers (USACE) protocol and totaled approximately 1.12 acres.
- **Riparian ESHA** – Several presumed riparian areas were observed within 100ft of the parcel boundary and totaled approximately 0.25 acres.
- **Special Status Plant ESHA**- One special status plant species was identified on the property: **deceiving sedge** (*Carex saliniformis* CRPR 1B.2).

WCPB's Survey and Analysis concluded the following:

50ft buffer for the wetland and riparian area will sufficiently protect these resources from the potential impacts of proposed development. The proposed single-family residence and garage will be in an area that is already disturbed and mostly cleared. The proposed driveway was strategically placed between the wetland and riparian 50ft buffers to minimize impacts. The gravel driveway will slightly encroach into the 50ft wetland buffer.

Development proposed within 50ft ESHA buffers sometimes warrants a Report of Compliance to confirm that development is located in the least impacting location; however, WCPB biologists do not believe a Report of Compliance is necessary in this situation due the minimal amount of driveway proposed in the buffer and the lack of feasible alternatives. The compacted gravel driveway was proposed in this location to minimize impacts to the wetland and riparian as the existing driveway is directly adjacent to the southern riparian area and dust and sediment has a higher chance of entering and negatively impacting the riparian area with the existing driveway. Mitigation measures have been developed to ensure that impacts to special status resources are less than significant.

The project was referred to the California Coastal Commission (CCC) and California Department of Fish & Wildlife (CDFW). At time of this staff report, no response was received from the CCC. On May 20, 2024, CDFW responded with reference to comments submitted on April 3, 2024, as part of Coastal Development Permit Application, CDP_2022-0034, with support of the 50-foot reduced buffer. CDFW recommended a low-symbolic, wildlife-friendly fence to be installed outside the 50-foot ESHA buffer to prevent incidental encroachment into the ESHA and encourage protection of the resource. CDFW also recommended the removal of non-native invasive species onsite, including gorse and broom, using hand tools. **Condition 10** is recommended to minimize and mitigate the impact of the project, restore, and enhance ESHA located on the parcel and ensure the proposed project is consistent with Local Coastal Program Chapter 3.1 and Chapter 20.496 regulations relating to ESHA.

With added conditions, the proposed project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development will not significantly impact sensitive habitats or resources and is the least damaging alternative and is consistent with MCC Chapter 20.496 and Chapter 3.1 of the Coastal Element.

Archaeological/Cultural Resources: In accordance with Coastal Element Policy 3.5-10 and MCC Chapter 22.12, the applicant submitted an Archaeological Survey prepared by Alex DeGeorgey of Alta Archaeological Consulting, dated November 20, 2019, with an updated report dated September 14, 2023. The report notes that a field survey was conducted and no cultural resources were identified. Despite the negative results of the investigation, the report notes the potential for unanticipated discovery of cultural resources and identifies management recommendations, should any resources be discovered during project activities. The survey was accepted with recommendations for approval by the Mendocino County Archaeological Commission, on October 12, 2023. The Archaeological Commission recommended

Condition 8, which advises the applicant of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. In addition, the Archaeological Commission recommended additional recommendations which requires the applicant have either a Tribal Member or Archaeologist present during ground disturbance for the house foundation and septic system installation.

The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Rancheria. As of this date, no response was received from Cloverdale Rancheria and the Redwood Valley Rancheria tribes. On May 7, 2024, Sherwood Valley Band of Pomo Indians requested clarification regarding location of the proposed wells, noting they are near archaeological sites. Sherwood Valley Band of Pomo Indians has not provided further comments at time of this staff report.

With added conditions, the proposed project is consistent with is consistent with Coastal Element Policy 3.5-10 and MCC Chapter 22.12 for the protection of the paleontological and archaeological resources.

Transportation, Utilities and Public Services: Coastal Element Policies 3.5-9, 3.8-1 and 3.8-2, as well as MCC Section 20.516.015 regulations, require availability of water and sewage disposal system and other known planning factors, including access, be considered when reviewing applications for development permits. The project would not contribute a significant amount of new traffic on local and regional roadways. Solid waste service is available either as curbside pick-up or at the Caspar Transfer Station (several miles away). The proposed development to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development was referred to Mendocino County Division of Environmental Health (DEH) and Department of Transportation (MC DOT), where DOT provided no comment.

DEH responded with comments and recommendations where DEH approved an on-site well permit (WW5391) with two (2) sites and stated, *“If 2 wells are needed another well permit must be purchased and a 100 foot setback to leach field must be maintained.”* The on-site well permit (WW5391), which has not been issued, is pending the issuance of this coastal development permit. **Condition 5** is recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction. This ensures any utilities protection policy or plan will be addressed.

Without added conditions, the proposed project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development is consistent with the Local Coastal Program Policies 3.8-1 and 3.9-1 and MCC Sections 20.516.015(B), 20.516.015(A) and 20.532.095(A)(2) related to transportation, utilities, and public services protection.

Public Access: The site is located on the east side of Caspar Road (CR 569), west of SR 1, however the most western parcel boundary line at Caspar Road (CR 569) is mapped as an appeal jurisdiction boundary. There are two (2) existing public accesses to the shore within 0.5 miles of the subject parcel; the *Jughandle Creek Shoreline Access*, approximately 0.5 miles north, and the *Caspar Doyle Creek Shoreline Access*, approximately 0.5 miles south, as shown on the *LCP Land Use Map 15: Caspar* map. The nearest existing public access is the *Caspar Road Alternative Coastal Trail*, located on Caspar Road (CR 569). The *Caspar Road Alternative Coastal Trail* is described as a trail running parallel along Caspar Road (CR 569), then unimproved trail along headlands to beach. The proposed development is just north and outside of old town of Caspar and its Rural Village classification.

Without additional conditions, the proposed project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development is consistent with Mendocino County policies for Coastal Shoreline Access Element Chapters 3.6 and Chapter 4.6 and is consistent with MCC Chapter 20.528 regulations.

ENVIRONMENTAL DETERMINATION

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. The project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under California Code of Regulations under Title 14, Division 6, Chapter 3, Article 19, Section 15304, Class 4: *Minor trenching and backfilling where the surface is restored*.

PROJECT FINDINGS AND CONDITIONS

Staff recommends, pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, that the Coastal Permit Administrator approves the proposed project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development and adopts the following findings and conditions.

FINDINGS:

1. Pursuant to MCC Section 20.532.095(A)(1), the proposed development to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development is a principally permitted use and is consistent with principally permitted uses, such as *associated utilities*, within the Mendocino County Coastal Element Rural Residential Land Use classifications and Mendocino County Coastal Element Chapter 2.2 and Chapter 4.6; and
2. Pursuant to MCC Section 20.532.095(A)(2), the proposed development to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The site is accessed via Caspar Road (CR 569). Adherence to Best Management Practices would ensure that well drilling would not create adverse conditions, including storm water pollution, erosion, and sedimentation. The project is not expected to make use of other utilities; and
3. Pursuant to MCC Section 20.532.095(A)(3), the proposed development to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development is consistent with the purpose and intent of the Rural Residential (RR) zoning district and Accessory Use Regulations, as well as all other provisions of Division II of Title 20 of the Mendocino County Code and preserves the integrity of the RR zoning district. The proposed project would involve a minimal area of ground disturbance and the remaining land would be available for possible agricultural use. The test wells are considered an accessory use permitted by MCC Section 20.456.015(O) and allowable prior to construction of a dwelling because they are *necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use*. Installation of the wells would not significantly impact agricultural viability of the lot and conforms to all other applicable regulations for the Rural Residential zoning district, including setbacks, height limit, and lot coverage; and
4. Pursuant to MCC Section 20.532.095(A)(4), the proposed project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The proposed project is categorically exempt pursuant to Title 14, Division 6, Chapter 3, Article 19, Section 15304, Class 4: *Minor trenching and backfilling where the surface is restored ...* from CEQA; and
5. Pursuant to MCC Section 20.532.095(A)(5), the proposed project to drill two (2) test wells on a vacant parcel to provide proof of adequate water for future development does not have any adverse impact on any known archaeological or paleontological resources. An archaeological survey was reviewed by the Mendocino County Archaeological Commission, on October 12, 2023, where the survey was accepted with recommendations for approval. The Archaeological Commission recommended **Condition 8**, which advises the applicant of the "Discovery Clause." The "Discovery Clause" prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. The project was referred to three local tribes for review and comment, Cloverdale

Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Rancheria. As of this date, no response was received from Cloverdale Rancheria and the Redwood Valley Rancheria tribes. On May 7, 2024, Sherwood Valley Band of Pomo Indians requested clarification regarding location of proposed wells' proximity to noted archaeological sites. Sherwood Valley Band of Pomo Indians has not provided further comments at time of this staff report; and

6. Pursuant to 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. Solid waste service is available either as curbside pick-up or at the Caspar Transfer Station (several miles away). The proposed test wells are not expected to generate any solid waste. Therefore, existing solid waste facilities would be adequate to serve the project. The project is not expected to contribute to traffic volumes because the intensity of land use will not change.

CONDITIONS OF APPROVAL:

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 Code. The permit shall become effective after the ten (10) 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. Such permit vesting shall include approved permits associated with this project (i.e. building permits, septic permits, well permits, etc.) and physical construction in reliance of such permits, or a business license demonstrating establishment of a use proposed under this project.
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. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
4. 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.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
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 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. Standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization. Construction activities within 500 feet of residential uses shall be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas.
10. All recommended Avoidance Measures of the *Biological Scoping & Reduced Buffer Analysis, Wetland Delineation and Botanical Survey Report*, prepared by Wynn Coastal Planning and Biology (WCPB), December 10, 2021, are required to provide for the protection of identified Environmentally Sensitive Habitat Areas (ESHA). Conditions are as follows:

General Recommendations

- a. Site preparation and construction will occur during the general dry season April 1 through October 15. Construction during the dry season and/or dry periods (between May 15 and October 15); and
- b. If a rain event in excess of one inch over a 24-hour period occurs during the construction phase, all activities shall cease for 24 hours after perceptible rain ceases; and
- c. A minimum 100-foot buffer shall be maintained to the edge of any development activity, including grading, paving, trenching or other with pin flags, flagged stakes, or equivalently high-visibility demarcation to prevent construction personnel from laying down equipment or materials within the 100-foot buffer; and
- d. Construction shall occur during daylight hours to limit disturbing construction noise and minimize disturbance; and

Potential Sensitive Land Cover and Special-status Plants

- e. Native plant species, including trees and shrubs, and shall be used and provisions shall be made to ensure the long term survival/replacement and maintenance of the landscaping; and
- f. Removal of non-native invasive species onsite, including gorse and broom, shall use hand tools only; and
- g. All construction related activities (e.g., material storage, laying down of equipment), maximum extent of grading, and the final development footprint shall avoid all ESHA by 100 feet or greater; and
- h. Standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts; and

Potential Special-status Wildlife - Bats

- i. Removal of vegetation and initiation of construction shall be done during non-roosting season (between September and October); and
- j. If development is to occur during the roosting season (November to August), the applicant shall conduct a pre-construction survey within 14 days of the onset of construction to ensure that no roosts will be disturbed during development, and
- k. If evidence of bat use is observed, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied; and
- l. If bats are found, a minimum 50-foot buffer shall be implemented around the roost tree. Removal of roost trees should occur in September and October, or after bats have left the roost and the recommendations of the survey shall be adhered to, and

Special-status Wildlife - Birds

- m. Vegetation removal and initial ground disturbance shall occur outside the general nesting bird season (August 16 to February 28); and
 - n. If vegetation removal and/or initial ground disturbance must occur during the nesting season (March 1 to August 15), prior to issuance of a Building Permit, a nesting bird survey shall be conducted by a qualified biologist for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services; and
 - o. If nesting activity is detected, a work exclusion buffer shall be placed around each active nest (those holding eggs or pre-fledge young); and
 - p. Buffers sizes shall be determined by the qualified biologist and may vary by bird species, nest location, and ambient level of disturbance.
11. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which 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 project action.

June 14, 2024

DATE

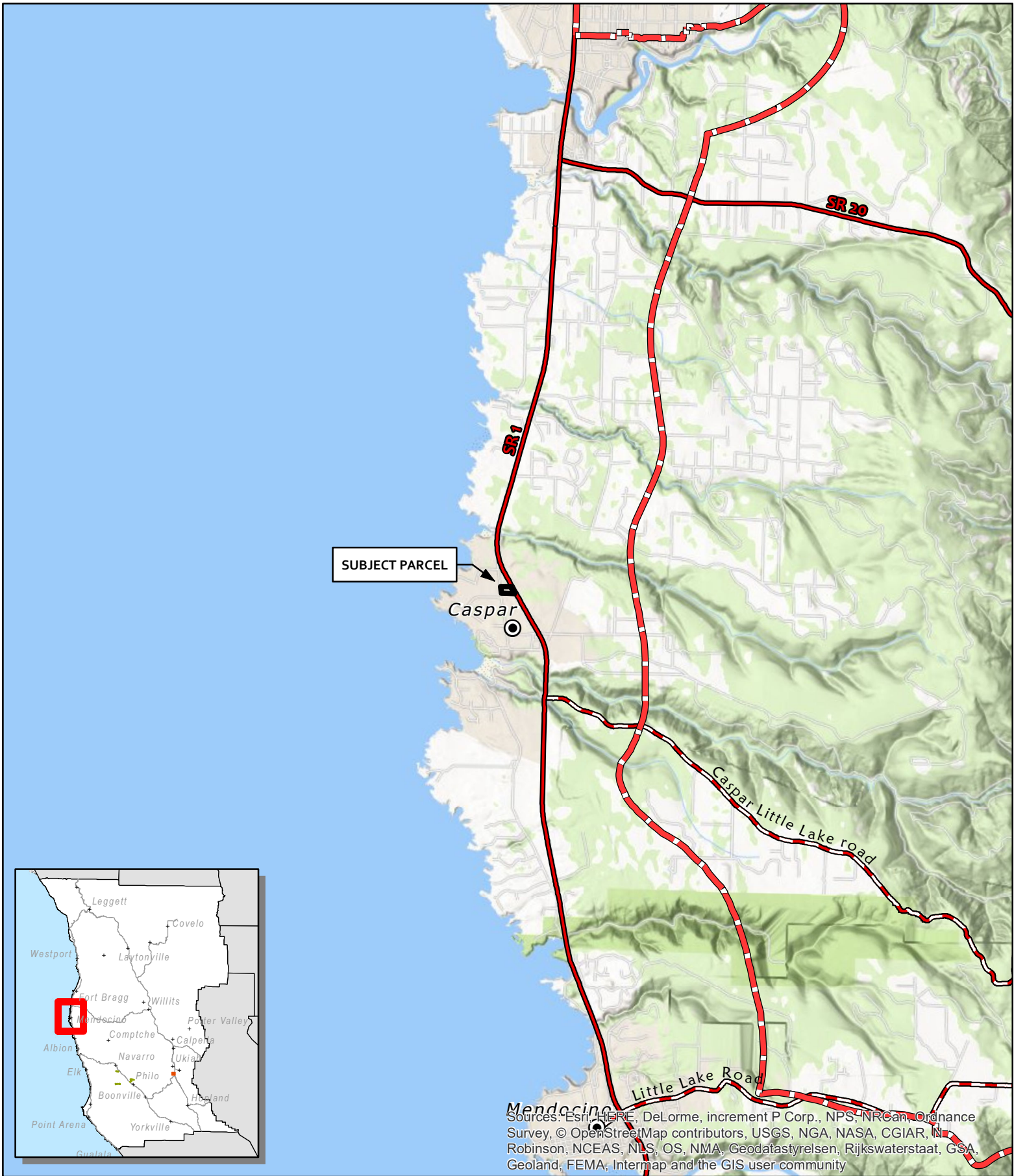


JESSIE WALDMAN
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

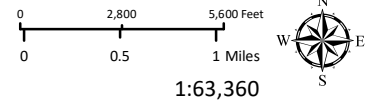
ATTACHMENTS:

- A. Location Map
- B. Aerial Imagery (Vicinity)
- C. Aerial Imagery
- D. Topographical Map
- E. Site Plan
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map 15: Caspar
- I. LCP Land Capabilities & Natural Hazards
- J. LCP Habitats & Resources
- K. Appealable Areas
- L. Adjacent Parcels
- M. Fire Hazard Zones & Responsibility Areas
- N. Wetlands
- O. Ground Water Resource Areas
- P. Highly Scenic & Tree Removal Areas Map
- Q. Estimated Slope
- R. Western Soils Classifications
- S. ESHA Map (WCPB), December 10, 2021



CASE: CDP 2024-0014
OWNER: JOHNSON, Thomas & Deborah
APN: 118-020-18
APLCT: Thomas & Deborah Johnson
AGENT:
ADDRESS: 15350 N Hwy 1, Caspar

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



1:63,360

LOCATION

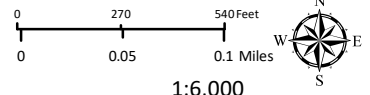
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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

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- Highways (2017)
- Public Roads
- = = = Private Roads
- - - - - Driveways/Unnamed Roads



1:6,000

AERIAL IMAGERY

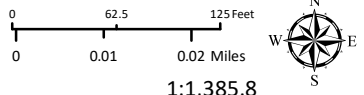
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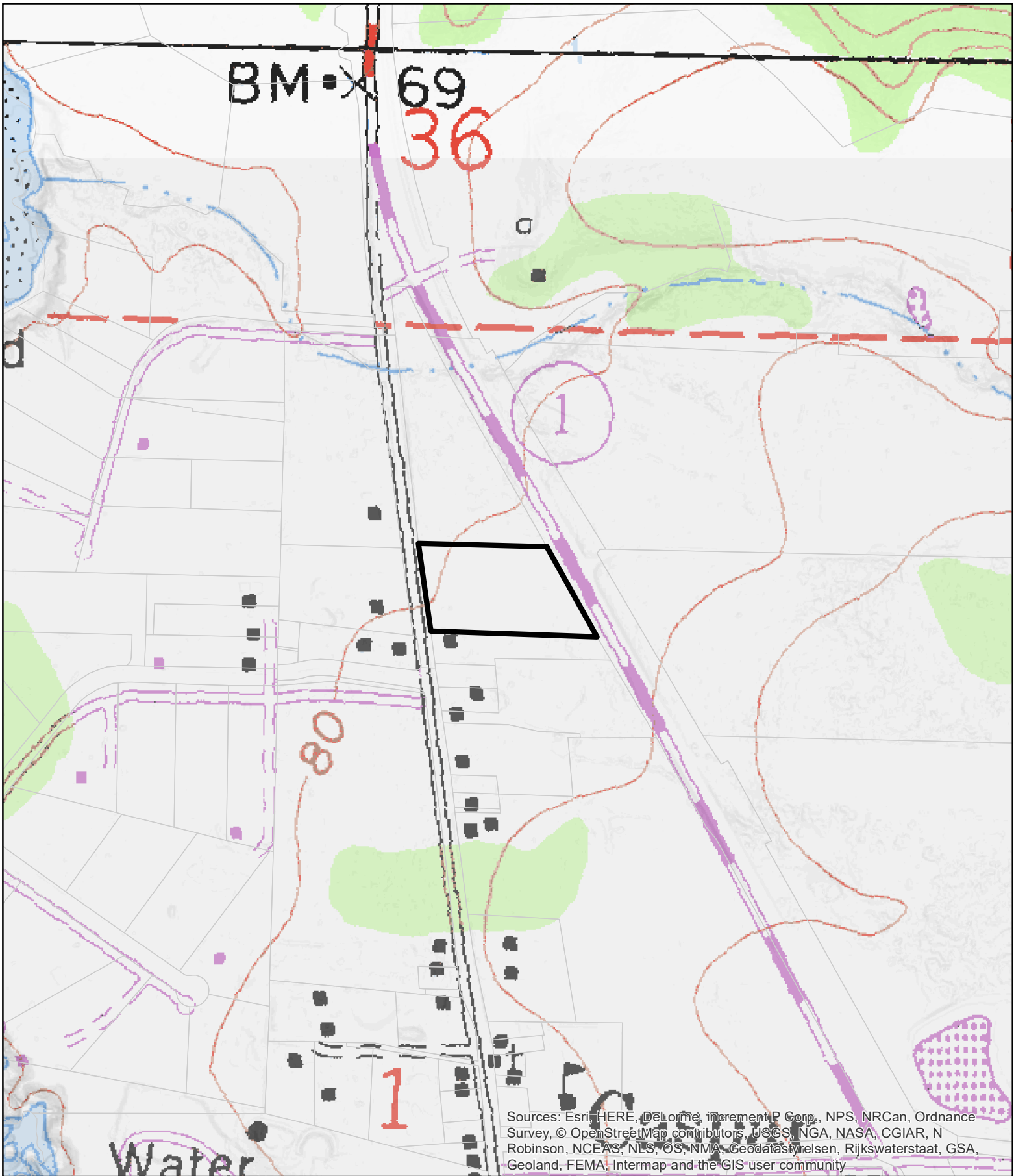
- Highways (2017) Public Roads
- Public Roads
- Highways (2017)



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AERIAL IMAGERY

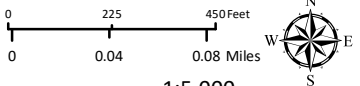
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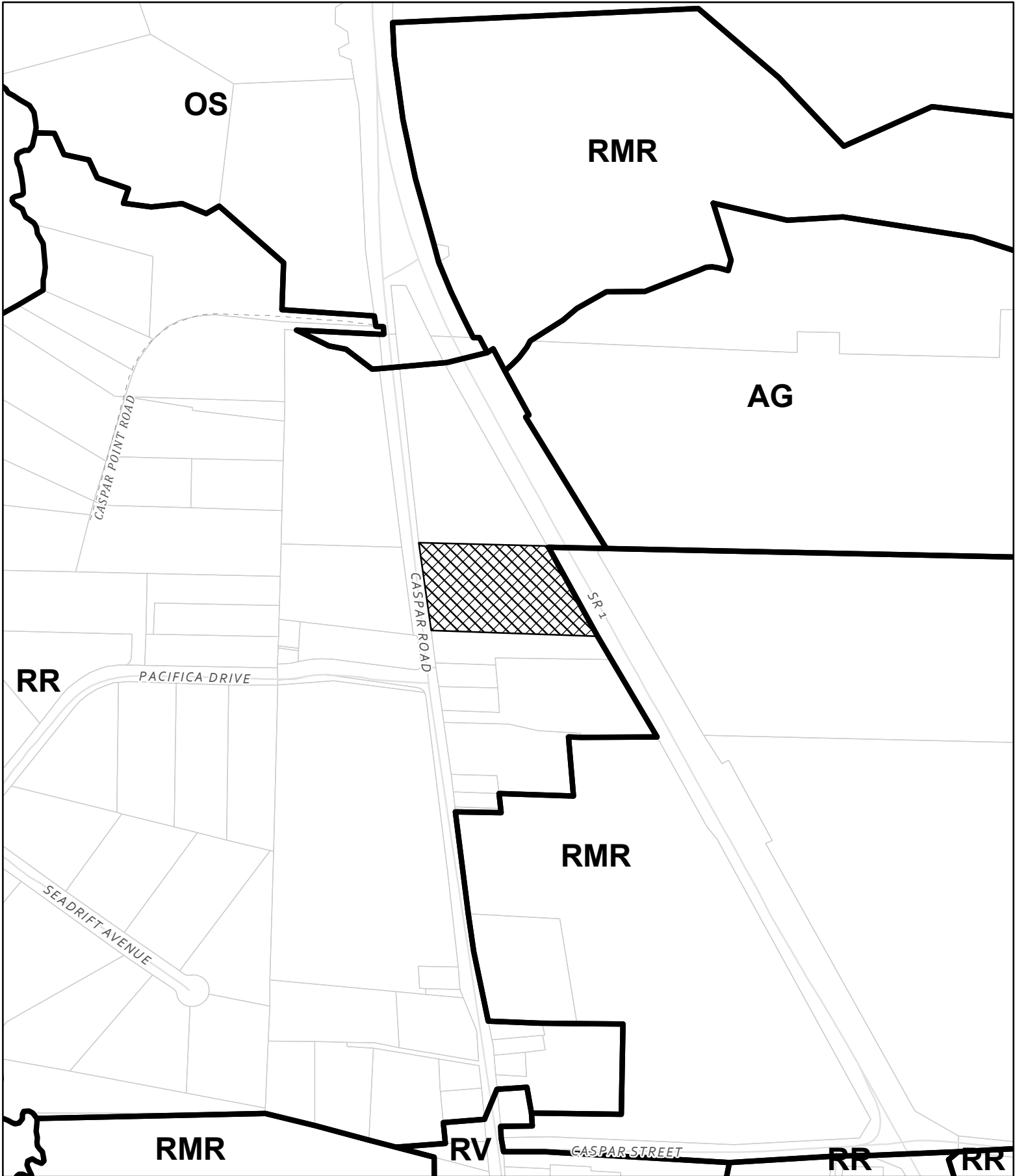
CASE: CDP 2024-0014
OWNER: JOHNSON, Thomas & Deborah
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AGENT:
ADDRESS: 15350 N Hwy 1, Caspar

 Assessors Parcels



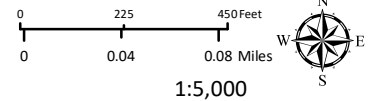
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TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

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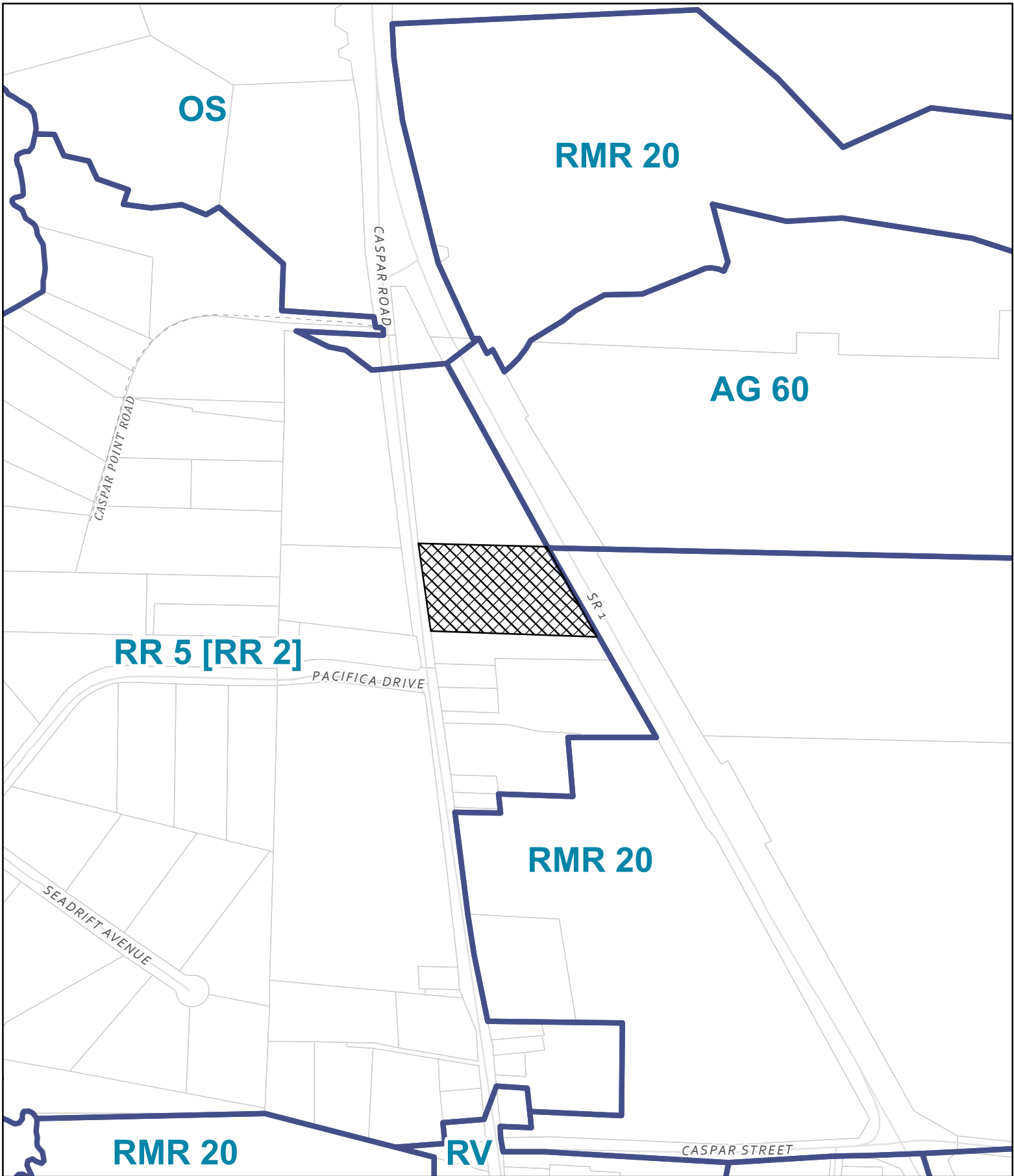
CASE: CDP 2024-0014
OWNER: JOHNSON, Thomas & Deborah
APN: 118-020-18
APLCT: Thomas & Deborah Johnson
AGENT:
ADDRESS: 15350 N Hwy 1, Caspar

- Zoning Districts
- Assessors Parcels
- Public Roads
- Private Roads






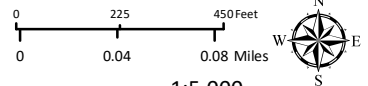
ZONING

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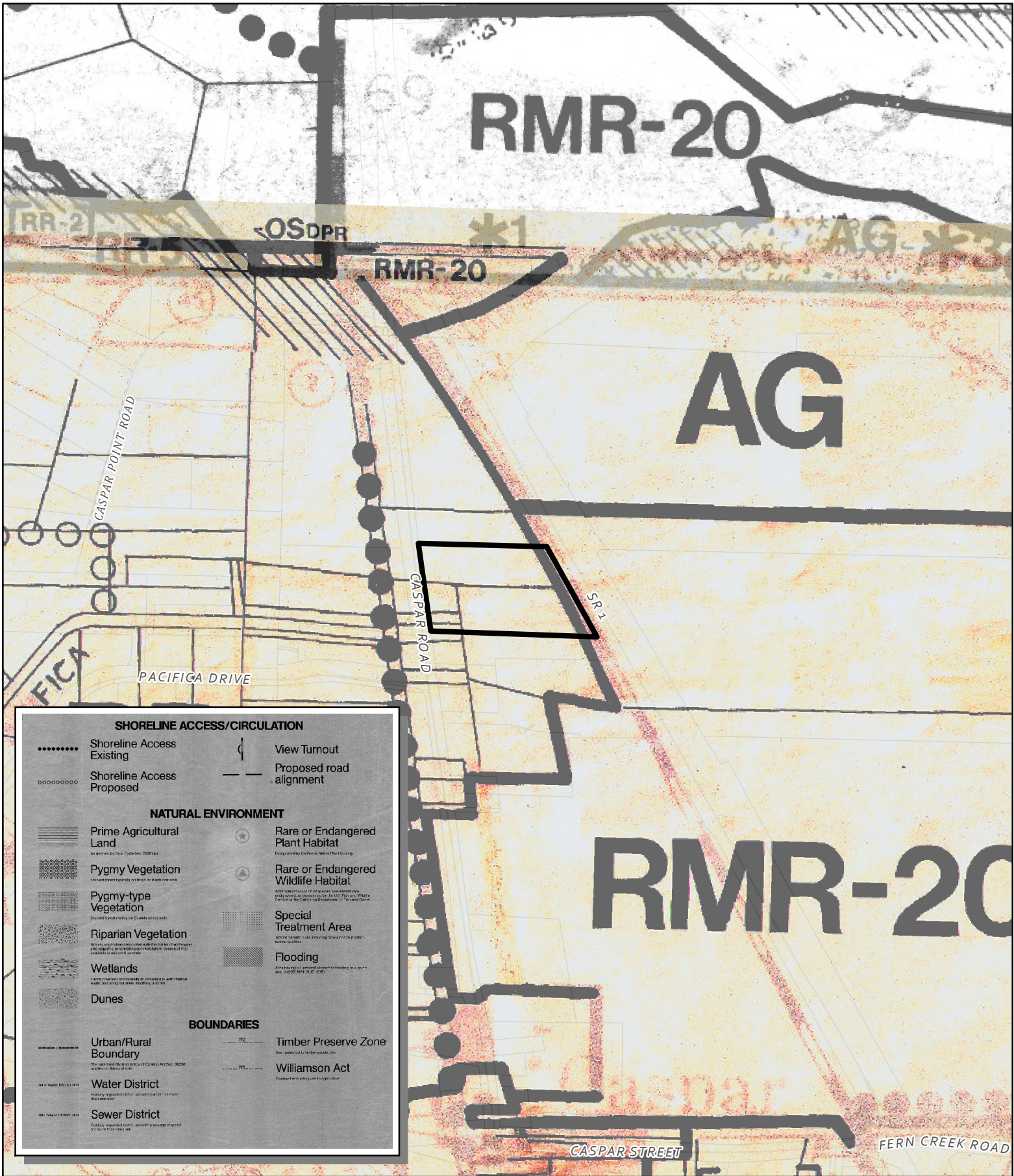
-  Public Roads
-  Private Roads
-  Assessors Parcels



1:5,000

GENERAL PLAN

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CASE: CDP 2024-0014
OWNER: JOHNSON, Thomas & Deborah
APN: 118-020-18
APLCT: Thomas & Deborah Johnson
AGENT:
ADDRESS: 15350 N Hwy 1, Caspar

Public Roads

Private Roads

Assessors Parcels

0 225 450 Feet

0 0.04 0.08 Miles

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N

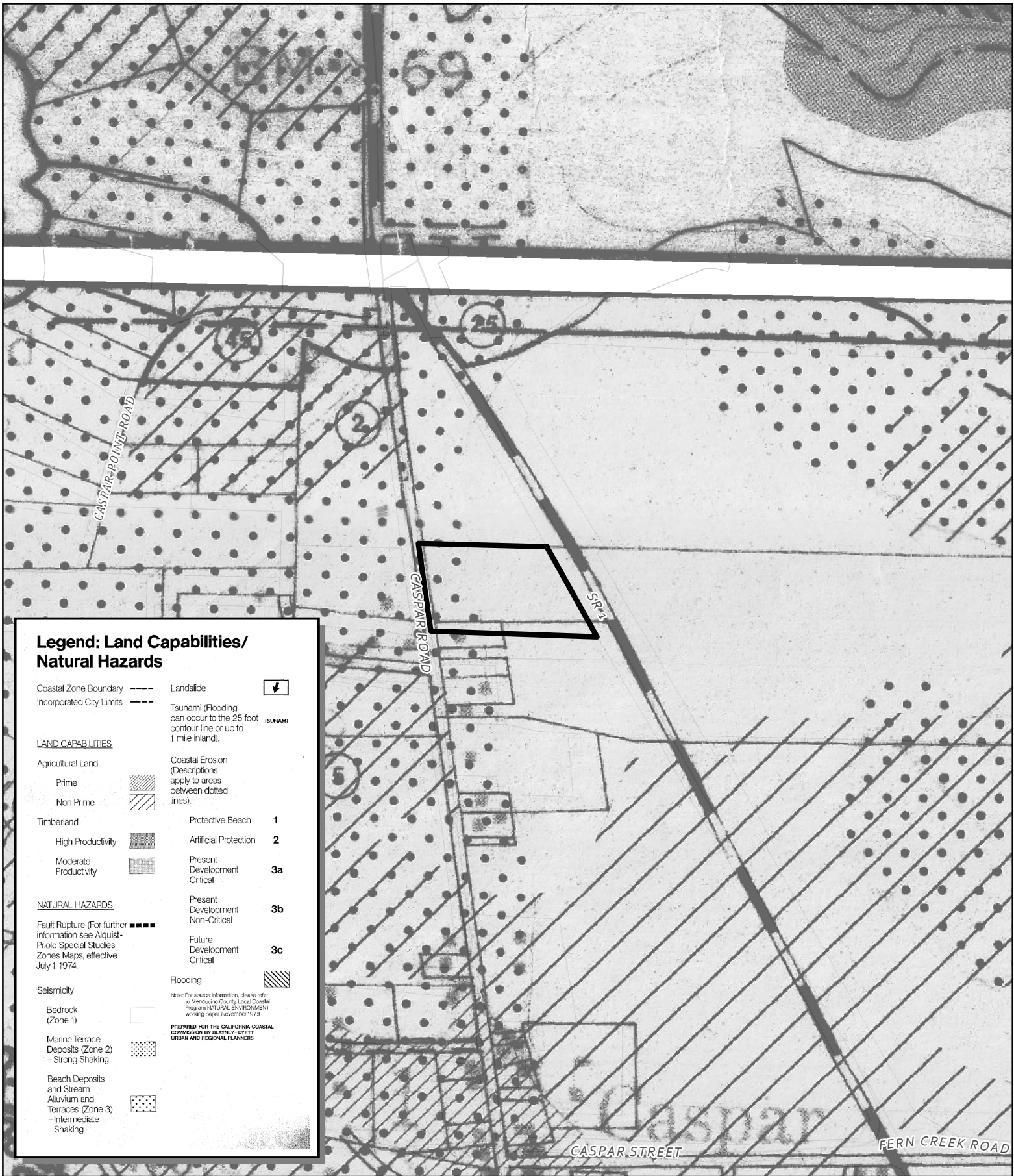
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S

LCP LAND USE MAP 15: CASPAR

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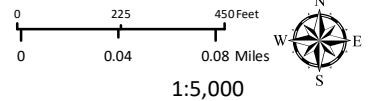
**Legend: Land Capabilities/
Natural Hazards**

- Coastal Zone Boundary ---
- Incorporated City Limits - - -
- LAND CAPABILITIES**
- Agricultural Land
 - Prime [diagonal lines]
 - Non Prime [cross-hatch]
- Timberland
 - High Productivity [grid]
 - Moderate Productivity [stippled]
- NATURAL HAZARDS**
- Fault Rupture (For further information see Alquist-Priolo Special Studies Zones Maps, effective July 1, 1974) - - - -
- Seismicity
 - Bedrock (Zone 1) [white]
 - Marine Terrace Deposits (Zone 2) - Strong Shaking [dotted]
 - Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking [stippled]
- Landslide [arrow]
- Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). [wavy lines]
- Coastal Erosion (Descriptions apply to areas between dotted lines).
 - Protective Beach 1 [diagonal lines]
 - Artificial Protection 2 [cross-hatch]
 - Present Development Critical 3a [grid]
 - Present Development Non-Critical 3b [stippled]
 - Future Development Critical 3c [diagonal lines]
- Flooding [wavy lines]

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENTAL working paper, November 1979.
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANEY-DYETT URBAN AND REGIONAL PLANNERS

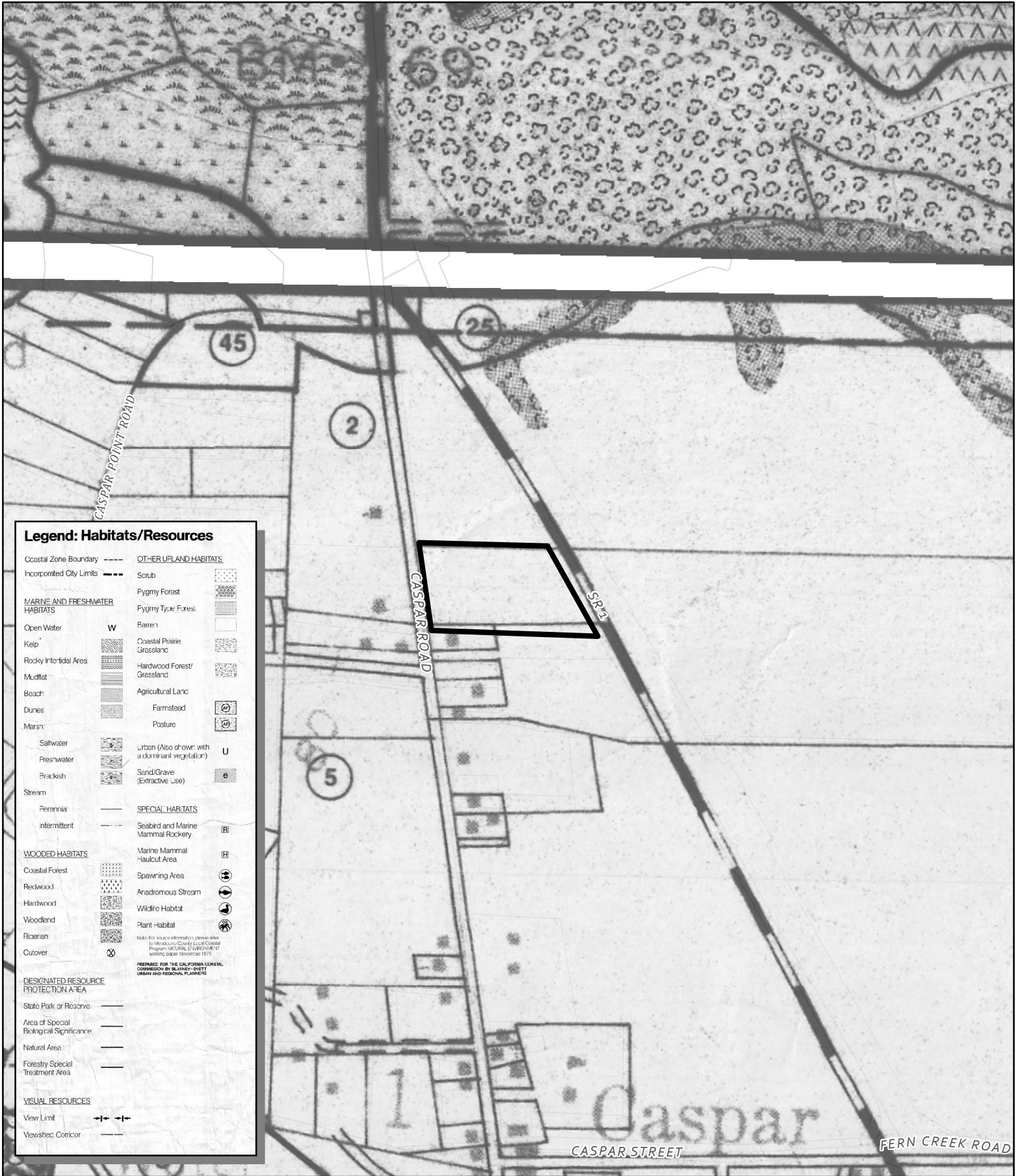
CASE: CDP 2024-0014
OWNER: JOHNSON, Thomas & Deborah
APN: 118-020-18
APLCT: Thomas & Deborah Johnson
AGENT:
ADDRESS: 15350 N Hwy 1, Caspar

- [solid line] Public Roads
- [dashed line] Private Roads
- [white box] Assessors Parcels



LCP LAND CAPABILITIES & NATURAL HAZARDS

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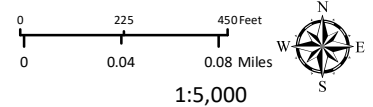


Legend: Habitats/Resources

Coastal Zone Boundary	---	OTHER UPLAND HABITATS	
Incorporated City Limits	---	Scrub	[Pattern]
MARINE AND FRESHWATER HABITATS		Pygmy Forest	[Pattern]
Open Water	W	Pygmy Type Forest	[Pattern]
Kelp	[Pattern]	Barren	[Pattern]
Rocky Intertidal Area	[Pattern]	Coastal Prairie	[Pattern]
Mudflat	[Pattern]	Grossland	[Pattern]
Beach	[Pattern]	Hardwood Forest/	[Pattern]
Dunes	[Pattern]	Grossland	[Pattern]
Marsh	[Pattern]	Agricultural Land	[Pattern]
Saltwater	[Pattern]	Farmstead	[Pattern]
Freshwater	[Pattern]	Pasture	[Pattern]
Brackish	[Pattern]	Urban (Also shown with a dominant vegetation)	U
Stream		Sand/Grave (Extractive Use)	e
Perennial	—	SPECIAL HABITATS	
Intermittent	---	Seabird and Marine Mammal Rockery	[Symbol]
WOODED HABITATS		Marine Mammal Haulout Area	[Symbol]
Coastal Forest	[Pattern]	Spawning Area	[Symbol]
Redwood	[Pattern]	Anadromous Stream	[Symbol]
Hardwood	[Pattern]	Wildfire Habitat	[Symbol]
Woodland	[Pattern]	Plant Habitat	[Symbol]
Riparian	[Pattern]	<small>Note: For more information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper November 1992.</small>	
Cuover	[Symbol]	<small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAINEY-SMYETT URBAN AND REGIONAL PLANNERS</small>	
DESIGNATED RESOURCE PROTECTION AREA			
State Park or Reserve	—		
Area of Special Biological Significance	—		
Natural Area	—		
Forestry Special Treatment Area	—		
VISUAL RESOURCES			
View Limit	---+---+---		
Viewshed Corridor	---		

CASE: CDP 2024-0014
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AGENT:
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— Public Roads
 --- Private Roads
 □ Assessors Parcels






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LCP HABITATS & RESOURCES

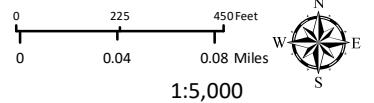
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Post LCP Certification
 Permit and Appeal Jurisdiction
 County of Mendocino

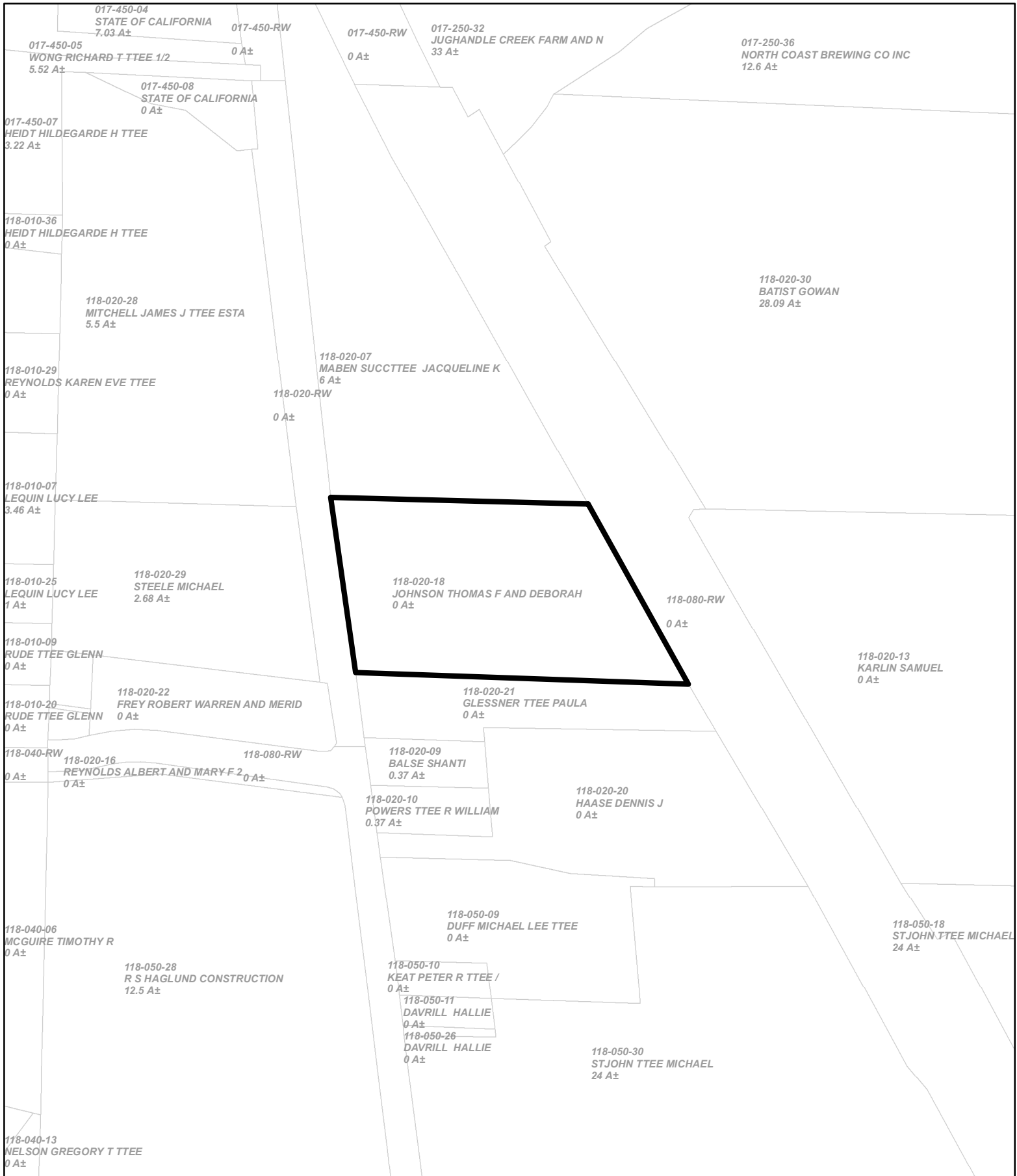
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-  Public Roads
-  Private Roads
-  Assessors Parcels




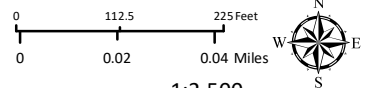
POST LCP CERTIFICATION & APPEAL JURISDICTION

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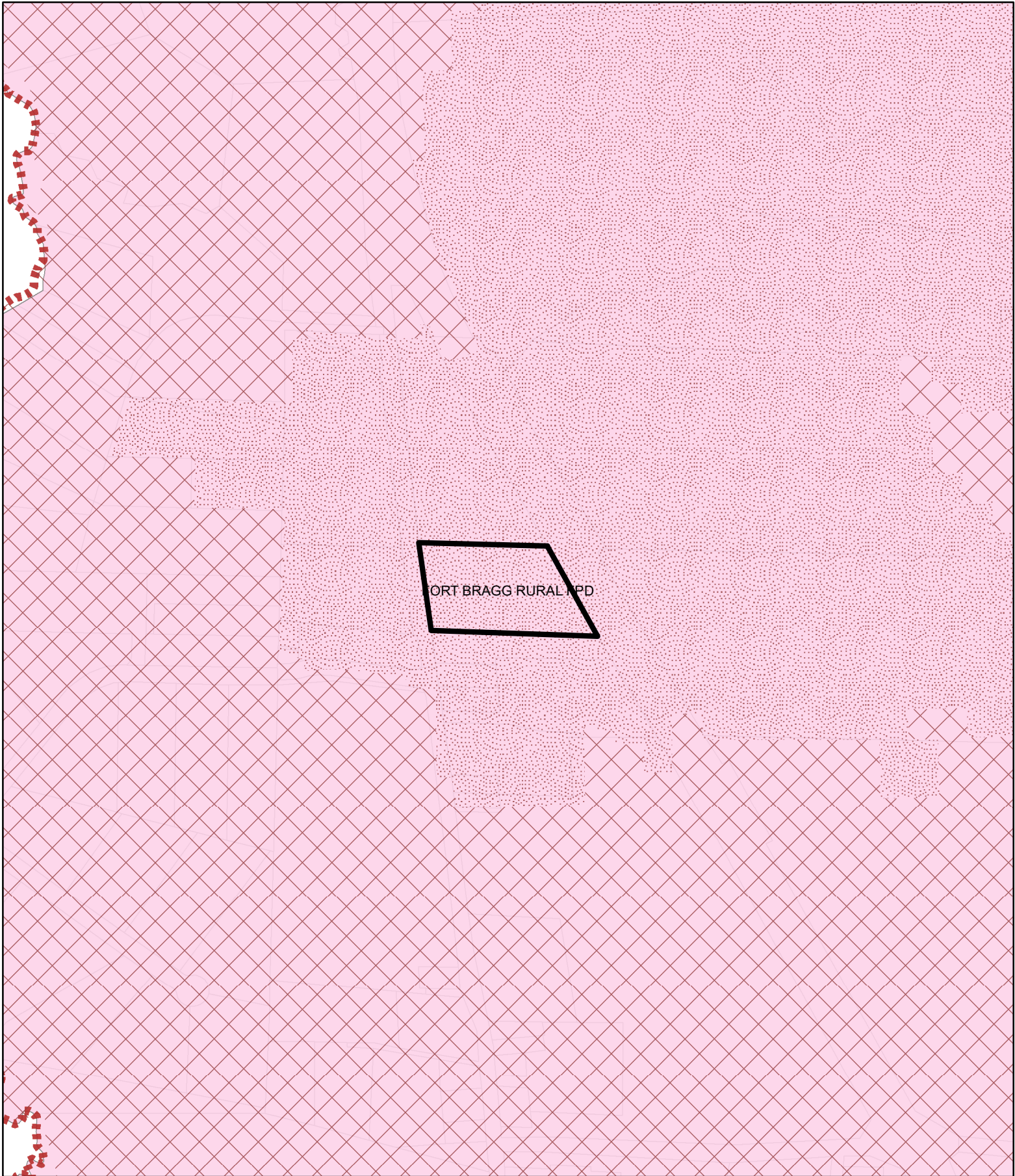
 Assessor's Parcels



1:2,500





ADJACENT PARCELS

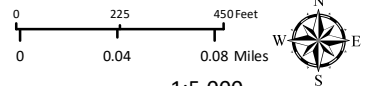
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FORT BRAGG RURAL MPD

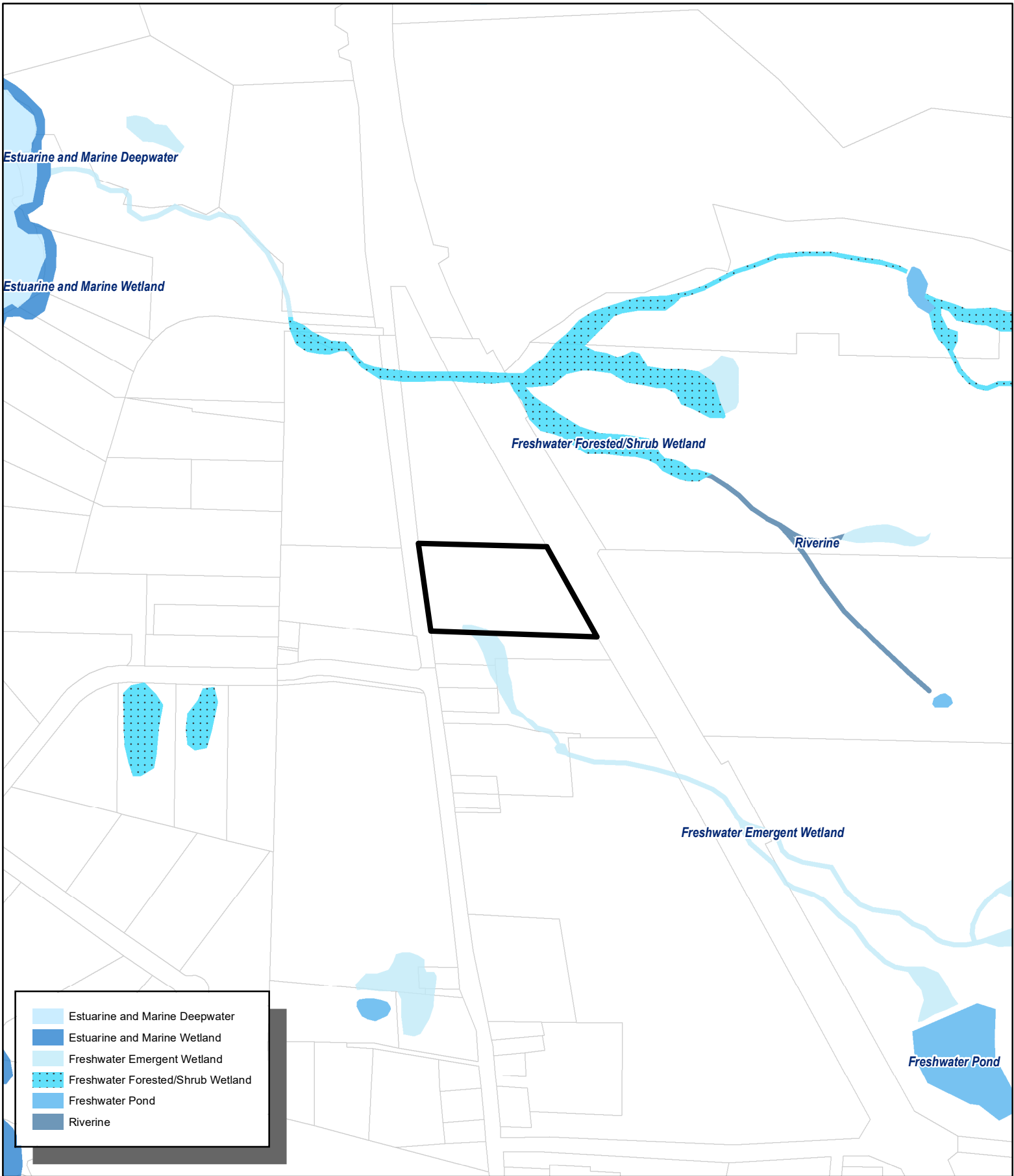
CASE: CDP 2024-0014
OWNER: JOHNSON, Thomas & Deborah
APN: 118-020-18
APLCT: Thomas & Deborah Johnson
AGENT:
ADDRESS: 15350 N Hwy 1, Caspar

-  Very High Fire Hazard
-  High Fire Hazard
-  County Fire Districts
-  Assessors Parcels



1:5,000
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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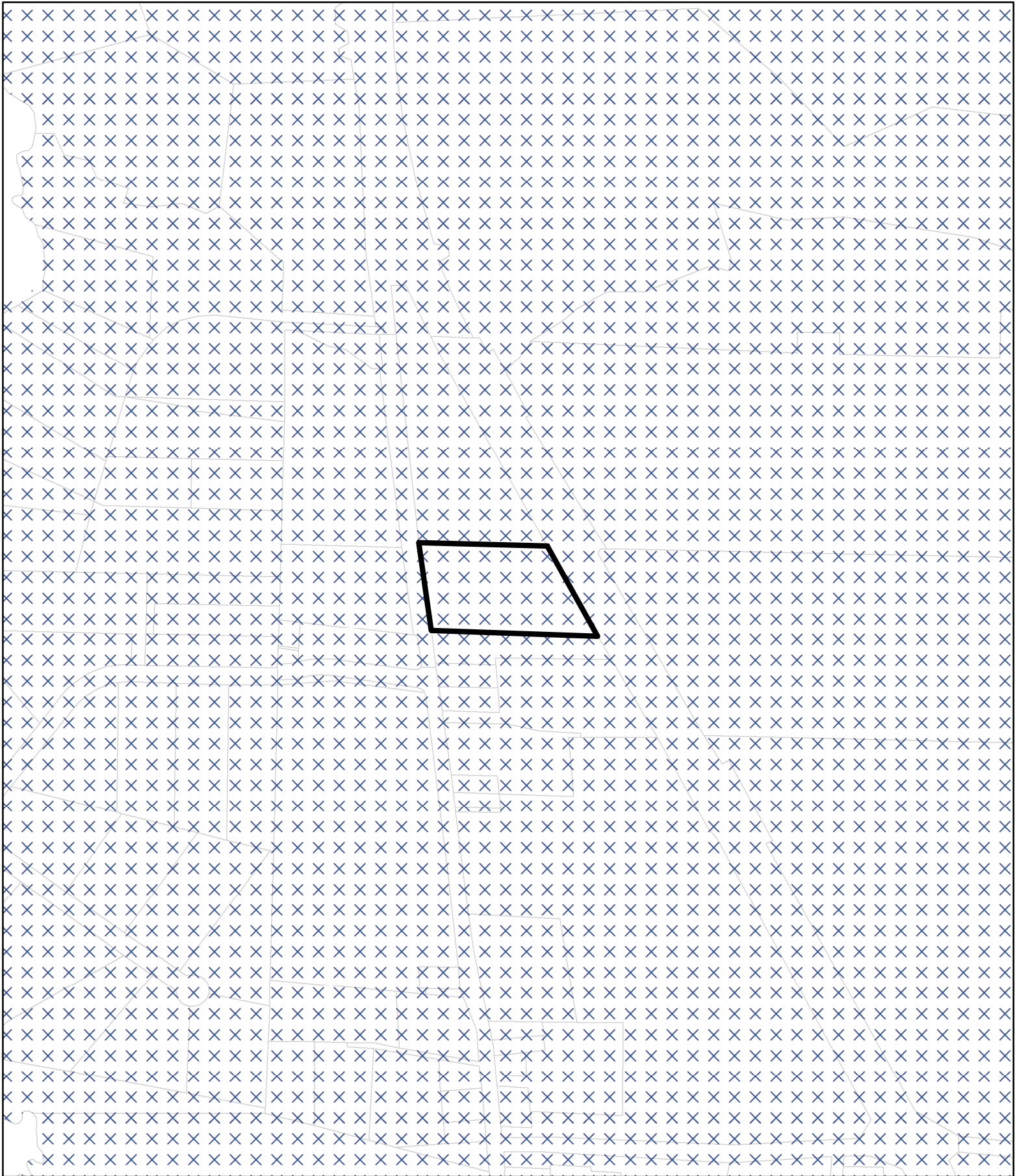


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Assessors Parcels

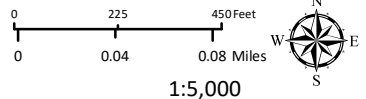
WETLANDS

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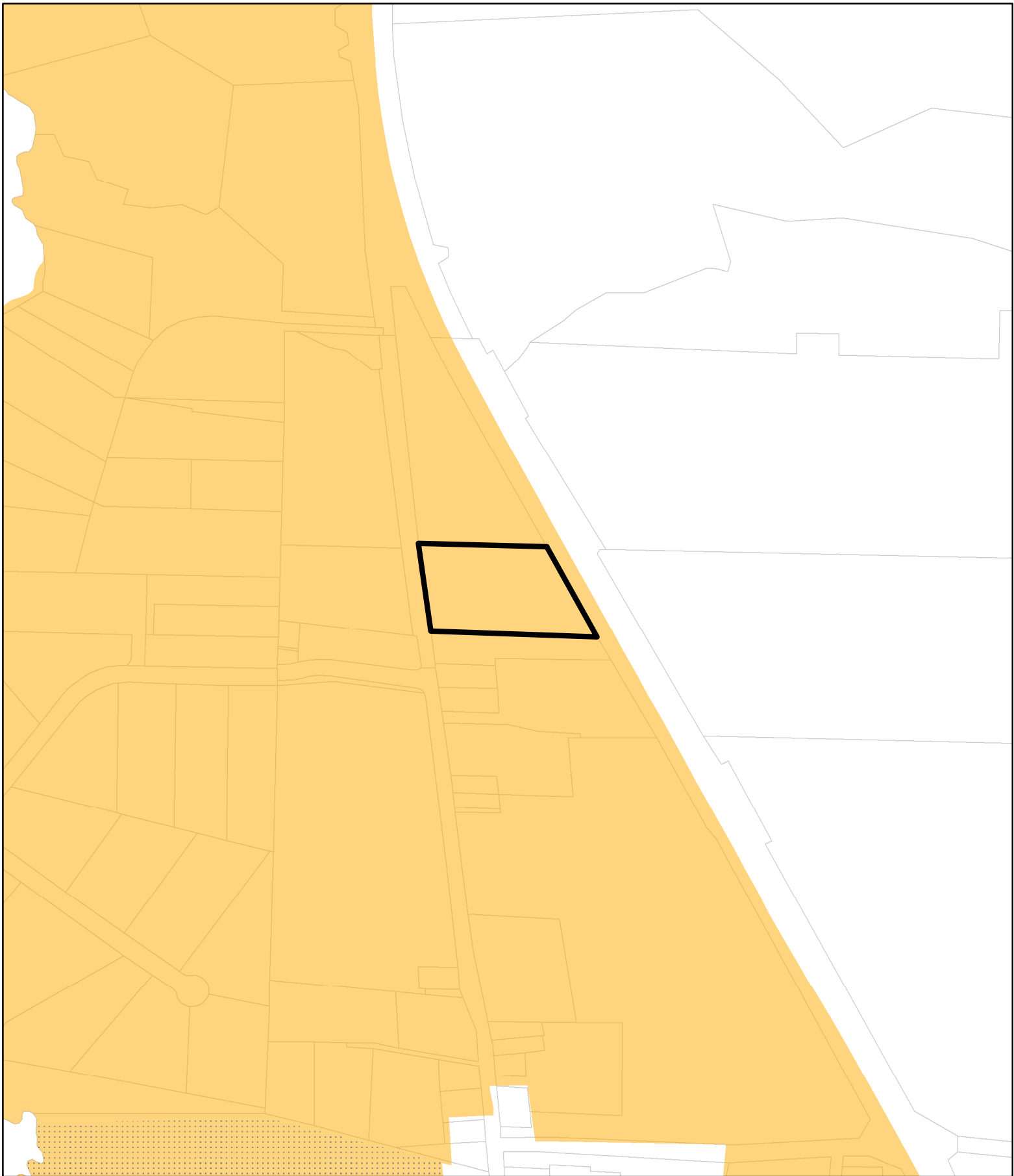
CASE: CDP 2024-0014
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 Critical Water Resources
 Assessors Parcels






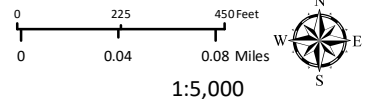
COASTAL GROUND WATER RESOURCES

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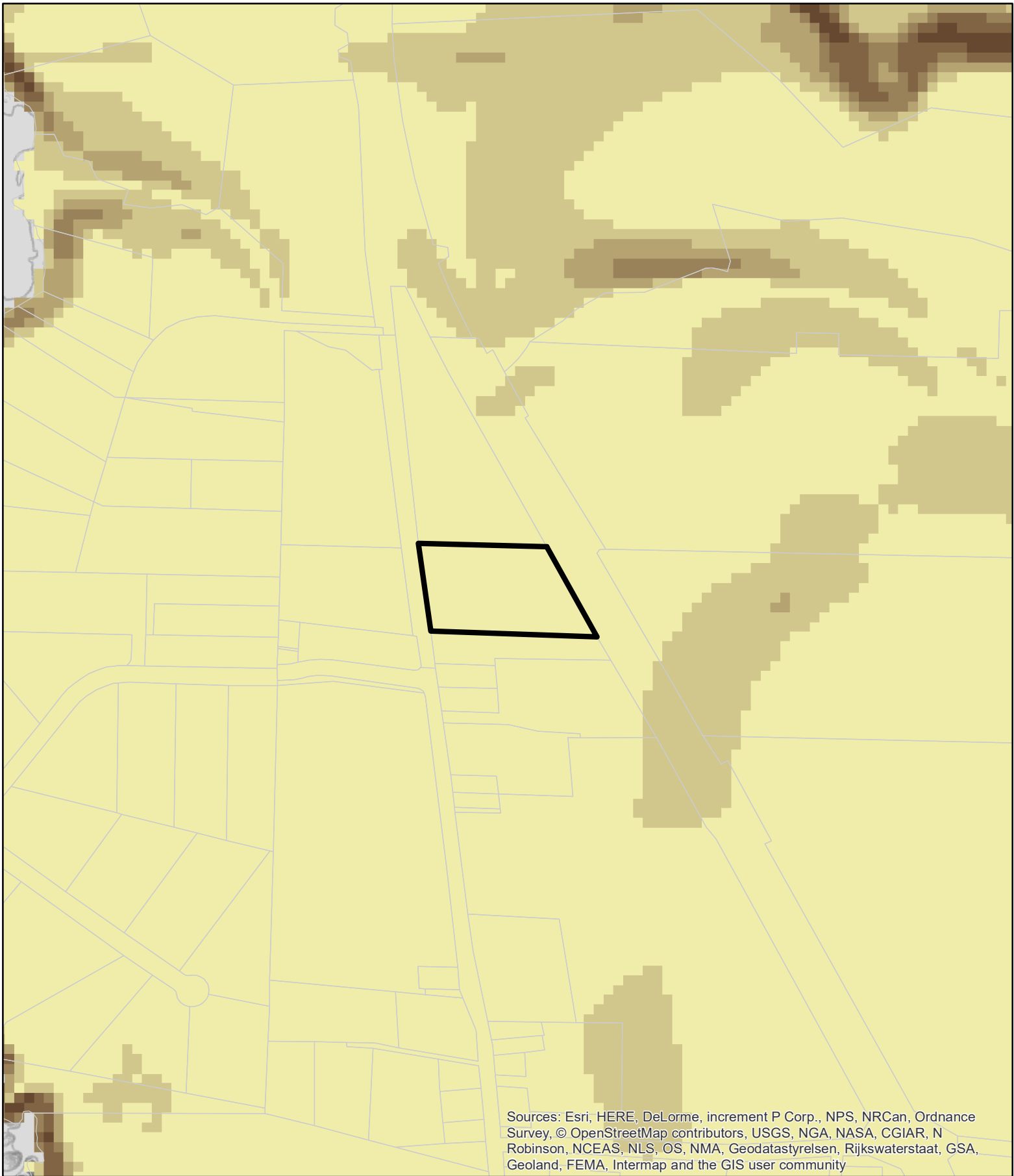
CASE: CDP 2024-0014
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-  Tree Removal Area
-  Highly Scenic Area
-  Assessors Parcels



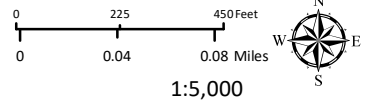
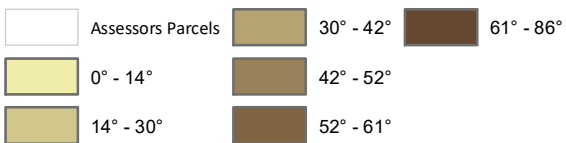
HIGHLY SCENIC & TREE REMOVAL AREAS

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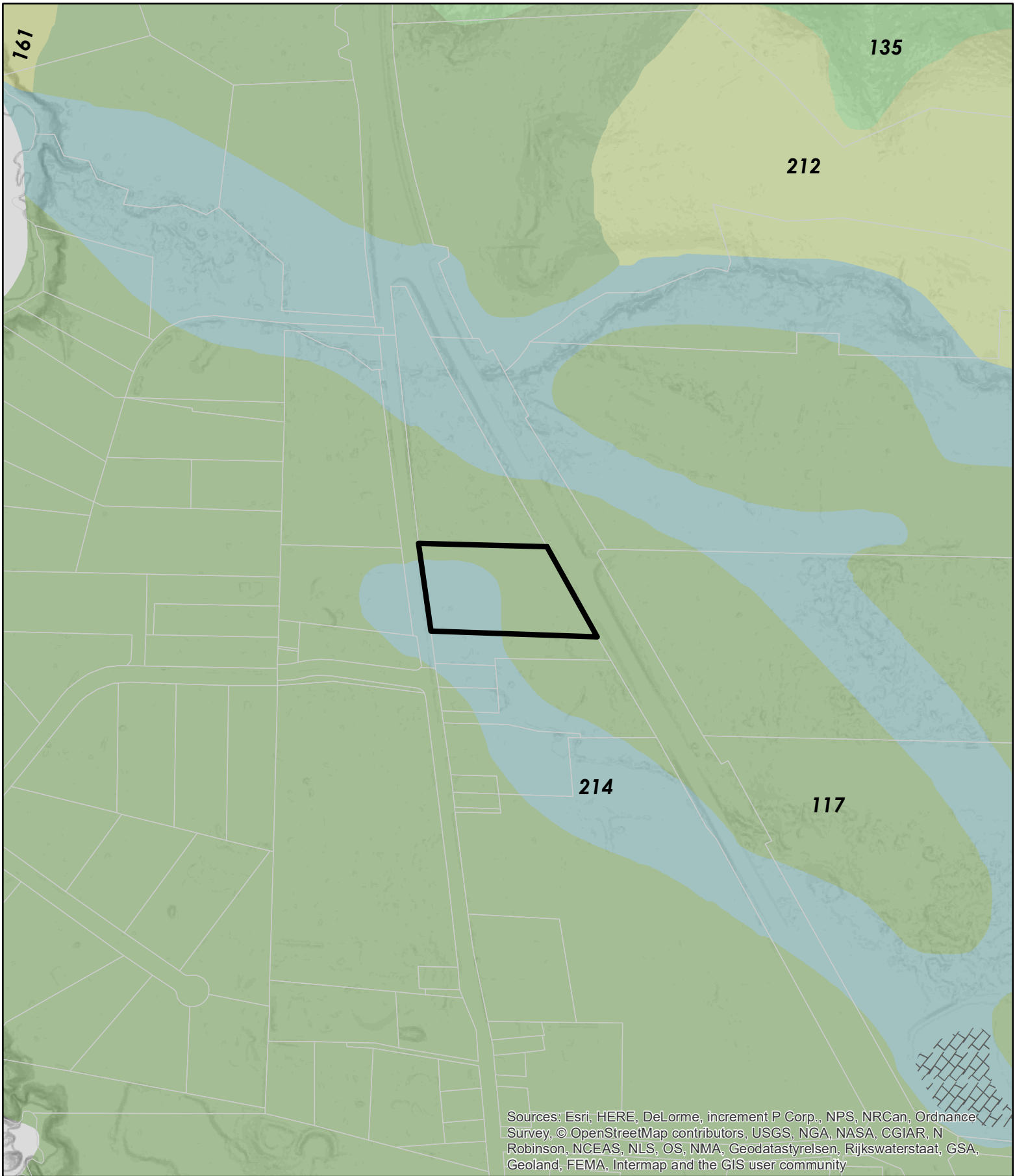
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AGENT:
ADDRESS: 15350 N Hwy 1, Caspar





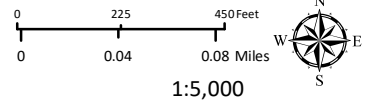
1:5,000
ESTIMATED SLOPE

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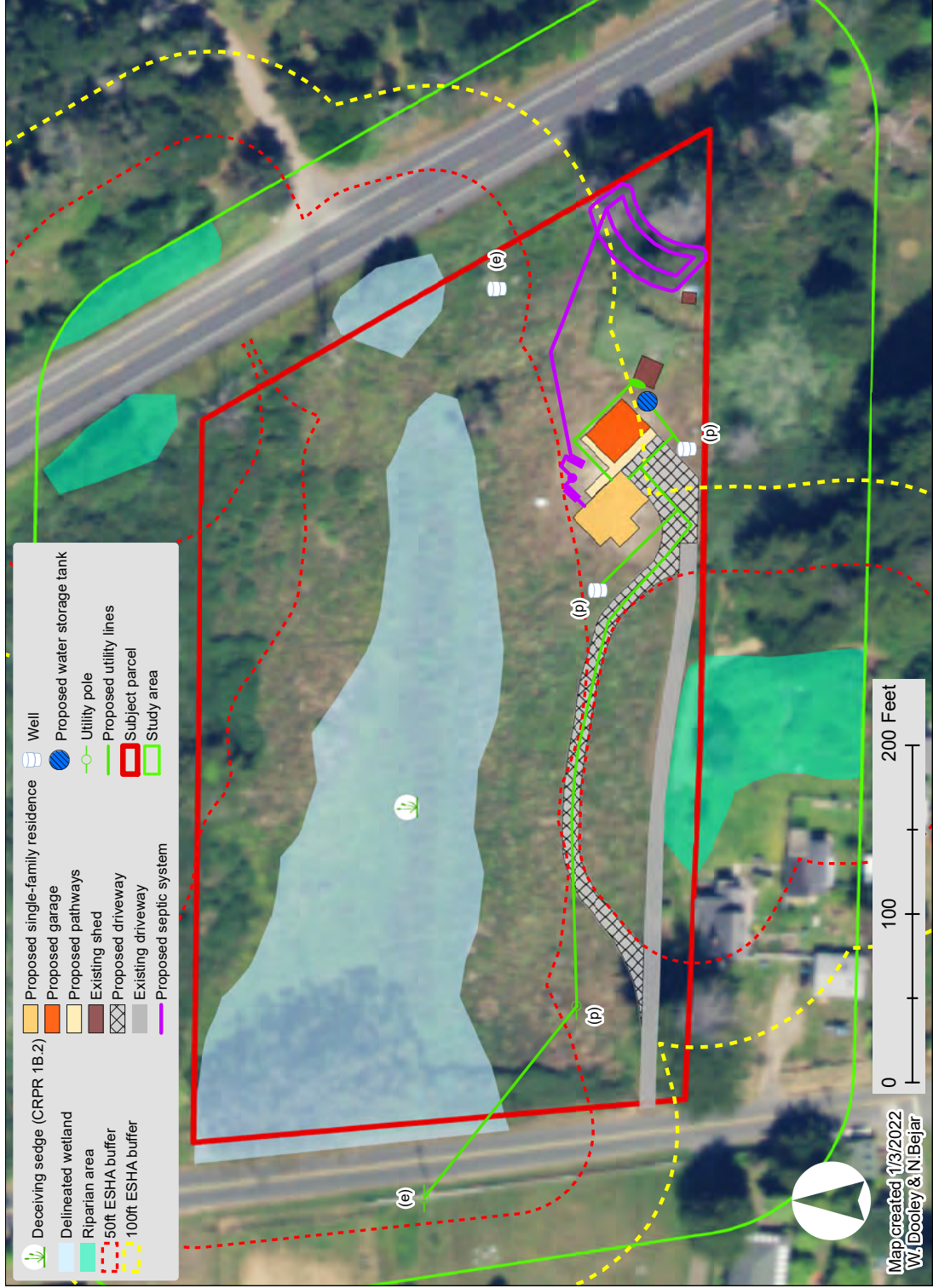
CASE: CDP 2024-0014
OWNER: JOHNSON, Thomas & Deborah
APN: 118-020-18
APLCT: Thomas & Deborah Johnson
AGENT:
ADDRESS: 15350 N Hwy 1, Caspar

 Assessors Parcels
 Blacklock & Aborigine



WESTERN SOIL CLASSIFICATIONS

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Presumed ESHA & Development Map

OWNER: Johnson, Tom
 APN: 118-020-18
 ADDRESS: 15405 Caspar Rd
 Caspar, CA



Note: Areas accessed only where legally and safely to do so.
 (ESHAs) identified in the study area and their recommended buffers.

WYNN COASTAL PLANNING & BIOLOGY