

COUNTY OF MENDOCINO DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 North Bush Street · Ukiah · California · 95482 120 West Fir Street · Ft. Bragg · California · 95437

January 23, 2025

PUBLIC NOTICE OF PENDING ACTION COASTAL DEVELOPMENT ADMINISTRATIVE PERMIT

The Mendocino County Coastal Permit Administrator will report proposed issuance of the below described project located in the Coastal Zone to the Board of Supervisors at their regular meeting to be held on February 11, 2025, at 9:00 a.m. or as soon thereafter as the item may be considered. This meeting will be held in the Board of Supervisors Chambers, located at 501 Low Gap Road, Ukiah, California, 95482. Meetings are live streamed and available for viewing on the Mendocino County YouTube page, at https://www.youtube.com/MendocinoCountyVideo or by toll-free, telephonic live stream at 888-544-8306.

CASE#: CDPM_2024-0011 DATE FILED: 9/12/2024 OWNER: Karen and Lee Trepte APPLICANT/ AGENT: Tim Zartman REQUEST: After-the-fact Administrative Coastal Development Permit Modification of CDP_2004-0049 to permit a 400 square-foot deck. ENVIRONMENTAL DETERMINATION: Categorically Exempt LOCATION: In the Coastal Zone, 5.5± miles northeast of the Fort Bragg town center, 0.75± miles northeast of the intersection of State Route 1 (SR 1) and Little Valley Road (CR 426), located at 26585 N. Highway 1, Fort Bragg, APN: 069-060-26. SUPERVISORIAL DISTRICT: 4 (Norvell) STAFF PLANNER: Shelby Miller

As you are an adjacent property owner and/or interested party, you are invited to submit comments. Mendocino County provides for digital attendance through Zoom. Zoom webinar information will be provided on the published agenda for the meeting. Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the Board reserves the right to conduct the meeting without remote access. Therefore, the only ways to guarantee that your participation or comments are received and considered by Board are to attend the meeting in person or submit your comment in writing in advance of the meeting.

Comments can be submitted using our online eComment platform at <u>https://mendocino.legistar.com/Calendar.aspx</u>. All submitted eComments will be made available to the Supervisors, staff, and the general public immediately upon submittal.

For details and a complete list of the latest available options by which to engage with agenda items, please visit: <u>https://www.mendocinocounty.gov/government/board-of-supervisors/public-engagement</u>.

Coastal Development Administrative Permits are considered on the consent calendar, and the Board of Supervisors will not conduct a public hearing on this item.

If, at the meeting, at least one (1) member of the Board of Supervisors so requests, the permit shall not go into effect, and it shall be referred back to the Department of Planning and Building Services to be scheduled for a hearing by the Coastal Permit Administrator. Public notice for the time and place of the public hearing will be provided.

Action on this permit is <u>not</u> appealable to the Coastal Commission. Therefore, the permit will become effective and action will be final upon approval by the Board of Supervisors. If the permit is referred to the Coastal Permit Administrator the decision of the Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within ten calendar days of the Administrator's action.

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 Board of Supervisors or the Department of Planning and Building Services at, or prior to, any hearing. Additional information regarding the above noted case may be obtained prior to the Board of Supervisors meeting by calling the Department of Planning and Building Services at 964-5379, Monday through Friday.

The County of Mendocino complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department by calling 463-4441 at least five days prior to the meeting.

JULIA KROG, Director of Planning and Building Services



COASTAL DEVELOPMENT PERMIT STAFF REPORT- ADMINISTRATIVE CDP

JANUARY 14, 2025 CDPM_2024-0011

PROJECT PLANNER CONTACT

Shelby Miller 860 N Bush St Ukiah, CA 95482 Phone: 707-234-6650 Fax: 707-463-5709 Millers@mendocinocounty.gov

PROJECT SUMMARY

OWNER:	Karen and Lee Trepte 1710 Center Road Novato, CA 94947	
APPLICANT/ AGENT:	Tim Zartman 16296 Old Caspar Railroad Road Fort Bragg, CA 95437	
REQUEST:	After-the-fact Administrative Coastal Development Permit Modification of CDP_2004-0049 to construct a 400 square-foot deck.	
LOCATION:	In the Coastal Zone, $5.5\pm$ miles northeast of the Fort Bragg town center, $0.75\pm$ miles northeast of the intersection of State Route 1 (SR 1) and Little Valley Road (CR 426), at 26585 N. Highway 1, Fort Bragg, APN: 069- 060-26.	
TOTAL ACREAGE:	11.5± Acres	
GENERAL PLAN:	Rural Residential – 10 Acre Minimum (RR10)	
ZONING:	Rural Residential – 10 Acre Minimum (RR:10)	
SUPERVISORIAL DISTRICT:	4 (Gjerde)	
ENVIRONMENTAL DETERMINATION:	Categorically Exempt	
RECOMMENDATION:	Approve with Conditions	

PROJECT BACKGROUND & INFORMATION

PROJECT DESCRIPTION: After-the-fact Administrative Coastal Development Permit to modify CDP_2004-0049 by constructing a 400 square foot attached deck to the existing single-family residence. This project request would be the second modification of CDP_2004-0049.

CDP_2004-0049 authorized the construction of a 5,000± square-foot single-family residence with a 1,170 square foot garage, a 640 square-foot guest cottage, a tennis court with a storage building, two (2) 1,440 square-foot greenhouses, construction of a 960 square-foot addition to an existing quilting barn, and construction of a 560 square-foot addition to a tractor barn. In addition, CDP_2004-0049 authorized the conversion of an existing residence to a farm produce and equipment storage facility upon completion of new residence, the installation of LPG or fuel oil tanks, installation of a new septic system and well, the addition of water tanks, the construction of pump houses, the installation of exterior light fixtures, and to

COASTAL PERMIT ADMINISTRATOR STAFF REPORT – COASTAL DEVELOPMENT PERMIT MODIFICATION

repair and construct a new driveway and turnarounds, the installation of deer fencing with gates around parcel perimeter, and to repair existing septic system. The first Coastal Development Permit Modification (CDPM_2023-0004) converted a quilting barn into a single-family residence, converted a farm labor housing unit into an accessory dwelling unit and installed a septic system.

SITE CHARACTERISTICS: The 11.5± acre subject parcel is located 5.5± miles northeast of the Fort Bragg City center, 0.75± miles east of the intersection of State Route 1 and Little Valley Road (CR 426), at 26585 N. Highway 1, APN: 069-060-26. This property is mapped as Moderate Fire Hazard within the Fort Bragg Rural Fire Protection District and the California Department of Forestry and Fire Protection (CAL FIRE) District¹. The parcel can be accessed from private driveway easement via State Route 1 (SR 1). The property is currently developed with two (2) septic systems (ST23861 & ST23851), one (1) well (WW16720F), one (1) 1,940 single-family residence with a deck, one (1) 1,131 square-foot accessory dwelling unit (ADU), one (1) 320 square-foot barn, and one (1) 140 square-foot shed.

The parcel is mapped as High Productivity Timberland and Marine Terrace Deposits (Zone 2) – Strong Shaking natural hazards². The property is within a Sufficient Coastal Ground Water Resources area³. Soils present on the parcel are Sirdrak Loamy Sand, 0 to 14 percent slops, and is suitable for planting trees such as Monterey Cypress, Monterey Pine, and Bishop Pines⁴.

Public Services:Access:State Route 1Water District:NoneSewer District:NoneFire District:Fort Bragg Rural Fire Protection District & CAL FIRE

RELATED APPLICATIONS: The following applications have occurred on the subject parcel or on the surrounding properties and are relevant to the proposed project. All projects listed below have already been approved, unless otherwise stated.

Subject Parcel Projects:

- FB98-900191: 200 AMP Overhead Service to residence. Finaled.
- CDP_2004-0049: Construct a SFR, Tennis Court, Farm Equipment, Guest Cottage, Septic, and Well, **Approved with Conditions**.
- BF_2004-0440: Addition to Farm Labor Housing, **Finaled.**
- ST23860 Septic System For 4 Bedrooms. Approved.
- ST27851 Septic System Permit. Finaled.
- CE 2004-0024: Replacement Well, Finaled.
- CE_2004-0035: Repair Farm Housing Septic System (ST23861). Finaled.
- CDPM_2023-0004: Convert quilting barn to SFR, convert farm labor housing to ADU, install septic system. Approved with Conditions.

AGENCY COMMENTS: On September 30, 2024, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions are discussed in this staff report and contained in Conditions of Approval. A summary of the submitted agency comments are listed below.

TABLE 1: Referral Agency Responses		
REFERRAL AGENCIES	COMMENT	
Planning – Fort Bragg (FB)	No Response	
Department of Transportation	No Response	
Environmental Health – FB No Comment		
Building Inspection – FB	No Response	

¹ Fire Hazard Zones Map.

² LCP Land Capabilities and Natural Hazards Map.

³ Coastal Ground Water Resources Map.

⁴ Soil Survey of Mendocino County, California, Western Part.

Assessor's Office	No Response
Air Quality Management District	No Response
Northwest Information Center	Comments
Caltrans	No Response
CAL FIRE	No Response
California Department of Fish and Wildlife (CDFW)	No Comment
California Coastal Commission (CCC)	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Fort Bragg Rural Fire Protection District	No Response

Northwest Information Center: An Archaeological Survey prepared in 2004 covered 100% of the subject parcel. No archaeological resources were found in the specific location of the after-the-fact deck. The Discovery Clause has been added as a condition of approval. An updated Archaeological Survey would be required for future development.

PROJECT ANALYSIS

LOCAL COASTAL PROGRAM CONSISTENCY:

Land Use and Planning Areas: The project site is located within the boundaries of the LCP area, as shown on LCP Land Use Map 11: Little Valley⁵. The subject parcel is classified as Rural Residential in the Mendocino Coastal Element Chapter 2.2⁶ which is intended,

"...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."

The after-the-fact construction of a 400 square-foot deck attached to the existing single-family residence is a principally permitted use in the RR land use classification. The project would not create an impact on the agricultural viability or growth of the RR land use classification. Therefore, the project is consistent with the RR land use classification.

Zoning: This project site is located in the Rural Residential zoning district⁷. Mendocino County Code (MCC) Section 20.380.005: Rural Residential zoning 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."

The after-the-fact construction of a 400 square-foot deck would not create an impact on the agricultural viability of the property. The after-the-fact deck is attached to the single-family residence which is a principally permitted use in the RR zoning district. The project, as proposed, is consistent with the intention of the RR zoning district.

Grading, Erosion, and Runoff: The project site is relatively flat with a slope of 15 to 32 degrees. The construction of the deck did not require grading. The deck has already been constructed and this Coastal Development Permit is to authorize the said activities. CDP_2004-0049 authorized a building envelope, and the after-the-fact deck was constructed within the specified boundaries of the delineated area. Therefore, as proposed, the project would be consistent with Chapter 20.492 – Grading, Erosion, and

⁵ LCP Land Use Map.

⁶ General Plan Classifications Map.

⁷ Zoning Map.

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Runoff of the Mendocino County Zoning Code (MCC).

Environmentally Sensitive Habitat and Other Resource Areas: The LCP Habitats & Resources Map identifies several habitats on the project site including Coastal Prairie Grasslands, Hardwood Forest/ Grassland, and Coastal Forest⁸. The subject parcel also contains Riparian Wooded Habitats to the eastern undeveloped portion of the property. A botanical survey was conducted for CDP_2004-0049 by Susan Morrison in 2004. Site visits were conducted on May 24, June 18, and July 8, 2004. Two Environmentally Sensitive Habitat Areas (ESHAs) were discovered including a wetland in the northeastern portion of the property and a population of swamp harebell along the northern edge of the wetland. In summary, the report states that no development was proposed within 100 feet of any ESHA.

The after-the-fact deck was constructed to the west of the current single-family residence. The original CDP (CDP_2004-0049) permitted a tennis court approximately 100 feet from the current single-family residence. Therefore, the after-the-fact deck has been constructed within the permitted building envelope. The proposed project was referred to California Department of Fish and Wildlife (CDFW) and California Coastal Commission (CCC) on September 30, 2024. As of November 13, 2024, the CCC have not responded. CDFW responded with no comments. As proposed, the project is consistent with MCC Chapter 20.496 – Environmentally Sensitive Habitat and Other Areas.

Hazards Areas: The proposed project will have minimal to no impact on geologic, fire, and flood hazards. The site is mapped as Moderate Fire Hazard and is serviced by the Fort Bragg Rural Protection Fire District and CAL FIRE⁹. The proposed project was referred to the Fort Bragg Rural Fire Protection District and CAL FIRE on September 30, 2024. As of November 13, 2024, no comments were received. The proposed project would not conflict with Coastal Element 3.4, and complies with MCC Chapter 20.500 Hazard Areas, including geologic, faults, bluffs, tsunami, landslides, erosion fire, and flood hazards.

Visual Resources and Special Treatment Areas: The purpose of MCC Chapter 20.504 is to,

"...insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas."

The subject parcel is not located in a mapped Highly Scenic Area. The parcel is east of State Route 1 (SR1). The project would be uniform to the natural setting and would not affect public views or be out of character with surrounding structures. There is no exterior lighting proposed at this time, the proposed project would be consistent with the intent of Visual Resources and Special Treatment Areas. Conditions of approval have been implemented to require exterior lighting to be kept to the minimum necessary for safety and security purposes and to be downcast and shielded and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with MCC Section 20.504.035.

Transportation, Utilities, and Public Services: The project site is accessible via an easement from State Route 1. The project site contains two septic systems, one well, a single-family residence, an accessory dwelling unit, and other ancillary structures. The after-the-fact project would create no impact on adequate utilities, transportation, or public services. The project was referred to CAL FIRE and Fort Bragg Rural Fire Protection District. As of November 13, 2024, no comments were received.

Archaeological and Cultural Resources: The project was referred to Northwest Information Center (NWIC) on September 30, 2024. On October 14, 2024, NWIC responded and stated that 100% of the subject parcel was surveyed in 2004. There are no cultural or archaeological resources within the location of the deck. Should the scope of the project change in its location, it is recommended that a qualified professional archaeologist update the conditions of an identified resource on Office of Historic Preservation's DPR 523 resource recordation forms, assess potential impacts of the proposed project activities on this site, and provide project-specific recommendations as warranted. NWIC does not recommend further studies at this time. The project was referred to Cloverdale Rancheria, Redwood Valley

⁸ LCP Habitats & Resources Map.

⁹ Fire Hazard Zones Map.

Rancheria, and Sherwood Valley Band of Pomo Indians on September 30, 2024. As of November 13, 2024, no comments have been received.

ENVIRONMENTAL DETERMINATION: Categorical Exemption: 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 proposed project to permit an existing deck meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under California Code of Regulations Section 15301 for Existing Facilities. The after-the-fact 400 square-foot deck is an addition to the 1,940 square-foot single-family residence. Considering the deck is less than 50% of the floor area, the after-the-fact project is negligible and would not expand the use of the single-family residence.

PROJECT FINDINGS & CONDITIONS OF APPROVAL

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, the Coastal Permit Administrator approves CDPM_2024-0011, finds the project Categorically Exempt from the California Environmental Quality Act, and adopts the following findings and conditions.

FINDINGS:

- 1. Pursuant to MCC Section 20.532.095(A)(1), the proposed project to construct an after-the-fact deck is in conformity with the certified local coastal program. The after-the-fact deck is attached to the single-family residence which is a principal permitted use in the RR land use classification; and
- 2. Pursuant to MCC Section 20.532.095(A)(2), the proposed development to construct an after-the-fact deck would have no impact on utilities, access roads, or drainage. The project site is provided with adequate utilities, access roads, drainage, and other necessary facilities. The project site is supplied with an onsite well, two septic tanks, and ancillary structures. The subject property is accessed by an easement via State Route 1. The project would have no impact on transportation, access roads, or utilities; and
- 3. Pursuant to MCC Section 20.532.095(A)(3), the after-the-fact development to construct a deck is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserve the integrity of the zoning district. The after-the-fact deck is attached to the single-family residence which is a principal permitted use in the RR zoning district. The after-the-fact deck is after-the-fact deck is appropriate, incidental, and subordinate to the principally permitted single-family residence. Therefore, the project would be consistent with intentions of the RR zoning district; and
- 4. Pursuant to MCC Section 20.532.095(A)(4), the after-the-fact development to construct a 400 square-foot deck, if completed 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 (CEQA) and is determined to be Categorically Exempt from further environmental review. 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 after-the-fact deck was constructed previously and meets the criteria to be Categorically Exempt, per CEQA Guidelines Section 15301: Existing Facilities. The deck was constructed within a previously authorized building envelope (CDP_2004-0049) and is attached to the single-family residence. The project, as proposed, is consistent with the provisions of CEQA; and
- 5. Pursuant to MCC Section 20.532.095(A)(5), the after-the-fact development to construct a 400 square-foot deck within a previously authorized building envelope will not have any adverse impacts on any known archaeological or paleontological resource. An Archaeological Report for the subject parcel, dated in 2004, by Thad Van Buren in support of CDP_2004-0049. Considering the proposed project is located within the study area of the 2004 Archaeological Report, it was resubmitted for review. On September 30, 2024, Sherwood Band of Pomo Indians, Cloverdale Rancheria, and Redwood Valley Rancheria were contacted to review the project. No response was received. The project was also referred to the Northwest Information Center (NWIC) on September 30, 2024. NWIC stated "an

Archaeological Survey prepared in 2004 covered 100% of the subject parcel. No archaeological resources were found in the specific location of the after-the-fact deck". The Discovery Clause has been added as a condition of approval. An updated Archaeological Survey would be required for future development; 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 after-the-fact deck. The project, as proposed, would have no impact on public services, solid waste, or roadway capacity. The project site is served by an on-site well, two septic systems, other ancillary structures and is accessed by a driveway easement via State Route 1. The project was referred to Mendocino County Department of Transportation, Division of Environmental Health, and Caltrans. As of November 20, 2024, no comments have been received; and

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) day appeal period to the Board of Supervisors has expired and no appeal has been filed with the Board of Supervisors. 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.

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- 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. An Archaeological Survey is required for any future development.
- 10. All exterior lighting fixtures shall be kept to the minimum necessary for safety and security purposes, be downcast and shielded, and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with MCC Section 20.504.035.

DATE



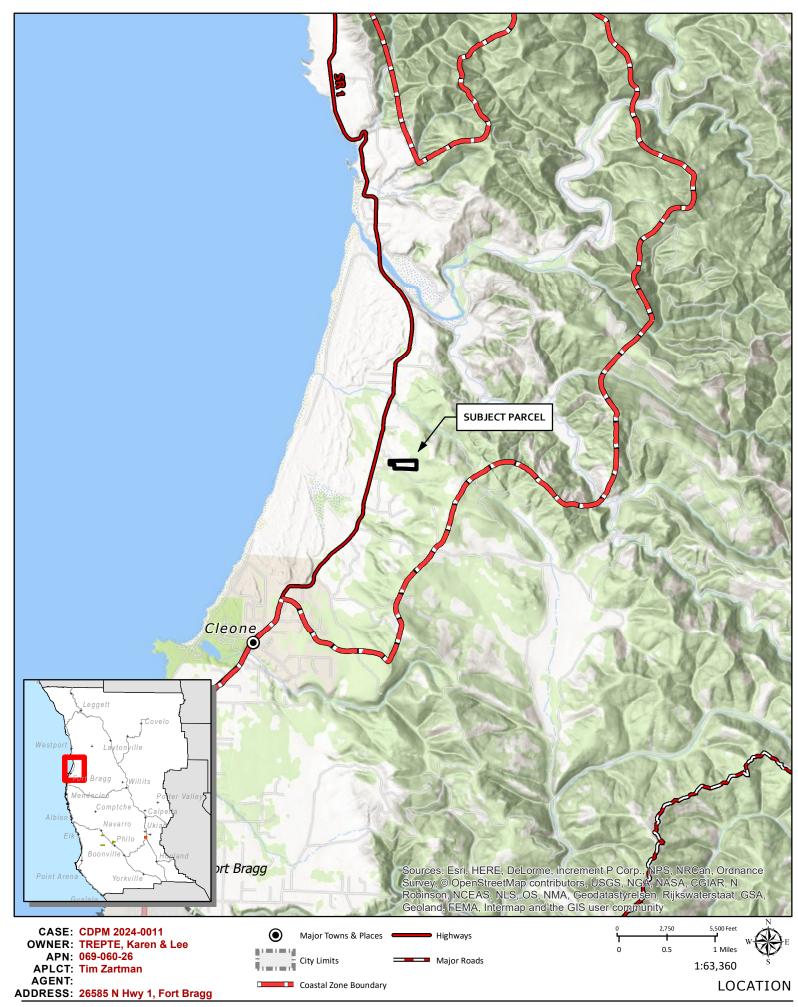
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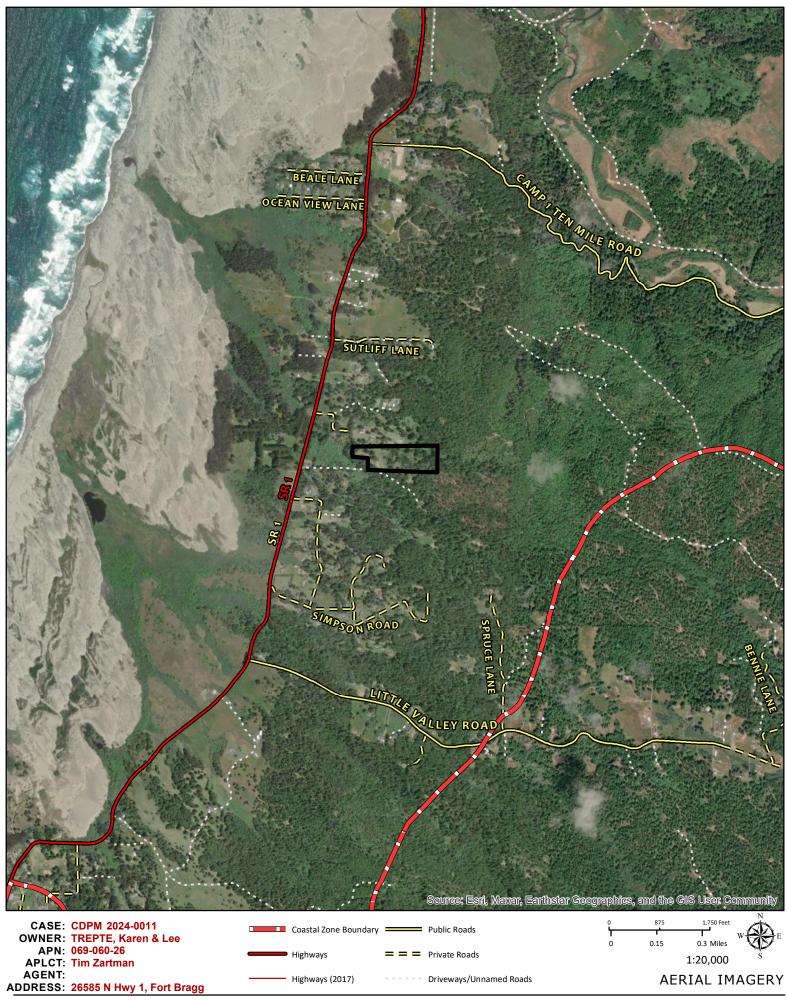
KROG COASTAL PERMIT ADMINISTRATOR

Appeal Period: 10 Days Appeal Fee: \$2,674.00.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Site Plan
- D. General Plan Map
- E. Zoning Map
- F. LCP Maps G. Adjacent Owner Map
- H. Fire Hazards Map



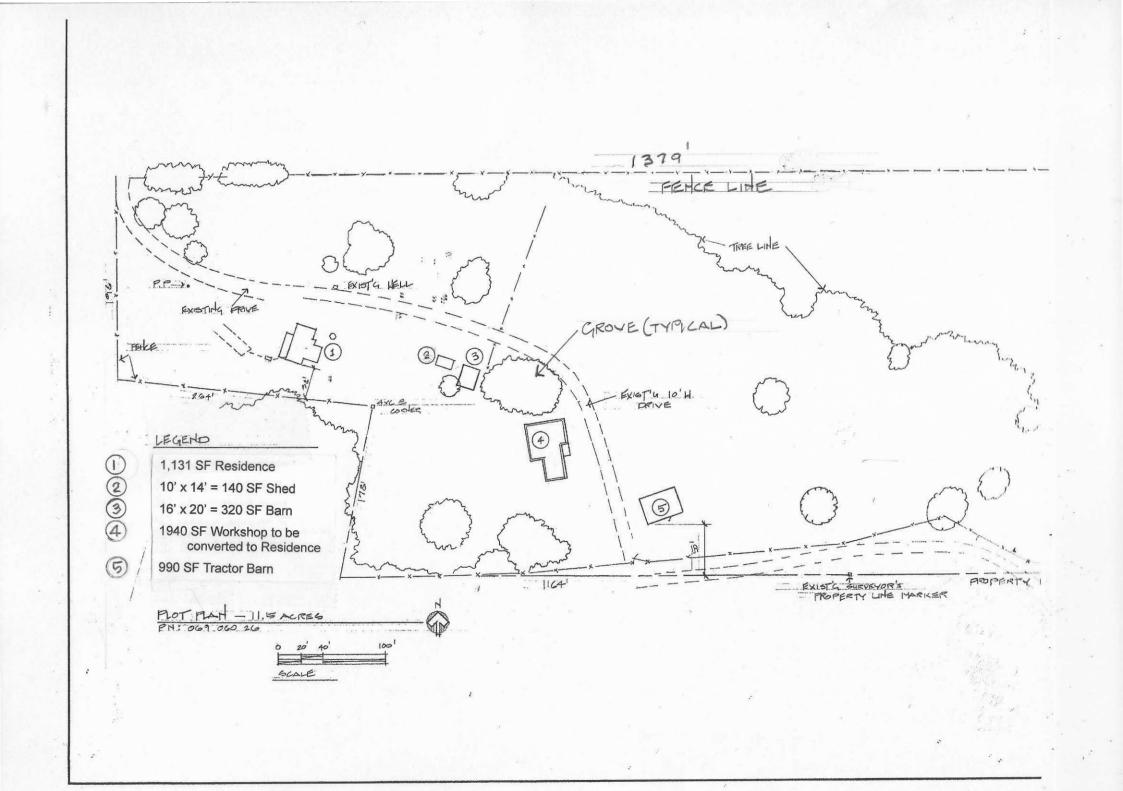


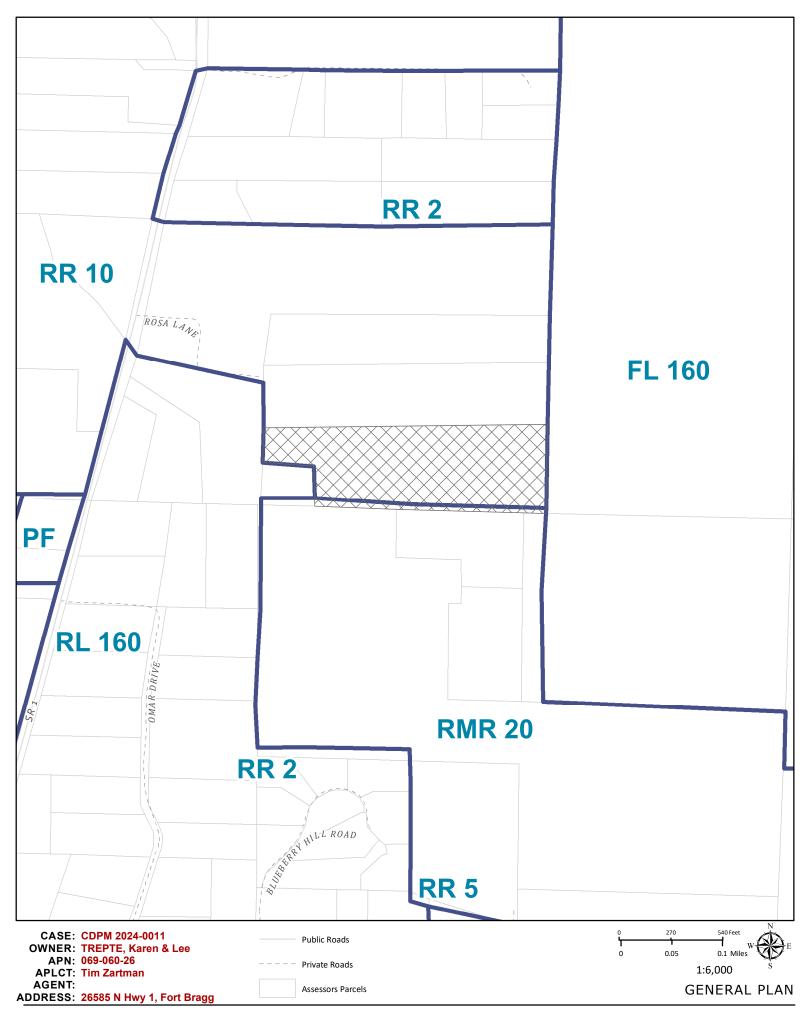


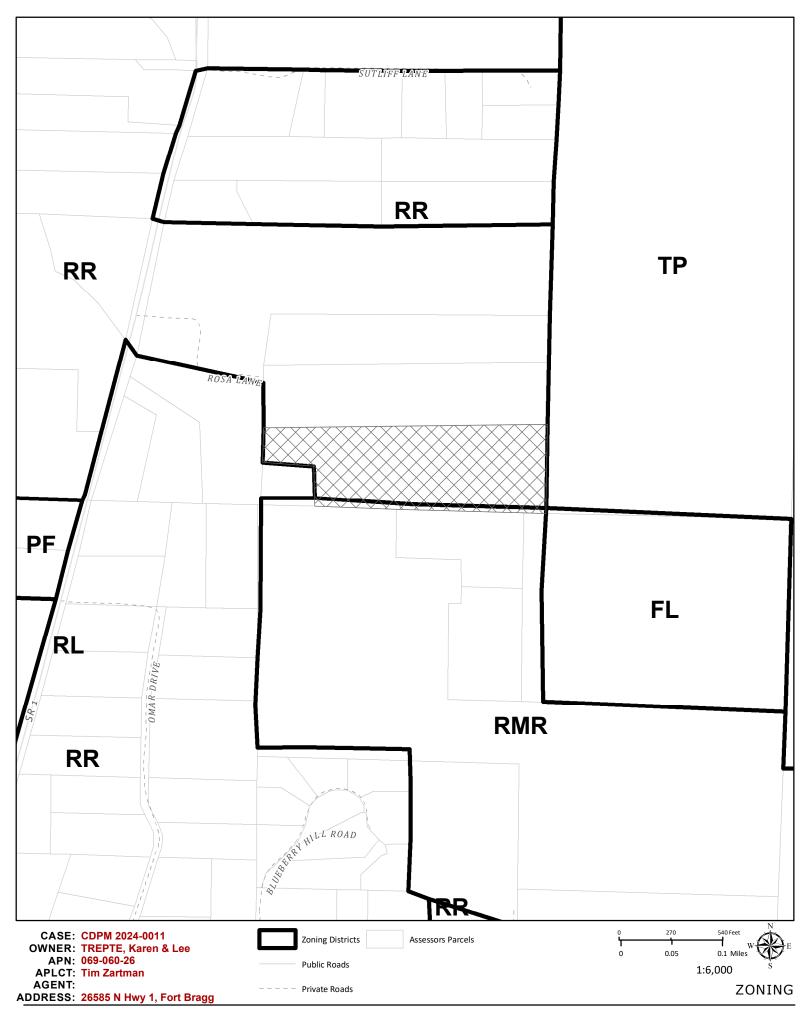
CASE: CDPM 2024-0011 OWNER: TREPTE, Karen & Lee APN: 069-060-26 = APLCT: Tim Zartman AGENT: Tim Zartman ADDRESS: 26585 N Hwy 1, Fort Bragg

Private Roads
 Driveways/Unnamed Roads

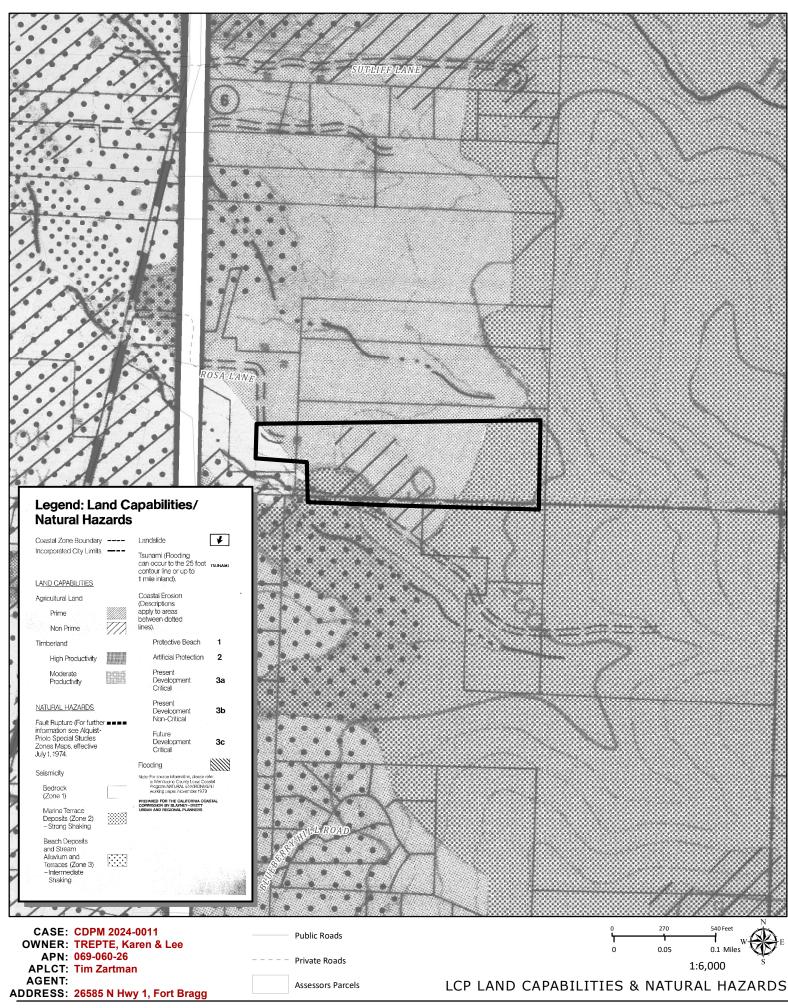
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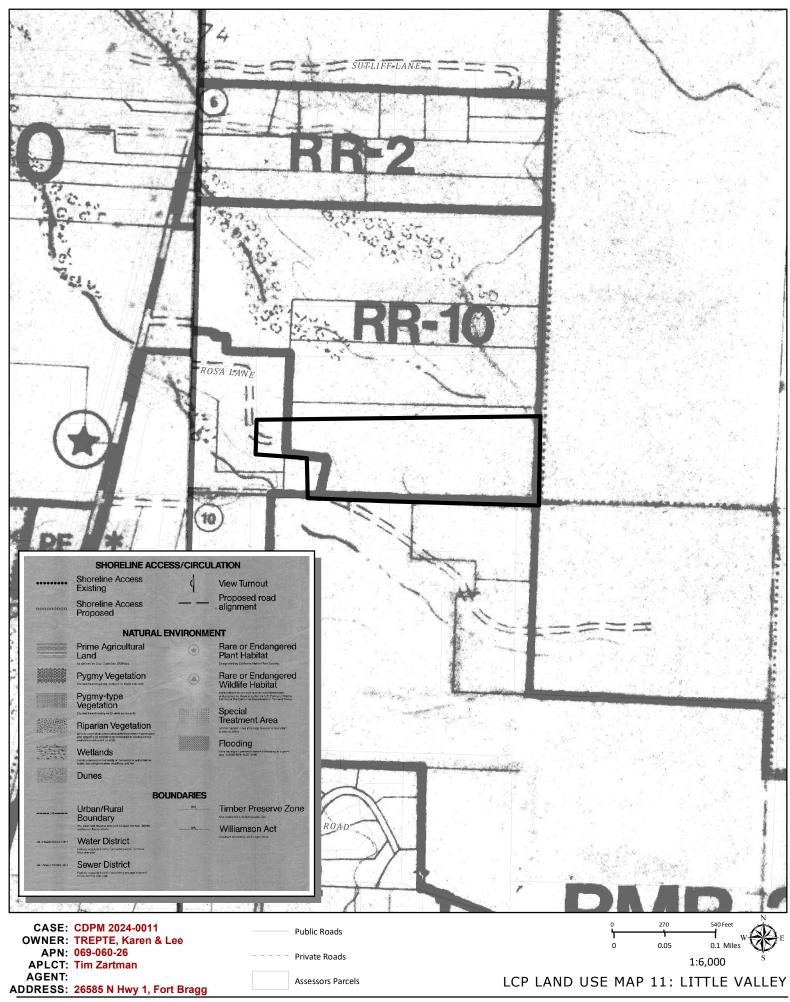


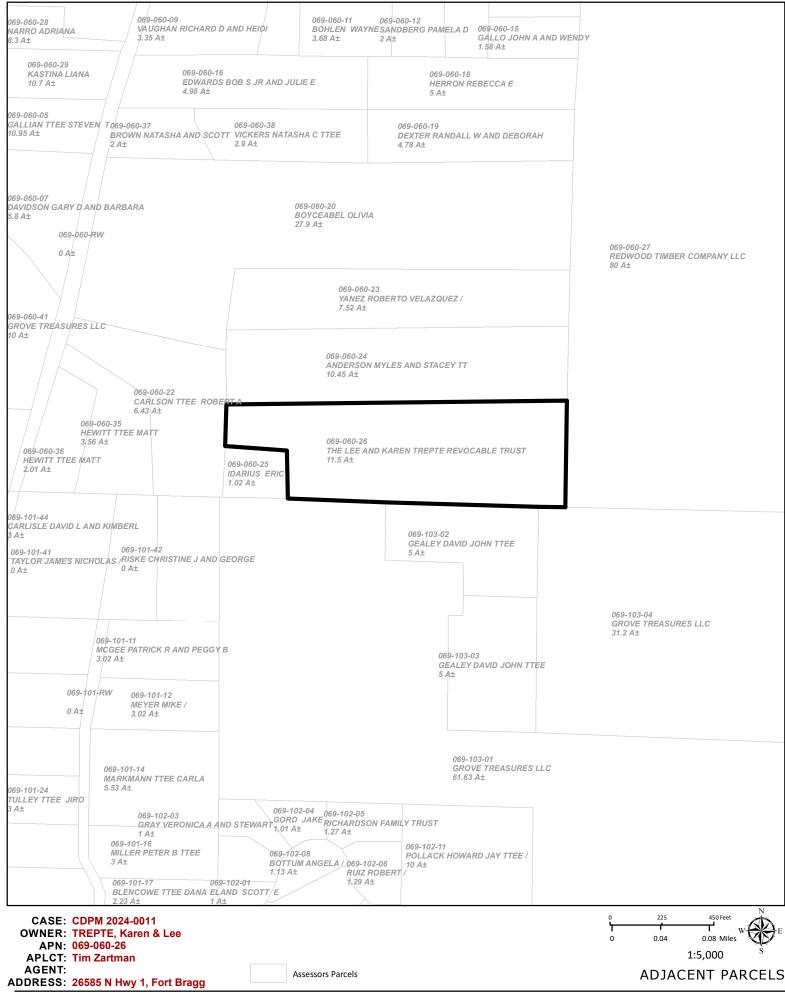




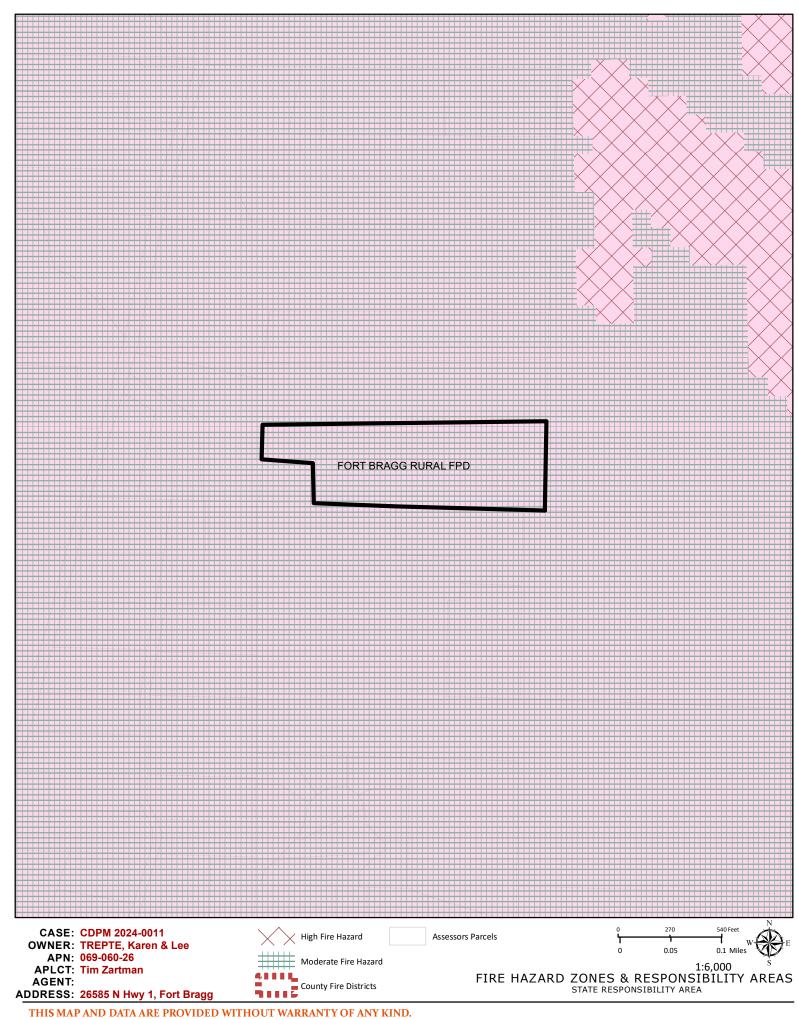
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CASE: CDPM 2024-0011 OWNER: TREPTE, Karen & Lee APN: 069-060-26 APLCT: Tim Zartman AGENT: ADDRESS: 26585 N Hwy 1, Fort Brag	Public Roads Private Roads Assessors Parcels	270 540 Feet 0 0.05 1:6,000 LCP HABITATS & RESOURCES







THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND. DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



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