

**APPENDIX A: COASTAL PERMIT APPROVAL CHECKLIST
CDP_2014-0035 (YAZELL)
BOARD OF SUPERVISORS – JUNE 21, 2016**

PROJECT TITLE: CDP_2014-0035

PROJECT LOCATION: 43750 Alta Mesa Road
Manchester, California
APN: 132-072-09

**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Juliana Cherry
Mendocino County
Planning and Building Services
120 West Fir Street
Fort Bragg, California 95437
707-964-5379

GENERAL PLAN DESIGNATION: Mendocino County General Plan – Coastal Element
RR5-PD (Rural Residential, Planned Development)

ZONING DISTRICT Mendocino County Coastal Zoning Code – Division II
RR-PD (Rural Residential, Planned Development)

DESCRIPTION OF PROJECT: An Administrative Coastal Development Permit for a 1,752 square feet one-story single-family residence, 600 square-foot garage, and 1,360 square-feet of decking. The proposed would be a three-bedroom, two-bath home. Associated development includes septic, a propane tank, and improving an existing dirt road with gravel paving.

SITE DESCRIPTION AND SETTING: The two-acre, vacant lot is located approximately six miles north of Manchester, lying west of Alta Mesa Road, approximately 200 feet north of its intersection with Sea Cypress Drive in the Irish Beach Subdivision. Located at 43750 Alta Mesa Road, Manchester; APN 132-072-09. The site and surrounding lands are designated Rural Residential with a Planned Development Combining District (RR5-PD). A fraction of the southerly lot area is mapped within the Coastal Development Exclusion Zone, but surveys have demonstrated that Point Arena mountain beaver habitat is present on the northeasterly, undisturbed area of the two-acre lot. The principal land use on surrounding land is Single-Family Residential.

Public access to the California shore is provided west of the subject site, along the coastline and Highway 1. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazard. The northern property line is adjacent to Williamson Act lands. The site is, also, located within a Marginal Water Resources mapped area.

DETERMINATION: The proposed project can satisfy all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.532.095 and 20.532.100 of the Mendocino County Coastal Zoning Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

Consistent (with conditions of approval)

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The LCP addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluff tops; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes the Mendocino County Coastal Zoning Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the LCP are specifically addressed by separate *Required and Supplemental Findings for Coastal Development Permits*, including utilities, transportation, zoning, California Environmental Quality Act (CEQA) consistency, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the LCP not specifically addressed elsewhere in this checklist.

General Plan Land Use – Rural Residential

The subject parcel is classified as Rural Residential with a Planned Development combining designation (RR5-PD) by the Coastal Element of the Mendocino County General Plan, which 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 minimum parcel size for the RR land use classification within water and sewer districts is 5-acres for standard single-family residential lots. The proposed use, Single-Family Residential, is consistent with the RR-PD classification of the Coastal Element of the Mendocino County General Plan.

Hazards

Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, fire hazard or flood hazard.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.¹ The San Andreas Fault is located approximately one (1) mile to the south of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

Flooding: There are no mapped 100-year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.²

Fire: The parcel is located in an area characterized by a High Fire Hazard Severity Rating.³ California Department of Forestry and Fire Protection (CalFire) was consulted regarding this proposal. California Department of Forestry and Fire Prevention request that the property owner adhere to CalFire 4290 Regulations; this request is reflected in a standard condition of project approval.

Standard Condition: That this permit be subject to securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by Chapter 20.504 of the MCC. The subject parcel is not located within a mapped Highly Scenic Area (HSA).

- **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

Consistent (with conditions of approval)

Utilities

The proposal is to construct a single-family residence, detached garage, and decks on an undeveloped lot. Environmental Health was consulted regarding this proposal and, on January 23, 2015, noted that for the purpose of determining septic capacity, the proposal would be considered a three-bedroom house. The department requested a condition of project approval.

Recommended Condition: To maintain an eight-foot separation between the leach field and the turnout.

Access Roads

The proposed development will be provided with adequate access roads. Mendocino County Department of Transportation (MDOT) was invited to provide comment on the application. Correspondence to Planning and Building Services from MDOT dated February 9, 2015, requested the following condition of project approval and requiring the applicant to obtain an encroachment permit for work within the public right-of-way.

Recommended Condition: The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall complete, to the satisfaction of the Department of Transportation, a residential driveway approach onto Alta Mesa Road (CR 577). The approach

¹ State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

² *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1200F, Number 06045C1200F. Federal Emergency Management Agency.

³ *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

shall have a minimum width of ten (10) feet, and length of fifteen (15) feet measured perpendicular to the edge of the County road, and be paved with surfacing comparable to that on the County road.

- **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

Consistent (without conditions of approval)

Intent: The subject parcel is zoned Rural Residential with a Planned Development combining District (RR-PD). The RR-PD District 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.”

Use: The proposal to construct a 1,752-square-foot single-family residence, 600-square-foot detached garage, and 1,360 square feet of decking satisfies the principal permitted use for RR Districts.

Yards: The minimum required front, rear, and side yards in the RR-PD District are thirty feet. A setback exception is applied to this 2-acre site located within an RR-5 District. A nonconforming parcel shall observe a minimum front, side and rear yard of twenty-feet.⁴ The existing building setbacks are determined by the recommended buffer from sensitive habitat. The proposed development will be a minimum of 35-feet from any property line; with the exception of the westerly deck which is 30-feet from the closest property line.

Height: The maximum permitted building height in the RR-PD District is twenty-eight feet above natural grade. The proposal is to construct a house with a maximum height of 22-feet. The proposed garage roofline would be 16.75-feet above natural grade.

Lot Coverage: The maximum permitted lot coverage in the RR-PD District is twenty percent. The proposed lot coverage would be four percent of the two-acre site.

- **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA).**

Consistent (with conditions of approval)

The *Environmentally sensitive habitat area report of compliance*, in July 2015 (William Maslach) states “The purpose of the study was to determine if the proposed project was the least environmentally impacting alternative. Point Arena mountain beaver (PAMB) burrows and their habitat were previously identified on the parcel. Because 99.2% of the parcel is within the fifty-foot ESHA buffer, an analysis of alternatives was conducted to determine the least environmentally impacting location for siting a residence. The proposed project affords the greatest protection of PAMB habitat through the use of a previously cleared building site and the implementation of mitigation, namely PAMB habitat creation through the removal of Monterey pines and a deed restriction on the parcel.” Mr. Maslach recommends several mitigation measures, which are listed here as suggested conditions for the project’s approval (pages 78-82, Maslach). A sample deed restriction is provided on page 83 (Maslach). In conformance with CEQA Guidelines Section 15070 et seq, an Initial Study is prepared. Forty-two (42) measures are recommended to reduce the impacts on PAMB habitat to less than significant with implementation of specified mitigation measures.

⁴ Mendocino County Coastal Zoning Code, § II-20.376.040 (1991). Print.

The California Department of Fish and Wildlife (DFW) reviewed the *ESHA Report of Compliance*, as required by Section 20.496.020, and provided the following comment and recommendations on December 15, 2015:

I concur with the mitigation and avoidance measures outlined in the Updated ESHA Report (including, but not limited to, those detailed in Section 9 – Mitigation Measures, Appendix D – Fuel Hazard Reduction Management Plan, and Appendix E – Point Arena Mountain Beaver Mitigation and Monitoring Plan).

My recommendations are as follow:

- 1. Avoidance and mitigation measures, as detailed in the Updated ESHA Report, should be incorporated as enforceable conditions for approval of CDP #2014-0035.*
- 2. In order to prevent accidental human-caused disturbance or crushing of Point Arena mountain beaver burrows on the project site, sensitive habitat signage or other visual markers should be installed, if fencing will not be used.*

The following 42 Mitigation Measures are recommended conditions of project approval:

Mitigation Measure M1. Prior to issuance of a building permit in reliance on Coastal Development Permit CDP_2014-0035, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code.

Mitigation Measure M2. Approximately 0.47 acres of Monterey pine shall be removed to create 0.403 acres of good PAMB habitat and 0.071 acres of fair quality PAMB habitat by allowing native plants to become established. Tree removal shall occur between July 1 and November 30. Trees shall be felled toward the street and away from PAMB habitat. One or two logs per stand shall be retained on-site after having been felled to provide shade and moisture for native plants to become established and to provide potential cover for PAMB. Placement of the logs shall be supervised by a biologist. Monterey pine needle duff shall be raked so the average depth is less than five (5) inches to promote establishment of seedlings of native plants.

If natural recruitment of native species to the created PAMB habitat area is not successful after two (2) years, and if after that time there is not sufficient growth, container plants shall be planted to establish native plant growth. Relative cover of 25% or less of native plants shall trigger implementation of container planting. All areas shall be weeded of invasive species and monitored, with the results appended to annual PAMB presence/absence surveys (as recommended by Appendix E of the ESHA Compliance Report, the Point Arena Mountain Beaver Mitigation and Monitoring Plan).

Mitigation Measure M3. To mitigate impacts to PAMB behavior, burrows, and habitat, exterior and/or outdoor construction activities shall occur outside the PAMB breeding period (December 1 through June 30). The project shall comply with Appendix E of the ESHA Compliance Report, the Point Arena Mountain Beaver Mitigation and Monitoring Plan, including the Standard Project Requirements listed to ensure potential impacts to ESHA are avoided or minimized.

Mitigation Measure M4. Invasive plants on the site, including broom, Italian thistle, and poison hemlock shall be removed to improve PAMB habitat value and reduce the threat of invasive species colonizing the PAMB habitat created with the removal of Monterey pine.

Mitigation Measure M5. A deed restriction shall be placed on the property ensuring that PAMB habitat is protected in perpetuity and will ensure that both the applicant and future purchasers of

the property will continue to be informed of all Coastal Development Permit requirements and conditions of approval that pertain to the property and of the limitations on future development.

Mitigation Measure M6. Construction activities shall adhere to Draft Point Arena Mountain Beaver Standard Protection Measures for No-Take Determinations, revised by US Fish and Wildlife, dated February 19, 2010.

Mitigation Measure M7. An additional PAMB presence survey shall occur within four (4) weeks of the commencement of construction activities. The survey results and any additional mitigations shall be approved by the US Fish and Wildlife Service prior to commencement of construction and the Coastal Development Permit would be modified prior to any additional mitigation measures.

Mitigation Measure M8. There shall be no operation of above-ground noise generating equipment (including chainsaws and weed eaters) within one-hundred (100) feet of active PAMB burrows or unsurveyed suitable PAMB habitat during the breeding season (December 1 through June 30).

Mitigation Measure M9. There shall be no operation of mechanical equipment which is in direct contact with or below the ground, which cause ground vibrations (including water well drilling, heavy equipment such as graders, soil excavators, air compressors, an directional boring equipment) within one-hundred (100) feet of active PAMB burrows or unsurveyed suitable PAMB habitat during the breeding season (December 1 through June 30), and not within fifty (50) feet during the remainder of the year.

Mitigation Measure M10. There shall be no operation of mechanical equipment which is in direct contact with or below the ground, which cause severe ground vibrations (including operation of log landings and soil compaction with vibrators) within 500 feet of active PAMB burrows or unsurveyed suitable PAMB habitat during the breeding season (December 1 through June 30), and not within one-hundred (100) feet during the remainder of the year. Very severe ground vibration disturbance (including pile driving or blasting) shall not occur within 500 feet at any time.

Mitigation Measure M11. All workers on-site shall be notified of PAMB presence at the site and will receive training on minimization of impact to the PAMB and suitable habitat.

Mitigation Measure M12. There shall be no directional boring beneath active PAMB burrows or unsurveyed PAMB habitat at any time.

Mitigation Measure M13. Construction activities within fifty (50) feet of suitable PAMB habitat shall be completed with hand tools to the extent feasible.

Mitigation Measure M14. Construction fencing and straw wattles shall be erected along the edge of all suitable PAMB habitat adjacent to construction prior to any construction activities, and shall be properly maintained in place until all areas of disturbed earth have been stabilized. Fencing and straw wattles shall be checked and maintained as necessary at the beginning of every working day. No personnel, vehicles or materials shall pass the fencing. Personnel shall be made aware of the purpose of the fencing and the need to maintain it. A biologist shall supervise the erection and maintenance of the exclusion fencing and straw wattles.

Mitigation Measure M15. Any piled excavated dirt shall be covered to prevent movement downhill.

Mitigation Measure M16. No soil from the construction site shall be side cast over the slope. Any extra excavated soil remaining after construction shall be removed from the site.

Mitigation Measure M17. Measures shall be taken to reestablish vegetation over areas of bare dirt caused by construction activities.

Mitigation Measure M18. There shall be no installation of lighting or extended use of night time illumination within one-hundred (100) feet of active PAMB burrows or unsurveyed suitable PAMB habitat.

Mitigation Measure M19. Prior to use on the site, heavy equipment shall be washed down off site to prevent accidental contamination with invasive plant seed.

Mitigation Measure M20. A biologist shall perform preconstruction breeding bird surveys within fourteen (14) days of the onset of construction or clearing of vegetation if activities cannot be done between September 1 and November 30, accounting for PAMB breeding season.

Mitigation Measure M21. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum one-hundred (100) foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance.

Mitigation Measure M22. The breeding bird exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest.

Mitigation Measure M23. A biologist shall monitor any nest sites during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

Mitigation Measure M24. To avoid disturbing bats that may roost in the Monterey pines, all tree felling shall occur between September 1 and October 31, after young have matured and prior to the bat hibernation period.

Mitigation Measure M25. Prior to construction, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog.

Mitigation Measure M26. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any silt fences to detect the presence of frogs.

Mitigation Measure M27. If a special status frog is detected, construction crews shall contact the California Department of Fish and Wildlife or a qualified biologist prior to re-initiating work.

Mitigation Measure M28. If rain occurs during the construction period, all construction-related activities shall cease for a period of forty-eight (48) hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. Construction activities may resume if no special status frogs are found.

Mitigation Measure M29. There shall be no degradation of suitable PAMB habitat contiguous with and within 200 feet of active PAMB burrows or unsurveyed suitable PAMB habitat. PAMB habitat degradation involves temporary alteration such as timber harvest, mowing, livestock grazing, herbicide application, removal of existing down wood, and burning.

Mitigation Measure M30. Shrubs and trees directly adjacent to the existing road extend over the road to some degree. For road and trail maintenance, a two (2) foot strip of vegetation on either side of the road or trail may be reduced in height to no less than two feet.

Mitigation Measure M31. There shall be no removal of suitable PAMB habitat that is contiguous with and within 400 feet of active PAMB burrows or unsurveyed suitable PAMB habitat, as mapped in the ESHA Report of Compliance. Habitat removal involves permanent loss such as paving, any road construction, construction of structures, and conversion to agriculture. s

Mitigation Measure M32. Invasive plants listed by Cal-IPC shall not be used as landscaping species, and landscaping shall consist of native plants compatible with the on-site plant communities.

Mitigation Measure M33. No vehicle use, human foot traffic, soil excavation, cattle grazing or movement, or other potential sources of PAMB burrow collapse shall occur within twenty-five (25) feet of active PAMB burrows or unsurveyed suitable PAMB habitat at any time.

Mitigation Measure M34. Any outdoor rodent control shall only be performed by individuals qualified to distinguish between PAMB burrow openings and target species.

Mitigation Measure M35. Dogs and cats shall not be allowed within areas containing PAMB burrow systems or within unsurveyed suitable PAMB habitat.

Mitigation Measure M36. No activity shall occur which alters water drainage or hydrology of areas containing PAMB burrow systems or in unsurveyed suitable PAMB habitat.

Mitigation Measure M37. No rodent control measures, including trapping and application of poison bait or fumigants, shall occur within 400 feet of active PAMB burrows or unsurveyed suitable PAMB habitat at any time.

Mitigation Measure M38. There shall be no construction of permanent barriers, including fences and unvegetated openings greater than fifty (50) feet wide, at any location at any time that may disrupt the dispersal of PAMB, or movement of PAMB between occupied sites. Any temporary barriers shall be removed during PAMB dispersal season (April 15 through September 30).

Mitigation Measure M39. Herbicides shall not be used in or near burrow areas during PAMB breeding season (December 1 through June 30) or dispersal season (April 15 through September 30).

Mitigation Measure M40. Human-generated garbage shall be lidded and tamper resistant to prevent attracting natural PAMB predators.

Mitigation Measure M41. Avoidance and mitigation measures, as detailed in the *ESHA Compliance Report* shall be incorporated as enforceable conditions of approval for Coastal Development Permit_2014-0035.

Mitigation Measure M42. To prevent accidental human-caused disturbance or crushing of PAMB burrows on the project site, sensitive habitat signage or other visual markers shall be installed.

Mitigation Measure M43. Prior to issuance of a building permit in reliance on Coastal Development Permit CDP_2014-0035, the applicant shall submit for approval by Planning and Building staff a drainage and erosion control plan. The plan shall detail erosion and sediment Best Management Practices, including concrete wash out area, staging, stockpile locations, and tree protection areas, as necessary. Roof downspouts shall be directed to landscaped areas and avoid discharging off the parcel.

- **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

Consistent (with conditions of approval)

The Archaeological Commission determined that no survey would be required at its April 8, 2015 meeting. The undeveloped site was surveyed by Thad Van Buren, who determined that there was a small likelihood of discovery. His report was accepted by the Commission. PBS Standard Condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Standard Condition: If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

- **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.**

Consistent (without conditions of approval)

Solid Waste: The Caspar Transfer Station is located approximately thirty miles from the project site, providing for the disposal of solid waste resulting from the residential use. Solid waste disposal is adequate to serve the proposed development. The County’s Stormwater Ordinance will ensure construction activities on the site limit the project’s stormwater impacts to a level that is not significant.

Roadway Capacity: The proposed residential use is consistent with Mendocino County’s LCP for the area and would be a low-trip generating use, which would not degrade performance of the existing private roadway or nearby roads, including Highway 1. The project would not be located within an area subject to a congestion management program.

- **20.532.095(B)(1) If the proposed Development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made: The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

Consistent (without conditions of approval)

The project site is located east of Highway 1 and is not designated as a potential public access trail location on the *Mello Pass Creek* LCP Map 22. Coastal access is provided westerly of the project site and along the shoreline and Highway 1. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast.

20.532.100(A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:				
(a) The proposed use is compatible with the long-term protection of resource lands.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- **20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made.**

Consistent (with conditions of approval)

The Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures. Three reports have been submitted for review: (1) a *Biological scoping and botanical survey* report in September 2014 (Spade Natural Resources Consulting); (2) a *Point Arena Mountain Beaver Survey* in August and December of 2014 (Spade Natural Resources Consulting); and (3) an *Environmentally sensitive habitat area report of compliance*, in July 2015 (William Maslach).

The *Report of Compliance* explains on-site investigation and demonstrates that the development meets all of the criteria specified for development in, and proximate to, an ESHA. It includes description and analysis of the extent of Point Arena mountain beaver habitat; previous and existing ecological conditions, potential adverse physical and biological impacts on the ecosystem; project alternatives; and details supporting the biologists' recommendations (Maslach, July, 2015). Maslach writes that, "The purpose of the study was to determine if the proposed project was the least environmentally impacting alternative. Point Arena mountain beaver (PAMB) burrows and their habitat were previously identified on the parcel. Because 99.2% of the parcel is within the fifty-foot ESHA buffer, an analysis of alternatives was conducted to determine the least environmentally impacting location for siting a residence. The proposed project affords the greatest protection of PAMB habitat through the use of a previously cleared building site and the implementation of mitigation, namely PAMB habitat creation through the removal of Monterey pines and a deed restriction on the parcel." Herein, the report identifies that there is no feasible less environmentally damaging alternative.

In conformance with CEQA Guidelines Section 15070 et seq, an Initial Study is prepared. Forty-three (43) measures are recommended to reduce the impacts on PAMB habitat to less than significant with implementation of specified mitigation measures. These mitigation measures are listed within this Checklist as suggested conditions for the project's approval (see referenced Section 20.532.095(A)(4)). The resource will not be significantly degraded by the proposed development, because mitigation measures will reduce impacts on PAMB habitat. All feasible mitigation measures capable of reducing or eliminating project related impacts are recommended to be adopted.

- **20.532.100(A)(2)(a) Impact Finding for Resource Lands Designated AG, RL, and FL. No permit shall be granted in these zoning districts until the following finding is made: The proposed use is compatible with the long-term protection of resource lands.**

Consistent (without conditions of approval)

The project is proposed on land designated by the General Plan and the MCC as RR-PD. Findings relating to impacts on resource lands are not applicable to this application.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Development in Agricultural Zones. No development subject to a coastal development use permit shall be issued on agricultural land until the following findings are made:				
(a) The project maximizes protection of environmentally sensitive habitat areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) The project minimizes construction of new roads and other facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(c) The project maintains views from beaches, public trails, roads, and views from public viewing areas, or other recreational areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) The project ensures the adequacy of water, waste water disposal and other services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) The project ensures the preservation of the rural character of the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) The project maximizes preservation of prime agricultural soils.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) The project ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

➤ **20.532.100(B)(1) No development subject to a coastal development use permit shall be issued on agricultural land until the following findings are made...**

Not Applicable

The project is proposed on land designated by the General Plan and the MCC as RR-PD. Findings relating to impacts on agricultural land are not applicable to this application.

➤ **20.532.100(B)(2) Conversion of prime land and/or land under Williamson Act Contract to non-agricultural uses is prohibited, unless all of the following findings are made...**

Not Applicable

The project is proposed on land designated by the General Plan and the MCC as RR, and is not under Williamson Act contract. Findings relating to the conversion of agricultural land are not applicable to this application.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Conversion of Prime Agricultural or Williamson Act Contracted Lands. Conversion of prime land and/or land under Williamson Act Contract to non-agricultural uses is prohibited, unless all of the following findings are made. For the purposes of this section, conversion is defined as either development in the AG or RL designation not classified as a residential, agricultural or natural resource use type.				
(a) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Agricultural use of the soils cannot be successfully continued or renewed within a reasonable period of time, taking into account economic, environmental, social and technological factors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Clearly defined buffer areas are established between agricultural and non-agricultural uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) The productivity of any adjacent agricultural lands will not be diminished, including the ability of the land to sustain dry farming or animal grazing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) For parcels adjacent to urban areas, the viability of agricultural uses is severely limited by contacts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

➤ **20.532.100(B)(3) Conversion of all other agricultural lands to non-agricultural uses will be prohibited unless it is found that such development will be compatible with the continued agricultural use of surrounding lands and at least one of the following findings applies...**

Not Applicable

The project is proposed on land designated by the General Plan and the MCC as RR. Findings relating to impacts on agricultural land are not applicable to this application.

20.532.100 (B) Agricultural Land Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Conversion of Non-prime Agricultural Lands. Conversion of all other agricultural lands to non-agricultural uses will be prohibited unless it is found that such development will be compatible with continued agricultural use of surrounding lands and at least one of the following findings applies:				
(a) Continued or renewed agricultural use is not feasible as demonstrated by an economic feasibility evaluation prepared pursuant to Section 20.524.015(C)(3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Such development would result in protecting prime agricultural land and/or concentrate development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Land Division Findings 20.532.100 (C)(1) All Coastal Land Divisions No coastal lands shall be divided unless the following findings are made:	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(a) The new lots created have or will have adequate water, sewage, including a long term arrangement for septage disposal, roadway and other necessary services to serve them.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

➤ **20.532.100(C)(1), et seq. No coastal lands shall be divided unless the following findings are made...**

Not applicable

The application proposes no division of land; therefore, the findings associated with Land Divisions in Section 20.532.100(C)(2), et seq., are not applicable to this application.

Land Division Findings 20.532.100 (C)(2) Land Divisions of Prime Agricultural Lands No land divisions of prime agricultural lands designated AG or RL shall be approved until a Master Plan is completed which shows how the proposed division would affect agricultural uses on the proposed parcel(s), and the overall agricultural operation on the residual ownership and the following findings are made:	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(a) The division will protect continued agricultural use and contribute to agricultural viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) The division will not conflict with continued agricultural use of the subject property and the overall operation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) The division is only for purposes allowed in AG or RL designations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) The division will not contribute to development conflicts with natural resource habitats and visual resource policies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- **20.532.100(C)(2), et seq. No land divisions of prime agricultural lands designated AG or RL shall be approved until a Master Plan is completed which shows how the proposed division would affect agricultural uses on the proposed parcel(s), and the overall agricultural operation on the residual ownership and the following findings are made...**

Not Applicable

The application proposes no division of land; therefore, the findings associated with Land Divisions in Section 20.532.100(C)(2), et seq., are not applicable to this application.

Land Division Findings 20.532.100 (C)(3) Land Divisions of Non-Prime Agricultural Lands No lands designated RL or AG shall be divided or converted to non-agricultural use(s) unless at least one of the following findings are made:	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(a) Continued or renewed agricultural use is not feasible	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Such conversion would preserve prime agricultural land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Such conversion would concentrate development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- **20.532.100(C)(3), et seq. No lands designated RL or AG shall be divided or converted to non-agricultural use(s) unless at least one of the following findings is made.**

Not Applicable

The application proposes no division of land; therefore, the findings associated with Land Divisions in Section 20.532.100(C)(3), et seq., are not applicable to this application.