



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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March 25, 2019

**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 its meeting to be held on April 9, 2019, in the Board of Supervisors Chambers, 501 Low Gap Road, Room 1070, Ukiah, California at 9:00 a.m. or as soon thereafter as the item may be considered.

**CASE#:** CDP\_2018-0014

**DATE FILED:** 5/4/2018

**OWNER:** KEVIN HARRISON

**APPLICANT:** KEVIN HARRISON & ELIZABETH HEBERT

**REQUEST:** Administrative Coastal Development Permit to construct a single-family residence, garage, workshop, barn, greenhouse, driveway, and ancillary development; and temporary occupancy of a Trailer Coach while constructing a dwelling.

**LOCATION:** In the Coastal Zone, 1.8± miles east of State Route 1, located at 43300 Hathaway Crossing (Private), Point Arena (APN: 027-211-03).

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**STAFF PLANNER:** JULIANA CHERRY

As you are an adjacent property owner and/or interested party, you are invited to appear before the Board, or to direct written comments to this office at the above address or to the Board of Supervisors, 501 Low Gap Road, Room 1070, Ukiah, California, 95482. If you would like to be notified of the Board of Supervisor's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number. *If you require special accommodations, please contact the Clerk of the Board at 707-463-4441.*

***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 not 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.

BRENT SCHULTZ, Director of Planning and Building Services



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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT- ADMINISTRATIVE CDP**

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**March 12, 2019  
CDP\_2018-0014**

**SUMMARY**

**OWNER:** HARRISON, KEVIN  
PO BOX 387  
POINT ARENA, CA 95468

**APPLICANT:** HARRISON, KEVIN & HEBERT, ELIZABETH  
PO BOX 387  
POINT ARENA, CA 95468

**REQUEST:** Administrative Coastal Development Permit to construct a single-family residence, garage, workshop, barn, greenhouse, driveway, and ancillary development; and temporary occupancy of a Trailer Coach while constructing a dwelling.

**LOCATION:** In the Coastal Zone, 1.8± miles east of State Route 1, located at 43300 Hathaway Crossing (Private), Point Arena (APN: 027-211-03).

**TOTAL ACREAGE:** 21± Acres

**GENERAL PLAN:** Coastal Element Chapter 4.11, General Plan Remote Residential (RMR20:R)

**ZONING:** Mendocino County Coastal Zoning Code Remote Residential District (RMR:20)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**APPEALABLE:** No

**RECOMMENDATION:** Approve with conditions

**STAFF PLANNER:** JULIANA CHERRY

**BACKGROUND**

**PROJECT DESCRIPTION:** An Administrative Coastal Development Permit request to construct a 1,964-square-foot single-family residence, 770-square-foot garage, 1,018-square-foot workshop, barn, greenhouse, 500-lineal-foot driveway, a second well, and ancillary development. Pursuant with MCC Section 20.460.035(C), the property owner requests use of a trailer coach while constructing the principal residence.

**APPLICANT'S STATEMENT:** The applicant described the project as follows "Single-family 2-bedroom residence, 2-car attached garage, workshop and outbuilding (barn), septic system, driveway 500 feet (crushed rock), and removal of coyote brush, as required for construction and supplemental well. Greenhouse."

**RELATED APPLICATIONS:**

**On-Site**

- CE 11-14 Test Well

**Neighboring Property**

- APN 027-211-03 CDP-41-04 SFR
- APN 027-211-11 CDP-17-04 SFR & Barn

**SITE CHARACTERISTICS:** The property is a 21.88± acre parcel located on the north side of Hathaway Crossing, approximately one mile northeast of the City of Point Arena (See attached *Location Map*). Hathaway Crossing is a private road with access from Eureka Hill Road (CR 505). The project area is relatively flat (See attached *Topographic Map*). Land elevation is approximately 275 to 300 feet above sea level. Soils are mapped within the project area as Mallopass Loam, 0-5% slopes, and Dystropepts, 30-70% slopes in the northerly portion of the property (See attached *Local Soils*). The Mallopass Loam is included on the hydric soil list because of the inclusion of a 2% component of Flumeville soil (Natural Resource Conservation Service 2015). Plant communities found on the property include non-native grassland, coyote brush scrub, Bishop Pine forest, planted Monterey cypress, mixed coniferous forest, and a riparian area dominated by willows and red alder (Spade Natural Resources Consulting 2018). The property contains an existing well and is otherwise undeveloped. The southeast area of the lot is an open field with a gentle slope (See attached *Aerial Imagery*). The site is mapped Conditionally Highly Scenic Area, but is not visible from public access points (See attachment). The area proposed for development is more than 100-feet from sensitive coastal resources, e.g. riparian area, Bishop Pine Forest, and wetlands; the area proposed for development is more than 200-feet from Range Lands and Williamson Act Contract lands (See attached *Site Plan* and *Lands in Williamson Act Contracts*).

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1, the surrounding lands are classified Range Lands (See attached *General Plan Classifications*). Range Land (RL) classifications support agricultural activity. Several of the surrounding lots are mapped as Grazing Land (See attached *Important Farmland*). To the north are lands under Williamson Act Contract (See attached *Lands in Williamson Act Contracts*). The proposed greenhouse, barn, and single-family home are uses common to RL land uses and the surrounding area.

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
North	Range Lands (RL)	Range Lands (RL)	80.4 acres	Agriculture
East	Range Lands (RL)	Remote Residential (RMR20)	20.12 acres	Residential
South	Range Lands (RL)	Remote Residential (RMR20)	21 acres	Residential
West	Range Lands (RL)	Remote Residential (RMR20)	24.25 acres	Residential

**LOCAL COASTAL PROGRAM CONSISTENCY**

The property is located within Mendocino County’s Local Coastal Program boundaries. Staff recommends that the proposal and recommended conditions of approval would assure development conforms to Mendocino County’s Local Coastal Program, including Coastal Element policies for Remote Residential and satisfies Mendocino County Coastal Zoning Code regulations.

1. Land Use: The site is classified as Remote Residential (RMR). “*The Remote Residential classification is intended to be applied to lands having constraints for commercial agriculture, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses by the absence of such limitations as inadequate access, unacceptable hazard exposure or incompatibility with adjoining resource land uses. The classification is also applied to some areas which might not otherwise qualify except for the fact that the land has been divided and substantial development has occurred.*” Principal permitted uses include one dwelling

unit per parcel with associated utilities, light agriculture uses and home occupations.

Coastal Element Policy 3.2-9 states, “*In order to minimize agricultural-residential conflicts, land divisions or site plans in a residential area shall not result in a residential structure being closer than 200 feet from a parcel designated for agricultural use unless there is no other feasible building site on the parcel.*” The proposed residential building site would be 200-feet or more from a parcel designated for agricultural use; therefore, Mendocino County Code (MCC) Section 20.508.020(A), which implements Policy 3.2-9 would be satisfied (See attached *Site Plan*).

Coastal Element Chapter 4.11 *Mallo Pass Creek to Iversen Road Planning Area (Irish Beach/Manchester/Point Arena)* does not include policies or goals for unincorporated lands north and inland of the City of Point Area, including those areas associated with the proposed development.

2. Zoning: The project site is located with the Remote Residential (RMR) District. This district is intended to be applied to lands within the Coastal Zone which have constraints for commercial agriculture, timber production or grazing, but which are well-suited for small scale farming, light agriculture and low density residential uses, or where land has already been divided and substantial development has occurred..

Principal permitted uses include Single-Family Residential, Vacation Home Rental, Light Agriculture; Row and Field Crops; and others. The proposed land use, MCC Section 20.316.010(A) *Single-Family Residential*, is a permitted use in the RMR District. The proposed development conforms to the front, rear, side yard minimum distances and maximum lot coverage (See attachments *Site Plan, Floor Plans, Profiles, and Elevations*).

SECTION	STANDARD	PROPOSED
20.380.030 Minimum Front & Rear Yards	50 feet	200 feet or more
20.380.035 Minimum Side Yards	50 feet	200 feet or more
20.380.045 Building Height Limit	28 feet	21 feet
20.380.050 Maximum Lot Coverage	10 percent	0.4 percent

Pursuant with MCC Section 20.444.015(G), barns, stables, chicken houses and similar accessory buildings shall be not less than fifty feet from any property line, and not less than forty feet from any dwelling, except as otherwise provided under Section 20.336.030 *Light Agriculture*. As proposed, the project would be consistent with the MCC Chapter 20.380 *RMR Remote Residential District* land use and development criteria. To facilitate the property owner’s compliance with adopted conditions, Staff recommends that the conditions be attached to any building permit and become a part of on-site construction drawings (See condition #9). Staff recommends inclusion of a standard condition restricting the use of the proposed Barn, Workshop, and greenhouse for personal use (See condition #17). Should the property owner wish to conduct commercial activities at this site, they may apply for the appropriate permit or permit amendments at that time. The property owner requests temporary use of a trailer coach for construction support and, or occupancy while constructing the primary residence. Pursuant with MCC Sections 20.460.025, 20.460.035 and 20.472.010(C), conditions #11 and #12 are recommended to accommodate this request and to limit the temporary use to the initial two years after the effective date of the permit, unless renewed.

3. Grading, Erosion, and Run-Off: The purpose of MCC Chapter 20.492 *Grading, Erosion, and Runoff* is:

*“The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff. The approving authority shall determine the extent to which the following standards should apply to specific projects, and the extent to which additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts.”*

While the Application Questionnaire, Question #16 states that no grading or road/driveway construction is planned, the site plan and project description shows 500 lineal-feet of driveway, a roundabout, and parking area proposed. Staff recommends a condition of project approval requiring a building permit (or an exemption from a grading permit) for any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two cubic yards of material. Staff recommends requiring any grading activity to demonstrate compliance with MCC Chapters 20.492, 20.496, and 20.500 (See condition #12). With the inclusion of the recommended condition, the project would be consistent with MCC Chapter 20.492 *Grading, Erosion, and Runoff*.

4. Habitats and Natural Resources: MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* lists development criteria, including establishing buffer areas, configuration, permitted development, and others. The riparian area in the northerly portion of the property was too steep to thoroughly survey; but it is a presumed active habitat for PAMB. The proposed project would be located more than 100 feet from the riparian area. To ensure that the location of development complies with MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*, Staff recommends establishing a 100-foot buffer from Environmentally Sensitive Habitat Areas (ESHA), including wetland, riparian area, and Bishop Pine Forest ESHA (See condition #13).

On March 31, 2018, the site was surveyed to identify suitable PAMB habitat and perform a presence/absence survey for PAMB. No indications of PAMB were observed within the coyote brush scrub. On June 14, 2018, US Fish and Wildlife Service (USFWS) responded to a request for PAMB, Behren's Silverspot Butterfly, Lotis Blue Butterfly, and California Red-legged Frog technical assistance. USFWS accepted the April 16, 2018 survey report prepared by Spade Natural Resources Consulting and recommended protective measures to avoid incidental take of PAMB or California Red-legged Frog. Pursuant with MCC Section 20.496.020(A)(1)(b), inclusion of USFWS recommendations would cause the property owner and the proposed development to avoid areas where species are sensitive to disturbance (See conditions #14 through #16).

On July 24, 2018 and December 12, 2018, the proposed project was referred to California Department of Fish and Wildlife (DFW) for their comment. On August 14, 2018, clarifications were requested and the applicant responded with additional information. On December 13, 2018, DFW accepted the information, stating "Thanks for the updated info - this is a much clearer package to review and the mapping looks great. At this time, I have no further comments regarding this project (Harrington)."

With the inclusion of recommended conditions #9, #13 through #16, the project would be consistent with MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*.

5. Archaeological/Cultural Resources: On September 12, 2018, the Archaeological Commission accepted Thad Van Bueren's August 17, 2018 survey report which stated that no cultural, historical or archaeological sites were observed. Staff notes that a condition advises the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project (See condition #8). As conditioned, the project would be consistent with Mendocino County policies for the protection of the paleontological and archaeological resource.
6. Hazards Management: Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, or flood hazards.

MCC Section 20.500.025 *Fire Hazard* -- The parcel is located in an area classified as "Moderate Fire Hazard" and "High Fire Hazard" (See attachment *Fire Hazard Zones & Responsibility Areas*). Fire protection services are provided by the Redwood Coast Fire Protection District and California Department of Forestry and Fire Prevention (CalFire). The application was referred to the Redwood Coast Fire Protection District and CalFire for input; however, no response has been received. The applicant applied for a preliminary clearance from CalFire; CalFire Permit 67-18 conditions include standards for address, driveway, defensible space and maintaining defensible space.

With the inclusion of standard conditions requiring the property owner to obtain all necessary permits from local, State, and federal agencies, the project would be consistent with MCC Chapter 20.500 *Hazard Areas* (See condition #4).

7. Visual Resources: The site, which is not visible from a public road, is identified as Conditionally Highly Scenic Area; therefore, the proposed is not subject to the development criteria of MCC Section 20.504.015(C).
8. Transportation and Circulation: *State Route 1 Corridor Study Update* lists the intersection of State Route 1 and Eureka Hill Rd/Riverside Ave with a PM Peak level of service A. This intersection is near the project site. The project would contribute minimally to new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from residential land uses were considered when the Coastal Element land use designations were assigned. As proposed, the project would not affect transportation or circulation and would be provided with adequate access.

On December 10, 2018, the project was referred to the Department of Transportation (MCDOT). On December 13, 2018, MCDOT responded by requesting two conditions for consideration. One would require the property owner to obtain an encroachment permit prior to completing work within the rights-of-way and the other to chip seal twenty feet from the edge of fog line along the existing extent of the current private road approach from Pine Reef onto Eureka Hill Road (CR 505). On December 21, 2018, MCDOT withdrew their recommendations and stated that they have no comment at this time.

9. Groundwater Resources: The proposal includes installing septage and leach field 100-feet or more from sensitive habitat areas. The application was referred to the Department of Environmental Health (DEH) and on December 14, 2018, DEH stated "ST27231 is in order. WW 22388. Inland water test approved." Therefore, as proposed the project would satisfy the requirements of MCC Section 20.516.015(A).

The project site is located within mapped Critical Water Area (See attachment *Ground Water Resources*). The existing and proposed development would have access to an existing, on-site test well that is proposed to be converted to a production well. Also proposed is a second production well. On October 26, 2018, a Water Quality Report prepared by Samuel Pope describes a 160-foot well with 4.08 gallons of water per foot. The well produced 0.9 gallons per minute. As proposed, the project would satisfy the requirements of MCC Section 20.516.015(B).

10. Public Access: The site is not designated as a potential public access trail location. As shown on LCP Map 25 *Point Arena*, existing public access to the coast follows the shoreline (Attached). MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements* standards for minimum access are established west of the project site.

### **ENVIRONMENTAL DETERMINATION**

The Secretary for Resources has found that certain classes of 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, and the Project was determined to meet the criteria for a Class 3 Categorical Exemption from the California Environmental Quality Act (CEQA) under 15303.

### **PROJECT FINDINGS AND CONDITIONS**

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, Staff recommends that the Coastal Permit Administrator approve a Coastal Development Permit and adopt the following findings and conditions.

#### **FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed residential development is in conformity with the certified Local Coastal Program, as one dwelling unit and *Light Agriculture* is intended for lands classified Remote Residential; and

2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The property owner has documented that the land has access to an adequate water supply, access roads, and other necessary facilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed Single-Family Residence, barn, and greenhouse are consistent with the purpose and intent of the Remote Residential District; and the project is consistent with other provisions of Division II of Title 20 of the Mendocino County Code, including building height, setback from property boundary, and lot coverage; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed residential development and accessory structures, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources and Condition #8 is in place when archaeological sites or artifacts are discovered; and
6. Pursuant with 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 site; and
7. Pursuant with MCC Section 20.532.100(A)(1), the proposed development conforms to MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* regulations as it locates development 100 feet or more from the edge of surveyed and mapped environmentally sensitive habitat areas, including Point Arena Mountain Beaver habitat.

**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 expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. 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
3. 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.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
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. Conditions approving CDP\_2018-0014 shall be attached to any building permit application. Conditions approving CDP\_2018-0014 and US Fish and Wildlife Service 'Draft Point Arena Mountain Beaver Standard Protection Measures for Point Arena Mountain Beaver' shall be a part of on-site construction drawings.
10. Pursuant with **MCC Section 20.460.035(C)**, the installation, use and occupancy of a trailer coach as a temporary dwelling by the owner of a lot on which a dwelling is under construction or which a building permit has been issued shall be limited. Temporary use of a trailer coach shall cease within two years of the effective date of CDP\_2018-0014, unless renewed. The temporary trailer coach shall be removed, or stored, prior to finalizing the primary residence building permit.
11. Pursuant with **MCC Section 20.472.010(C)**, recreational vehicles shall not be stored or parked in any front, side, or rear yard for a continuous period exceeding 72-hours. Vehicles shall not be stored or parked within 100-feet of Environmentally Sensitive Habitat Areas.
12. In accordance with **MCC Chapter 20.492**, a building permit (or grading permit exemption) shall be required for any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two (2) cubic yards of material. Grading activities, including the maintaining driveway and parking areas, and any work associated with an Encroachment Permit, shall comply with MCC Chapters 20.492 and 20.496 regulations.
13. In accordance with **MCC Section 20.496.020(A)(1)**, development shall maintain a 100-foot buffer from Environmentally Sensitive Habitat Areas, meaning any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: wetlands, Bishop Pine Forest and riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals, including Point Arena Mountain Beaver habitat.
14. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, the Point Arena Mountain Beaver is sensitive to disturbance and the width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. The property owner shall implement the following practices and shall carry out development and residential use in compliance with US Fish and Wildlife Service 'Draft Point Arena Mountain Beaver Standard Protection Measures for Point Arena Mountain Beaver':
  - a. During construction, no equipment which results in severe ground vibration, such as but not limited to pile driving and blasting, shall be utilized at any time.
  - b. During residential use of the property, no use of rodenticides shall occur within 400 feet of the riparian area.

- c. If dogs or cats are kept as pets, they should not be allowed access to the riparian area.
  - d. Garbage should be properly contained in wildlife proof enclosures on the property and should be removed from the property to a permitted disposal location on a weekly basis.
  - e. Contractors shall be provided with a copy of the US Fish and Wildlife Service 'Draft Point Arena Mountain Beaver Standard Protection Measures for Point Arena Mountain Beaver' and shall carry out project development in compliance within the intent therein.
15. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, Special Status Birds and Bats are sensitive to disturbance and the width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. The property owner shall implement the following avoidance measures and practices:
- a. Birds: The clearing of vegetation and the initiation of construction can be done during the non-breeding season between September and January. If these activities cannot be completed in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. (These exclusion zones may vary depending on species, habitat and level of disturbance). The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
  - b. Bats: Pre-construction bat surveys do not need to be performed if work or vegetation removal is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. Between November 1 and August 31, pre-construction surveys shall determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50-foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after the bats have left the roost.
16. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, California Red-Legged Frogs are sensitive to disturbance and the width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. The property owner shall implement the following avoidance measures and practices:
- a. Contractors shall be trained by a qualified biologist in the identification of the California red-legged frog (*Rana draytonii*).
  - b. A survey for California red-legged frog shall occur within two weeks prior to ground disturbing activities or construction.
  - c. Construction crews will 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.
  - d. If a California red-legged frog is detected, construction crews shall stop all ground disturbing activities and contact the US Fish and Wildlife Service or a qualified biologist prior to re-initiating work.
  - e. If a rain event occurs during the construction period, all ground disturbing construction-related activities will cease for a period of 48 hours after the rain stops.
  - f. Prior to resuming ground disturbing construction activities, trained construction crew member(s) will examine the site for the presence of frogs. If no special status frogs are found, construction activities may resume.

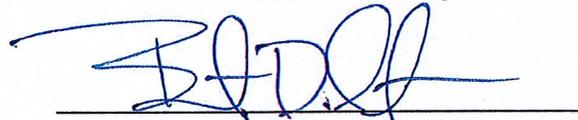
17. Prior to issuance of any Building Permits in reliance of this Coastal Development Permit, the applicants shall execute and record a deed restriction stating that the Barn, Workshop, Greenhouse, or Guest Cottage shall not have a kitchen; shall be subordinate and incidental to the primary dwelling; are intended for use without compensation by guests of the occupants of the primary dwelling; and shall not be separately rented, let, or leased whether compensation be direct or indirect as defined by MCC Section 20.308.050(I).

Staff Report prepared by:

3-12-2019  
DATE

3-12-19  
DATE

  
JULIANA CHERRY  
PLANNER III

  
BRENT SCHULTZ  
COASTAL PERMIT ADMINISTRATOR

Appeal Period: 10 Days  
Appeal Fee: \$1616.00

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Imagery
- C. Topographic Map
- D. Revised Site Plan
- E. Revised Site Plan Detail
- F. Floor Plan
- G. Elevations
- H. Elevations
- I. Profiles
- J. Zoning Display Map
- K. General Plan Classifications
- L. LCP Land Use Map 25: Point Arena
- M. LCP Land Capabilities & Natural Hazards
- N. LCP Habitats & Resources
- O. Appealable Areas
- P. Adjacent Parcels
- Q. Fire Hazard Zones & Responsibility Areas
- R. Wildland-Urban Interface Zones
- S. Ground Water Resources
- T. Wetlands
- U. Highly Scenic & Tree Removal Areas
- V. Local Soils
- W. Lands In Williamson Act Contracts
- X. Important Farmland

**REFERENCES:**

Coastal Element Chapter 4.11 Mallo Pass Creek to Iversen Road Planning Area (Irish Beach/Manchester/Point Arena). Mendocino County, Planning and Building Services, Planning Division. County of Mendocino General Plan. 1985. Ukiah, CA.

Division II of Title 20 of the Mendocino County Code. Mendocino County, Planning and Building Services, Planning Division. 1991. Ukiah, CA.

Spade Natural Resources Consulting. Wildlife Habitat Assessment and Point Arena Mountain Beaver Survey for 43300 Hathaway Crossing, Point Arena, CA. April 12, 2018.

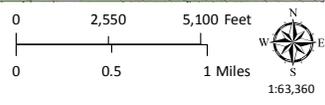
Spade Natural Resources Consulting. Botanical Survey Report for 43300 Hathaway Crossing, Point Arena, CA. September 7, 2018.

Mendocino County Environmental Health Water Quality Report. Site Address 43300 Hathaway Crossing, Point Arena. Stamped Samuel G Pope, Registered Professional Engineer. November 30, 2018.



CASE: CDP 2018-0014  
 OWNER: HARRISON, Kevin  
 APN: 027-211-03  
 APLCT: Kevin Harrison & Elizabeth Herbert  
 AGENT:  
 ADDRESS: 43300 Hathaway Crossing, Point Arena

-  Major Towns & Places
-  Highways
-  City Limits
-  Major Roads
-  Major Rivers



LOCATION MAP

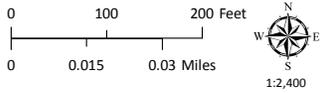
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

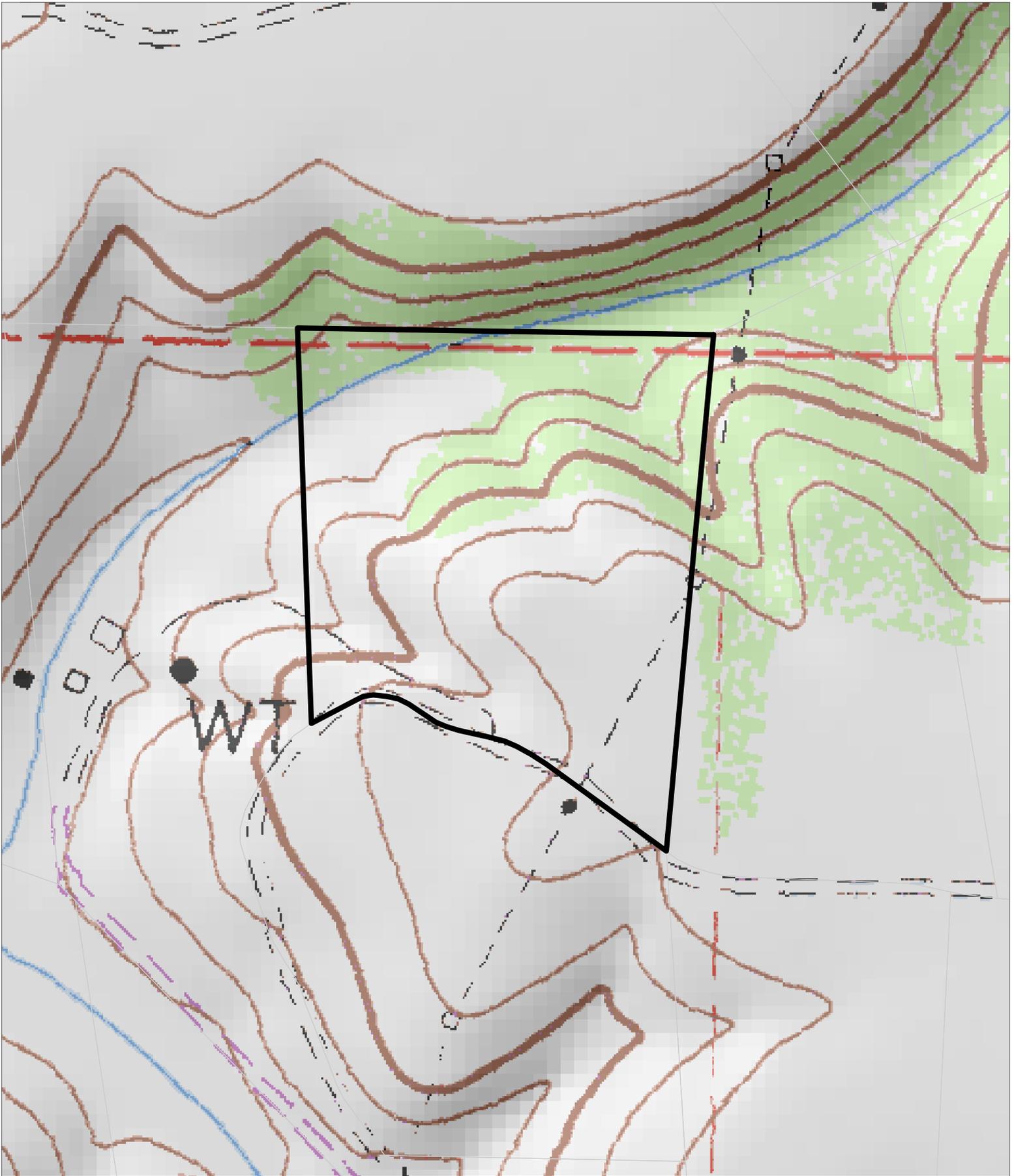
CASE: CDP 2018-0014  
OWNER: HARRISON, Kevin  
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APLCT: Kevin Harrison & Elizabeth Herbert  
AGENT:  
ADDRESS: 43300 Hathaway Crossing, Point Arena

 Named Rivers  
 Private Roads

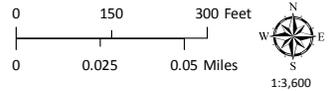


AERIAL IMAGERY

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CASE: CDP 2018-0014  
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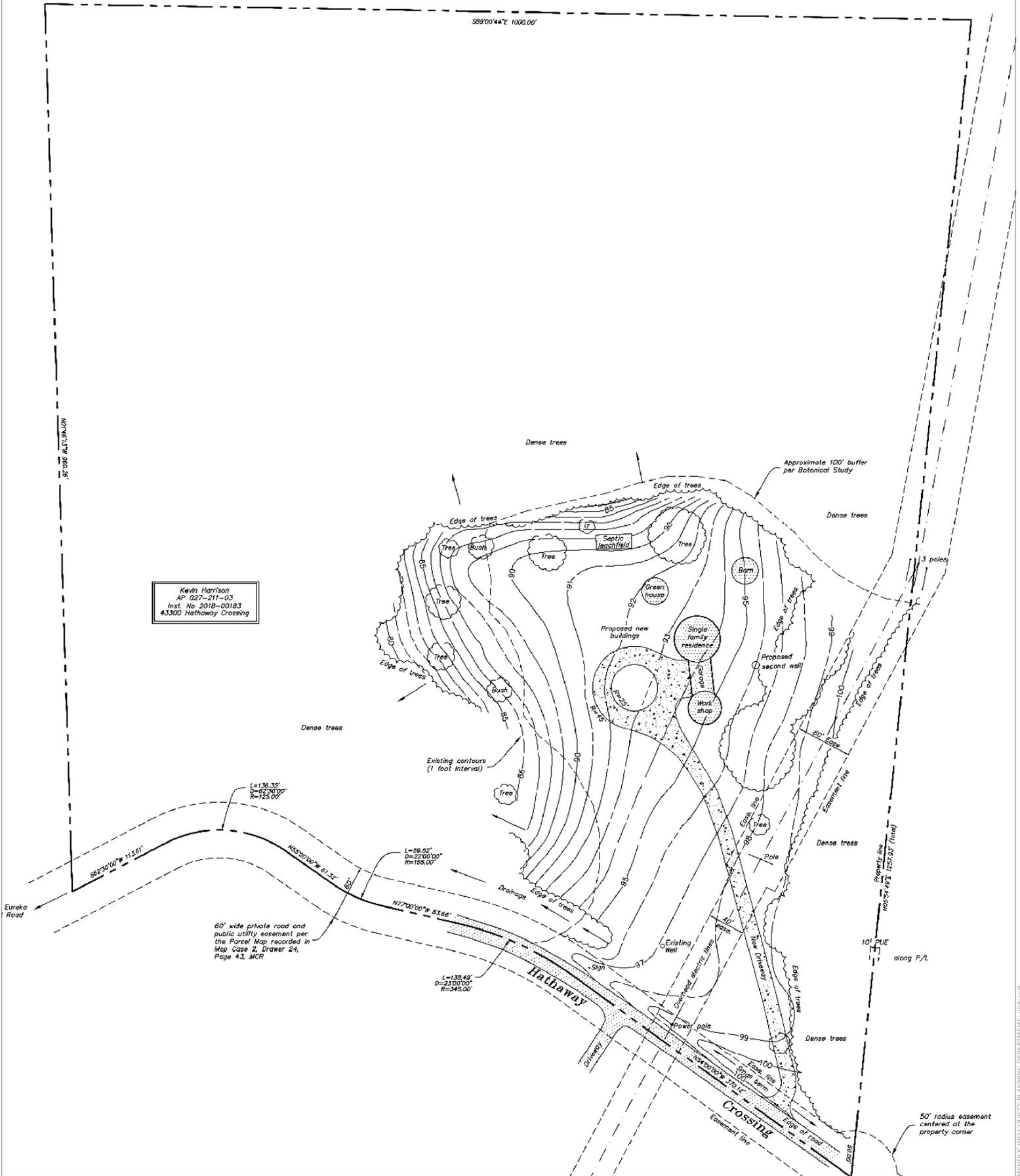
TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

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S89°00'44"E 1000.00'

S87°09'11"W 115.01'

Kevin Harrison  
AP 027-211-03  
Inst. No 2018-00183  
43300 Hathaway Crossing



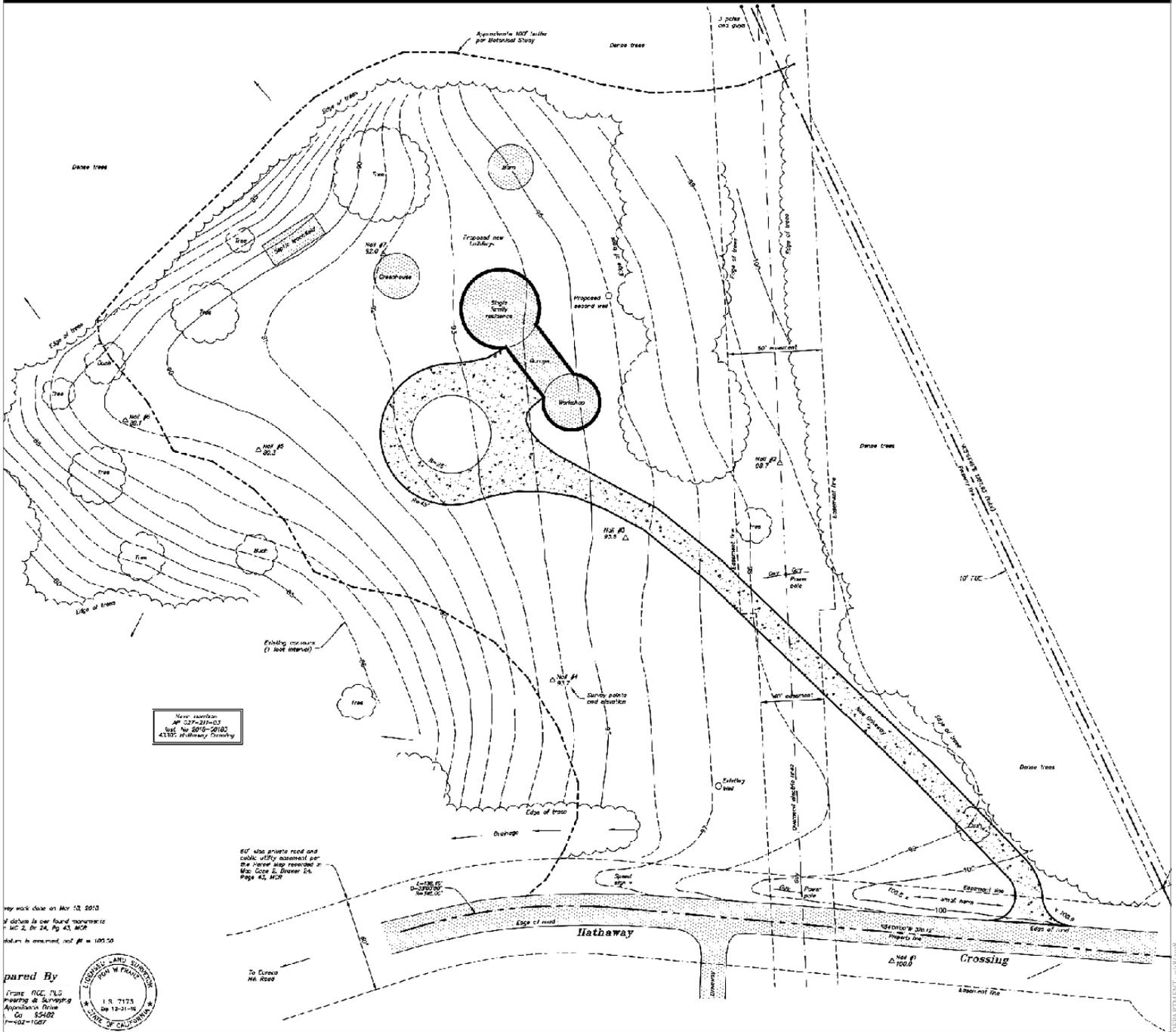
MENDOCINO COUNTY PLANNING DEPARTMENT - 9/18/2018

CASE: CDP 2018-0014  
OWNER: HARRISON, Kevin  
APN: 027-211-03  
APLCT: Kevin Harrison & Elizabeth Herbert  
AGENT:  
ADDRESS: 43300 Hathaway Crossing, Point Arena

NO SCALE

REVISED SITE PLAN

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CASE: CDP 2018-0014  
 OWNER: HARRISON, Kevin  
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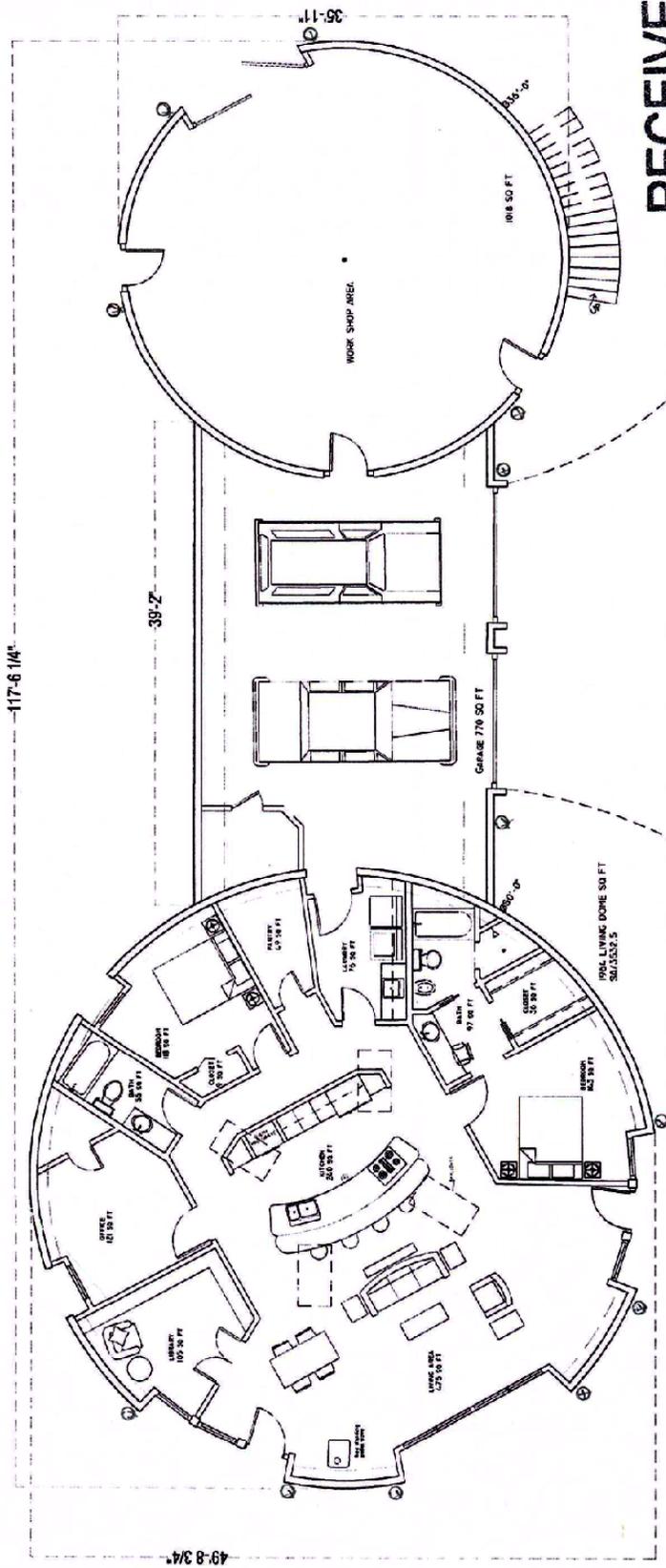
NO SCALE

REVISED SITE PLAN DETAIL

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**FORT BRAGG CA**

DAVID LIGHTING FIXTURES  
FLOOR PLAN

SCALE: 1/4"	19 APRIL 2018
TJW Signature Design LLC	
DRAWN BY: TW	PAGE: 1 OF 5
Harrison, Kevin	

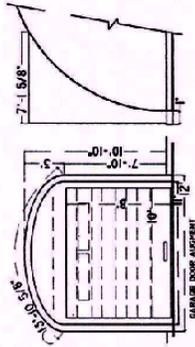
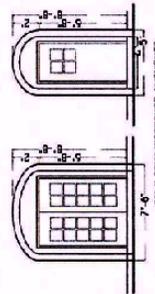
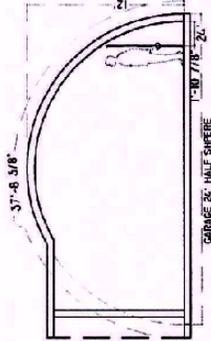
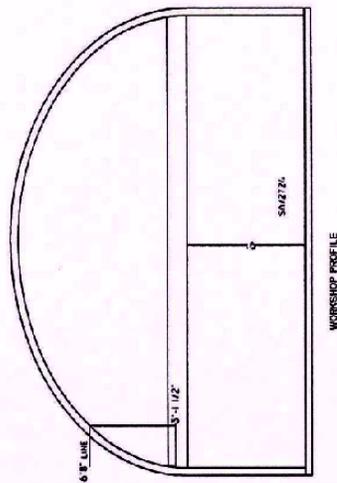
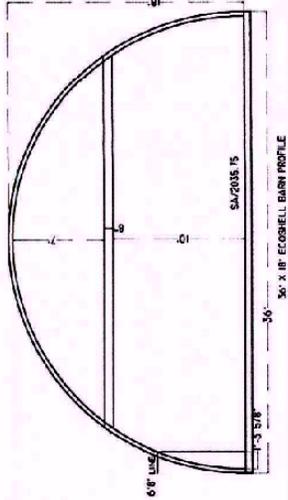
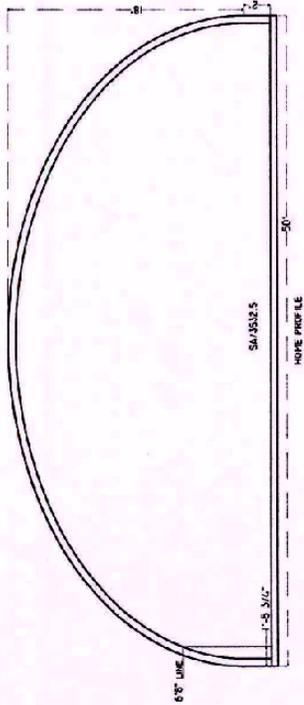
CASE: CDP 2018-0014  
OWNER: HARRISON, Kevin  
APN: 027-211-03  
APLCT: Kevin Harrison & Elizabeth Herbert  
AGENT:  
ADDRESS: 43300 Hathaway Crossing, Point Arena

NO SCALE

FLOOR PLAN

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ELEVATIONS

Harrison, Kevin	SCALE: 1/8"	19 APRIL 2018
	LAW Signature Design LLC	
	DRAWN BY: LW	PAGE: 4 OF 5

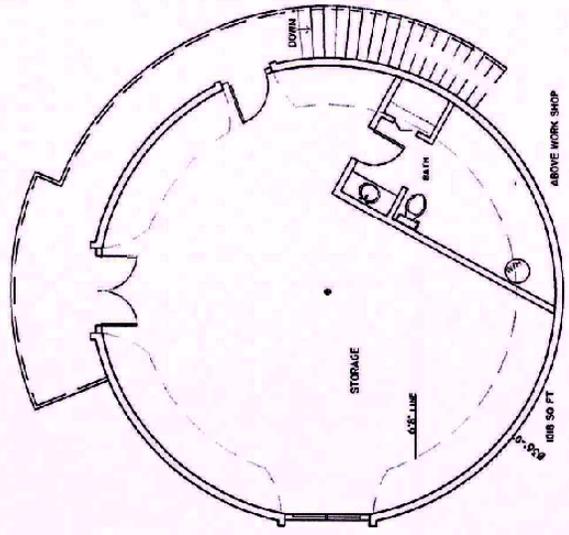
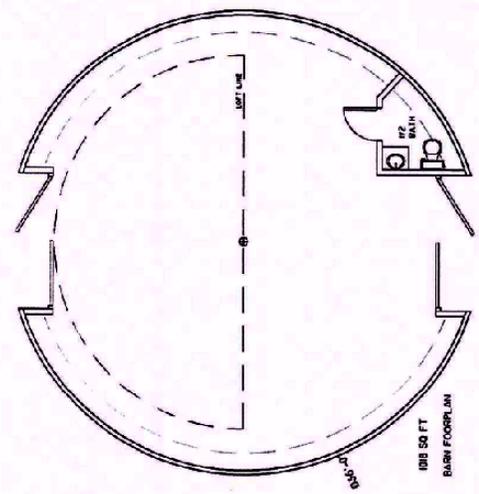
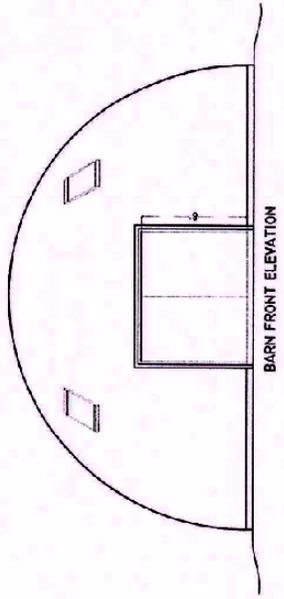
CASE: CDP 2018-0014  
 OWNER: HARRISON, Kevin  
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NO SCALE

ELEVATIONS

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BARN AND WORKSHOP STORAGE AREA

Harrison, Kevin	SCALE: 1/4"	19/APRIL 2018
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	DRAWN BY: LW	PAGE: 5 OF 5

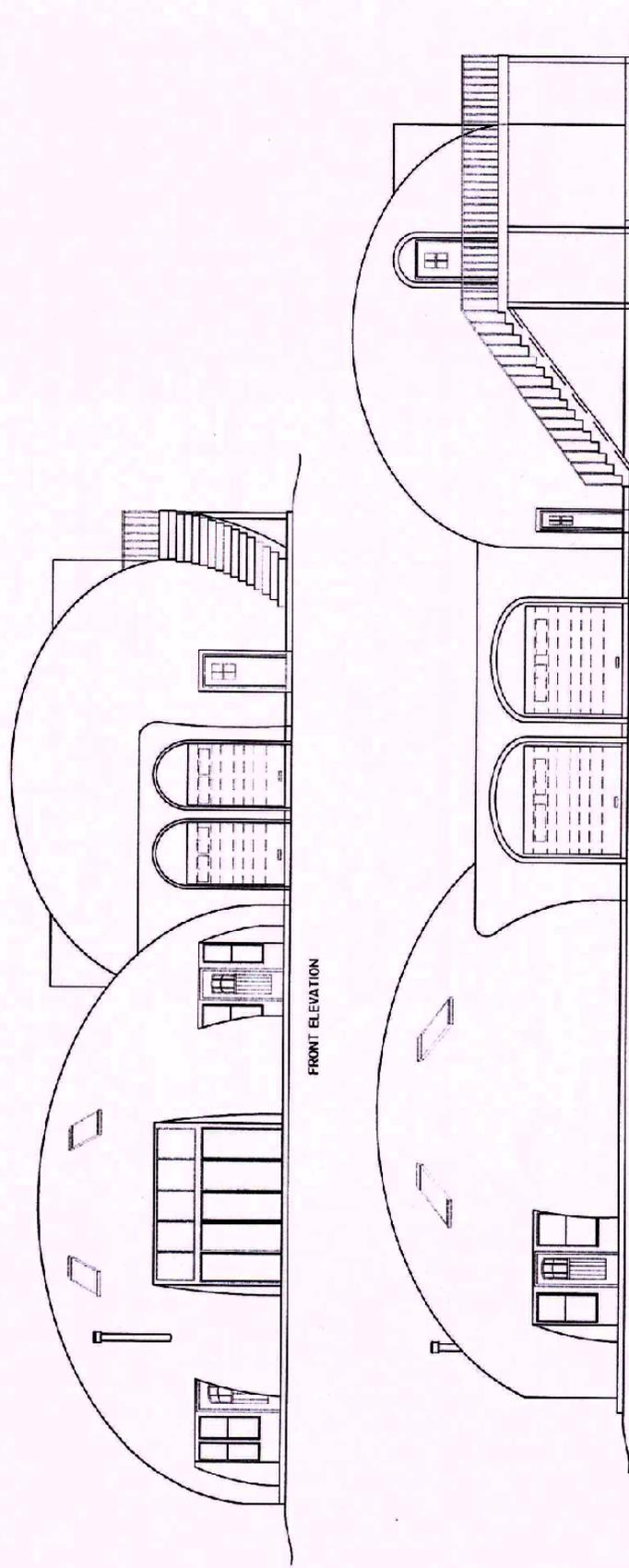
CASE: CDP 2018-0014  
 OWNER: HARRISON, Kevin  
 APN: 027-211-03  
 APLCT: Kevin Harrison & Elizabeth Herbert  
 AGENT:  
 ADDRESS: 43300 Hathaway Crossing, Point Arena

NO SCALE

ELEVATIONS

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 1000, 10000 10000  
 072-463-1000



FRONT ELEVATION

RIGHT ELEVATION

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ELEVATIONS

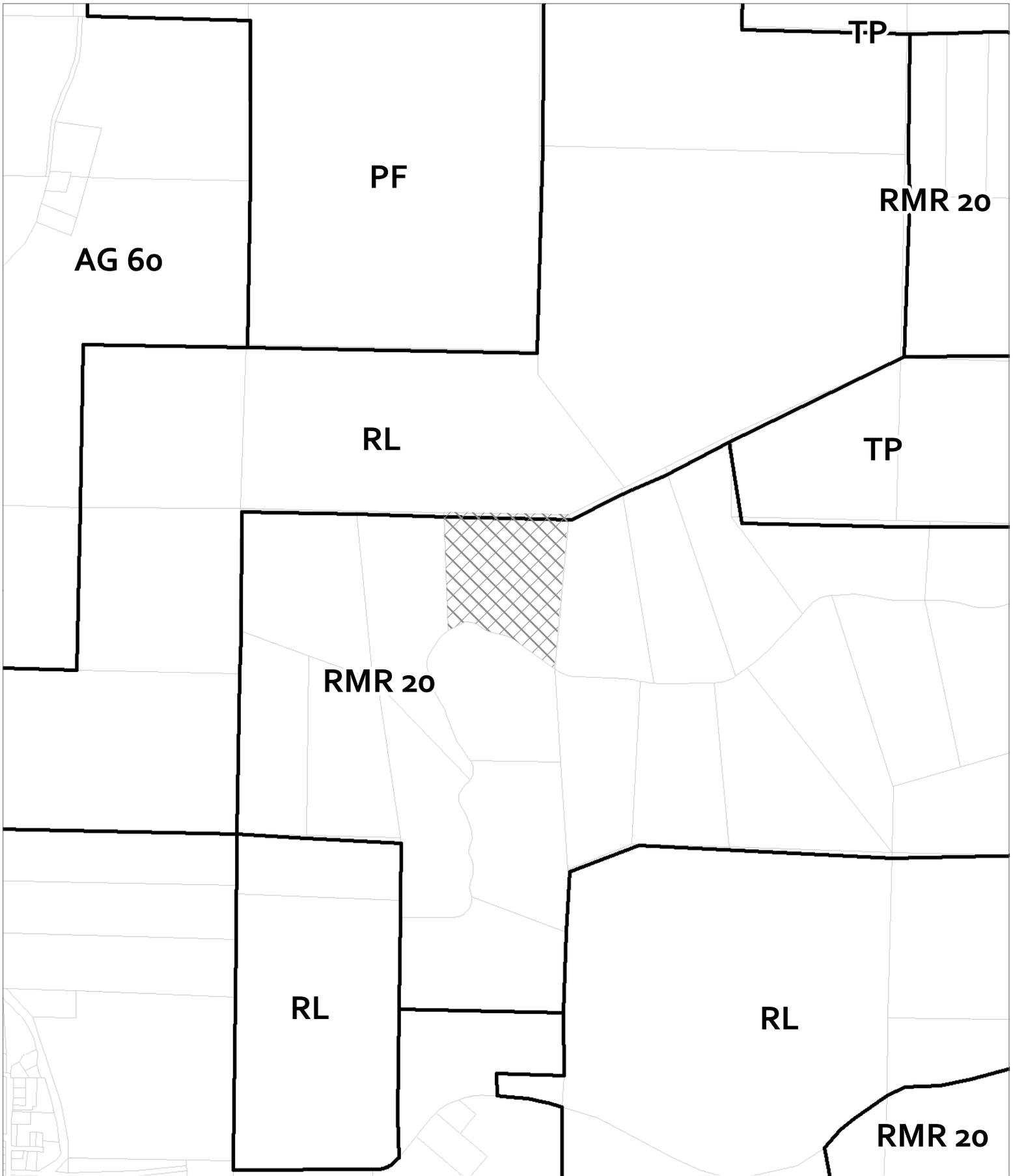
Harrison, Kevin	SCALE: 1/4"	19 April 2018
	LAW SERVICES DESIGN LLC	
	DRAWN BY: LW	PAGE: 2 OF 5

CASE: CDP 2018-0014  
 OWNER: HARRISON, Kevin  
 APN: 027-211-03  
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 ADDRESS: 43300 Hathaway Crossing, Point Arena

NO SCALE

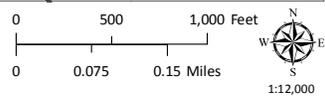
PROFILES

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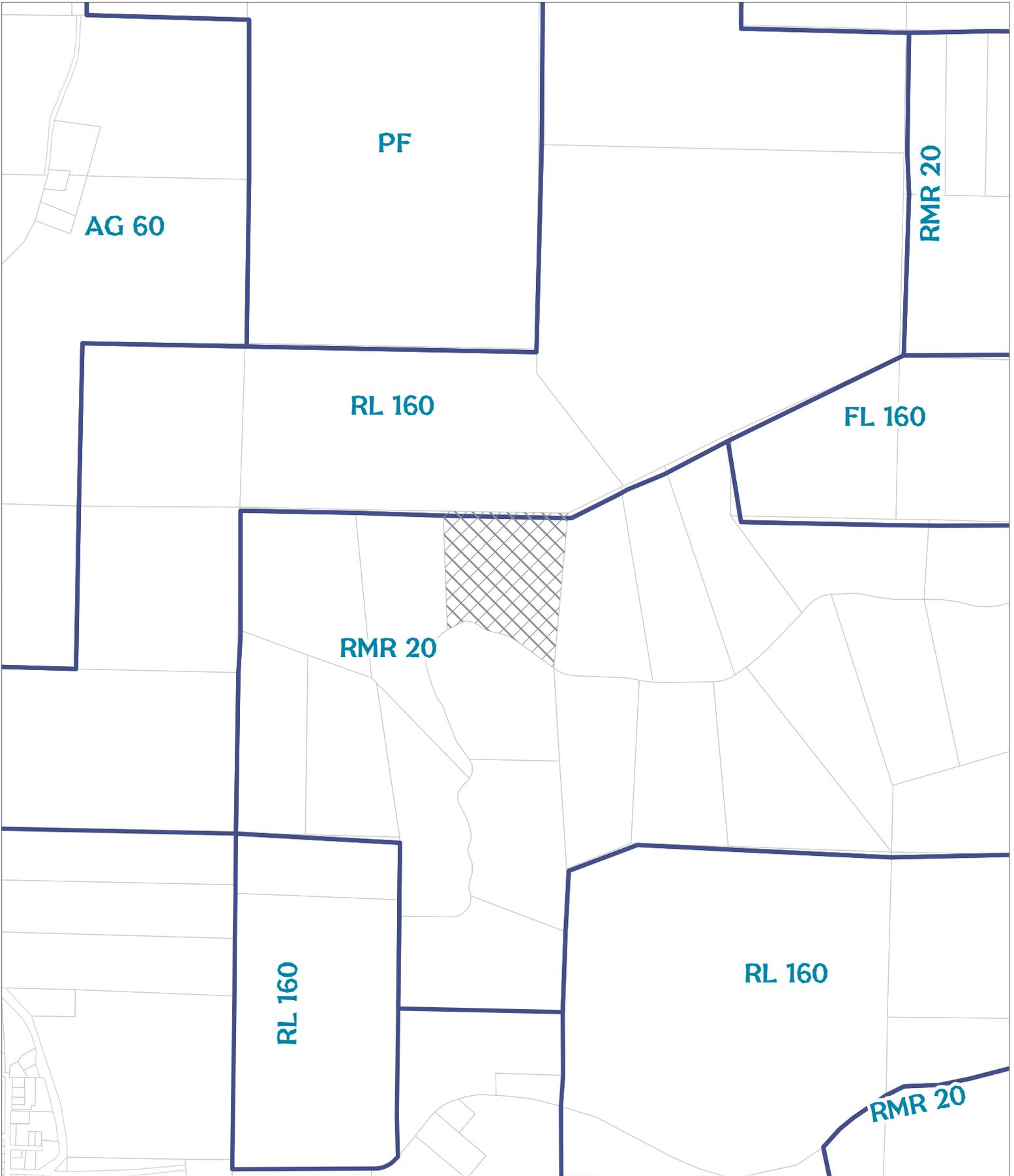
CASE: CDP 2018-0014  
 OWNER: HARRISON, Kevin  
 APN: 027-211-03  
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 AGENT:  
 ADDRESS: 43300 Hathaway Crossing, Point Arena

 Zoning Districts



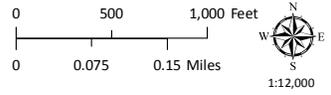
ZONING DISPLAY MAP

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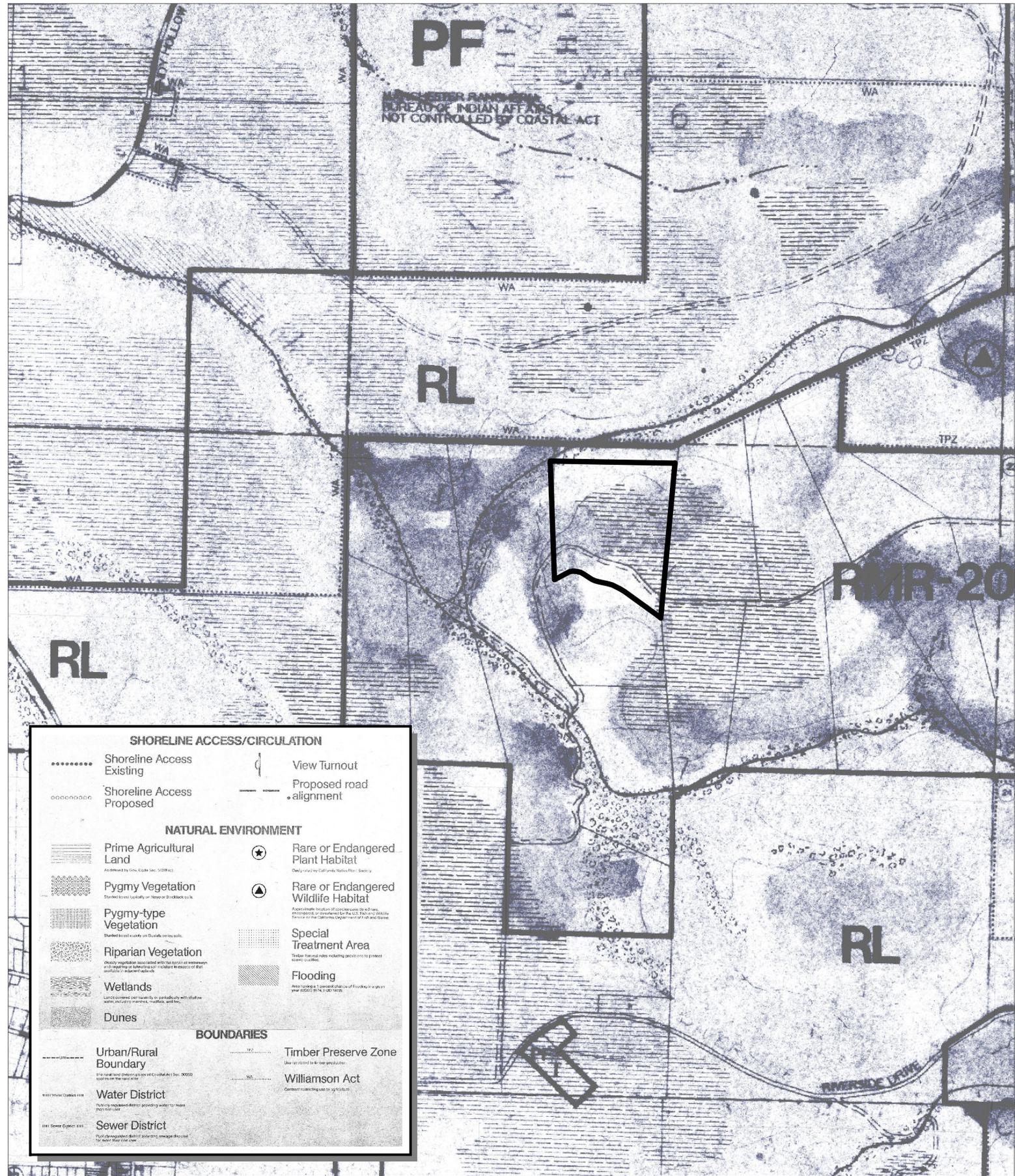
CASE: CDP 2018-0014  
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 General Plan Classes

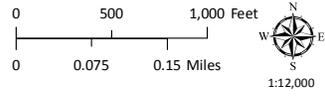


**GENERAL PLAN CLASSIFICATIONS**

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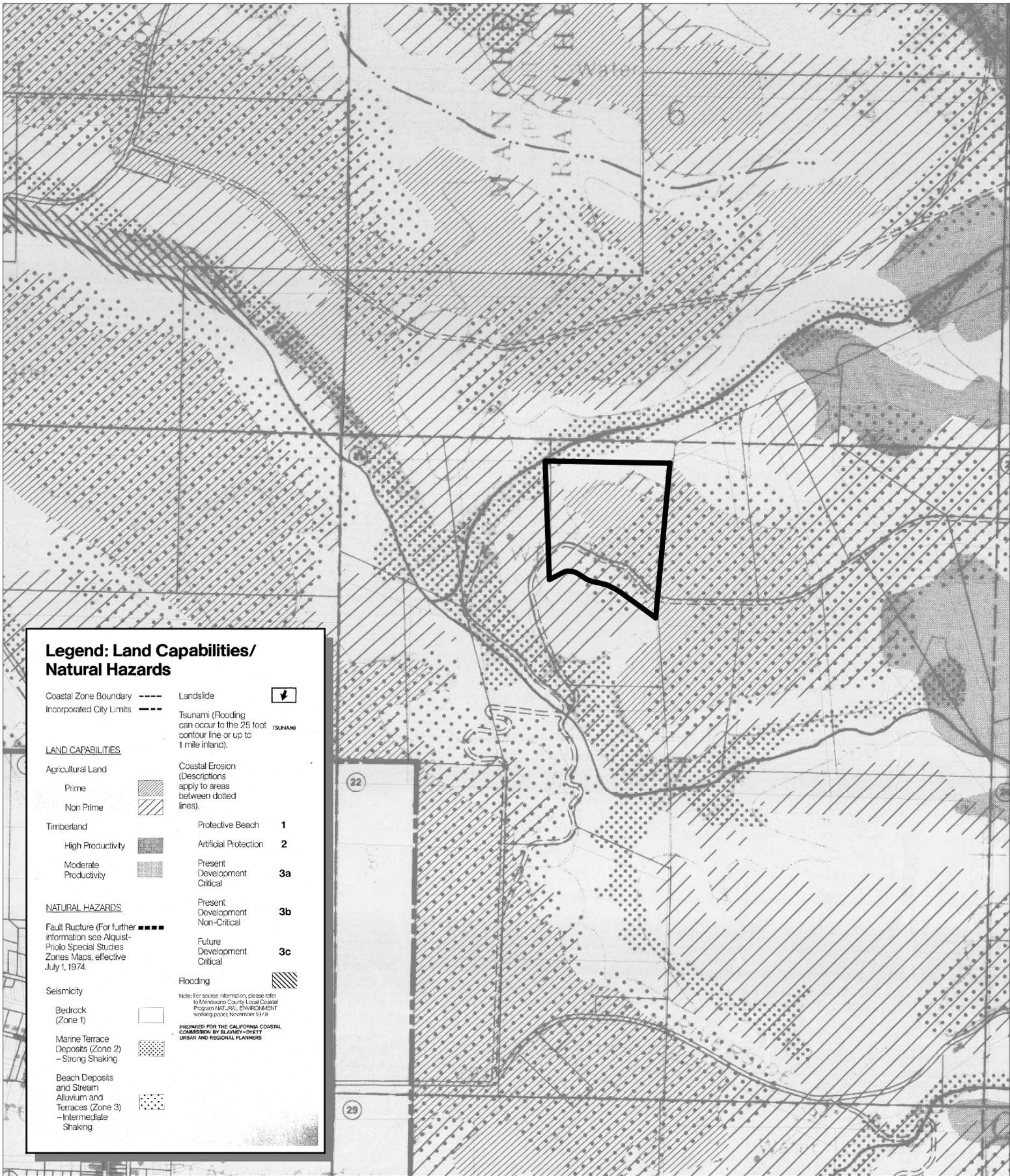


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LCP LAND USE MAP 25: POINT ARENA

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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 [stippled] Moderate Productivity [dotted]

**NATURAL HAZARDS**

Fault Rupture (For further information see Alquist-Prilo Special Studies Zones Maps, effective July 1, 1974. [thick dashed line])

Seismicity  
 Bedrock (Zone 1) [white] Marine Terrace Deposits (Zone 2) - Strong Shaking [cross-hatch] Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking [dotted]

Landslide [downward arrow]

Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). [wavy line]

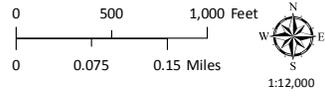
Coastal Erosion (Descriptions apply to areas between dotted lines).  
 Protective Beach 1  
 Artificial Protection 2  
 Present Development Critical 3a  
 Present Development Non-Critical 3b  
 Future Development Critical 3c

Flooding [diagonal lines]

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper November 2018.

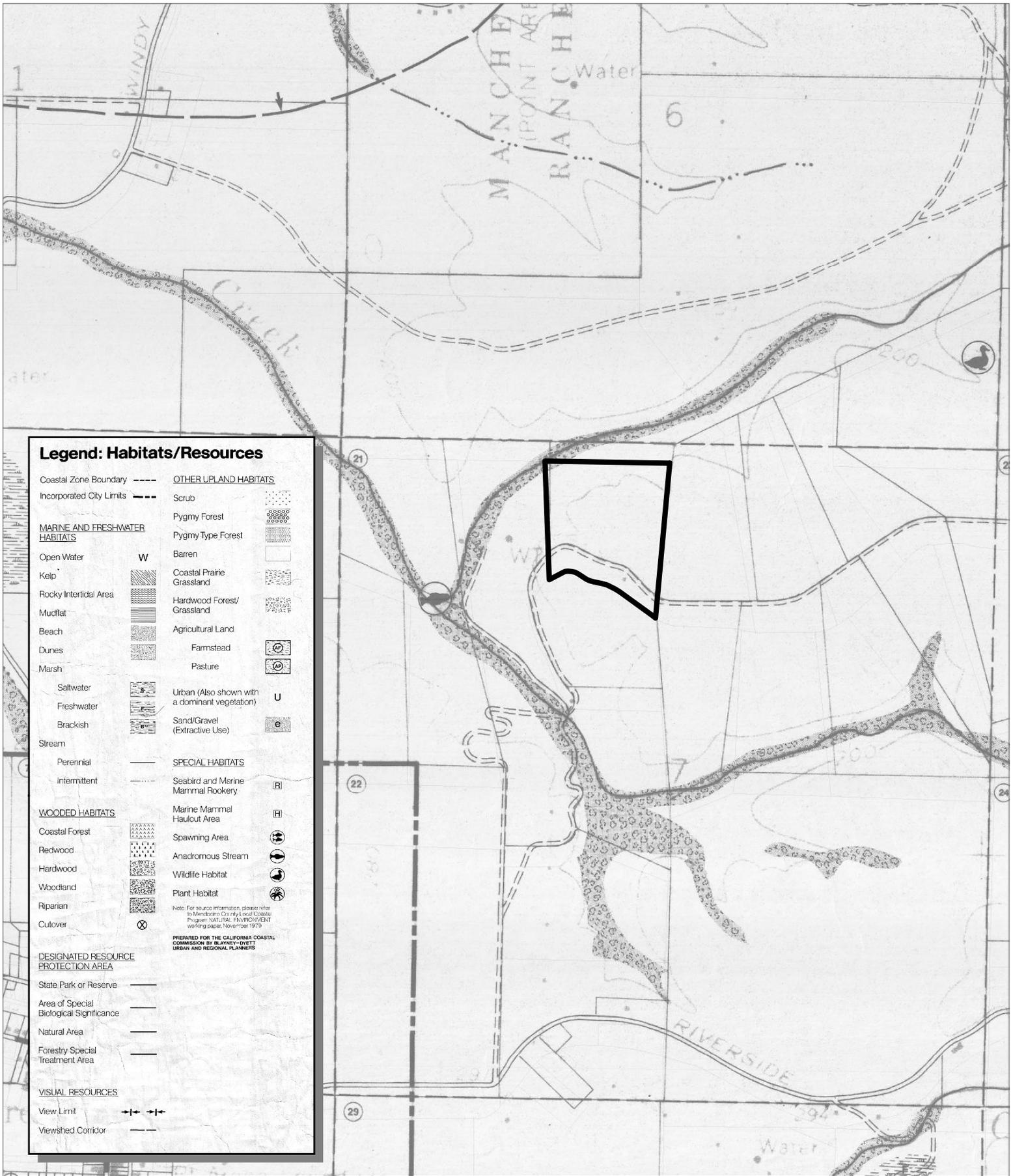
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAVNEY-DYETT URBAN AND REGIONAL PLANNERS

CASE: CDP 2018-0014  
 OWNER: HARRISON, Kevin  
 APN: 027-211-03  
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 ADDRESS: 43300 Hathaway Crossing, Point Arena



LCP LAND CAPABILITIES & NATURAL HAZARDS

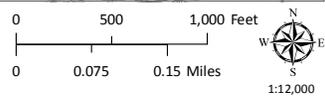
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### Legend: Habitats/Resources

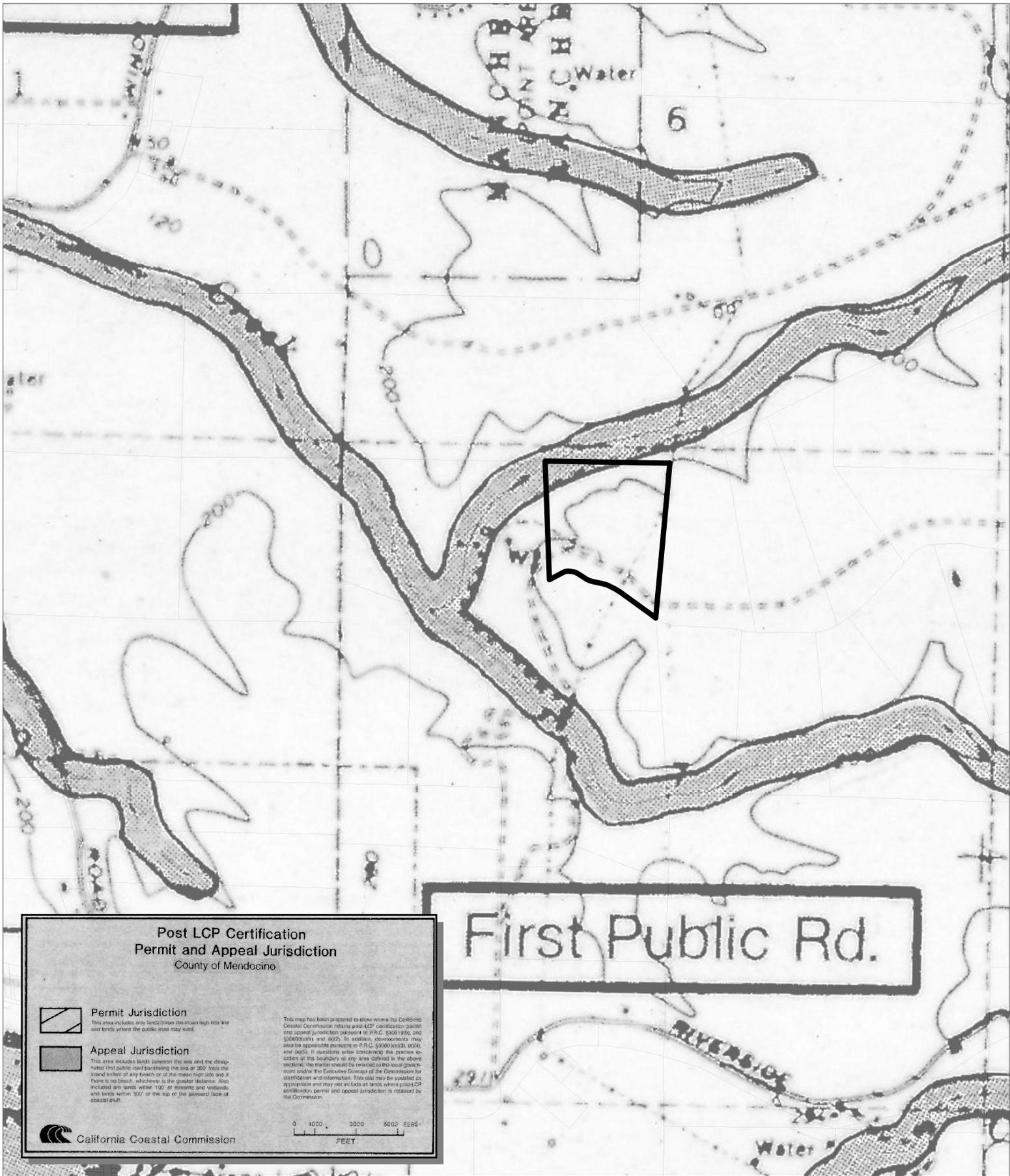
Coastal Zone Boundary	---	OTHER UPLAND HABITATS	
Incorporated City Limits	---	Scrub	[Pattern]
<b>MARINE AND FRESHWATER HABITATS</b>		Pygmy Forest	[Pattern]
Open Water	W	Pygmy Type Forest	[Pattern]
Kelp	[Pattern]	Barren	[Pattern]
Rocky Intertidal Area	[Pattern]	Coastal Prairie	[Pattern]
Mudflat	[Pattern]	Grassland	[Pattern]
Beach	[Pattern]	Hardwood Forest/	[Pattern]
Dunes	[Pattern]	Grassland	[Pattern]
Marsh	[Pattern]	Agricultural Land	[Pattern]
Saltwater	[Pattern]	Farmstead	[Symbol]
Freshwater	[Pattern]	Pasture	[Symbol]
Brackish	[Pattern]	Urban (Also shown with	U
Stream	[Symbol]	a dominant vegetation)	
Perennial	—	Sand/Gravel	e
Intermittent	- - -	(Extractive Use)	
<b>WOODED HABITATS</b>		<b>SPECIAL HABITATS</b>	
Coastal Forest	[Pattern]	Seabird and Marine	[Symbol]
Redwood	[Pattern]	Mammal Rookery	[Symbol]
Hardwood	[Pattern]	Marine Mammal	[Symbol]
Woodland	[Pattern]	Haulout Area	[Symbol]
Riparian	[Pattern]	Spawning Area	[Symbol]
Cutover	[Symbol]	Anadromous Stream	[Symbol]
<b>DESIGNATED RESOURCE PROTECTION AREA</b>		Wildlife Habitat	[Symbol]
State Park or Reserve	—	Plant Habitat	[Symbol]
Area of Special Biological Significance	—	<small>Note: For source information, please refer to Mendocino County Local Coastal Program Habitat Use Flowchart working paper, November 1979.</small>	
Natural Area	—	<small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAYNEY-SWETT URBAN AND REGIONAL PLANNERS</small>	
Forestry Special Treatment Area	—		
<b>VISUAL RESOURCES</b>			
View Limit	—+—+—+—		
Viewshed Corridor	—		

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LCP HABITATS & RESOURCES

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First Public Rd.

**Post LCP Certification  
Permit and Appeal Jurisdiction  
County of Mendocino**

**Permit Jurisdiction**  
This area includes only lands below the mean high tide line and lands where the public trust may exist.

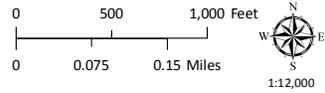
**Appeal Jurisdiction**  
This area includes lands between the sea and the designated first public use boundary (one or 500 feet, the lesser extent of any beach or of the mean high tide, and there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of coastal bluff.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.R.C. §50130, and §50130.04 and §50130.05. In addition, developments may also be applicable pursuant to P.R.C. §50130.04, §50130.05, and §50130.06. If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and interpretation. This data may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

California Coastal Commission

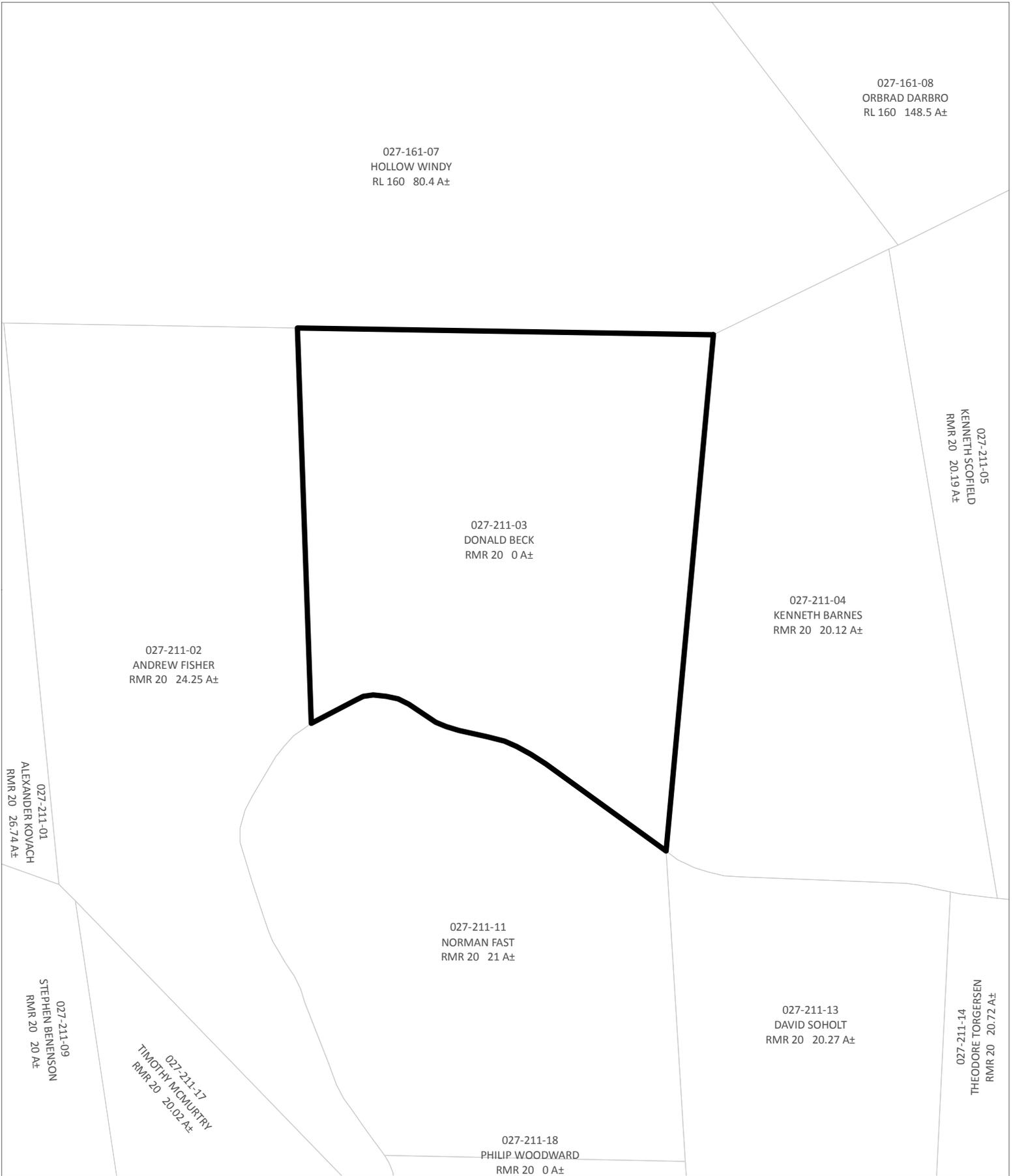
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CASE: CDP 2018-0014  
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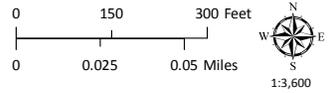


APPEALABLE AREAS

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ADJACENT PARCELS

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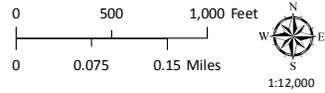
**REDWOOD COAST FIRE PROTECTION DISTRICT**

**LOCAL**

CASE: CDP 2018-0014  
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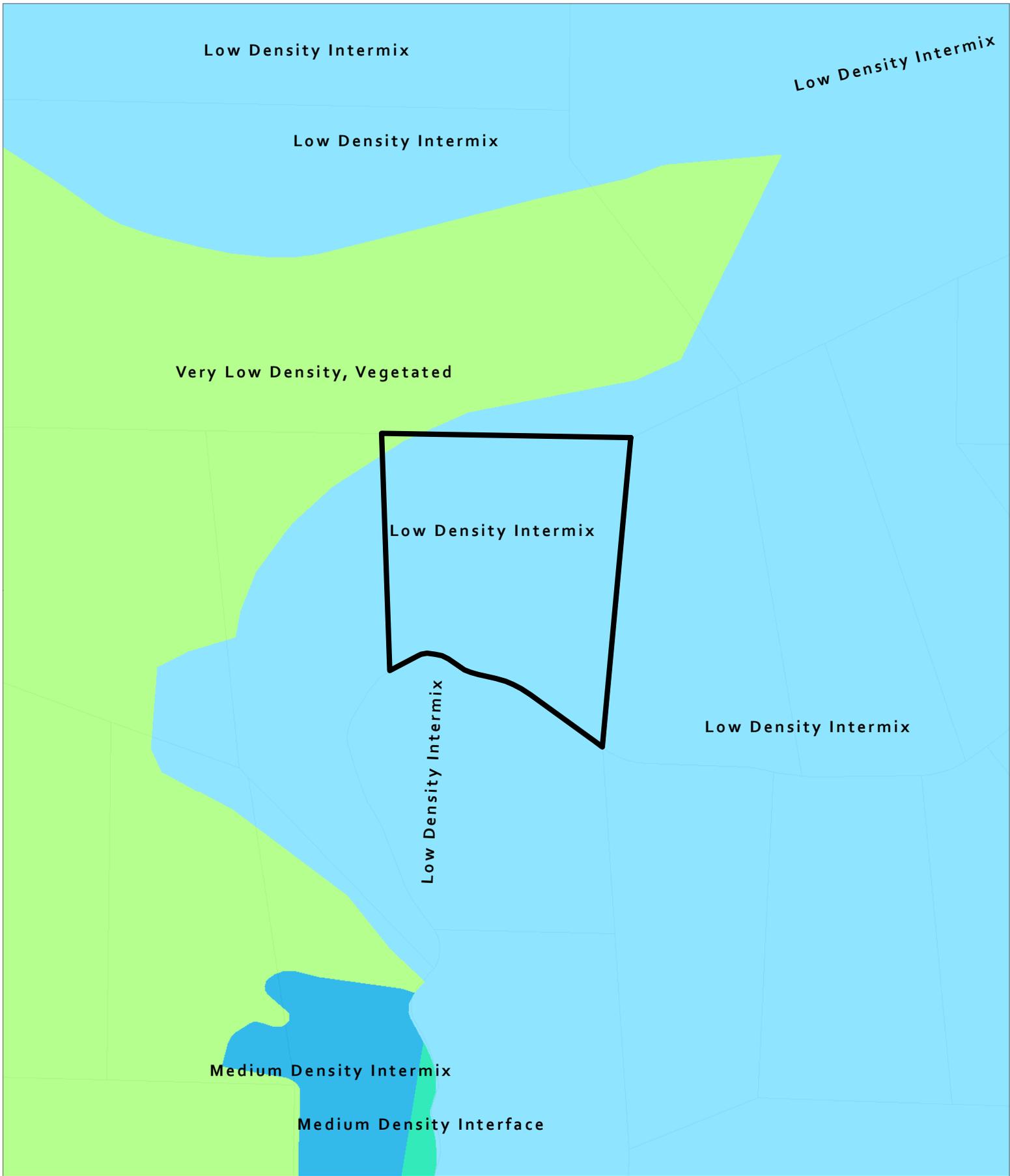
-  County Fire Districts
-  Local Responsibility Areas
-  High Fire Hazard

 Moderate Fire Hazard

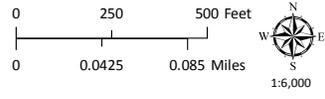


**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

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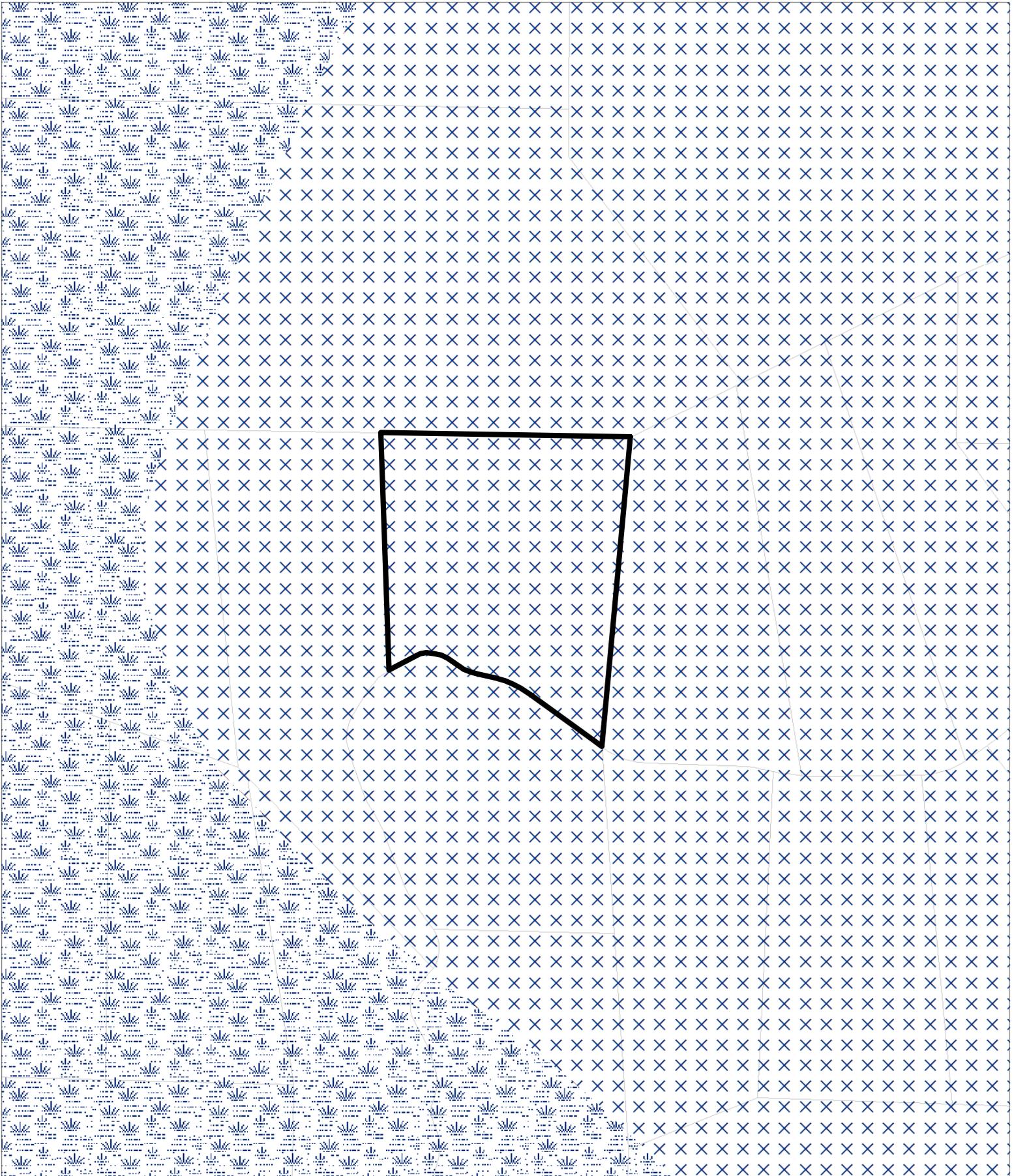


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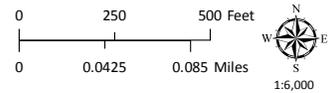
**WILDLAND-URBAN INTERFACE ZONES**

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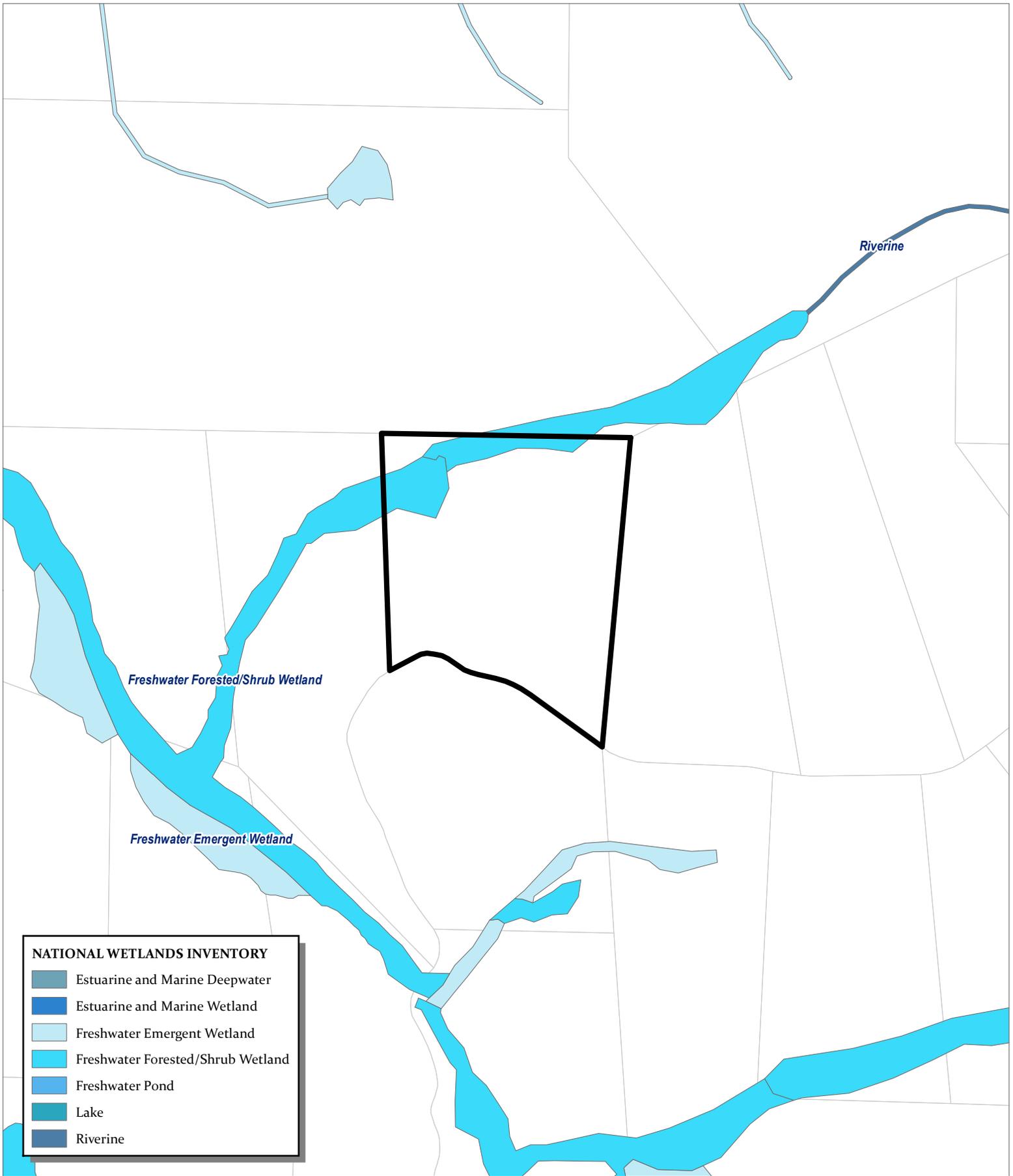
CASE: **CDP 2018-0014**  
 OWNER: **HARRISON, Kevin**  
 APN: **027-211-03**  
 APLCT: **Kevin Harrison & Elizabeth Herbert**  
 AGENT:  
 ADDRESS: **43300 Hathaway Crossing, Point Arena**

-  Critical Water Areas
-  Marginal Water Resources



**GROUND WATER RESOURCES**

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CASE: CDP 2018-0014

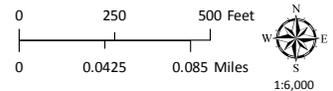
OWNER: HARRISON, Kevin

APN: 027-211-03

APLCT: Kevin Harrison & Elizabeth Herbert

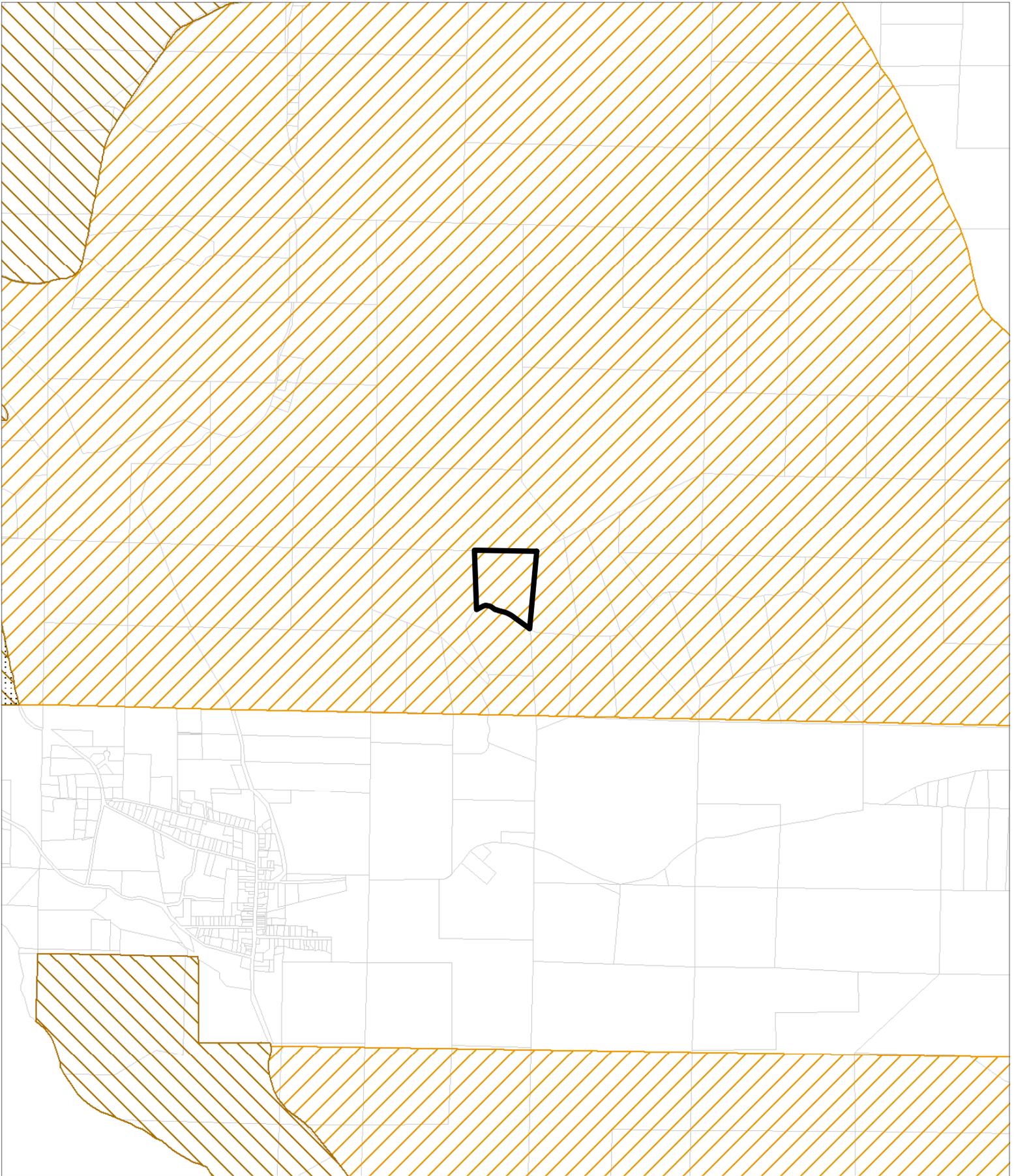
AGENT:

ADDRESS: 43300 Hathaway Crossing, Point Arena



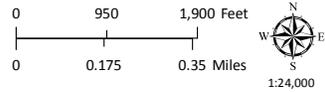
WETLANDS

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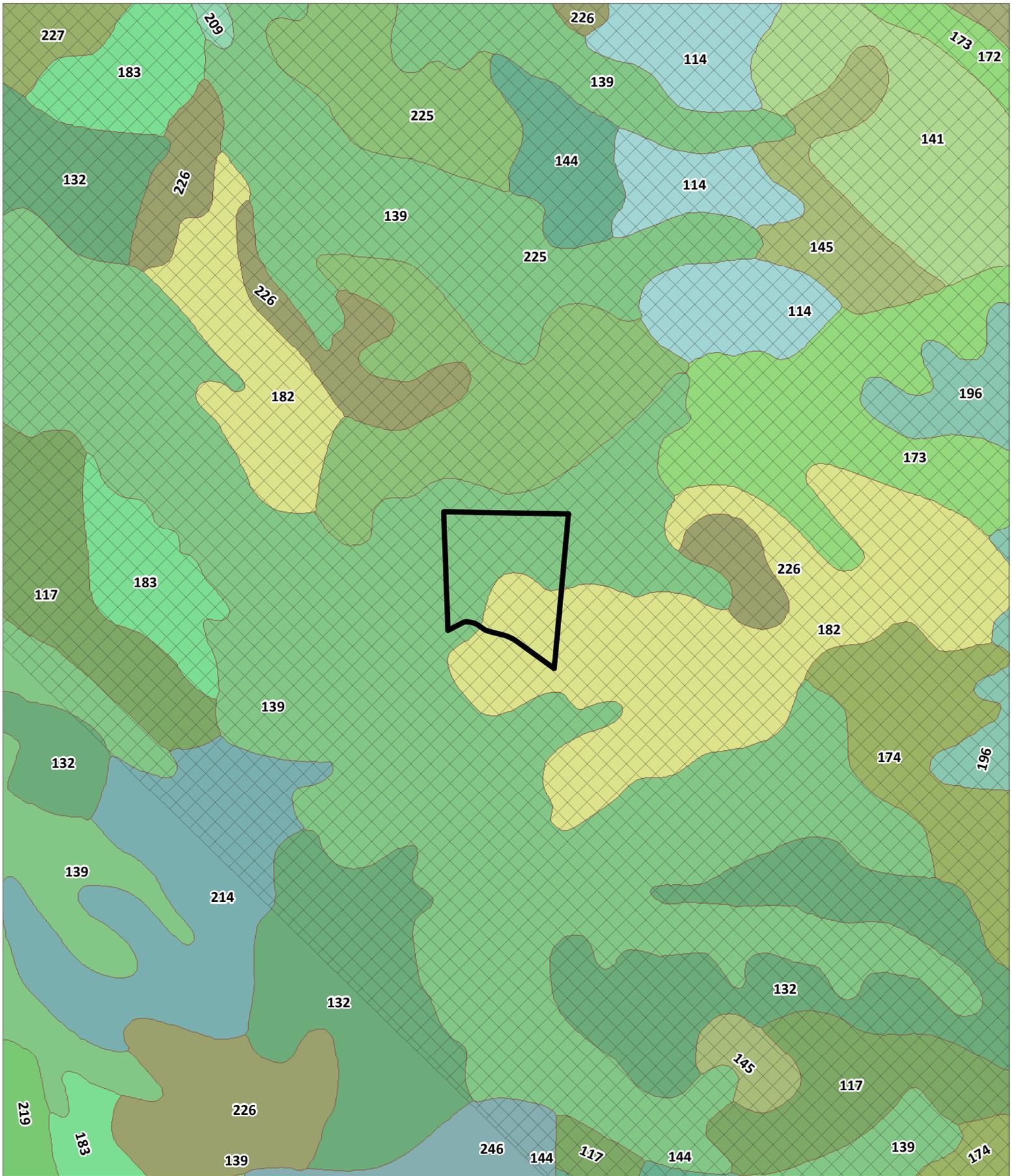
CASE: CDP 2018-0014  
 OWNER: HARRISON, Kevin  
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-  Tree Removal Area
-  Highly Scenic Area
-  Highly Scenic Area (Conditional)



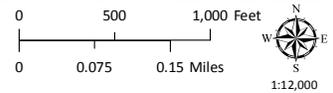
**HIGHLY SCENIC & TREE REMOVAL AREAS**

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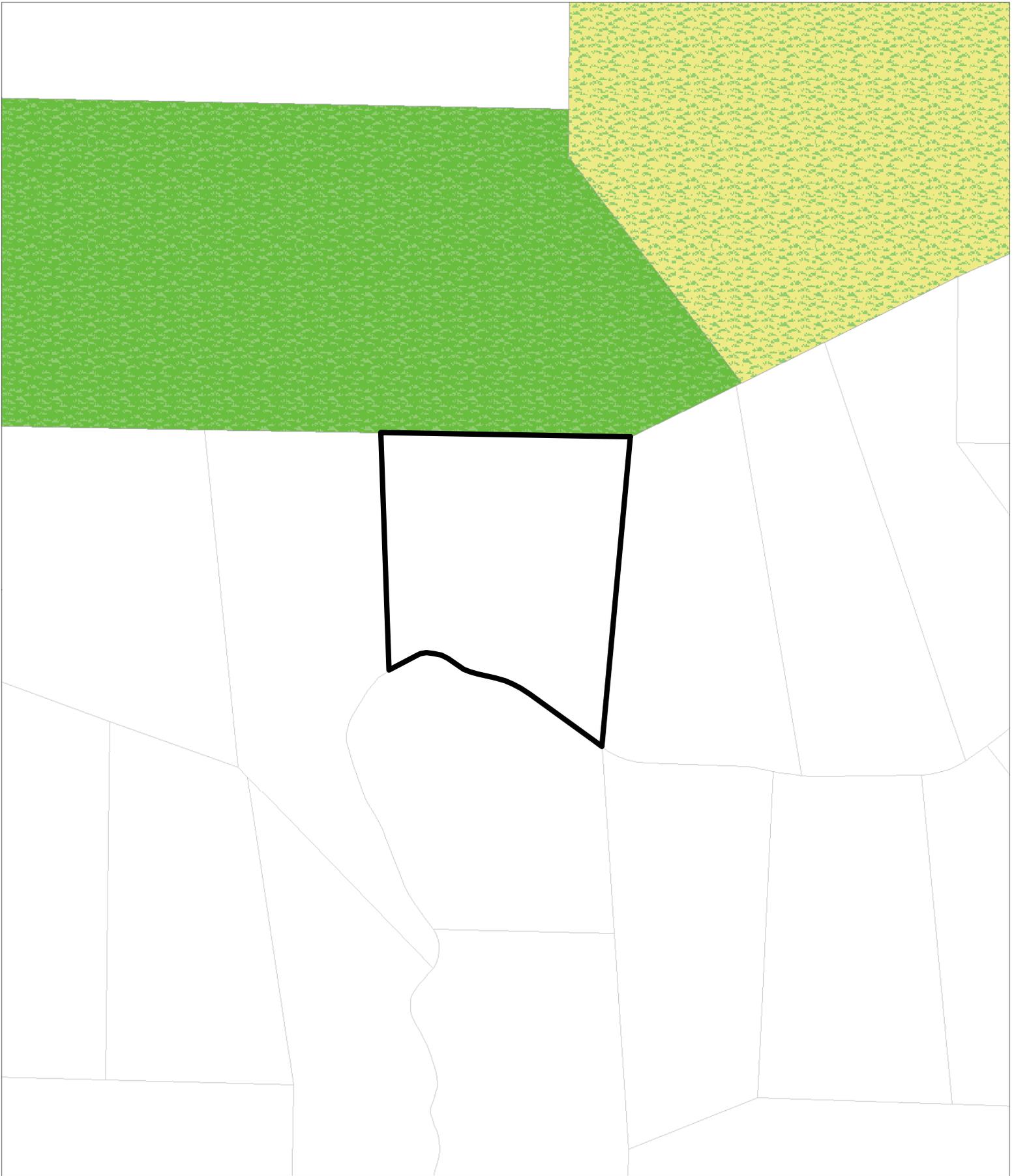
CASE: CDP 2018-0014  
 OWNER: HARRISON, Kevin  
 APN: 027-211-03  
 APLCT: Kevin Harrison & Elizabeth Herbert  
 AGENT:  
 ADDRESS: 43300 Hathaway Crossing, Point Arena

-  Bishop Pine
-  Western Study Soil Types



**LOCAL SOILS**

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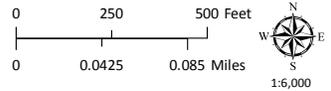


CASE: CDP 2018-0014  
 OWNER: HARRISON, Kevin

APN: 027-211-03  
 APLCT: Kevin Harrison & Elizabeth Herbert  
 AGENT:

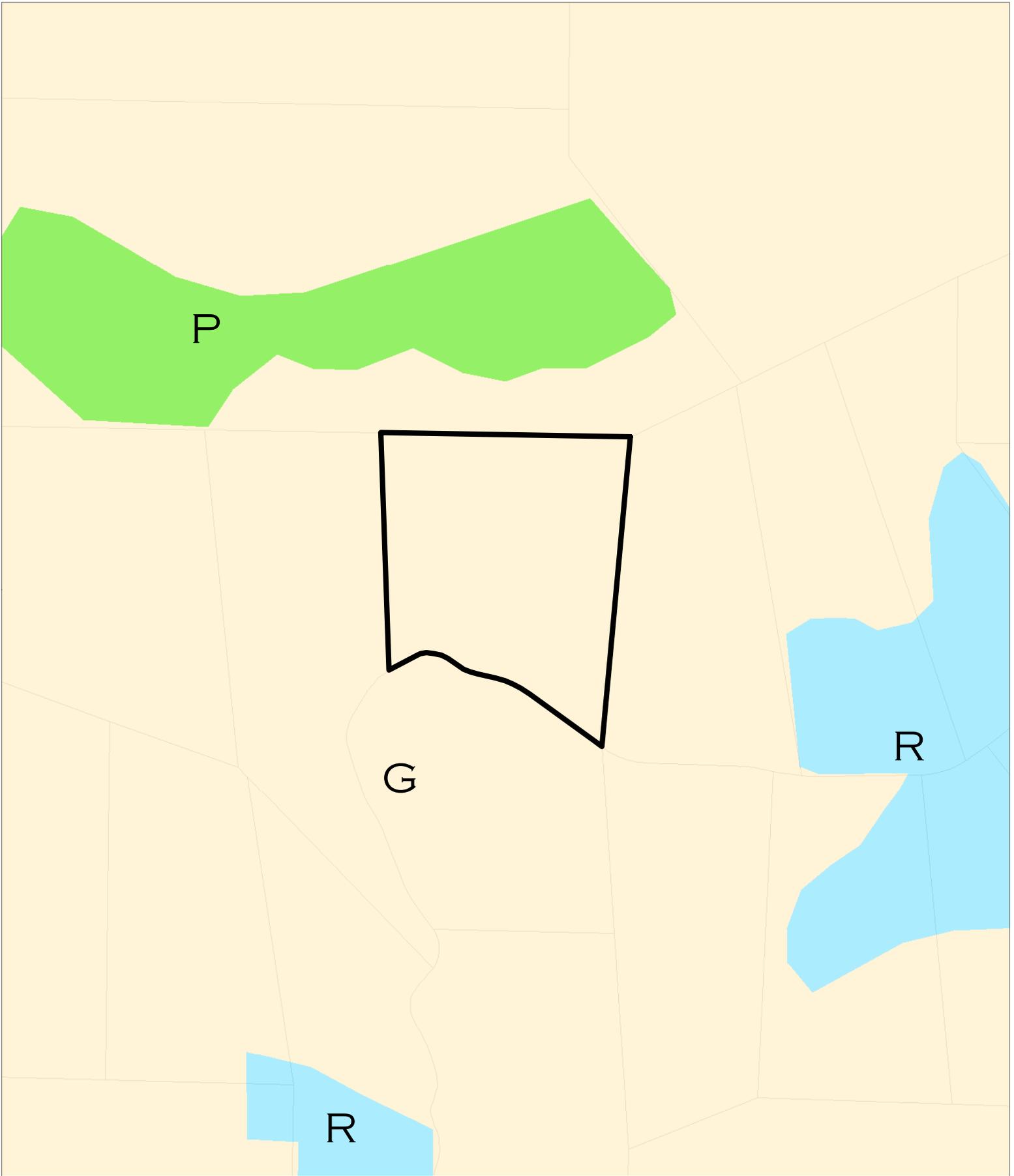
ADDRESS: 43300 Hathaway Crossing, Point Arena

-  Williamson Act 2017
-  Prime Ag 2017
-  Non-Prime Ag 2017



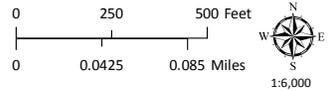
LANDS IN WILLIAMSON ACT CONTRACTS

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- Grazing Land (G)
- Prime Farmland (P)
- Rural Residential & Rural Commercial (R)



**IMPORTANT FARMLAND**

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