

**COUNTY OF MENDOCINO
DEPT OF PLANNING & BUILDING SERVICES
752 SOUTH FRANKLIN STREET
FORT BRAGG, CA 95437
Telephone: 707-964-5379**

Case No(s) EM_2025-0007
CDF No(s) N/A
Date Filed 11/04/2025
Fee \$ \$1,783.00
Receipt No. PRJ 068967
Received by Sandy D Arellano
Office Use Only

EMERGENCY PERMIT APPLICATION FORM

Name of Applicant	Name of Owner(s)	Name of Agent
Mailing Address	Mailing Address	Mailing Address
Telephone Number	Telephone Number	Telephone Number

Project Description:

Driving Directions

The site is located on the _____ (N/S/E/W) side of _____ (name road)

approximately _____ (feet/miles) _____ (N/S/E/W) of its intersection with

_____ (provide nearest major intersection).

Assessor's Parcel Number(s)

Parcel Size	Street Address of Project
<div><div></div><div>Square Feet</div></div> <div><div></div><div>Acres</div></div>	<p><u>Please note:</u> Before submittal, please verify correct street address with the Planning Division in Ukiah.</p>

EMERGENCY PERMIT

APPLICATION QUESTIONNAIRE

The purpose of this questionnaire is to relate information concerning your application to the Planning & Building Services Department and other agencies who will be reviewing your project proposal. The more detail that is provided, the easier it will be to promptly process your application. Please answer all questions. For questions which do not pertain to your project, please indicate "Not Applicable" or "N/A".

1. NATURE OF THE EMERGENCY NARRATIVE (use additional pages if necessary).

a) Describe the nature, cause and location of the emergency.

A landslide occurred in early January 2025 within a drainage ravine on the north side of the residence. Water running down the ravine eventually destabilized the slope where water lines were located. The ruptured water lines (supply and drainage) caused further bluff erosion. The water supply lines were shut off and re-routed. The drainage lines, from the house roofs and the swimming pool under-drains, formerly emptied into the center of the swale. The landslide broke off and exposed the pipes; storm water continued to flow from the pipes and erode the landscape.

b) Describe the remedial protective or preventive work required to deal with the emergency.

A 4-inch, corrugated flex pipe was connected to the broken drainage pipes to conduct the storm water away from the eroding slope. The flex pipe was extended into the lower drainage swale below the landslide. This was a temporary measure to alleviate continuing erosion caused by the broken drainage pipes.

c) Describe the circumstances during the emergency that justify the course(s) of action taken, including the probable consequences of failing to take action.

The erosion from the broken drainpipes has to be controlled as soon as possible. More land would have been lost if the adverse drainage conditions continued. Such worsening erosion could have worked its way back to the residence.

d) Describe any secondary improvements such as wells, septic systems, grading, vegetation removal, roads, etc. that are necessary to deal with the emergency.

The drainage lines need to be re-routed (after removal of the 4-inch flex pipe) to a "safe" disposal area, elsewhere on the property (location to be determined). The flex pipe should remain in place until a "safe" outlet area has been located. A CDP will be applied for when an outlet location has been determined.

No other secondary improvements are planned.

2. Are there existing structures on the property? ☒ Yes ☐ No

If yes, describe below and identify the use of each structure on the plot plan.

3. Is any grading or road construction planned? ☐ Yes ☒ No

Estimate the amount of grading in cubic yards _____ c.y. If greater than 50 cubic yards or if greater than 2 feet of cut or 1 foot of fill will result, please provide a grading plan.

Describe the terrain to be traversed (e.g., steep, moderate slope, flat, etc.).

4. Will vegetation be removed on areas other than the building sites and roads? ☐ Yes ☒ No
If yes, explain:

5. Project Height. Maximum height of structure(s): _____ feet

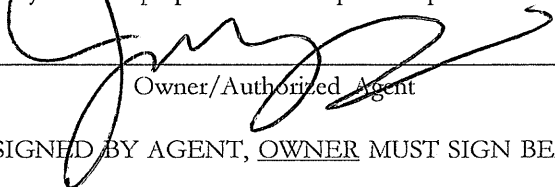
6. Describe all exterior materials and colors of all proposed structures that are visible beyond the boundaries of the subject parcel.

7. Are there any water courses, anadromous fish streams, ponds, lakes, sand dunes, rookeries, marine mammal haul-out areas, wetlands, riparian areas, pygmy vegetation, rare or endangered plants, animals or habitat which support rare and endangered species located on the project site or within 100 feet of the project site?

SUBMIT ONLY ONE COPY

CERTIFICATION AND SITE VIEW AUTHORIZATION

1. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application, and all attached appendices and exhibits, is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the County.
2. I hereby grant permission for County Planning and Building Services staff and hearing bodies to enter upon and site view the premises for which this application is made in order to obtain information necessary for the preparation of required reports and render its decision.



Owner/Authorized Agent

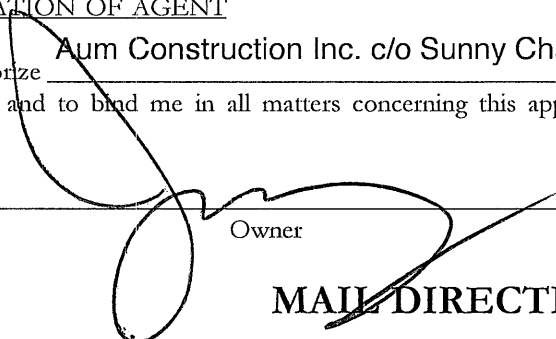
10/31/25

Date

NOTE: IF SIGNED BY AGENT, OWNER MUST SIGN BELOW.

AUTHORIZATION OF AGENT

I hereby authorize Aum Construction Inc. c/o Sunny Chancellor to act as my representative and to bind me in all matters concerning this application.



Owner

10/31/25

Date

MAIL DIRECTION

To facilitate proper handling of this application, please indicate the names and mailing addresses of individuals to whom you wish correspondence and/or staff reports mailed if different from those identified on Page One of the application form.

Name	Name	Name
Mailing Address	Mailing Address	Mailing Address



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482

752 SOUTH FRANKLIN STREET • FORT BRAGG • CALIFORNIA • 95437

JULIA KROG, DIRECTOR

TELEPHONE: 707-234-6650

FAX: 707-463-5709

FB PHONE: 707-964-5379

FB FAX: 707-961-2427

pbs@mendocinocounty.gov

www.mendocinocounty.gov/pbs

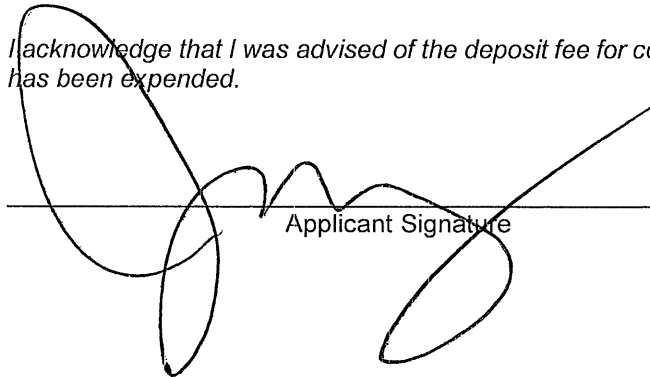
ACKNOWLEDGEMENT OF DEPOSIT/HOURLY FEE

By signing below, the applicant acknowledges that the staff at Planning and Building Services has discussed the potential for collection of a deposit fee for the projects listed below (as adopted by the Board of Supervisors Resolution No. 23-190)

1. Division of Land Project
2. General Plan Project
3. Coastal Project
4. Zoning Project
5. Administrative Project
6. Cannabis Project
7. Private Road Naming

Once an application has been submitted and the processing costs approach 80% of the initial qualifying fee paid, a deposit equal to 50% of the base fee will be required for further processing. It is possible that during project review, additional deposits may be required depending on the complexity of the project and the staff time necessary to complete application processing.

I acknowledge that I was advised of the deposit fee for continued processing after the initial application fee has been expended.

 _____

Applicant Signature

10/31/25

Date

OFFICE USE ONLY:

Project or Permit Number



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Indemnification And Hold Harmless

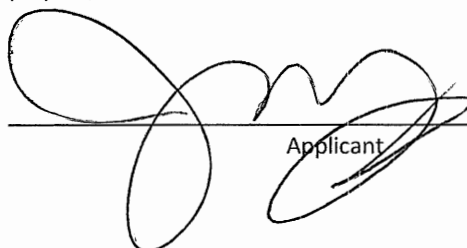
ORDINANCE NO. 3780, adopted by the Board of Supervisors on June 4, 1991, requires applicants for discretionary land use approvals, to sign the following Indemnification Agreement. Failure to sign this agreement will result in the application being considered incomplete and withheld from further processing.

Indemnification Agreement

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County of Mendocino, its agents, officers, attorneys, employees, boards and commissions, as more particularly set forth in Mendocino County Code Section 1.04.120, from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. The indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, employees, boards and commissions.

10/31/25

Date



Applicant



3415 VISION DRIVE OH4-7214
COLUMBUS, OH 43219-6009

2761 20
JAMES DANIEL CUMMINGS
JUSTIN MOHATT
26029 ATHERTON DR
CARMEL, CA 93923-8904

Phone Support: 1-800-848-9136 WE ACCEPT OPERATOR RELAY CALLS

MORTGAGE
REAL ESTATE TAXES PAID \$28,819.43

☐ CORRECTED (if checked)

RECIPIENT'S/LENDER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. JPMORGAN CHASE BANK, N.A. HOME LENDING 3415 VISION DRIVE OH4-7214 COLUMBUS, OH 43219-6009		* Caution: The amount shown may not be fully deductible by you. Limits based on the loan amount and the cost and value of the secured property may apply. Also, you may only deduct interest to the extent it was incurred by you, actually paid by you, and not reimbursed by another person.		OMB No. 1545-1380 Form 1098 (Rev. January 2022) For calendar year 2024		Mortgage Interest Statement Copy B For Payer/Borrower The information in boxes 1 through 9 and 11 is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if the IRS determines that an underpayment of tax results because you overstated a deduction for this mortgage interest or for these points, reported in boxes 1 and 6; or because you didn't report the refund of interest (box 4); or because you claimed a nondeductible item.		
RECIPIENT'S/LENDER'S TIN 13-4994650		PAYER'S/BORROWER'S TIN ***-**-9064		1 Mortgage interest received from payer(s)/borrower(s)* \$21,053.03			2 Outstanding mortgage principal \$812,049.98	
PAYER'S/BORROWER'S name, street address (including apt. no.), city or town, state or province, country, and ZIP or foreign postal code JAMES DANIEL CUMMINGS JUSTIN MOHATT 26029 ATHERTON DR CARMEL, CA 93923-8904		3 Mortgage origination date 05/16/2020		4 Refund of overpaid interest				
5 Mortgage insurance premiums		6 Points paid on purchase of principal residence						
7 <input type="checkbox"/> If address of property securing mortgage is the same as PAYER'S/BORROWER'S address, the box is checked, or the address or description is entered in box 8		8 Address or description of property securing mortgage 7300 S HWY 1 ELK CA 95432		9 Number of properties securing the mortgage				
Account number (see instructions) 1394142330		10 Other		11 Mortgage acquisition date				

YOUR INTEREST MAY BE OVERSTATED IN BOX 1 IF ALL OR A PORTION OF YOUR PAYMENTS ARE SUBSIDIZED
BY A STATE-FUNDED PROGRAM. CONTACT YOUR TAX ADVISOR WITH QUESTIONS.

Instructions for Payer/Borrower

A person (including a financial institution, a governmental unit, and a cooperative housing corporation) who is engaged in a trade or business and, in the course of such trade or business, received from you at least \$600 of mortgage interest (including certain points) on any one mortgage in the calendar year must furnish this statement to you.

If you received this statement as the payer of record on a mortgage on which there are other borrowers, furnish each of the other borrowers with information about the proper distribution of amounts reported on this form. Each borrower is entitled to deduct only the amount each borrower paid and points paid by the seller that represent each borrower's share of the amount allowable as a deduction. Each borrower may have to include in income a share of any amount reported in box 4.

If your mortgage payments were subsidized by a government agency, you may not be able to deduct the amount of the subsidy. See the instructions for Schedule A, C, or E (Form 1040) for how to report the mortgage interest. Also, for more information, see Pub. 936 and Pub. 535.

Payer's/Borrower's taxpayer identification number (TIN). For your protection, this form may show only the last four digits of your TIN (SSN, ITIN, ATIN, or EIN).

However, the issuer has reported your complete TIN to the IRS.

Account number. May show an account or other unique number the lender has assigned to distinguish your account.

Box 1. Shows the mortgage interest received by the recipient/lender during the year. This amount includes interest on any obligation secured by real property, including a mortgage, home equity loan, or line of credit. This amount does not include points, government subsidy payments, or seller payments on a "buydown" mortgage. Such amounts are deductible by you only in certain circumstances.

CAUTION: *If you prepaid interest in the calendar year that accrued in full by January 15, of the subsequent year, this prepaid interest may be included in box 1. However, you cannot deduct the prepaid amount in the calendar year paid even though it may be included in box 1.*

If you hold a mortgage credit certificate and can claim the mortgage interest credit, see Form 8396. If the interest was paid on a mortgage, home equity loan, or line of credit secured by a qualified residence, you can only deduct the interest paid on acquisition indebtedness, and you may be subject to a deduction limitation.

Box 2. Shows the outstanding principal on the mortgage as of January 1 of the calendar year.

If the mortgage originated in the calendar year, shows the mortgage principal as of the date of origination. If the recipient/lender acquired the loan in the calendar year, shows the mortgage principal as of the date of acquisition.

Box 3. Shows the date of the mortgage origination.

Box 4. Do not deduct this amount. It is a refund (or credit) for overpayment(s) of interest you made in a prior year or years. If you itemized deductions in the year(s) you paid the interest, you may have to include part or all of the box 4 amount on the "Other income" line of your calendar year Schedule 1 (Form 1040). No adjustment to your prior year(s) tax return(s) is necessary. For more information, see Pub. 936 and *Itemized Deduction Recoveries* in Pub. 525.

Box 5. If an amount is reported in this box, it may qualify to be treated as deductible mortgage interest. See the calendar year Schedule A (Form 1040) instructions and Pub. 936.

Box 6. Not all points are reportable to you. Box 6 shows points you or the seller paid this year for the purchase of your principal residence that are required to be reported to you. Generally, these points are fully deductible in the year paid, but you must subtract seller-paid points from the basis of your residence. Other points not reported in box 6 may also be deductible. See Pub. 936 to figure the amount you can deduct.

Box 7. If the address of the property securing the mortgage is the same as the payer's/borrower's, either the box has been checked, or box 8 has been completed.

Box 8. Shows the address or description of the property securing the mortgage.

Box 9. If more than one property secures the loan, shows the number of properties securing the mortgage. If only one property secures the loan, this box may be blank.

Box 10. The interest recipient may use this box to give you other information, such as real estate taxes or insurance paid from escrow.

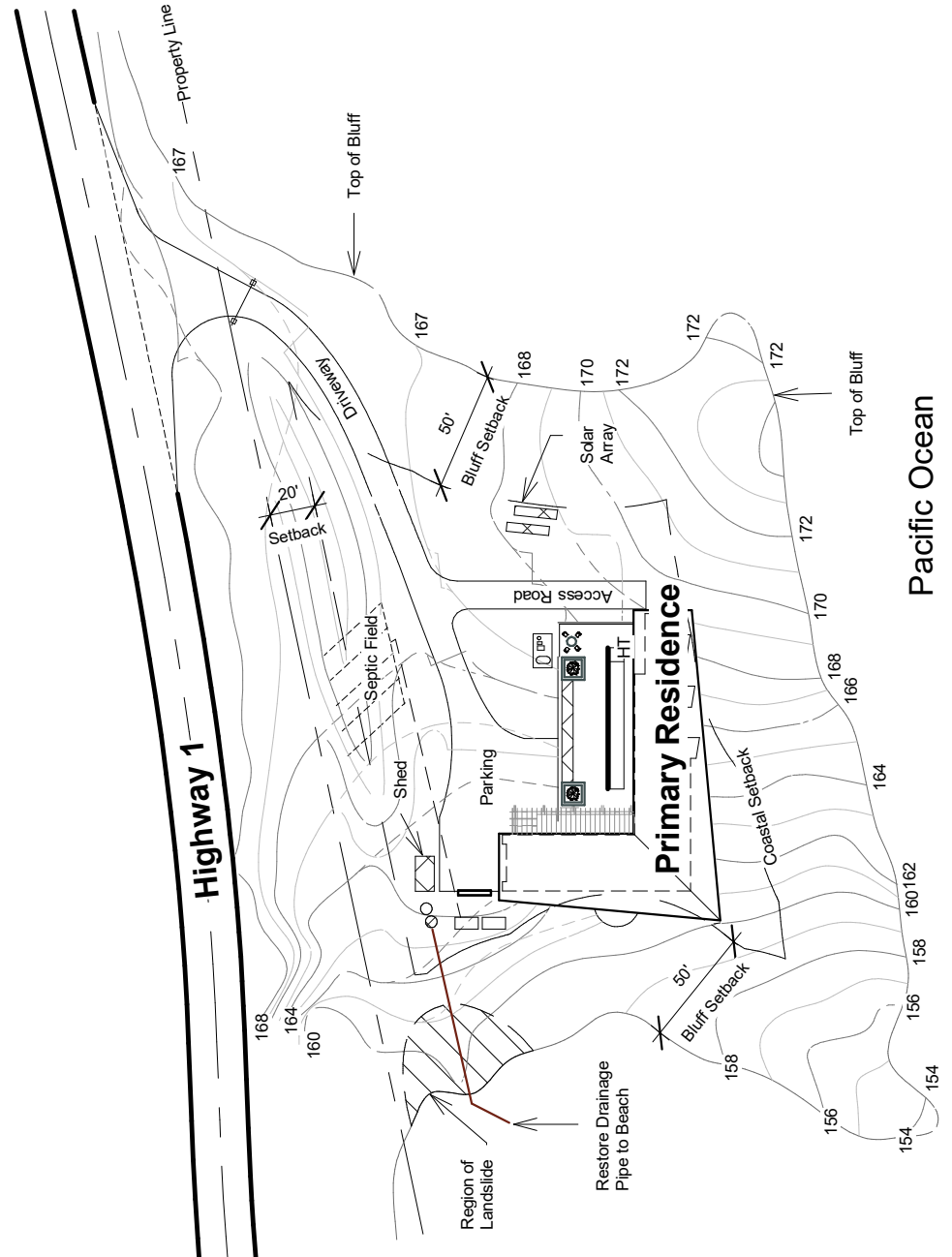
Box 11. If the recipient/lender acquired the mortgage in the calendar year, shows the date of acquisition.

Future developments. For the latest information about developments related to Form 1098 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/Form1098.

Free File. Go to www.irs.gov/FreeFile to see if you qualify for no-cost online federal tax preparation, e-filing, and direct deposit or payment options.



Location Map



1 Site Plan - Loc Map
1" = 80'-0"



AUM CONSTRUCTION INC.
General Contractor Lic. # 817115
www.aumconstruction.com

Mohatt / Cummings
E-CDP Plot Plan
7300 Hwy 1, Elk, California

APN # : 127-28-00-100

SCALE : 1" = 80'-0"

SHEET # : A2

DATE : 10/31/2025

SHEET TITLE :

Location Map

CONTRACTORS :

REVISIONS:		No.	Description	Date

Mohatt / Cummings
E-CDP Plot Plan
7300 Hwy 1, Elk, California

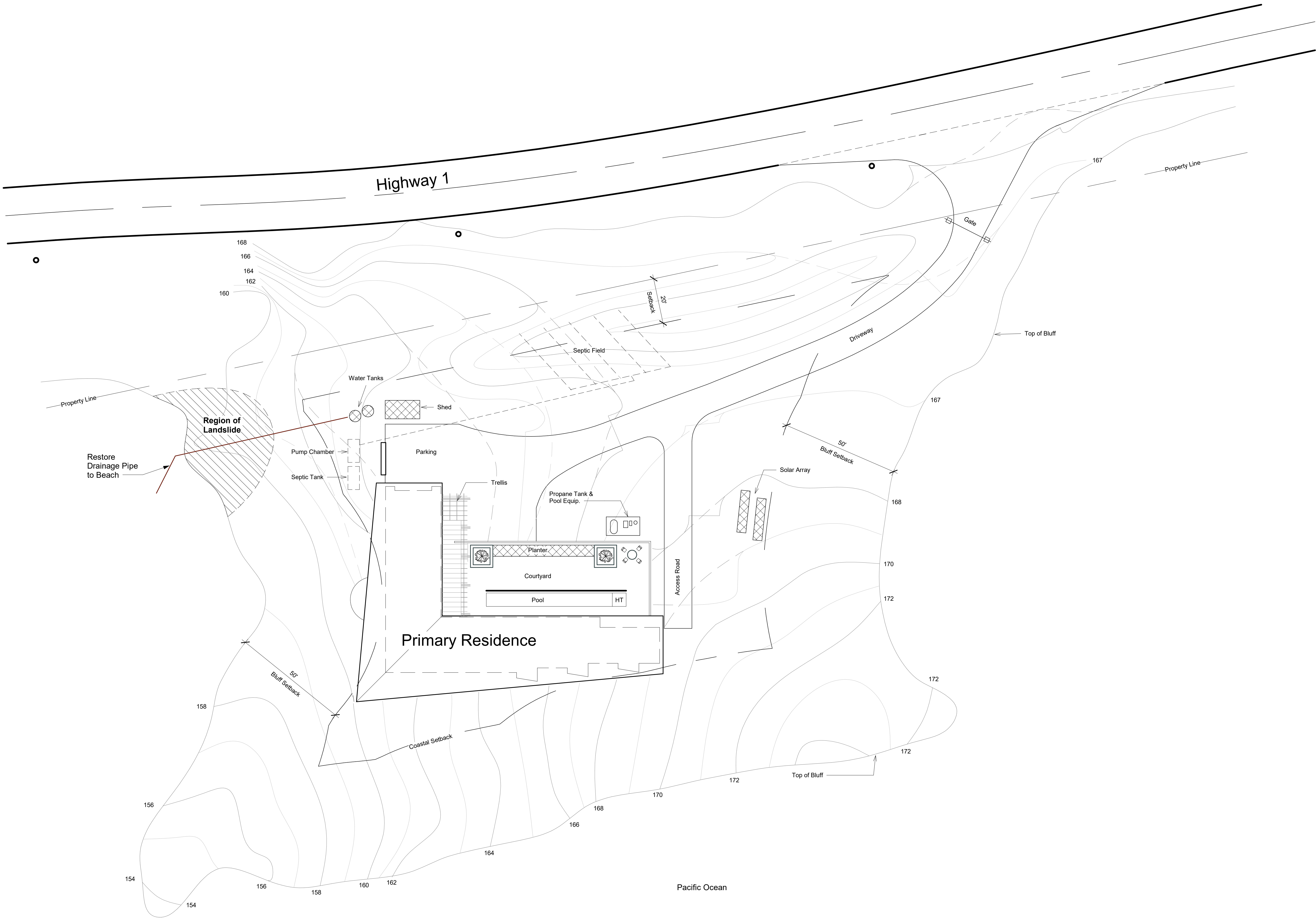
APN # :
127-28-00-100
DATE : 10/24/2025
DRAWN BY : SLLC

A1

SCALE :
1" = 20'-0"

Site Map

10/30/2025 3:47:19 PM



From: [Erik Olsborg](#)
To: [Shelby Miller](#); [Sunny Chancellor](#)
Subject: RE: 7300 S. Highway 1, Elk (EM_2025-0007)
Date: Monday, November 24, 2025 9:03:22 AM
Attachments: [image002.png](#)

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Shelby, In answer to your questions:

1. I was brought in shortly after the landslide occurred in late January 2025. I observed the broken drainage pipes that previously extended to the center of the drainage ravine. At the time, water was flowing out of the broken, drainage pipes and eroding the downslope areas during the on-going storms. I immediately recommended that they connect the broken pipes with the flex lines to stop the severe erosion below the broken pipes. The flex lines were extended to the lower ravine below the active slide. There was no time, not even a few days, to apply for an emergency permit, to halt the erosion. We realized that this was only a temporary measure that would have to be changed once we obtained a CDP.
2. There is no equipment/development on the property as of now. Let us know if you would like to do a site visit with us.
3. The drilling and backfill equipment used for our geotechnical investigation has been removed from the site.
4. The purpose of the geotechnical investigation was to explore the subsurface soil, rock and groundwater conditions to evaluate the potential for the landslide to erode back to the house. We intend to design a drainage plan to determine a method to divert and discharge the storm water to a "safe" place that won't result in bluff erosion in another area. Once we get plan approval the flex pipes will be removed.
5. We had to do something immediately to stop the erosion from the broken drainage pipes.
6. Further study is needed to evaluate different alternatives before the flex pipes are removed.
7. The landslide is 40 feet from the northeast corner of the house.
8. I have called Caltrans, District 1 in Eureka. They are looking into it and will get back to us.

Erik Olsborg, EG
Principal Engineering Geologist
(707) 838-3027



Brunsing Associates, Inc.

5468 Skylane Blvd., Suite 201

Santa Rosa, CA 95403

[email policy](#)

From: Shelby Miller <millers@mendocinocounty.gov>

Sent: Thursday, November 20, 2025 3:48 PM

To: Sunny Chancellor <sunny@aumconstruction.com>; Erik Olsborg <eolsborg@brunsing.com>

Subject: RE: 7300 S. Highway 1, Elk (EM_2025-0007)

Hi Sunny and Erik,

I forgot to mention that County Code Enforcement received a code complaint about this property, and I really just need clarification on the overall project and code complaint from both of you. The complaint included the following: no trespassing signs, large generator, pump, two (2) approx. 6" black pipes running down the bluff conveying some liquid into the ocean below. I understand that the bluff retreat is a real threat to private property, which doesn't diminish the ability to obtain the Emergency Permit. However, I just want clarification on the following:

1. When did the work start?
 - a. Has it been this way since the storm in Jan 2025?
2. What is the equipment/development on the property as of now?
3. What current development/equipment is related to the Geotechnical Investigation?
4. Will the Geotechnical Investigation include a feasibility study of relocation of pipes or infiltration on site, to essentially eliminate the piping down the bluff?
5. How did you come up with the conclusion to pipe the stormwater down the bluff towards the ocean?
6. Is it feasible to remove these black pipes conveying water to the ocean? What is a feasible alternative at this point?
7. What is the distance from the residence to the landslide?
8. Has anyone informed Caltrans about their culvert location and landslide?

Thanks,

Shelby Miller

From: Erik Olsborg <eolsborg@brunsing.com>

Sent: Monday, November 17, 2025 2:01 PM

To: Shelby Miller <millers@mendocinocounty.gov>

Cc: Sunny Chancellor <sunny@aumconstruction.com>

Subject: RE: 7300 S. Highway 1, Elk (EM_2025-0007)

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Shelby, nice to hear from you. As shown in the attached photograph, the landslide was caused by erosion within the drainage ravine below a Caltrans culvert (the house is off to the right in the attached photograph). A significant portion of the upslope hillside drains through the culvert, which was likely installed 50-70 years ago. The erosion from the culvert gradually increased over the years, until the slopes surrounding the drainage ravine finally gave way. We need the Emergency Permit to explore drainage alternatives and determine a “permanent” solution. Once we have determined such a “permanent” solution under the Emergency Permit, we will prepare a drainage plan, which will include the removal of the 4-inch flex pipe, along with a geotechnical report and apply for the CDP. It is our intent to arrive at a remedial solution that will prevent further erosion, outside of the immediate area below the Caltrans culvert.

Please call me if you have further questions. 707-292-3341

Erik Olsborg, EG

Principal Engineering Geologist

(707) 838-3027

www.brunsing.com



Brunsing Associates, Inc.

5468 Skylane Blvd., Suite 201

Santa Rosa, CA 95403

[email policy](#)

From: Shelby Miller <millers@mendocinocounty.gov>

Sent: Monday, November 17, 2025 11:39 AM

To: Erik Olsborg <eolsborg@brunsing.com>

Cc: Sunny Chancellor <sunny@aumconstruction.com>

Subject: 7300 S. Highway 1, Elk (EM_2025-0007)

Hello Erik,

I have been assigned to the Emergency Permit for the landslide situation located at 7300 S. Highway 1, Elk. I have reviewed the project materials, past permits, and the code complaint. In

efforts to understand what the next step is to remediate the problem; here is a brief history of the property. CDP 55-97 (approved 1998) permitted the 4,000 sq. ft. single-family residence with an attached garage, driveway and entry gate, septic system, outdoor terrace with a pool, and associated utilities. A Geotechnical Investigation (dated September 1997) recommended that all collected surface water from downspouts be discharged into an existing drainage ravine that is located approx. 90 feet north of the single-family residence. The Geotech Investigation “estimated the average rate of bluff retreat to be approx. 7.5 feet over 75 years and recommended a 50-foot bluff setback to avoid possible stability problems immediately adjacent to the ocean bluff...” The landowner also applied for a modification in 2018 for non-related development but required a deed restriction to be recorded to essentially prohibit the construction of seawalls or protective shoreline devices because “the property is subject to wave rush and flood hazards”.

Fast forward to January 2025, a landslide occurred within the drainage ravine on the north side of the residence. Further bluff erosion occurred because water lines ruptured, and water was running down the ravine and destabilized the slope. “The drainage lines, from the house roofs and the swimming pool under-drains, formerly emptied into the center of the swale. The landslide broke off and exposed the pipes; stormwater continued to flow from the pipes and erode the landscape.”

According to 1b of the Emergency Permit Questionnaire, “a 4-inch, corrugated flex pipe was connected to the broken drainage pipes to conduct the stormwater away from the eroding slope. The flex pipe was extended into the lower drainage swale below the landslide. This was a temporary measure to alleviate the continuing erosion caused by the broken drainage pipes.” Now, my question is since a 4-inch corrugated flex pipe was already connected, are you requesting to permit this temporary connection under this Emergency Permit? Or is the Emergency Permit request a more permanent solution? A temporary fix is fine. I just need to know in order to write up the permit.

The County requests a Geotechnical Report or Letter that states that this remedial action is going to stabilize the bluff and/or prevent further erosion.

Thanks,



Shelby Miller

Planner II

Planning & Building Services

860 N. Bush Street, Ukiah CA

Main Line: 707-234-6650

millers@mendocinocounty.gov