



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

**May 28, 2026
CDP_2025-0008**

PROJECT PLANNER CONTACT

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PROJECT SUMMARY

OWNER: Jess Raphael
12 Maidu Ct.
Napa, CA 94558

APPLICANT: Katherine Haley
P.O Box 2385
Fort Bragg, CA 95437

AGENT: Katherine Haley & Mo Whiteside
P.O Box 2385
Fort Bragg, CA 95437

REQUEST: Standard Coastal Development Permit to construct a driveway, a 1,068 square foot single-family residence with a garage, install a septic system, roof-mount solar system, and a propane tank. In addition, the project proposes to permit a culvert along the northern property boundary, parallel to Noyo Way.

LOCATION: In the Coastal Zone, 3.5± miles north of the Manchester town center, 440± feet west of the Noyo Way (CR554) and State Route 1 (SR1) intersection, located at 44081 Noyo Way, Manchester; (APN: 132-030-15).

TOTAL ACREAGE: 0.3± Acres

GENERAL PLAN: Rural Residential 5 Acre Minimum, Variable to Suburban Residential, with a Planned Development Combining District (RR-5-PD [SR-PD])
General Plan (Chapter 7 – Coastal Element)

ZONING: Rural Residential 5 Acre Minimum, Variable to Suburban Residential 12,000 sq. ft. Minimum, with a Planned Development Combining District (RR-5-PD [SR-PD])
Mendocino County Code Title 20, Division II

CODE REFERENCE: Family Residential: Single-family residence
Mendocino County Code (MCC) Section 20.384.010(A)

APPEALABLE Yes

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve with Conditions

PROJECT BACKGROUND & INFORMATION

PROJECT DESCRIPTION: Standard Coastal Development Permit to construct a driveway, a 1,068 square foot single-family residence with an attached 400 square foot garage, a 32 square foot patio, and a 36 square foot workshop alcove, install a septic system, roof mount solar panels, a 124 gallon propane tank with a 3 foot screen to match house siding and color, and connect to utilities. The proposed single-family residence would be painted natural tones such as charcoal gray, night gray, brown, and dark blue. The proposed exterior lighting fixtures would be downcast and shielded and situated along the driveway and wall mounted at entryways. In addition, the project proposes to permit (if not already permitted) the installation of a culvert along the northern property boundary, parallel to Noyo Way.

SITE CHARACTERISTICS: With the exception of a culvert, the subject parcel is undeveloped and located in the Coastal Zone, 3.5± miles north of the Manchester town center, 440± feet west of the Noyo Way and State Route 1 (SR1) intersection, located at 44081 Noyo Way, Manchester; (APN: 132-030-15). The subject parcel is located within the Irish Beach community. The elevation of the project site is approximately 270 feet above sea level.¹ Google Maps imagery indicates that the property's elevation gradually increases from approximately 264 to 273 feet above mean sea level from north to south. The property is mapped within a Marginal groundwater resource area.² A drainage easement is mapped along the northern property boundary.³ The Fire Hazard map indicates the subject parcel is served by the Redwood Coast Fire Protection District and is mapped within a High Fire Hazard area.

The Slope map indicates the majority of the parcel is on a 0 to 20% slope, while the northern boundary is on a 40 to 50% slope. The subject property is mapped within the Biaggi loam (5 to 15 percent slopes) soil classifications. The Mendocino County Soil Survey states, "this moderately deep, well-drained soil is on marine terraces. The vegetation is mainly perennial grasses and forbs. Surface runoff is medium, and the hazard of water erosion is moderate if the surface is left bare." The Important Farmlands map indicates the subject parcel is mapped Urban & Built-Up Land.

Public Services:

Access: Noyo Way
Water District: Irish Beach Water District
Sewer District: None
Fire District: Redwood Coast Fire Protection District

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

Subject Parcel:

- Lot 91 of "Unit One of the Mendocino Coast Subdivision". May 25, 1965. Map Case 2, Drawer 4, Page 23.
- **CE 98-03:** Construct a single-family residence. Denied due to proximity of riparian habitat and proposed development. County staff advised applicant to apply for a CDP - Denied. December 11, 2003.

Surrounding Parcels:

- **V 33-78:** Variance to rear yard setback from 20 ft. to 12 ft to maximize the ocean view. APN:132-030-13. Approved. November 30, 1978.

¹ Topographic Map.

² Coastal Ground Water Resources.

³ Mendocino Coast Subdivision Map.

- **CDP 62-2007:** Coastal Development Permit to extend and connect a culvert gap along the road side ditch in the front (north) of the real estate office at Irish Beach. APN:132-030-11. Appealed. February 9, 2009.

AGENCY COMMENTS: On April 23, 2025, and again on January 22, 2026, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions are discussed in this staff report and contained in Conditions of Approval. A summary of the submitted agency comments are listed below.

TABLE 1: Referral Agency Responses	
REFERRAL AGENCIES	COMMENT
Air Quality Management District	No Comment
Planning Division	No Comment
Department of Transportation	Comments
Environmental Health	No Comment
Building Inspection	Comments
Assessor’s Office	No Response
Northwest Information Center	Comments
California Coastal Commission	Comments
Redwood Coast Fire Protection District	No Response
Irish Beach Water District	No Response
Mendocino County Farm Bureau	No Response
US Department of Fish and Wildlife Service	No Response
Regional Water Quality Control Board	No Response
California Department of Fish and Wildlife	Comments
CalFire	No Response
Caltrans	No Response
Cloverdale Rancheria	No Response
Cahto Tribe	No Response
Round Valley Tribe	No Response
Sherwood Valley Band of Pomo Indians	No Response
Redwood Valley Rancheria	No Response

Mendocino County Department of Transportation (DOT): On May 14, 2025, DOT recommends the following conditions of approval, (1) prior to commencement of construction activities or issuance of a building permit, the applicant shall construct a residential driveway approach in accordance with the Mendocino County Road and Development Standards or as modified by applicant and approved by DOT. (2) Applicant shall obtain an encroachment permit from DOT for any work within County right-of-way.

Building Division: “Single-family residence with a garage and propane tank shall require a building permit”.

Northwest Information Center: On May 7, 2025, NWIC stated their “office has no record of any previous cultural resource field survey for the proposed project area conducted by a professional archaeologist or architectural historian. The proposed project area has the possibility of containing unrecorded archaeological sites due to the proximity of known archaeological sites located in similar environments as the proposed project area. Given this sensitivity and lack of prior survey of the proposed project area, we therefore recommend that a qualified archaeologist conduct further archival and field study of the project area to identify cultural resources”.

California Department of Fish and Wildlife (CDFW): Due to the reduced buffer analysis included in the Biological Scoping Report, a site visit was requested for August 19, 2025. On November 5, 2025, CDFW provided comments and recommendations about a watercourse at the northern boundary of the property that had been culverted and stated CDFW can not locate any Lake and Streambed Alteration Agreement. In addition, CDFW concurred with the reduced buffer analysis and recommended that a qualified biological monitor be onsite during and until clearing, vegetation trimming or removal, and grading is complete. See the Environmentally Sensitive Habitat and Other Areas section for more information.

California Coastal Commission (CCC): Coastal Commission staff stated they intend to send comments for this CDP and requested an extension to comment. County staff followed up with the CCC and provided CDFW's comments for their convenience. CCC responded and provided comments relating to ESHA protections, future development conditions, takings analysis, and secondary leach field. See the Environmentally Sensitive Habitat and Other Areas section for more information.

PROJECT ANALYSIS

LOCAL COASTAL PROGRAM CONSISTENCY:

Land Use and Planning Areas: The project site is located within the boundaries of the Local Coastal Program (LCP) area and currently classified as Rural Residential (RR5) variable to Suburban Residential (SR) with a Planned Unit Development Combining District.

LCP Policy 3.8-10: *In order to be developed to the smaller parcel size, areas indicated on the map as having a variable density zoning classification shall be required to be served:*

- (1) *by a public water system which utilizes surface waters, and which does not impact upon the ground water resource; or*
- (2) *by completion of a hydrological study which supports those greater densities.*

Though the parcel is designated as RR5 (5 Acres Minimum) the parcels lot size variable is governed by the Suburban Residential land use classification. The subject parcel meets the minimum Suburban Residential parcel size of 12,000 square feet (SR12K). The Suburban Residential classification is intended to...

“...be applied on lands adjacent to existing developed communities on the urban side of the Urban/Rural boundary, or to lands which are appropriate to accommodate future residential growth. Land within the Suburban Residential classification should have moderate to light constraints for residential development, should be served by the publicly maintained road network, and should be located within utility service areas or the logical extensions thereof. Portions of lands within the Suburban Residential classification will be appropriate for development of residential subdivisions. Such areas should be developed as major subdivisions, not minor subdivisions.”

The project site is located in the Mallo Pass Creek to Iversen Road Planning Area and just south of the Irish Beach Subdivision. Since 1965 the developers of Irish Beach Subdivision, just south of Mallo Pass Creek, have recorded 341 lots, typically about 15,000 square feet. The project proposes a one-bedroom single-family residence with a deck, garage, and connection to associated utilities. Irish Beach Water District serves the subdivision with water and septic system maintenance. Considering the subject parcel is approximately 12,000 square-feet in size and is located in a water district, the parcel shall be developed to the SR12K standard. Single-family residences and associated utilities are principally permitted uses in the SR land use classification. The project, as proposed, complies with the intention of the SR land use classification and the Mallo Pass Creek to Iversen Road Planning Area.

The proposed driveway and approximately 6.25 sq. ft. of the proposed stairs would be sited within the buffer of a riparian and riparian habitat, as defined in the LCP. Per LCP Policy 3.1-7, a buffer area provides a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. As proposed, the proposed driveway and single-family residence have been sited and designed to prevent impacts to identified ESHA. As described below, there is no other feasible site available on the parcel.

Zoning: Though the parcel is within the Rural Residential (RR) zoning district, the parcel shall be developed to the Suburban Residential (SR) zoning district due to the variable density zoning classification and connection to the Irish Beach Water District for water supply and septic system maintenance. The SR Zoning district as outlined in the Mendocino County Coastal Zoning Code (MCC) Chapter 20.384, is

intended to...

“...be applied adjacent to existing developed communities on the urban side of the urban/rural boundary, or in areas suited for future residential growth. Lands within this district should be served by public roads and adjacent to or within a public service area.”

The proposed single-family residence with an attached garage and associated utilities are principally permitted within the Suburban Residential zoning district. The Irish Beach Water District serves the subject parcel with water supply and septic system maintenance. The proposed single-family residence, garage, and associated utilities conform to the prescribed setbacks and building height limit of the SR zoning district. The proposed development would cover approximately 25% of the parcel. Therefore, the proposed project complies with the provisions of the SR zoning district.

Grading, Erosion, and Runoff: The project site is undeveloped with the exception of the culvert along the northern property boundary. From north to south, the property increases in elevation. The proposed single-family residence and garage would be situated in a relatively flat area towards the rear portion of the parcel. The proposed septic system would be sited within the rear yard setback. The anticipated earthwork includes 25 cubic yards of cut, and the maximum height of cut slope is 2.5 feet. The recorded Subdivision Map indicates a drainage easement is along the northern property boundary. A culvert was installed in the said area at an unknown time, and it is unknown if it's permitted. The proposed driveway would be constructed from Noyo Way, through a 15 foot wide mowed strip of land crossing over the culvert, in a way that would not disrupt natural drainage patterns or significantly increase volumes of surface runoff. All proposed grading shall complement the natural landforms. In addition, the culvert is metal, appears to be in good condition, and is buried under approximately two feet of dirt and debris.

Standard Best Management Practices shall be employed to ensure minimization of erosion resulting from construction prior to construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Areas of bare soil shall be seeded with locally appropriate coastal grass and annual seed mix and/or covered with biodegradable erosion control materials (e.g. coconut fiber, jute, weed free straw). Condition of Approval No. 26 was incorporated to implement BMPs to control erosion and runoff. Thus, the project complies with MCC Chapter 20.492 – Grading, Erosion, and Runoff.

Environmentally Sensitive Habitat and Other Resource Areas: A Biological Scoping, Floristic Botanical, and Point Arena Mountain Beaver Survey Report was prepared by Wynn Coastal Planning & Biology (WCPB) on April 17, 2025, to locate potential Environmentally Sensitive Habitat Areas (ESHAs) and to determine if they would be directly or indirectly impacted by the proposed development. WCPB identified three types of presumed ESHA on the project site including an intermittent stream, riparian vegetation that includes twinberry – willow scrub (*Lonicera involucrate* – *Salix hookeriana* shrubland association). The intermittent stream flows parallel to Noyo Way and the northern property boundary and is surrounded by the riparian vegetation.

Wynn Coastal Planning & Biology consulted with the US Fish and Wildlife Service National Wetlands Inventory which indicates a string of freshwater emergent wetlands to the south of Noyo Way, and stated, “this area was examined and is actually riparian scrub vegetation surrounding an intermittent stream”. WCPB observed that the subject parcel is vegetated primarily with non-native invasive grassland and a small patch of coyote brush scrub present to the south. Considering the parcel is within the Point Arena Mountain Beaver (PAMB) range and PAMB burrows have been documented west of the subject parcel, WCPB conducted PAMB habitat assessments and presence/absence surveys on June 23, 2022, and February 26, 2025. No PAMB burrows, runways, or other signs of PAMB were observed.

The project proposes to construct a driveway from Noyo Way and would cross the culverted stream (ESHA) which is surrounded by the twinberry – dune willow scrub riparian habitat (ESHA). WCPB conducted a reduced buffer analysis to assist in the determination of suitable protection for potential sensitive species and presumed sensitive habitat on the project site, concluding that a 50 foot buffer for the intermittent stream and its associated riparian habitat will sufficiently protect these resources from the impact of proposed development. It is the professional opinion of WCPB that a 100 foot buffer width is not necessary

to protect the identified resources, and a 50 foot buffer is recommended instead.

Approximately 6.25 square feet of the proposed stairs and the driveway would be constructed within the 50 foot buffer of the identified ESHAs. The proposed stairs would be constructed at the front of the residence approximately 47.6 feet from the ESHA and would be of the same materials and as an extension of the proposed driveway. WCPB states that approximately 1,850 square feet of the proposed driveway would be within the combined 50 foot buffer. Some overgrown shrub branches encroaching onto the proposed driveway location will need to be trimmed; however, no trees will need to be removed. The proposed driveway is unlikely to have any significant impact on the twinberry-dune willow scrub plant community nor the intermittent stream. WCPB states that planting additional riparian vegetation is not recommended because it could increase fire risk and/or reduce the line of sight for traffic on Noyo Way.

With the exception of the stairs, the proposed single-family residence, propane tank and septic system would be located the farthest distance possible outside of the ESHAs and associated 50 foot buffer. WCPB stated, “buffer areas were measured from the outside edge (dripline of trees and other vegetation) of the ESHAs based on site surveys and aerial photo interpretation. There are no significant biological functional relationships between the twinberry – dune willow scrub habitat and the non-native grassland outside of it that would necessitate including the non-native grassland as part of the ESHA”. WCPB stated that “the stream is intermittent and does not support fish or fish habitat. Any potentially present special status amphibians may use the stream for resting though it is unlikely to be suitable for breeding. Potentially present special status birds may utilize grassland areas of the property for some feeding requirements, however the limited grassland area on the property is not likely to support the feeding requirements of grassland feeding birds”.

Although not observed during the field surveys, WCPB noted “there is a potential for the presence of special status birds, bats, and amphibians in the project area. Potentially present special status birds may utilize grassland areas of the property for some feeding requirements, however the limited grassland area on the property is not likely to support the feeding requirements of grassland feeding birds. The Irish Beach community is predominately composed of small residential parcels and is mostly built out. Properties adjacent to the south, and north are developed with residences while those to the east and west are undeveloped. Wildlife found in this area should be reasonably adapted to human disturbance. The proposed development would require minimal non-native vegetation removal and would have similar impacts as neighboring parcels.”

Considering the subject parcel’s relatively flat topography with a slight downslope toward the riparian area, there is potential for erosion to occur. Proposed impervious surface coverage is expected to be minimal, as the driveway would use a permeable surface. The buildable area of the parcel is constrained due to the parcel shape and size of 12,632± square feet and location of the ESHA. There are no natural topographic or cultural features present to use for buffering purposes. According to the Wetlands map, the adjacent parcels to the east (APNs: 132-030-13 and 132-030-11) contain driveways. APN: 132-030-13 contains a single-family residence similar in size and APN: 132-030-11 contains a real estate office that is slightly larger in size. Both developments are similar in proximity to the intermittent stream ESHA, as the proposed development. The proposed development has been sited and designed to avoid and minimize impacts to natural landforms and ESHA. As proposed, the project would be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, its ability to be self-sustaining and maintaining natural species diversity.

Alternatives to the project’s location and design were considered. WCPB stated there are no other feasible alternative locations for the driveway that are less impacting than using the existing mowed strip of land that crosses the stream. The northern property line adjacent to the stream is the only property line facing a public road. There are no legal road easements through the private parcels adjacent to the subject parcel. Accessing the interior of the subject parcel from Noyo Way is the only feasible alternative. The least impacting location of the proposed driveway from Noyo Way would be to use the 15± foot wide strip of land which already has a culvert installed and is primarily vegetated with non-native grassland or ruderal vegetation except where branches of shrubs growing within the adjacent twinberry – dune willow scrub riparian habitat overhang the proposed driveway. The driveway, as proposed, is the best site as it contains a culvert that connects the stream and allows access to the interior of the parcel. Furthermore, the proposed

residence, garage, and septic system are proposed as far from the ESHA as possible.

WCPB stated that no compensatory mitigation is recommended because impacts occur only within buffer areas and not within ESHAs themselves. Avoidance and minimization measures have been incorporated to protect ESHAs. Additionally, the project was referred to the California Coastal Commission (CCC) and the California Department of Fish and Wildlife (CDFW) on April 23, 2025. A site visit was conducted with CDFW on August 19, 2025. CDFW provided the following comments: “A watercourse is present along the northern boundary of the property and has been culverted under the driveway. The watercourse has native, riparian vegetation. CDFW could not locate any Lake and Streambed Alteration Agreements associated with the installation of this culvert.” CDFW recommended that “if any modification to bed, bank, or channel including the replacement of the culvert are proposed in the future, the landowner shall notify CDFW for a Lake and Streambed Alteration Agreement”.

Furthermore, CDFW noted that the biological report included avoidance and minimization measures and recommends incorporating these measures as Conditions of Approval. Additionally, as the report includes avoidance and minimization measures for the Point Arena mountain beaver (*Aplodontia rufa nigra*) and California red-legged frog (*Rana draytonii*), CDFW would recommend a qualified biological monitor be onsite during construction and until clearing, vegetation trimming or removal, and grading is complete. If Species of Special Concern or federally listed species including Point Arena mountain beaver or California red-legged frogs are identified, work should stop and the animals should be allowed to leave the work site unaided or the project should consult with the United States Fish and Wildlife Service (if federally listed) or CDFW (if State listed or Species of Special Concern) to determine the appropriate next steps. Recommendations: CDFW concurs with the 50’ buffer reduction if the following protective measures are incorporated as conditions of approval:

- a. Low symbolic fencing shall be installed on either side of the driveway from the road for the length of the driveway and shall be inset at least one foot from the edge of the driveway as to prevent further encroachment into the watercourse’s bank and riparian vegetation.
- b. Install erosion control measures prior to the start of all construction activities including clearing, grubbing, or grading and maintain these Best Management Practices (BMP) for the life of the project and through the first winter after construction to ensure sediment or other deleterious materials does not enter the watercourse.
- c. Bare ground shall be stabilized and seeded with locally appropriate coastal grass and annual mix.
- d. Low symbolic fencing shall be installed at the 50’ buffer to the south of the riparian corridor (east side). No development shall occur within this buffer and only planting of native, locally appropriate tree and shrub species (see the species that occur within the site or immediately adjacent natural communities as described in the biological report) may be planted within the buffer.
- e. No non-native invasive species shall be planted on the site. CDFW would encourage the planting of locally appropriate, native species on the parcel including tree and shrub species including ceanothus (including mounding ceanothus species) coyote bush, coffee berry outside of the riparian and wax myrtle, pacific reed grass, and Douglas iris adjacent to the riparian.

On November 7, 2025, the County provided the Coastal Commission with CDFWs comments and recommendations, in which, the Coastal Commission responded and concurs with CDFWs comments and stated the following:

1. *Takings Analysis. If no feasible alternative exists that can be found consistent with the ESHA protection policies of the certified Mendocino County LCP, if the County is concerned that denial would lead to a regulatory taking, then the County will need to evaluate whether an alternative proposal could be approved, and if not, whether denial of the project would result in an unconstitutional taking of private property.*
2. *Conditions for ESHA Protection. If after evaluating a takings claim the County concludes that it must approve a residential use of the site to avoid a takings, we recommend adding additional conditions to protect site ESHA, including, but not limited to: (1) require recordation of a map*

showing the locations of ESHA on the site; (2) specify mandatory buffer widths to protect the remaining ESHA on the site that won't be degraded by the direct removal of/encroachment into identified ESHA for the proposed residential development; (3) restrict allowed uses within ESHA and ESHA buffers and specify those future uses that may be allowed within ESHA and ESHA buffers (either under this permit and/or subject to future permit modifications); (4) require terms and conditions of the CDP, including recorded open space/deed restricted areas, to be recorded against the property so that they run with the land and bind all successors in interest; and (5) add a feasible mitigation measure to further protect ESHA requiring the erection of a mitigation fence (e.g., low split rail fence or other symbolic fencing) between the approved development footprint and the remaining ESHA and ESHA buffers on the property to remind owners of restrictions on the use and enjoyment of the property outside of the approved building footprint (e.g., no gardens, landscaping, patios, vegetation removal, etc.).

3. *Future Development Condition. Since the parcel is mapped within a CDP Exclusion but a majority of the parcel is constrained by ESHA and ESHA buffers, we recommend the County consider adding a condition requiring that any future development on the property would require an amendment to the permit or a new CDP.*
4. *Secondary Leach Field. The site plans indicate that the applicants propose to install a new septic system that includes the installation of a primary and secondary leach field. Our staff remains concerned with the practice of approving and "deeming vested" the secondary septic system location potentially decades ahead of when such a system would be necessary. We recommend that County staff remove the authorization of the "vesting" and/or current installation of the proposed secondary leach field system. Has the County found any permit history for the culvert? I do not see any record of this being permitted in our records.*
5. *Question. Has the County found a permit history for the culvert/access to the parcel? Looking through our records, I have not been able to find a permit history.*

Wynn Coastal Planning & Biology revised the Biological Report on January 20, 2026, to include the after-the-fact culvert installation in the project proposal and to evaluate all potential impacts from such. WCPB stated, "the parcel was created in a subdivision in 1965. Irish Beach's roadway network, including Noyo Way, was likely established and constructed as part of the original Irish Beach subdivision development around 1966-67 when the subdivision was being put in and lots were first recorded. It is likely that access to individual parcels for sale, including culvert installation across streams such as the one present at the subject parcel, were done during the same time period." The original installation of the culvert within the stream, WCPB states, "would have resulted in the removal of approximately 725 sq. ft. of the twinberry – dune willow scrub and the fill of approximately 250 sq. ft. of the stream bed. Planting of additional riparian vegetation is not recommended because this could increase fire risk and/or reduce the line of sight" for driveway access. WCPB developed mitigation measures to ensure that impacts to the stream and twinberry – dune willow scrub riparian area.

In efforts to address the Coastal Commission's comments, the County shall respond in the same order of the comments. (1) County staff has prepared a Takings Analysis as detailed below. (2) Condition of Approval No. 33 requires the landowner to record a Deed Restriction to protect ESHAs from future development. The only allowable uses within ESHA shall be limited to developments which have as the primary function the maintenance or improvement of fish and wildlife habitat (including culvert replacement). Conditions of Approval No. 23 and 24 requires low symbolic fencing to be installed per CDFWs recommendation. (3) Per the County's Categorical Exclusion, the only developments that would apply are single-family residences, a septic system, and well, if all criteria are met, including that the development shall be greater than 100 feet from an ESHA. Considering the project already encompasses a single-family residence and a septic system and because most of the property is within 100 feet of the ESHA buffer or rear setback, future development would require discretionary review and either an amendment to this CDP or a new CDP. (4) Condition of Approval No. 31 states, "Approval of the replacement leach field shall not be vested by construction activities associated with this Coastal Development Permit. If and when, the primary leach field fails or requires replacement, a discretionary permit is required".

(5) According to County records, three discretionary permits since 1978 have indicated that there is a culvert along the south side of Noyo Way including: (1) a variance permit (V 33-78), approved in 1978, depicted a

culvert along Noyo Way and parcel (APN:132-030-13) on the associated site plan. Indicating that said culvert may have been installed prior to 1978, and potentially prior to the establishment of the California Coastal Act of 1976. (2) A previous landowner on the subject parcel applied for an Encroachment Permit (TU_2003-0173) for a driveway and a Categorical Exclusion (CE 98-03) for a single-family residence and associated utilities in 2003. The Department of Transportation (DOT) granted the former landowner the Encroachment Permit to construct a driveway approach from Noyo Way. According to the DOT, the former landowner never finalized the Encroachment Permit. The Categorical Exclusion permit for the single-family residence was denied “based on the description of the riparian habitat found in the Point Arena Mountain Beaver survey dated December 2003”.⁴ (3) Lastly, a Coastal Development Permit (CDP 62-2007), appealed in 2009, requested to extend and connect a culvert gap along the roadside ditch on Noyo Way on APN:132-030-11. This project was ultimately appealed by the Coastal Commission because the County did not adopt findings that establish how filling the watercourse with the culvert and fill is the least environmentally damaging and was consistent with the allowable uses per MCC 20.496.025.

In a meeting with Coastal Commission staff on February 24, 2026, County staff informed the Coastal Commission of the three discretionary permits mentioned above. The Coastal Commission responded and stated, “we have some additional comments in regard to access to the property and the culvert. Unless the applicant and/or County can demonstrate permit authorization for the culvert after 1972 we recommend the following: We recommend that the County consider access to the parcel and [the] proposed SFR as new development. Due to the presence of wetlands on the parcel, if the culvert is being proposed as the access to the proposed SFR it would need to be demonstrated that it is the least environmentally damaging feasible alternative through an alternatives analysis. We recommend the alternatives analysis include an alternative such as access to the proposed SFR through neighboring properties and whether the culvert would need any additional development to support access to the proposed SFR. IF the culvert is demonstrated to be the least environmentally damaging alternative, we recommend the County incorporate the culvert into the project description as after-the-fact development”.

Although the culvert has been identified on site plans dating back to 1978, to address all of the Coastal Commission’s concerns, the County shall evaluate all project alternatives and impacts. WCPB stated that the “original installation of the culvert within the stream, for which there is no known permit, would have resulted in the removal of approximately 725 sq. ft. of the twinberry-dune willow scrub and the fill of approximately 250 sq. ft. of the stream bed”. The benefits of having a culvert at that location is allowing water to pass through and preventing erosion and sediment from entering the stream. In accordance with MCC Section 20.496.030(C), development permitted in streams shall be limited to those which serve the primary function of maintenance or improvement of fish and wildlife habitat. As stated previously, the stream is intermittent and is not capable of supporting fish. Although not identified by WCPB, amphibians may utilize the stream as habitat. Mitigation measures have been developed that impacts to the stream and twinberry – dune willow scrub riparian area are less than significant.

The Coastal Act only instructs the County to construe the applicable Coastal Act policies in a manner that will avoid a regulatory taking. It does not authorize the County to ignore the policies of the Coastal Act regarding this application. Therefore, the County must approve and site a development that is maximally consistent with the Local Coastal Program while simultaneously avoiding a taking. To accomplish this, the County must consider alternatives to the proposed development, including the “no project” alternative.

Alternatives Analysis:

Alternative A: The subject parcel is situated between two vacant parcels to the east (APN:132-030-14) and west (APN:132-030-16), both of which also have frontage to Noyo Way and may be constrained with same culverted ESHA and riparian vegetation ESHA. A driveway would have to cross the presumed unpermitted culvert for access. Since it is unknown whether the culvert is permitted, obtaining access from either of parcel would present the same obstacle as the proposed project and would not be the least environmentally damaging alternative. Alternative A would also require more ground disturbance to connect to the subject parcel.

⁴ County of Mendocino Department of Planning & Building Services. Letter to Christiane Fiardo regarding Coastal Development Permit Exclusion #CE 98-03 dated December 11, 2003.

Alternative B: APN:132-030-13 is located two parcels east of the subject parcel and contains a driveway and a residence. In order for the subject parcel to obtain access via this parcel's driveway, the driveway would need to be widened to at least 22 feet in accordance with Mendocino County's Department of Transportation's driveway easement standards. APN:132-030-13 has frontage to Noyo Way and contains a culvert beneath the existing driveway. As a result, providing access in this manner would result in similar environmental impacts, if not greater due to the additional work required to widen the driveway. In addition, the driveway would also need to cross through a vacant parcel (APN: 132-030-14), which may impose financial burdens and uncertainty with land ownership, ESHA determinations, and accessibility.

Alternative C: To access the subject parcel from the south, the landowner would need to either establish an access easement through APN:132-030-18 with its current owner and establish an access easement to the subject parcel. This alternative would introduce uncertainty regarding land ownership and Environmentally Sensitive Habitat Area (ESHA) determinations. In addition, the driveway would further constrain the property and may preclude the construction of a septic system. Therefore, the project would not be permitted without an approved septic system.

Alternative D: Other principally permitted use types include light agriculture, row and field crops, tree crops, and passive recreation. Each of these use types would require access to the parcel and the driveway access would still be constrained by ESHA.

Alternative E: The proposed single-family residence could be reduced in size but would still require access from Noyo Way. Reducing the size of the single-family residence would have no impact on the size or configuration of the driveway that crosses the ESHA buffers.

Alternative F would be no project and would ultimately deprive the owner of all use of the property. Staff evaluated if denial of the project would result in an unconstitutional taking of private property, which is addressed further in detail in the Takings Analysis section of this Staff Report.

The proposed project is not consistent with all LCP policies relating to ESHA, despite the identification of the least environmentally damaging alternative, the lack of feasible alternatives on site, and the proposed mitigation measures. MCC Section 20.532.100(A)(1) reads in part, "no development shall be allowed in an ESHA." The project is inconsistent with this LCP policy; however, no alternative exists on the parcel that could be found to be consistent with this LCP policy. Prohibiting development within an ESHA would deprive the owner of all use of the property. All comments and recommendations from the California Coastal Commission have been addressed in this analysis and incorporated into the conditions of approval below.

Takings Analysis: The Fifth Amendment of the United States Constitution provides that private property shall not "be taken for public use, without just compensation." Article 1, section 19 of the California Constitution provides that "private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court, for the owner". The California Coastal Act Section 30010 addresses takings and states the following:

"The legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States."

The Fifth Amendment is used to require compensation for other kinds of government actions, including regulating the use of property and the physical occupation of a property. Considering this is not a physical taking of the property, the County of Mendocino Planning and Building Division's actions here would be evaluated under the standards for a regulatory taking. A regulatory taking occurs when a government regulation limits the use of private property to such an extent that it effectively deprives the owner of the property's economically viable use or value.

The United States Supreme Court has identified two types of regulatory takings including, the *Penn Central*

Transportation Company v. New York City (1973) court case, the United States Supreme Court laid out a three-part ad hoc test to consider whether a regulatory taking had occurred. The three-part ad hoc test includes, (1) the economic impact of the regulation on the claimant, (2) the extent to which the regulation has interfered with distinct investment-backed expectations and (3) the character of governmental action.⁵ To assist the County of Mendocino Planning and Building Division with determining whether a taking would occur, the landowner provided a “Takings Information” document (available at the Mendocino County Planning & Building Services Division).

Despite the identification of the least environmentally damaging alternative, the proposed project is not consistent with MCC Section 20.496.020 (A)(1), which reads in part, “the buffer area shall be measured from the outside edge of Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width.” The proposed driveway and 6.25 sq. ft. of stairs would be situated within the 50 ft. buffer and would be of permeable material. The culvert was installed within the stream ESHA. Prohibiting development of the driveway within fifty (50) feet of an ESHA would deprive the owner of all economic use of the property. There are no feasible alternative development options where the project can be at least fifty (50) feet from an ESHA, as the entire front yard portion and access point of the property is a riparian area (ESHA) and riparian vegetation (ESHA).

The proposed single-family residence and septic system would be located the farthest distance possible outside of the proposed deeded area and other ESHA buffers. All other project alternatives would have similar environmental impacts or greater impacts. If all avoidance and mitigation measures presented in the biological study are adhered to, the project would have a less than significant impact on the environment overall. The proposed project has been thoughtfully designed to minimize impacts. The single-family residence would be limited to one bedroom, which reduces the size of the required septic system, includes an attached garage, and would result in a building footprint of only 1,068 sq. ft. The project proposes roof-mount solar panels to also limit ground disturbance. The trash enclosure would be sited below the second floor deck and within the building’s footprint.

Attached to this staff report is the response from the Applicant related to the Takings Analysis question and includes the outline of the cost the applicant has incurred since purchasing the site in an effort to develop the property. The landowner purchased the property on May 26, 2022, where fair market value at that time was approximately \$89,000 according to Zillow.com. The subject parcel was created in 1965 following the approval of a Major Subdivision. The purchase price of \$153,963.81 to purchase the property, design the residence and septic system, prepare surveys and studies, and complete permits necessary for future development of the site. The costs associated with the ownership of the property on an annualized basis for the last four calendar years include property taxes, property assessments, debt service, and operation and management costs. The largest expenditures were related to land cost (e.g. purchase of land).

Alternative projects to the proposed development were considered, as discussed previously in the Environmentally Sensitive Habitat and Other Areas Section. Alternative A would result in the same impact to the culvert and require more ground disturbance; Alternative B would result in greater impacts by widening the existing driveway on the culvert crossing; Alternative C would result in more ground disturbance and would eliminate the ability to construct a septic system, thereby constraining the property’s development potential. Alternative D considers other use types that require an accessible driveway, which would require the same process. Alternative E considers a smaller building footprint which would not eliminate the ESHA buffer encroachment concern.

Staff determines, at the time of original purchase, there was a reasonable investment-backed expectation that the scale of residential development is consistent with similar properties in the vicinity. Considering the property is zoned for residential development as a principally permitted use and adjacent properties contain single-family residences exist, a reasonable person would have believed that the property could have been developed with a single-family residence.

Denial of the project would significantly interfere with investment-backed expectations. Denial of a principal permitted use would significantly restrict economic use of the property. Although denial would deprive the

⁵ Steven J. Eagle, *Penn Central and Its Reluctant Muftis*, 66 BAYLOR L. REV. 1 (2014).

owner of all economically viable use, it would appear to meet the factors established in Penn Central. As such, Staff recommends that the project be approved to avoid a possible regulatory taking and ensure compliance with the California and U.S Constitutional requirements, as provided in Coastal Act Section 3001. As noted in the Environmentally Sensitive Habitats and Other Areas section, conditions of approval are recommended to minimize potential impacts to ESHA. No other LCP inconsistencies were found.

Hazards Areas: The LCP Land Capabilities and Natural Hazards map indicates the subject parcel is situated on Bedrock (Zone 1). The Landslide map indicates there is a risk of landsliding on the project site due to the proximity of the coastal bluff to the west. The closest bluff face is approximately 500 feet west of the project site. The nearest fault zone is located 0.8± miles south of the project site.⁶ The project site is not mapped within a Tsunami inundation area. The project includes minimal grading and would not alter natural landforms or natural shoreline processes. The Flood Hazard map indicates the project site is not susceptible to flooding. The project was referred to CAL FIRE and Redwood Coast Fire Protection District. As of November 7, 2025, no responses were received.

Visual Resources and Special Treatment Areas: The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. The subject parcel is located in the Irish Beach community and is not mapped within a Highly Scenic area. The proposed single-family residence and associated structures would be constructed on a slightly sloped parcel. The project does not anticipate altering natural landforms and would be visually compatible with the surrounding residential community. Proposed exterior light fixtures would be downcast and shielded at entry porch, exterior stairs, garage doors, and along the driveway path. Thus, the project complies with the provisions of MCC Chapter 20.504 – Visual Resources and Special Treatment Areas.

Transportation, Utilities, and Public Services: Irish Beach Water District serves the subdivision with water supply and septic system maintenance. The subject parcel contains hookups to the Irish Beach Water District. The proposed project includes installing a septic system, propane tank, and connecting to public utilities such as electricity and gas services. The project proposes a roof-mount solar system that shall be sited on the proposed residence. The recorded Subdivision Map indicates a 20 foot drainage easement and setback line is adjacent to the northwest property line. Said drainage easement is considered environmentally sensitive and shall be protected. The landowner informed County staff that a culvert was installed along the drainage easement area in 2003 under an area that appears to be mowed often. According to Mendocino County Planning & Building Services and Department of Transportation the parcel has no permitting history. This CDP aims to also permit the 2003 culvert.

The proposed driveway would be constructed perpendicular to said drainage easement and would not intercept the drainage easement. Transportation circulation was accounted for upon the issuance of the Mendocino Coast major subdivision that created this parcel. The project was referred to the Division of Environmental Health, Caltrans, and Department of Transportation. As of August 4, 2025, Caltrans has not responded. DOT provided recommendations which shall be incorporated as conditions of approval. Division of Environmental Health approved the septic system design. Thus, the proposed project complies with the provisions of MCC Chapter 20.516 – Transportation, Utilities, and Public Services.

Archaeological and Cultural Resources: The Northwest Information Center (NWIC) reviewed the project referral and stated their office has no record of any previous cultural resource field survey for the proposed project area conducted by a professional archaeologist or architectural historian”. NWIC explained that the proposed project area has the possibility of containing unrecorded archaeological sites due to the proximity of known archaeological sites located in similar environments as the proposed project area. Given this sensitivity and lack of prior survey of the proposed project area, NWIC therefore recommends that a qualified archaeologist conduct further archival and field study of the project area to identify cultural resources. The project was heard by the Archaeological (ARCH) Commission on July 9, 2025, which resulted in the ARCH Commission requesting the landowner submit an ARCH Survey.

⁶ California Earthquake Hazard Zone Application. EQZAPP. Accessed August 4, 2025.

The ARCH Commission reviewed the submitted Archaeological Survey prepared by Alta Archaeological Consulting on September 10, 2025, in which, recommended the Discovery Clause as a condition of approval. The project was also referred to Cloverdale Rancheria, Cahto Tribe, Redwood Valley Rancheria, Potter Valley Tribe, Sherwood Valley Band of Pomo Indians, and Round Valley Tribe. As of March 20, 2026, no comments have been received.

Public Access: The LCP Land Use map shows no dedicated shoreline access point. However, the project site is located between Navarro Way and State Route 1, and the nearest public access point is the Alder Creek Beach Road access trail to Manchester State Park.⁷ The Alder Creek Beach Road access point is at the end of said road, located 1.3± miles south of the project site. Thus, the project, as proposed, complies with the Coastal Access Regulations of MCC Chapter 20.528.

ENVIRONMENTAL DETERMINATION: Pursuant to Title 14, Division 6, Chapter 3, Article 19, Section 15063 of California Environmental Quality Act (CEQA) Guidelines, county staff completed an Initial Study for the proposed project in accordance with the CEQA Guidelines. Based on this initial evaluation, it was found that the Project would not produce any significant environmental impacts with mitigation incorporated. As such, a Mitigated Negative Declaration was prepared. It is noted in the Initial Study that the proposed project could result in minor environmental impacts, but these were considered less-than-significant with mitigation incorporated. The proposed development, which includes constructing a single-family residence, a driveway, installing and connecting to utilities (propane tank, water supply, solar panels, telephone services, and electricity), conflicts with the Mendocino County LCP policies regarding environmentally sensitive habitat areas, specifically the buffer requirements of MCC section 20.496.020.

As noted in the *Environmentally Sensitive Habitat and Other Resource Areas* section above and the findings below, the project conflicts with LCP regulations because it does not meet the buffer setback requirements and is not a use that is allowed within ESHA or ESHA buffers, not because the project would significantly degrade ESHA. Although the purpose of the buffer requirement is to protect ESHA, it does not follow that a project's inability to meet the minimum buffer requirements necessarily means that the ESHA will be degraded to the extent that a significant impact would occur within the meaning of CEQA. In this case, the ESHA would not be significantly degraded because the revised development is located outside the literal extent of ESHA. The Coastal Commission requested that this project include the potential after-the-fact development of the culvert. However, County records indicate that the culvert has existed since at least 1978 along Noyo Way. A Biological Scoping Survey with a Reduced Buffer Analysis was conducted to assist in the determination of suitable protection of the intermittent stream, riparian vegetation, and potential sensitive species and habitat. With the incorporation of the Conditions of Approval and mitigation measures, the proposed project would have a less than significant impact on identified environmentally sensitive habitat areas.

PROJECT FINDINGS & CONDITIONS OF APPROVAL

Staff recommends, pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, that the Coastal Permit Administrator approve the proposed project, adopts the Mitigated Negative Declaration under the California Environmental Quality Act, and adopt the following findings and conditions.

FINDINGS:

1. Pursuant to MCC Section 20.532.095(A)(1), the proposed project to construct a driveway, single-family residence, garage, patio, install roof mount solar panels, a propane tank, and a septic system, and connect to utilities is in conformity with the certified local coastal program. Single-family residences and associated utilities are principally permitted uses within the Suburban Residential land use classification. The Irish Beach Water District would serve the property with water supply and septic system maintenance. Considering that the residential parcel is served by a water district and is approximately 12,000 square feet in size, the parcel shall be developed to the SR 12K standard. As proposed, the project complies with the SR land use classification; and

⁷ California Coastal Trail Association: Coast Walk. 2025. <https://californiacoastaltrail.org/trail-section/mendocino-section-16/>

2. Pursuant to MCC Section 20.532.095(A)(2), the proposed development to construct a driveway, single-family residence, garage, patio, install roof mount solar panels, a propane tank, and a septic system will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The subject parcel is within the Irish Beach Water District and would be served water supply and septic system maintenance. The proposed single-family residence would also be supplied with solar panels for electricity and a propane tank. The project application also states that a utility company would serve the property with electricity, gas, and telephone services. The property is located within the Mendocino Coast Subdivision and Irish Beach community. The property would be accessed via a private driveway on Noyo Way. As proposed, the project would be provided with adequate utilities, access roads, drainage, and other necessary facilities; and
3. Pursuant to MCC Section 20.532.095(A)(3), the proposed development to construct a driveway, single-family residence, garage, patio, install roof mount solar panels, a propane tank, and a septic system is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserve the integrity of the zoning district. Single-family residences and associated utilities (propane tank, solar panels, septic system) are principally permitted in the Suburban Residential zoning district. The proposed attached garage and patio are incidental and subordinate to the single-family residence. The SR zoning district is intended to be applied to areas suited for future residential growth or existing developed communities in the urban boundary. The proposed development would meet the 20 ft front and rear, and 6 ft. side yard setbacks. As proposed, the single-family residence and associated structures would be approximately 20 ft. in height and cover approximately 25% of the lot, meeting the building height limit and lot coverage provisions of the zoning district. Considering the subject parcel is located within an existing developed community in Irish Beach, the project complies with the intentions and provisions of the SR zoning district; and
4. Pursuant to MCC Section 20.532.095(A)(4), the proposed development to construct a driveway, single-family residence, garage, patio, install roof mount solar panels, a propane tank, and a septic system, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. An Initial Study for the project was completed by staff in accordance with CEQA. Based on this initial evaluation, it was found that the Project would have a less than significant impact on the environment with mitigation incorporated. As such, a Mitigated Negative Declaration was prepared to minimize and prevent impacts on protected biological resources; and
5. Pursuant to MCC Section 20.532.095(A)(5), the proposed development to construct a driveway, single-family residence, garage, patio, install roof mount solar panels, a propane tank, and a septic system will not have any adverse impacts on any known archaeological or paleontological resource. The project was referred to the Northwest Information Center (NWIC). On May 7, 2025, NWIC stated that their office has no record of any previous cultural resource field survey for the proposed project area conducted by a professional archaeologist or architectural historian and that the project area has the possibility of containing unrecorded archaeological sites. Project materials included an Archaeological Survey that was prepared by Alta Archaeological Consulting on August 8, 2025. The Archaeological Commission reviewed the project, and the Archaeological Survey on September 10, 2025, and approved the Survey and recommended the Discovery Clause be added as a Condition of Approval. In addition, the project was referred to Cloverdale Rancheria, Cahto Tribe, Redwood Valley Rancheria, Potter Valley Tribe, Sherwood Valley Band of Pomo Indians, and Round Valley Tribe. No responses were received; and
6. Pursuant to MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development to construct a driveway, single-family residence, garage, patio, install roof mount solar panels, a propane tank, and a septic system. The project site is located within the Irish Beach community and just south of the Irish Beach Subdivision. Upon approving the Mendocino Coast Subdivision and Irish Beach Subdivision in 1965, transportation circulation was considered. The Coastal Element places limitations on future development for the Irish Beach community. Even when fully developed, Irish Beach is unlikely to support more than second homes and vacation rentals.

Considering the proposed project includes the construction of just one single-family residence, the project would have a negligible impact on public roadway capacity. The proposed project would have a minimal impact on the solid waste capacity; and

7. Pursuant to MCC Section 20.532.100(A)(1), the proposed development to construct a single-family residence, attached garage, a propane tank, and a septic system would be constructed approximately more than 50 feet from an identified environmentally sensitive habitat area (ESHA). The proposed driveway and a 6.25± sq. ft. portion of the proposed stairs would be sited within the 50-foot buffer. The potentially after-the-fact culvert is situated within the stream ESHA. Wynn Coastal Planning & Biology and County staff determined that the proposed single-family residence is sited in the least impactful location. County records provide evidence of an existing culvert on Noyo Way and was likely installed in or before 1978. With the exception of the proposed driveway area, ESHA encompasses the entire front portion of the parcel. As stated in the Takings Analysis and Environmentally Sensitive Habitat and Other Areas section, there is no feasibly less environmentally damaging alternative. With the incorporation of the mitigation measures and conditions of approval, the project would have a less than significant impact on the environment. In addition, the proposed project would be located within the ESHA buffers which provides sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments.

The proposed development would not be located within an identified ESHA. The culvert that has existed since at least 1978 is sited within the intermittent stream ESHA and riparian vegetation ESHA. Wynn Coastal Planning & Building determined that the culvert does not disrupt the habitat area, as a small flow of water was present within the stream channel when examined on June 23, 2022. WCPB stated that “the original installation of the culvert within the stream would have resulted in the removal of approximately 725 sq. ft. of the twinberry – dune willow scrub and the fill of approximately 250 sq. ft. of the stream bed. Planting additional riparian vegetation is not recommended because this could increase the fire risk and/or reduce the line of sight on Noyo Way. Condition of Approval No. restricts future development within the area between the proposed development and the ESHAs. The only activities within this area would be for vegetation clearance/hardscaping as required by CAL FIRE, planting native vegetation, removal of non-native vegetation, routine maintenance and repairs of the proposed development, and installation of pipelines, utility lines where no less environmentally damaging alternative route is feasible.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “*)”:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration. Such permit vesting shall include approved permits associated with this project (i.e. building permits, septic permits, well permits, etc.) and physical construction in reliance of such permits, or a business license demonstrating establishment of a use proposed under this project.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
4. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from

County, State and Federal agencies having jurisdiction.

6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. **Conditions approving this project shall be attached to or printed on any building permit application and shall be a part of on-site construction drawings.**
10. ****BIO-1 Mitigation Measure:** Prior to construction activities, properly install silt fencing and straw wattles. Straw wattles and silt fencing shall be installed at the edge of the project site in locations where they will intercept erosion runoff. Extraneous barriers may funnel amphibians toward the project and should not be installed. Silt fencing and straw wattles shall not be used to surround and isolate sensitive resources such as wetlands and riparian areas. Silt fencing and straw wattles shall be examined each morning to ensure amphibians are not caught along its length.
11. ****BIO-2 Mitigation Measure:** Prior to construction activities, the landowner, biologist, and/or contractor shall install a low symbolic fence along the 50-foot buffer of the twinberry – dune willow thickets ESHA on the subject parcel. The low symbolic fencing shall be maintained prior to and for the lifetime of the project. The low symbolic fencing will act as a barrier to prevent encroachment and impact to the intermittent stream, riparian area, and twinberry – dune willow scrub ESHAs. No development shall occur within this buffer (with the exception of the driveway and 6.25 sq. ft. of the residence's staircase) and only planting of native, locally appropriate tree and shrub species (see the species that occur within the site or immediately adjacent natural communities as described in the biological report) may be planted within the buffer.
12. ****BIO-3 Mitigation Measure:** Prior to construction activities, the landowner, biologist, and/or contractor shall install low symbolic fencing on either side of the driveway from the road for the length of the driveway and shall be inset at least one foot from the edge of the driveway as to prevent further encroachment into the watercourse's bank and riparian vegetation. Fencing on both sides of the driveway shall be maintained through the life of the project. The landowner shall be responsible for the installation and maintenance of the low symbolic fencing.
13. ****BIO-4 Mitigation Measure:** No construction or materials staging shall occur within 50 feet of the identified ESHA with the exception of the proposed stairs and driveway. Stage all building materials and construction vehicles in upland area greater than 50 feet from all ESHAs. If no staging areas greater

than 50 feet from ESHAs is practicable then stage as far from ESHAs as possible.

14. ****BIO-5 Mitigation Measure:** Plant native locally appropriate vegetation only. Native species to be planted shall be and are not limited to ceanothus (including mounding ceanothus species), coyote bush, coffee berry outside of the riparian, and wax myrtle, pacific reed grass and Douglas Iris adjacent to the riparian. Planting invasive species within the 50 foot buffer of the identified riparian vegetation and intermittent stream is prohibited.
15. **Avoidance Measure:** A qualified biological monitor shall be on site during construction and until clearing, vegetation trimming, or removal and grading is complete.
16. **Avoidance Measure:** Seasonal Avoidance. No nesting bird surveys are recommended if activity occurs in the non-breeding season (September to January). If vegetation removal or development is to occur during the breeding season (February to August), a pre-construction survey shall be conducted within the 14 days before vegetation removal or construction to ensure that no nesting birds will be disturbed during development.
17. **Avoidance Measure:** Nest Avoidance. If active native bird nests are observed, no vegetation removal or construction activities with the potential to disrupt nesting shall occur within a 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 shall monitor the active nest weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
18. **Avoidance Measure:** Construction shall occur during daylight hours to limit disturbing construction noise and minimize artificial lights.
19. **Avoidance Measure:** Potential Impact to Special Status Amphibians. Construction activities will involve driving vehicles and walking across areas where amphibians may be traveling. Staging materials and removal of construction debris could also disturb special status amphibians that may be hiding underneath these materials. Silt fencing, straw wattles, fences, or walls may intercept and redirect the travel of amphibians traveling through the area. Amphibians may fall into and become trapped within holes left open overnight. To minimize impacts to amphibians, the following avoidance measures should be followed.
20. **Avoidance Measure:** Contractor education. Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers will be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted in the event that special status amphibians are observed during construction.
21. **Avoidance Measure:** Pre-construction search. During ground disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians.
22. **Avoidance Measure:** Careful debris removal. During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.
23. **Avoidance Measure:** Do not leave holes open overnight. Holes such as fence holes, holes for septic tank installation, trenches for pipes and electric lines, soil test pits, etc. should be dug at times as close to when they will be utilized to minimize time. Open pits may entrap amphibians. Amphibians often travel at night. Holes should be filled or covered at the end of the workday. Sticks or boards can be leaned as ramps within larger holes that cannot be covered in order to allow a means of escape for amphibians that may fall in. Holes should be examined for trapped amphibians each morning and before they are filled.

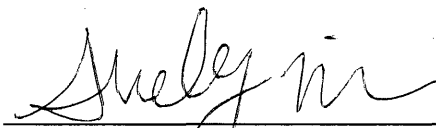
24. **Avoidance Measure:** Stop Work. If a Species of Special Concern or federally listed species including, but not limited to, the Point Arena Mountain Beaver or California red-legged frogs are identified on the project site and within their 100-foot buffer, work should stop and the animals shall be allowed to leave the work site unaided or the project should consult with the United States Fish and Wildlife Service (if federally listed) or CDFW (if state listed or Species of Special Concern) to determine the appropriate next steps.
25. **Avoidance Measure:** Potential Impact to Point Arena mountain beaver. Construction activities that cause ground vibration may disturb PAMB behavior and collapse their burrows. Removal of vegetation within occupied habitat may limit PAMB's access to food and leave them vulnerable to predators. Removal of potential habitat contiguous with, or near, occupied habitat may limit dispersal into new areas and/or between areas where less related individuals may come in contact. PAMB were determined to be absent within 100 feet of the project site.
- a. **Avoidance Measure:** 100 foot buffer around occupied and unsurveyed potential habitat. Areas further than 100 feet of the subject parcel were not surveyed and should therefore be treated as if they were occupied. A 100 foot buffer shall be established around habitat with active burrows. Potential PAMB habitat that has not been surveyed for PAMB presence/absence should be treated as it is occupied habitat. No vegetation removal, construction, ground vibration, or materials stockpiling shall occur within the buffer area.
 - b. **Avoidance Measure:** Buffer from Severe Ground Vibration Disturbance. No operation of mechanical equipment that is in direct contact with the ground, or below ground, which causes severe ground vibrations (includes operation of log landings and soil compaction with vibrators) within 500 feet of active burrows or unsurveyed suitable habitat during the breeding season, and not within 100 feet during the remainder of the year. Very severe ground vibration disturbance (such as pile driving or blasting) should not occur within 500 feet at any time. NOTE: No severe ground vibration has been proposed or is anticipated.
 - c. **Minimization Measure:** Minimize removal or degradation of potential PAMB habitat. Removal of brushy vegetation that is potential habitat for PAMB should be avoided if possible. Potential habitat removal should only occur if necessary for construction or fire safety.
26. **Avoidance Measure:** Potential Impact to Twinberry – Dune Willow Scrub Association. There is a potential for vegetation removal or construction within or adjacent to the twinberry – dune willow scrub association to negatively impact this plant community. There is potential for ground compaction and vegetation disturbance from materials and vehicles to occur during staging and construction. During construction and landscaping, invasive species can be introduced and spread to surrounding areas that could out compete with native flora and degrade habitat that native fauna may use. Landscaping within and adjacent to sensitive natural communities can introduce invasive species, replace native species with non-native species less compatible with the surrounding habitat areas, and/or preclude native species from becoming established. Native vegetation is the base of the food web, supporting native insects which in turn are essential food for birds and other animals.
27. **Avoidance Measure:** Prior to the commencement of construction activities (clearing, grubbing or grading) employ Best Management Practices (BMPs) and erosion control measures. Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Bare ground shall be stabilized and seeded with locally appropriate coastal grass and annual mix. BMPs shall be maintained for the life of the project and through the first winter after construction to ensure sediment or other deleterious materials do not enter the watercourse.
28. **Avoidance Measure:** Clean heavy machinery. Heavy machinery such as and not limited to excavators and skid steers that may be used onsite have the potential to spread invasive plant material from use on other sites. Heavy machinery that is used in dirt needs to be power washed offsite to eliminate seeds and other propagules.

29. **Avoidance Measure:** Potential Impacts to Wetlands and Riparian Areas. There is a potential for rain to carry sediment from construction areas into wetland or riparian habitat. There is potential for impervious surfaces adjacent to wetlands and riparian areas to alter groundwater availability and flow.
- a. **Avoidance Measure:** Straw wattles and orange fencing. Orange construction fencing paired with straw wattles shall be installed between the riparian area and the proposed development, separating the riparian habitat from the construction related impact area. Placement of the fencing shall provide the greatest buffer possible while allowing a reasonable amount of room for construction activities. No materials storage, heavy equipment usage or other impacts shall occur within the fenced off riparian area. Straw wattles shall be properly installed to intercept liquids leaving the construction area. All fencing shall be maintained in a functional manner through the duration of construction and until all disturbed soil is stabilized. Fencing shall be checked, and appropriate maintenance shall occur on a weekly basis and after every rain event.
30. **Avoidance Measure:** Portions of the proposed driveway and lower steps and ramp of staircase at the entrance of the single-family residences within the 50-foot buffer of the identified ESHA shall only be constructed with permeable surface materials (permeable pavers, surfaced with gravel, or permeable pavement). The use of impervious materials, such as regular asphalt or concrete is prohibited. If gravel is used, an edge to the driveway shall be included to prevent gravel from spreading off the driveway and into the riparian area.
31. Approval of the replacement leach field shall not be vested by construction activities associated with this Coastal Development Permit. If and when the primary leach field fails or requires replacement, a discretionary permit is required. Any proposed change to the septic system, including but not limited to installation of the secondary leach field (aka “100% septic replacement area”), a change in the septic capacity, location, design, or change in the intended service shall require an amendment to the coastal development permit.
32. If any modification to bed, bank, or channel including the replacement of the culvert are proposed in the future, the landowner shall notify CDFW for a Lake and Streambed Alteration Agreement.
33. Prior to the issuance of a building permit associated with this Coastal Development Permit, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
- a. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorney’s fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work permitted in connection with the permitted project; and
- b. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
- c. Declarant shall submit a black and white map that indicates the location of the ESHAs, the corresponding 50 and 100 foot buffers, and the building envelope. This map shall be made an Exhibit of this Deed Restriction; and
- d. Future use of the property within the Environmentally Sensitive Habitat Areas (twinberry – dune willow scrub, riparian area, and intermittent stream) shall be limited to developments which have as the primary function the maintenance or improvement of fish and wildlife habitat (including culvert replacements); and
- e. Future use of the property within the Environmentally Sensitive Habitat Areas (twinberry – dune willow scrub, riparian area, and intermittent stream) 50 foot buffer shall be limited to:
- i. installation of pipelines, utility lines when no less environmentally damaging

- alternative route is feasible;
 - ii. Vegetation clearance as required by CAL FIRE;
 - iii. Removal of non-native vegetation;
 - iv. Planting native vegetation;
 - v. Routine maintenance and repairs of the proposed residence and associated utilities within the development footprint;
 - vi. Hardscaping if required by CAL FIRE;
 - f. No future development, as defined in Coastal Zoning Code Section 20.308.035(D), may occur within these areas without issuance of a Coastal Development Permit Amendment or a subsequent Coastal Development Permit; and
 - g. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
34. The proposed development shall comply with the State Fire Safe Regulations Conditions of Approval outlined in CAL FIRE #117-25 dated 12/15/2025.
35. Prior to commencement of construction activities or issuance of a building permit, the applicant shall construct a residential driveway approach onto Noyo Way (CR 554), in accordance with Mendocino County Road and Development Standards No. A51A, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
36. The Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County right-of-way.
37. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$3,093.75 or current fee shall be payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within five (5) days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the Project has "no effect" on the environment. If the Project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the Project is approved) or returned to the payer (if the Project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to ensure timely compliance with this condition.

4/13/26

DATE



SHELBY MILLER
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$2,354.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Maps
- C. Topographical Map
- D. Site/Tentative Map/Project Plans
- E. General Plan Map
- F. Zoning Map

- G. LCP Maps
- H. Adjacent Owner Map
- I. Fire Hazards Map
- J. Slope Map
- K. Wetlands

- L. Takings Analysis
- M. V 33-78 Permit Site Plan
- N. CDP 62-2007 Site Plan
- O. Mitigation, Monitoring, and Reporting Plan