

>>> Ray Duff <rayduff@mcn.org> 4/13/2021 11:39 AM >>>

To: Planning Commission  
County of Mendocino Planning

Re: MS 2019-0003  
45380 Caspar Point Road  
Mendocino County  
APN 118-010-27

Date: April 13, 2021

Dear Planning Commissioners:

We write to request that you consider some additional information regarding the proposed minor subdivision on Caspar Point Road:

1. Does not meet General Plan land division requirement for size as required by the Coastal Act.

The Coastal Element Section 3.9. Locating and Planning New Development indicates that land divisions shall only be permitted as follows:

Policy 3.9-2c requires (emphasis added in bold):

*The criteria for new land divisions permitted by the land use plan, outside of the urban/rural boundaries, shall be consistent with each of the following standards:*

*c. In addition to meeting the above criteria, it is understood that land divisions must comply with all other applicable policies of the Land Use Plan and Section 30250(a) of the Coastal Act.*

*Coastal Act Section 30250.(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. **In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.***

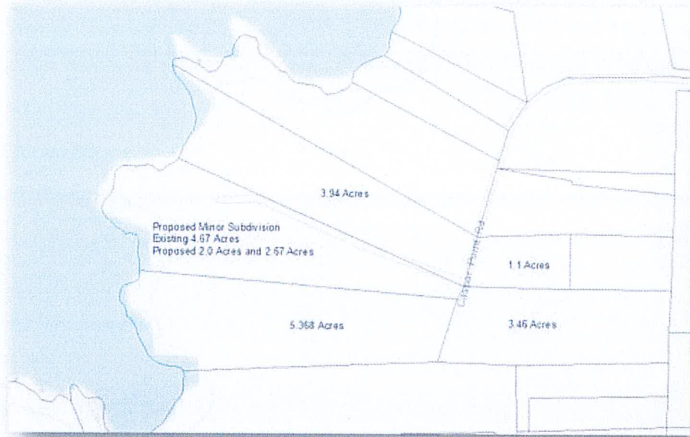
The subject parcel is located outside of the Urban/Rural boundary and is subject to this requirement. The parcel fails to meet the second part of the requirement in that the parcels that would be created would be smaller than the average size of the surrounding parcels as shown in Figure 1. The average size of surrounding parcels is 3.467 acres. The proposed 2.0 and 2.67 acre parcels would not meet this criterion. Since this is a requirement of the General Plan and Coastal Act, it is not possible to grant an exception to this requirement.

Mendocino County

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Figure 1. Surrounding parcel acreage.



### 2. Limited Water Availability.

The property is located in the Critical Water Resource Area, which is the most critical category. Not all neighboring residential properties have been developed. APN 118-010-25 directly to the southeast is an undeveloped property. The hydrology test does not ensure this existing parcel will be served with adequate water when they are ready to develop. Additionally, several neighbors had dry wells during the 2020 dry season, including APN 118-010-25, 118-010-20 and 118-020-22, all located within roughly 350 to 1,000 feet of the Carson property. Allowing for this subdivision not only decreases water availability for these property owners, but additionally sets a precedent for future subdivisions in an area where water availability is already an issue.

### 3. Private road in need of repairs.

Caspar Point Road is an improved private dirt road that serves roughly 13 properties. There is no private road maintenance agreement, which makes needed maintenance difficult, as costs must be assumed up front by an easement holder and other property owners would need to be billed after the fact. This is compounded by the fact that some development such as culvert replacement, requires costly permits and associated studies to be accomplished, including a Coastal Development Permit, 1600 permit, and associated natural resources studies and engineering costs.

A culvert extends under the private roadway approximately 420 feet west of the intersection of Caspar Point Road and Caspar Road. This culvert has flooded in past years and that flooding has caused damage to the roadway. The culvert is additionally in need of replacement as it is in a state of disrepair. State Parks who owns one of the parcels being served by the roadway, indicated they were not in a position to help with any of the needed private road maintenance or culvert repair up-front costs until such time as a maintenance agreement has been established.

Private road standards as outlined in the zoning code, Title 17, Division of Land Regulations, requires the following (emphasis added in bold):

*Sec. 17-54. - Private Roads.*

*(A) No private roads shall be permitted in any parcel subdivision or major subdivision except where the Planning Commission determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to the adjoining properties, and will not disrupt or prevent the establishment of an orderly street pattern within the area of Subdivision.*

***(1) Satisfactory provisions shall be made for a lot owner's association or other organization to assume responsibility for the maintenance of said private roads and ownership of the street right of ways. Said provisions for maintenance shall be subject to the approval of the Planning Commission.***

It is recommended, that if the project is approved, a condition of such approval should be the creation of a lot owner's association, and private road maintenance agreement.

Additionally, Section 17.54 of Title 17, Division of Land Regulations, requires in part (emphasis added in bold):

***(B) Private roads shall be improved to the following standards:***

***(1) When any lot within the subdivision contains a gross area of 2.5 acres or less, the private roads shall be improved to full County Standards as established by this Chapter.***

The subject subdivision would result in the creation of a parcel with a gross area of less than 2.5 acres. For this reason, the subject subdivision would require that the private road be improved to the full County standards. This likely does not include a substandard culvert. The application should include plans for improving the private roadway to standard, and this should include upgrading the substandard existing culvert, and all associated permits, studies and engineering needed.

Thank you for your consideration.

Sincerely,  
Ray and Loraine Duff  
45300 Caspar Point Road  
Caspar, CA 95420

c/c: Brent Schultz, Director Mendocino County Planning and Building; Julia Acker, Chief Planner Mendocino County Planning and Building; Juliana Cherry, Project Coordinator Mendocino County Planning and Building