



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: April 10, 2025
TO: Coastal Permit Administrator
FROM: Project Planner, Shelby Miller
SUBJECT: Coastal Development Permit (CDP_2024-0026)

After consultation with applicant's lawyer, Staff identified errors on the CDP_2024-0026 Staff Report and shall be corrected in red below. In addition, Condition of Approval No. 31 has been added.

Project Request: Standard Coastal Development Permit to gravel an existing driveway, construct a 2,760 square-foot single-family residence, an attached 599 square-foot garage and workshop, a ~~sauna~~ a propane tank, a well pumphouse, install a septic system, a water storage tank, a hot tub, and a sauna. In addition, the project includes proposing a public access easement.

Project Description: Standard Coastal Development Permit to gravel an existing driveway, construct a 2,760 square-foot single-family residence, an attached 599 square-foot two-car garage and workshop, patios, a propane tank, a well pumphouse, install a septic system, a water storage tank, a ~~sauna~~ a propane tank, a 49 square-foot hot tub, a sauna, and to implement a landscaping plan. Exterior lighting would be downcast and shielded and would be located at front and back of house adjacent to exterior doors and the garage door. The project also proposes installing low symbolic fencing 55 feet inland from the current bluff edge positioned parallel to the public access trail.

The California Coastal Trail (CCT) is a continuous interconnected public trail system running the length of the California coastline. A recorded public access easement exists on the property and runs along the bluff between Moat Creek to the north and Ross Creek to the south. Due to continuous coastal erosion, the project proposes an Offer to Dedicate (OTD) pedestrian public access easement along the current southwestern property line from the southwestern corner to the southeastern corner of the subject parcel as follows: a lateral OTD easement of 55 20 feet landward from the current bluff top edge, which considers a 20-foot bluff retreat over the anticipated 75-year lifespan of the project. The easement would at all times be situated between the bluff edge and 20 feet landward, subject to the limitation that the landward boundary of the easement shall not extend beyond the proposed low symbolic fencing sited 55 feet landward from the current bluff edge. The proposed easement would allow continued use of the CCT.

FINDINGS:

1. Pursuant to MCC Section 20.532.095(A)(1), the proposed project to gravel a driveway, construct a single-family residence, a garage/ workshop, a sauna, a well pumphouse, install septic tank, a water storage tank, a hot tub and establish a public access easement, is in conformity with the certified local coastal program. Single-family residences and ancillary structures are principally permitted within the Rural Residential land use designation. In addition, the project is proposing a lateral public access easement along the bluff 55 feet landward from the bluff edge that will be preserved and sustained through blufftop erosion. The parcel contains an existing public access easement 10 feet landward from the property. However, with the existing retreat rate of 20 feet in the next 75 years and public safety concerns, the project proposes an easement to account for the anticipated retreat rate for continued public access. As proposed, the project is in conformity with the certified LCP; and
7. Pursuant to MCC Section 20.532.095(B)(1), the proposed development to construct a single-family residence, a garage/workshop, hot tub/sauna, and ancillary structures would be in conformance with the

public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan. The project site is located between the Pacific Ocean and the first public road located at State Route 1. The project site contains an existing public access easement located approximately 10 feet from the bluff edge. However, due to coastal erosion retreat and the public access provisions of the Coastal Act, the project proposes to execute and record a deed restriction that includes a ~~fixed-location~~ **fixed-width** public access easement located ~~55~~ **20** feet landward from the bluff edge. **The easement would at all times be situated between the bluff edge and 20 feet landward, subject to the limitation that the landward boundary of the easement shall not extend beyond 55 feet landward from the current bluff edge.** The current blufftop edge is a location that may be presently established, fixed, and memorialized by legal description. Furthermore, the proposed trail would be accessible vertically from Ross Creek and Moat Creek, both of which are beach access points available to the public. As proposed, the project complies with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan; and

CONDITIONS OF APPROVAL:

28. Prior to the issuance of this Coastal Development Permit, the landowner shall execute and record an “irrevocable offer to dedicate **public access easement**” against the property in a form and content deemed acceptable to the Director of Mendocino County Planning & Building Services, County Counsel, and the California Coastal Commission.
- a. The Offer to Dedicate (OTD) shall be as follows: a pedestrian public access easement along the southerly property line, from southwestern corner of the property to the southeastern corner of the property as follows: a lateral OTD easement of **20** feet as measured **landward** from the bluff edge, which ~~considers~~ **anticipates** a 20 foot bluff retreat over the anticipated 75-year lifespan of the project. **The easement would at all times be situated between the bluff edge and 20 feet landward, subject to the limitation that the landward boundary of the easement shall not extend beyond the proposed low symbolic fencing sited 55 feet landward from the current bluff edge.**
 - b. The offer shall be free of prior liens except for tax liens and free of prior encumbrances which may affect the interest being conveyed.
 - c. The offer shall run with the land binding successors and assigns of the landowner and shall be irrevocable for a period of twenty-one (21) years beginning from the date of recording.
 - d. The offer shall convey to the people of the State of California an easement for access over and across the offerors’ property.
 - e. The Offer to Dedicate shall include legal descriptions of both the entire project site and the area of dedication. **The OTD shall also include a corresponding graphic depiction of the legal parcel, drawn to scale, of the perimeter of the easement area prepared by a licensed surveyor based on an onsite inspection of the easement area.**
 - f. Each offer of dedication will provide that the title for each easement shall be automatically conveyed upon acceptance by a qualified agency as named by the Director after a management plan has been accepted.
 - g. **In the event that the bluff erodes inland and results in less than a 55 feet wide public access easement prior to reaching the 75 year lifespan of the project, the applicant shall submit within 60 days of being notified in writing of not being in compliance with the recorded public access easement, an Amendment to this CDP to request an alternative public access easement that complies with the County requirement to provide a minimum of a 25 ft lateral access easement in perpetuity.**