



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

MEMORANDUM

Date: December 13, 2018
To: Coastal Permit Administrator
From: Julia Acker

Re: Modification of Conditions 10 and 11 and Additional Conditions 28, 29, and 30 for CDP_2011-0020 and V_2013-0004

Staff recommends modification of Condition 10 to provide for silt fencing, modification of Condition 11 to provide for replacement of any impacted Bishop Pines and addition of Condition 28 to make the Applicants aware of the required California Department of Fish and Wildlife fees, Condition 29 to ensure compliance with California Department of Fish and Wildlife comments, and Condition 30 to address California Coastal Commission comments. Additional language is also proposed for Finding 4 to address the substitution/modification of mitigation measures in compliance with the California Environmental Quality Act.

- 10.** Prior to the onset of construction activities, temporary standard exclusionary fencing shall be installed to protect the wetland and shall be erected as close as possible (1 foot to 5 feet) from proposed ground disturbance areas. The fence shall follow the 50-foot setback line that was staked and marked in the field, extending into the buffer only as necessary to accommodate the portion of the residence and septic system footprint that extend into the buffer. Shape and form of the fence may vary, but shall not exceed three feet in height and shall be restricted to strand wire instead of mesh type wire, or a decorative post and rail to allow for large and small mammal movement. A length of silt fencing (geotextile material) shall be placed along the temporary fence to prevent amphibian movement into the building footprint. The silt fence shall be sunk a minimum of six (6) inches below grade. All construction related activities shall remain outside of this fencing, which shall remain undisturbed during all phases of construction. To insure correct placement of the temporary fencing, a qualified biologist shall direct the installation of the fence and silt fencing.
- 11.** A professional tree removal company shall be retained to remove the trees from the wetland buffer. Care shall be taken to insure that the trees will fall away from the wetland. The stumps shall be cut close to the base, leaving the root structure in place. The exclusionary fencing shall be extended to include these trees; if this is not feasible, a monitoring biologist shall be on-site to insure the wetland Environmentally Sensitive Habitat Area (ESHA) habitat is protected and to determine the number of Bishop Pines removed or impacted. Any Bishop Pines that are removed or impacted shall be replaced at a 3:1 ratio in the area between the wetland boundary and the 50-foot wetland buffer and approved by the California Department of Fish and Wildlife.
28. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife 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 \$2330.75 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 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 insure timely compliance with this condition.**

29. The Environmentally Sensitive Habitat Area buffer to the wetland shall be marked with symbolic, wildlife friendly fencing which shall wrap around the house and along the buffer. Shape and form can vary, but the fence shall not exceed three feet in height and shall be restriction to strand wire (no mesh type wire) or a decorative post and rail to allow for large and small mammal movement. Only native species associated with coastal vegetation shall be planted with minimal soil disturbance in the buffer.
30. Any future tree removal at the site shall require a modification of this Coastal Development Permit or an additional Coastal Development Permit.

Finding 4: Pursuant with MCC Section 20.532.095(A)(4), the project site has been surveyed for special status plants and, as conditioned by this permit, no significant impact to environmentally sensitive habitat areas, including a wetland located on the property, or other resources is anticipated. An Initial Study and Mitigated Negative Declaration have been prepared for the project pursuant to CEQA. Mitigation Measures were modified at the Coastal Permit Administrator Hearing on December 13, 2018. The modified Mitigation Measures are equivalent or more effective at protecting the identified resources on the parcel and do not cause any potentially significant effect on the environment.