



MEMORANDUM

DATE: MAY 26, 2022
TO: COASTAL PERMIT ADMINISTRATOR
FROM: MARK CLISER, PLANNER II
SUBJECT: CDP_2021-0050 STAFF REPORT – REVISED FINDINGS AND CONDITIONS OF APPROVAL

After discussion with the Agent for CDP_2021-0050, the Mendocino County Department of Planning & Building Service (PBS) has reviewed Findings and Conditions of Approval for this project and found several inconsistencies within the report. Additionally, Staff has provided revised findings and conditions that will more adequately reflect the mitigation to support project approval. Based on this review and discussion with the Agent, Staff recommends the the following items be revised in the Staff Report.

- Local Coastal Program Consistency item number 4, Habitats and Natural Resources (page 5).
 - Line 5 and 6 have been revised as follows:
 - *Reporting Plan, dated March 31, 2022. The survey found the presence of special status ~~plants and species~~ plant communities, stream, ponds and riparian areas in the area proposed for septic upgrades.*
 - Mitigation Measure BIO-15 (page 6) has been revised as follows:
 - Sentence 1 now reads: *A Mitigation, Management, Monitoring, and Reporting Plan (Attachment Z) for areas where development has occurred within 50 feet of the mapped Bishop Pine Forest shall be implemented in order to facilitate natural regeneration through a performance based adaptive management process to meet performance goals for restoration. The restoration area shall be at least as large as the portion of the Bishop pine forest that will be directly impacted by the project (see Presumed ESHAs & Proposed Development Map, page 4 Biological Scoping & Botanical Survey Report). Performance goals within this restoration ~~are~~ shall include:*
 - Bullet Point number 6 has been revised and now reads: *Monitoring for a minimum of 5 (five) years. If recruitment rate does not succeed, a new 3 (three) year monitoring period shall be implemented.*
- As the Project Site is not in a Tree Removal Area, Local Coastal Program Consistency item number 6, Visual Resources, has been corrected to:
 - *The project site is mapped as a “Highly Scenic Area” and ~~“Tree Removal Area”~~ (See attachment Highly Scenic & Tree Removal Areas) and is visible from Highway 1.*
- Local Coastal Program Consistency item number 9, Public Access (page 8), has been corrected to:
 - *Public access is available ~~adjacent to the subject property at~~ from Highway 1, south of and its intersection with Frog Pond Road ~~per Policy 4.7-10~~. This location shall be*

preserved as an existing bluff top access. The project would be consistent with Chapter 20.528 Coastal Access Regulations and Open Space Easements and Coastal Element Policy 4.8-411-19.

- Finding item number 1 has been corrected to reflect the land use classification includes Visitor Accommodations (*5).
- Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas, which is specifically addressed by the Supplemental Findings below. A resort is a permitted use within the Rural Residential / Visitor Accommodations (*5) land use classification and is consistent with the intent of the Rural Residential classification and all associated development criteria Finding item number 7 has been correct to reflect the correct Coastal Element Policy, 4.8-4
 - Pursuant with MCC Section 20.532.095(B)(1), the land is in conformity with public access policies, including Chapter 20.528 *Coastal Access Regulations and Open Space Easements* and Coastal Element Policy 4.7-108-4. Public access near the intersection of Frog Pond Road and Highway One shall be preserved as an existing bluff top access. The proposed development will not interfere with protected views.
- As there is no Pygmy Forest or Bishop Pine on the subject parcel (only soils capable of supporting them), Condition of Approval number 10 has been revised to limit development to areas not capable of supporting Pygmy Forest
 10. In accordance with MCC Section 20.496.045, development is limited to ~~uses that do not interfere with the adjacent Pygmy Forest and Bishop Pine areas~~ on subject property that not identified with soils capable of supporting Pygmy Forest.
- Condition of Approval number 12 has been revised and now requires the property owner execute and record a deed restriction within two years, not one
 12. Within ~~two~~ one years of the effective date associated with CDP_2021-0050, the property owner shall execute and record a deed restriction, or amend existing deed, in a form and content acceptable to the Coastal Permit Administrator and County Counsel. The deed restriction, or amendment, will include the following statements and, or exhibits.
- As the Project Site is not designated for tree thinning or removal, Condition of Approval number 13 has been deleted.
- Condition of Approval number 14 (now COA 13) has been revised as follows:
 13. ~~The Applicant shall relocate the laundry facilities to an area at minimum 100 feet from an identified ESHA inspect the laundry facility for any plumbing leaks that are discharging greywater into the downslope meadow. Any plumbing leaks shall be fixed. Life of project BMPs shall be incorporated to prevent contaminants from being delivered to the wetland adjacent to the laundry facility.~~
- Condition of Approval number 15 (now COA 14) has been corrected as follows:
 14. ~~The freshwater pond adjacent to the proposed development laundry facility shall be monitored during construction to protect any sensitive hydrophytes.~~
- Condition of Approval number 16 (now COA 15) has been revised as follows:
 15. ~~Irrigation of the lawn area within 100 feet of the bluff edge is prohibited. The owners shall maintain drought-tolerant native vegetation within this area. All new landscaping on the subject parcels shall be limited to drought-tolerant native vegetation. and remove any plants or ground coverings that are not drought-tolerant native vegetation. and remove any plants or ground coverings that are not drought-tolerant native vegetation.~~

- A new Condition of Approval (number 16) has been added
 16. Leach field design shall allow for infiltration of normal precipitation, i.e., effluent shall not saturate the near surface soils and thereby increase surface runoff during the rainy season. The bluff edge shall not be irrigated. Steep bank areas where terrace deposits are exposed and/or eroding shall not be irrigated. Surface flow of runoff along the bluff edge shall be prohibited. Wastewater drip fields shall conform to the 48' geotechnical setback from the bluff edge
- Condition of Approval number 31 has been revised and no longer requires the Applicant to remove non-native species of plants.
 31. ~~Non-native vegetation shall be removed.~~ *Non-native vegetation shall not be planted. On-site vegetation may include shrubs, grass, and perennial herbs. Appropriate plants include Ceanothus thyrsiflorus ssp. griseus, Gaultheria shallon, Frangula purshiana, Arctostaphylos uva-ursi, Vaccinium ovatum, Ribes sanguineum, Morella californica, Calamagrostis nutkaensis, Polystichum munitum, Carex harfordii, Lonicera hispidula, Monardella villosa, Stachys ridida, Diplacus aurantiacus, Maianthemum dilatatum, Piperia elongata, Scrophularia californica, and Clinopodium douglasii.*
- Minor grammatical fixes to 31c
- COA 31f has been revised as follows:
 - 31f. Monitoring for a minimum of 5 (five) years. If recruitment rate does not succeed, a new 3 (three) year monitoring period shall be implemented.
- Two new Conditions of Approval have been added:
 - Condition of Approval number 34 requires all ground disturbance to occur during the dry season
 34. Ground disturbing activities will only occur during the dry season. If a rain event occurs during the ground disturbance period, all ground disturbing activities will cease for a period of 48 hours, starting after the rain stops.
 - Condition of Approval number 35 requires all development to occur as far from riparian areas as possible
 35. Proposed development shall occur as far from the Stream, Freshwater Ponds and Riparian Areas as feasible. Straw wattles shall be installed adjacent to the freshwater ponds and riparian areas to separate ESHA from the construction related impact area. No materials storage, heavy equipment use or other impacts shall occur within the fenced off wetlands area. Straw wattles shall be properly installed to intercept liquids leaving the construction area. 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. Areas of bare soil should be seeded with native erosion control seed mix and/or covered with biodegradable erosion control materials (e.g. coconut fiber, jute, weed free straw).

It should be noted that the above revisions made to the Findings, Mitigation Measures and/or Conditions of Approval in no way effect the environmental determination that the project can be adequately mitigated and that no significant environmental impacts will occur through approval of the project.