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

April 25, 2022

PUBLIC HEARING NOTICE OF PENDING ACTION STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, May 12, 2022, at 11:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project that is located in the Coastal Zone. This meeting will be conducted virtually and not available for in person public participation in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via telecomment. The telecomment form may be found at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas. The meeting is available for viewing on the Mendocino County YouTube page at, https://www.youtube.com/MendocinoCountyVideo

CASE#: CDP_2021-0027 **DATE FILED**: 5/7/2021

OWNER: PACIFIC GAS & ELECTRIC CO, PHILIP KAY, RICHARD MITCHELL, AND

GREENWOOD MEADOWS HOMEOWNERS ASSOCIATION

APPLICANT: PACIFIC GAS & ELECTRIC CO

AGENT: ODE BERNSTEIN, PACIFIC GAS & ELECTRIC CO

REQUEST: Standard Coastal Development Permit to remove Major Vegetation (i.e. 66 trees and other vegetation) and satisfy Fire Safe Standards within 50-feet of the perimeter fence at the

PG&E Substation in Elk.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone and the village of Elk, on the north side of Philo Greenwood Road, 0.25± miles east of its intersection with State Route 1 (SR 1); located at 35720 Philo Greenwood Rd., Elk; APNs: 127-232-12, 127-220-03, 127-232-27, 127-232-16, and 127-150-01.

SUPERVISORIAL DISTRICT: 5 (WILLIAMS)
STAFF PLANNER: JULIANA CHERRY

The staff report, and notice, will be available 10 days before the hearing on the Department of Planning and Building Services website at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W Fir Street, Fort Bragg, California, or by e-mail to pbscommissions@mendocinocounty.org no later than May 11, 2022. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail at pbscommissions@mendocinocounty.org, or telecomment, in lieu of personal attendance.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this

project. If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

JULIA KROG, Director of Planning and Building Services

MAY 12, 2022 CDP_2021-0027

	SUMMARY
OWNERS:	PACIFIC GAS & ELECTRIC CO 77 BEAL STREET SAN FRANCISCO, CA 94105
	PHILIP KAY 2146 EUCLID AVENUE NAPA, CA 94558
	RICHARD MITCHELL PO BOX 174 ELK, CA 95432
	GREENWOOD MEADOWS HOMEOWNERS ASSOCIATION PO Box 191 YORKVILLE, CA 95494
APPLICANT:	PACIFIC GAS & ELECTRIC CO 77 BEAL STREET SAN FRANCISCO, CA 94105
AGENT:	ODE BERSTEIN, PACIFIC GAS & ELECTRIC CO 245 MARKET STREET N!0A SAN FRANCISCO, CA 94105
REQUEST:	Standard Coastal Development Permit application to remove vegetation (e.g. 66 trees and other vegetation) and satisfy Fire Safe Standards within 50-feet of the perimeter fence at the PG&E Substation in Elk.
LOCATION:	In the Coastal Zone and the village of Elk, on the north side of Philo Greenwood Road, 0.25± miles east of its intersection with State Route 1 (SR 1), and located at 35720 Philo Greenwood Rd., Elk; APNs 127-232-12, -16, -27; 127-220-30; AND 127-150-01.
TOTAL ACREAGE:	1. 0± Acre
GENERAL PLAN:	Public and Semi-Public Facilities (PF), Open-Space (OS), Rural Village (RV), Rural Residential (RR), and Range Lands (RL). Coastal Element Ch. 4.10
ZONING:	Coastal Public and Semi Public Facilities (PF), Coastal Open Space (OS), Coastal Rural Residential (RR), Coastal Rural Village (RV), and Coastal Range Lands (RL)

5 (Williams) **SUPERVISORIAL DISTRICT:**

Yes, Highly Scenic Area and Conditional Use **APPEALABLE:**

Mendocino Coastal Zoning Code

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

In September 2018, the CA Legislature approved Senate Bill (SB) 901, which required all California electric utilities to prepare plans for constructing, maintaining, and operating electrical lines and equipment, intended to minimize the risk of catastrophic wildfires. Pursuant to SB 901, in 2019 PG&E submitted its Wildfire Safety Plan to the CPUC for approval.

PROJECT DESCRIPTION: Pacific Gas & Electric, or PG&E, request to remove 66 trees located within fifty feet of the Elk Substation, located along Philo-Greenwood Road. The parcels where development would occur are owned by multiple property owners, including two parcels owned by PG&E. The applicant's intent in removing trees is to better maintain the area surrounding the substation and to reduce the potential for fire hazards associated with vegetation, like the existing Douglas Firs. *Removal or Harvesting of Major Vegetation* is a defined development type and a coastal development permit is required prior; see MCC Section 20.308.080(C) *Removal or Harvesting of Major Vegetation*.

APPLICANT'S STATEMENT: "To provide the required clearances around the Elk Substation in compliance with the CPC and SB 901 requirements, PG&E plans to remove 66 trees and perform brush vegetation removal of approximately 36,655 square feet from the three parcels abutting the substation not owned by PG&E. No work is required in or on the actual Elk Substation project – just on the four parcels abutting the substation. The majority of the trees to be removed (46 trees) are located on PG&E owned parcel (APN 127-220-03) to the north of the Elk Substation. The remaining trees to be removed are located on three other parcels that abut the substation. See the attached Elk Defensible Space Project Description."

SITE CHARACTERISTICS: The substation is located east of the town of Elk and has access from Philo-Greenwood Road. From aerial imagery, it is apparent that the entire site is developed and development is limited on adjacent lots. Surrounding, undeveloped lots to the north are also owned by the applicant. Topographic maps indicate that the land is relatively flat. The project area crosses Philo-Greenwood Road (CR 132) and a coastal access trail is contiguous with Philo-Greenwood Road (CR 132). A mapped natural hazard associated with surrounding lands are beach deposits and stream alluvium associated with seismicity. Sensitive resources and habitats are not shown on *LCP Habitats & Resources* mapping. The project site is not within the appeal or permit jurisdiction of the California Coastal Commission. Many of the surrounding parcels are more than 20 acres; parcels to the south and adjoining either Elk Meadows Road or Philo-Greenwood Road (CR 132) tend to be smaller lots with residential development. The parcel is rated a moderate fire risk and the Elk Community Services District, along with CalFire (or California Department of Forestry and Fire Prevention), are responsible agencies. The site is mapped as a *Critical Water Resource Area*. The location is mapped conditionally highly scenic and is visible from public roads. Adjacent lands to the east are no-prime AG lands, under Williamson Act contract, and have a Western Soil Type 139. Sonoma Tree Voles are absent from this site.

SURROUNDING LAND USE AND ZONING: As the project site includes lands adjacent to the substation. The general plan classifications, zoning districts, and uses listed in Table 1 are similar to the area generally adjacent to the project site (APNs 127-232-12, -16, -27; 127-220-30; AND 127-150-01).

TABLE 1: S	URROUNDING LAND USE AND ZO	NING		
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR10)	RR10	5.8 Acres	Vacant
EAST	Range Lands (RL160)	RL	86.2 Acres	Vacant
SOUTH	Rural Village (RV)	RV	1.0 Acre	Vacant
WEST	Rural Village (RV)	RV	1.0 Acre	Vacant

PUBLIC SERVICES:

Access: Philo-Greenwood Road (CR 132)

Fire District: Elk Community Services District and California Department of Forestry & Fire Prevention

Water District: Elk Community Services District
Sewer District: Elk Community Services District

AGENCY COMMENTS: On November 9, 2021 (amending the October 15, 2021 referral packet which did not include technical reports), a request for comments was sent to responsible or trustee agencies with jurisdiction (Table 2). Their required related permits, if any, are also listed below in Table 2.

REFERRAL AGENCIES	COMMENT
Agricultural Commissioner	Recommend conditional approval
Air Quality Management	No comment
Archaeological Commission	Comment
Assessor	No response
Building Division, PBS – Fort Bragg	No comment
California Coastal Commission	No comment
California Department of Fish and Wildlife	No comment
California Department of Forestry and Fire Prevention	No response
Cloverdale Rancheria	No response
County Addresser	No comment
Department of Transportation	No comment
Division of Environmental Health	No comment
Elk Community Services District	Comment
Elk Fire District	No response
Farm Advisor	No comment
Forestry Advisor	No comment
Northwest Information Center,	Comment
Sonoma State University	Comment
Planning Division, PBS – Ukiah	No comment
Redwood Valley Rancheria	Other comments
Sherwood Valley Band of Pomo Indians	No response
US Fish & Wildlife Service	No response

Agricultural Commissioner Jim Donnelly recommends conditional approval and writes, "The removal of trees are important for the reduction of fuel in case of fire. However, please consider trees of cultural, recreation, and environmental importance. Pursue adequate mitigation measures with the least amount of damage to the current beauty of Mendocino County."

LOCAL COASTAL PROGRAM CONSISTENCY

As proposed, the project would be consistent with the goals and policies of the Local Coastal Program, as detailed below.

GENERAL PLAN AND ZONING CONSISTENCY: The parcels associated with the proposed project are classified as shown on Table 3 (see attached exhibits: *Adjacent Parcels, Zoning Display Map, and General Plan Classification* exhibits (attached). As the location of the proposed work is beyond the fenced PG&E Substation and outside of the *Public Facilities* District (APN 127-232-12), the surrounding properties, where work would occur, are assigned the coastal zoning districts as listed in Table 3. These zoning districts are intended to implement their associated land classifications.

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

TABLE 3. ASSIGNED LAND CLASS	SIFICATIONS AND ZONING DISTRICT	S	
GENERAL PLAN CLASSIFICATION	COASTAL ZONING DISTRICT	PARCEL NUMBER	PROPERTY OWNER
Range Lands (RL)	Range Lands (RL)	APN 127-150-01	Richard Mitchell
Open-Space (OS)	Open-Space (OS)	APN 127-150-02	Steven Acker
Rural Residential (RR)	Rural Residential (RR)	APN 127-220-03	PG&E
Public & Semi-Public Facilities (PF)	Public & Semi-Public Facilities (PF)	APN 127-232-12	PG&E's Elk Substation
Rural Village (RV)	Rural Village (RV)	APN 127-232-16	Phillip Kay

Coastal Element Chapter 2.2 describes the goals, policies, and intent of the general plan classifications. The intent of each zoning district is described in the following chapters of Mendocino County Coastal Zoning Code (MCC):

- 20.368 Range Lands District
- 20.372 Open Space
- 20.376 Rural Residential
- 20.388 Rural Village
- 20.404 Public Facilities

The proposed project would be consistent with Coastal Element goals and policies, including the land use classifications, Policy 3.11-9 (which states electrical transmission and distribution lines shall be permitted as a conditional use in all land use categories subject to standards and criteria) and Coastal Element Chapter 4.10 Land Use Planning Area objectives.

Parcel APN 127-232-16 and no development: Land west of the substation fence is owned by Phillip Kay (APN 127-232-16) and is in the coastal Rural Village District. On this parcel, the size of the trees proposed to removed or trimmed does not meet the definition of Major Vegetation Removal. ETGIS Web Map, prepared by the applicant, is an aerial image with notes identifying the location of the trees intended to be removed or trimmed. Trees numbered 2-29, 31 and 77, generally, are associated with APN 127-232-16. Of these trees, six will be trimmed (i.e. trees 11, 13, 14, 18, 23, and 26). Eleven trees would be removed (i.e. trees 2, 3, 4, 5, 6, 7, 8, 9, 10, 31 and 77); these trees include Mock Oranges (trees 2-10, 31 and 77) and two Douglas Firs (trees 31 and 77). None of the surveyed trees have diameters exceeding 12 inches, which is a characteristic of Major Vegetation Removal. While trees will be trimmed and eleven trees would be removed from parcel APN 127-232-16, the activity does not rise to the definition of development and, in this instance, a Coastal Development Permit is not required to remove or trim these trees.

Parcel APN 127-220-03 and Major Vegetation Removal: Land north of the substation fence is owned by PG&E (APN 127-220-03) and is in the coastal Rural Residential District. The previously mentioned ETGIS Web Map and the applicant's "Elk Substation Tree Inventory" identify the location, variety, quantity and girth of the trees to be removed. Forty-six of the trees proposed to be removed are on APN 127-220-03. Generally, the variety of trees growing on this parcel are Douglas fir and eighteen of the trees exceed 12-inches in diameter. On this parcel, the activity meets the threshold for defined development. This property includes power transmission lines; as the vegetation clearing is associated with maintenance and safe use of a public facility, the State of California exempts the applicant from the requirement of obtaining a use permit.

Parcel APN 127-150-01 and Major Vegetation Removal: Land east of the substation fence is owned by Richard Mitchell (APN 127-150-01) and is in the coastal Range Lands District. The previously mentioned ETGIS Web Map and the applicant's "Elk Substation Tree Inventory" identify the location, variety, quantity and girth of the trees to be removed. Eight of the trees proposed to be removed are on APN 127-150-01 and each tree's girth exceeds the 12-inch diameter which is a characteristic of Major Vegetation Removal. The eight Douglas Firs are inventoried as numbers 78-85, three trees have 14-inch diameter at breast height (DBH), two are 16-inch DBH, two are 18-inch DBH, and one is 20-inch DBH. (One tree would be trimmed, #85; this tree is closest to the north side of Philo Greenwood Road). On this parcel, the activity meets the definition of development.

<u>Parcel APN 127-150-02 and no development</u>: Lands south and southeast of the substation fence are in the coastal Open Space District and APN 127-150-02 is owned by Steven Acker. The "Elk Substation Tree Inventory" list that seven trees would be removed, including tree #1, and trees #86 through #91, but on February 28, 2022, the applicant's agent affirmed that the scope of the project had changed and that no trees would be removed from this Parcel.

HABITATS AND NATURAL RESOURCES: Coastal Element Chapter 3.1 and MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* applies to all development proposed in the Coastal Zone, unless and until it can be demonstrated to the approving authority that the project will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. The *LCP Habitats & Resources* map depicts the site as barren, see attachment.

On November 9, 2021 and amended referral packet was distributed and comments were requested from the California Coastal Commission (Commission), California Department of Fish and Wildlife (CDFW), and US Fish and Wildlife Service staff and others. Commission staff responded that they did not have comments at that time; as did CDFW. No response has been received from US Fish and Wildlife and the survey for Sonoma Tree Voles found no habitat or evidence of the mammal on-site. As the area of disturbance is very small, PG&E and/or its contractor(s) will implement standard erosion and sediment control measures to ensure that there is no sediment run-off into the waterways or drains. The construction site will be inspected before each rain or storm event to make sure that all the erosion control measures are in place and adequate. The site will be re-inspected after the rain or storm event to ensure that the erosion control measures performed appropriately. As proposed, the project would be consistent with Coastal Element Chapter 3.1 policies and MCC Chapter 20.496 regulations.

HAZARDS MANAGEMENT: Coastal Element Chapter 3.4 and MCC Chapter 20.500 *Hazard Areas* applies to all development proposed in the Coastal Zone unless and until it is determined by the Coastal Permit Administrator that the project is not subject to threat from geologic, fire, flood, or other hazards. Mapping does not associate geologic or flood hazards with the site, see attached exhibits.

Fire Hazard: The site is rated a moderate fire hazard area and is located within the Elk Community Services District (See Fire Hazard Zones & Responsibility Areas). On November 9, 2021, comments were requested from California Department of Forestry and Fire Prevention (CalFire) and Elk Community Services District. While no response has been received from CalFire, the local CSD responded, on November 21, 2021, that they had reviewed the project and recommended approval. Additional comments are "As the public agency that provides Fire Protection services to this property, we are pleased to learn of this vegetation removal work being done to address fire safety issues adjacent to the PG&E substation in Elk." While the project location is rated a moderate fire hazard area, the project is designed to reduce risk to humans if a fire were to occur.

As proposed, the project would be consistent with Coastal Element Chapter 3.4 policies and MCC Chapter 20.500 regulations.

VISUAL RESOURCE AND SPECIAL TREATMENT AREAS: The project site is mapped as a Highly Scenic Area (see attached exhibit); therefore, Coastal Element Chapter 3.5 visual resource and special treatment area policies and MCC Chapter 20.504 *Visual Resources and Special Treatment Areas* are applicable. Staff recommends Condition #9, to ensure that exterior lighting is downcast and shielded. As conditioned, the project would be consistent with Coastal Element Chapter 3.5 policies and MCC Chapter 20.504 regulations.

ARCHAEOLOGICAL/CULTURAL RESOURCES: On November 9, 2021, the proposed project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Rancheria. No response has been received, as yet.

In response to a request for comments and on October 29, 2021, California Historical Resources Information System (CHRIS) recommended no additional surveys and cited a 2020 Browning study. CHRIS states the proposed project area has a low possibility of containing unrecorded archaeological sites and no further study for archaeological resources is recommended. On December 8, 2021, Mendocino County Archaeological Commission considered the proposed project and the 2020 Browning study, which they accepted. The Commission's recommendation is inclusion of the discovery clause as a condition of this project's approval.

Staff notes that Condition #8 advises the property owner of the "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12.

PUBLIC ACCESS: Coastal Element Chapter 3.6 policies and MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements* applies to all projects in the coastal zone which fall within the definition of development. Public access to the shore is provided adjacent to project site; existing shoreline access follows Philo-Greenwood Road (CR 132), see *LCP Land Use Map 20: Elk* (attached). As proposed, the project would be consistent with Coastal Element Chapter 3.6 policies and satisfies MCC Chapter 20.528 regulations.

GROUNDWATER RESOURCES, TRANSPORTATION/CIRCULATION, AND OTHER PUBLIC SERVICES:

Coastal Element Chapter 3.8 policies and MCC Chapter 20.516 *Transportation, Utilities and Public Services* applies to all new development and, in particular, development which requires the expansion or extension of public works or private facilities. The project location is mapped as a *Critical Water Resource Area* and is located adjacent to a County road. On November 9, 2021, comments were requested from County Department of Transportation and staff responded that they had no comments at that time. Comments were also requested from Elk CSD and the Division of Environmental Health. The proposed project will not connect to local sewer or water service, nor are there on-site wells, septic, nor leach fields. Staff notes that Coastal Element Chapter 3.8 policies and MCC Chapter 20.516 are not applicable in this instance.

ENVIRONMENTAL DETERMINATION

The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. The Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 1(b), Section 15301; which includes existing publicly owned utilities used to provide electrical power. Additionally, related aspects of the project meet the criteria for a Categorical Exemption under Class 2(c), Section 15302, which allows for the replacement or reconstruction of existing utility facilities involving negligible or no expansion of capacity.

RECOMMENDATION

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, the Coastal Permit Administrator approves CDP_2021-0027 and a request to trim or remove vegetation within an approximate 36,655-square-foot area. Sixty-six trees will be removed. The project site is located at 35720 Philo Greenwood Road (APN 127-232-12) and includes four adjoining parcels in Elk: APN 127-232-16 and -27; 127-220-30; and 127-150-01.

REQUIRED FINDINGS:

- 1. Pursuant with MCC Section 20.532.095(A)(1), *Major vegetation removal*, a defined type of development, is authorized by issuance of a coastal development permit and application CDP_2021-0027 conforms with the land use goals and policies of Mendocino County's certified local coastal program, including those goals specific to the community of Elk and described in Coastal Element Chapter 4.10; and
- 2. Pursuant with MCC Section 20.532.095(A)(2), the application has demonstrated that *Major vegetation removal*, as proposed, will not require use of utilities, access roads, and other necessary facilities; and conditions are recommended to reduce changes in site drainage while vegetation-removing equipment is on-site; and
- 3. Pursuant with MCC Section 20.532.095(A)(3), the proposed would not conflict with the purposes and intents of the Coastal Public and Semipublic Facilities District (PF), Coastal Open Space District, Coastal rural Residential District, Coastal Rural Village District, and Coastal Range Lands District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code; and preserves the integrity of these Districts by continuing an existing use, that is conditionally permitted use in the PF District; and

- 4. Pursuant with MCC Section 20.532.095(A)(4), existing utility facilities used to provide electric power or public utility services, if completed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The proposed improvements are Categorically Exempt pursuant to Section 15301(b) and 15302(c); and
- 5. Pursuant with MCC Section 20.532.095(A)(5), the proposed would not have any adverse impact on any known archaeological or paleontological resources; on December 8, 2021, Mendocino County Archaeological Commission accepted a cultural survey report for the site; and Condition #8 is in place when archaeological sites or artifacts are discovered; and
- 6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered; the PG&E site is currently developed as a power substation and does not include service connections to water or wastewater treatment (nor does it have an on-site well or on-site septic); and the project is not anticipated to affect demands on public services; and
- 7. Pursuant to MCC Section 20.532.095(B)(1), the proposed development conforms with public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element Chapter 3.6 of Mendocino County General Plan. Shoreline access is mapped contiguous with Philo-Greenwood Road (CR 132), which adjoins the project site.
- 8. Pursuant to MCC Section 20.532.100(A)(2) and as supported by comments received from the Agricultural Commissioner on November 10, 2021, removing trees will not conflict with the long-term protection of resources lands; and
- 9. Pursuant to MCC Section 20.532.100(B) and as portions of the project area are classified on the *Important Farmland* exhibit as "Grazing," in this instance removing vegetation to reduce risk of fire hazards will maximize the protection of environmentally sensitive habitat areas (as none will directly impacted); the project does not propose construction of new roads and other facilities; views from beaches, public trails, roads and view from public viewing areas, or other recreational areas should not be obscured by the proposed project; the proposed project will not diminish the rural character of the site, including the visual character of the community of Elk generally; *Major vegetation removal* will not conflict with the preservation of prime agricultural soils and will not hinder maintaining productive use of on-site or adjacent agricultural use of the lands; and
- 10. Pursuant to MCC Section 20.532.100(B)(2), no conversion of prime agricultural or Williamson Act Contracted Lands is proposed.

CONDITIONS OF APPROVAL:

- 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 Coastal Zoning Code. The permit shall become effective after the ten 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 use of the property in reliance on such permit have been initiated prior to its expiration.
- 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. 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.

- 4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
- 5. The property owners shall secure all required building permits for the proposed project, as required by the Building Inspection Division of the Department of Planning and Building Services. Any Building Permit application shall include this coastal development permit (printed on the plans submitted).
- 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 one hundred (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. In compliance with MCC Section 20.504.035, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Coastal Permit Administrator.
- 10. In accordance with MCC Section 20.496.020(A)(1)(b), the applicant shall protect environmentally sensitive habitat areas and other resources, including birds, bats, amphibians and fish, soil and vegetation, by the following avoidance measures:
 - a. <u>Standard Best Management Practices</u>. BMPs, such as straw bales, coir rolls, and/or silt fencing structures shall be employed to ensure minimization of erosion resulting from tree removal and to avoid runoff into sensitive habitat areas. Construction fencing shall be utilized to protect sensitive habitat areas. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the tree removal activities project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization. (See also "Best Management Practices." TD-7102P-01-JA01. PG&E. March 14, 2019.)
 - b. <u>Birds</u>. The bird breeding season typically extends from February to August. (1) Seasonal Avoidance: No surveys are required if activity occurs in the non-breeding season (September to January). If development is to occur during the breeding season (February to August), a pre-construction survey is required within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development. (2) Nest Avoidance: If active special status bird nests are observed, no ground disturbance activities shall occur within a minimum 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 nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance. (3) Construction shall only occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

- c. Bats. Bat roost sites can change from year to year, so pre-construction surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. (1) Pre-construction surveys for bats: Construction will ideally occur between September 1st and October 31 after the young have matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between February 11 and August 31, pre-construction surveys shall be performed by a qualified biologist 14 days prior to the onset of development activities. If active bat roosts are observed, no ground disturbance activities shall occur within a minimum 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 roost until all young are no longer dependent upon the roost. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to construction for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50 foot buffer shall be implemented around the roost tree. (2) Construction shall only occur during daylight hours to limit disturbing construction noise and minimize artificial lights. (3) After tree felling, trees should be retained in place overnight, allowing any bats present to disperse.
- e. <u>Soil and vegetation</u>. Clearly mark the staging area site with cones and surround with temporary fencing.
- Special status amphibians. (1) Contractor Education: Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the California redlegged frog, foothill yellow-legged frog, Tailed frog, and the southern torrent salamander. (2) Preconstruction 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. (3) 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. (4) No construction during rain event: If a rain event occurs during the construction period, all ground disturbing activities shall cease for a period of 48 hours, starting after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians. (4.a) If no special status amphibians are found during inspections, ground-disturbing activities may resume. (4.b) If a special status amphibian is detected, construction crews shall stop all ground disturbing work and shall contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from the CDFW will be required prior to reinitiating work. The CDFW will need to be consulted and will need to be in agreement with protective measures needed for any potential special status amphibians.
- 11. The applicant shall partner with Save the Redwoods League by providing funding to treat five acres of forest land restoration, as part of the "Cape Vizcaino Forest Restoration Project."
- 12. The applicant is authorized to fell and remove sixty-six (66) trees and remove associated tree stumps. The applicant may chip the vegetation, and distribute the chip onsite or distribute it the coastal Mendocino County community.
- 13. When trees are removed, the applicant shall remove tree stumps and root balls. During the effective period of this permit, the landowners may plant low-stature, regionally native plants within the effected 36,655-square-foot area (approximate) and provide for irrigation, or hand watering, during the five years after planting (or until the plants are established).

COASTAL PERMIT ADMINISTRATOR STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

CDP_2021-0027 PAGE CPA-10

28 June 2022

DATE

JULIANA CHERRY PLANNER III

Appeal Period: 10 Days Appeal Fee: \$2,620.00

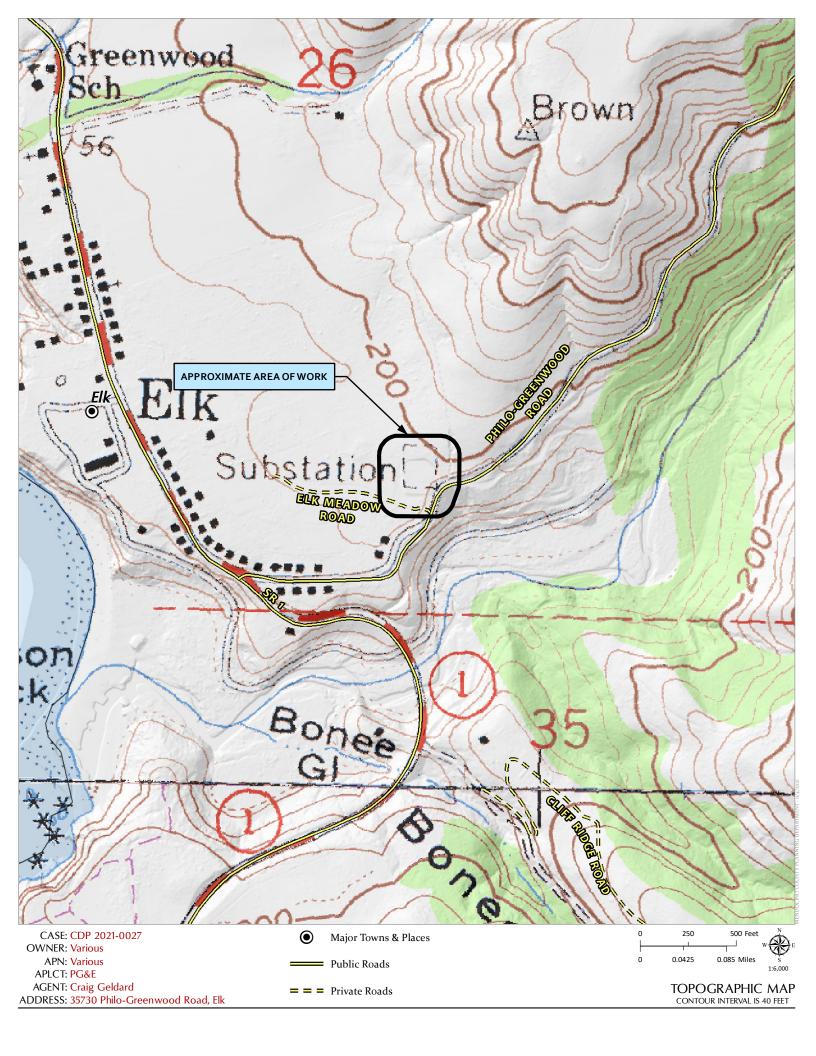
ATTACHMENTS:

- A. Location Map
- B. Arial Imagery
- C. Aerial Imagery
- D. Topographic Map
- E. Tree Inventory & Exhibit
- F. Zoning Display Map
- G. General Plan Classifications
- H. LCP Land Use Map 20: Elk
- I. LCP Habitats & Resources
- J. LCP Land Capabilities & Natural Hazards
- K. Adjacent Parcels
- L. Post LCP Certification and Appeal Jurisdiction
- M. Fire Hazard Zones & Responsibility Areas
- N. Highly Scenic & Tree Removal Areas
- O. Wildland-Urban Interface Zones
- P. Ground Water Resources
- Q. Western Soil Classifications
- R. Estimated Slope
- S. Farmland Classifications
- T. Lands in Williamson Act Contracts





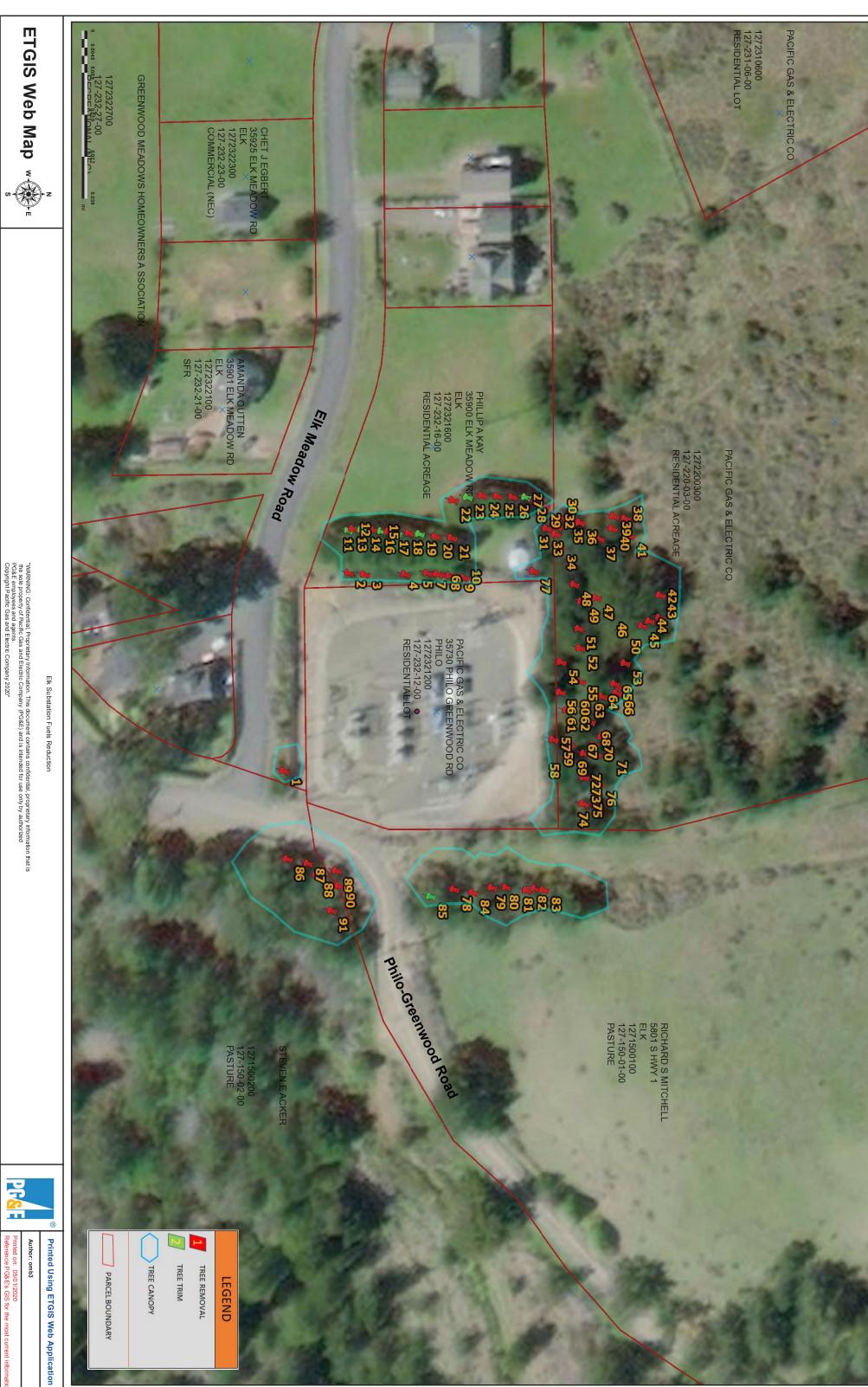




	Elk Substation	Tree In	ventory	
Tree ID	Species	DBH	Height	Property Ownership
	Douglas firPsuedotsuga menziesii	22		Greenwood Meadows Homeowners Association
2	mock orange <i>Philadelphus</i> sp.	12	15	Philip Kay
3	mock orange <i>Philadelphus</i> sp.	12	18	Philip Kay
4	mock orange <i>Philadelphus</i> sp.	12	18	Philip Kay
5	mock orangePhiladelphus sp.	5	20	Philip Kay
6	mock orangePhiladelphus sp.	8	18	Philip Kay
7	mock orange <i>Philadelphus</i> sp.	8	18	Philip Kay
8	mock orange <i>Philadelphus</i> sp.	8	18	Philip Kay
9	mock orange <i>Philadelphus</i> sp.	8	18	Philip Kay
10	mock orange <i>Philadelphus</i> sp.	14	18	Philip Kay
29	Douglas firPsuedotsuga menziesii	8	24	PG&E
30	Douglas firPsuedotsuga menziesii	12	24	PG&E
31	Douglas firPsuedotsuga menziesii	8	24	Philip Kay
32	Douglas firPsuedotsuga menziesii	8	24	PG&E
33	Douglas firPsuedotsuga menziesii	6	24	PG&E
34	Douglas firPsuedotsuga menziesii	6	24	PG&E
35	Douglas firPsuedotsuga menziesii	12	24	PG&E
36	Douglas firPsuedotsuga menziesii	12	24	PG&E
37	Douglas firPsuedotsuga menziesii	30	35	PG&E
38	Douglas firPsuedotsuga menziesii	30	35	PG&E
39	Douglas firPsuedotsuga menziesii	12	24	PG&E
40	Douglas firPsuedotsuga menziesii	6	24	PG&E

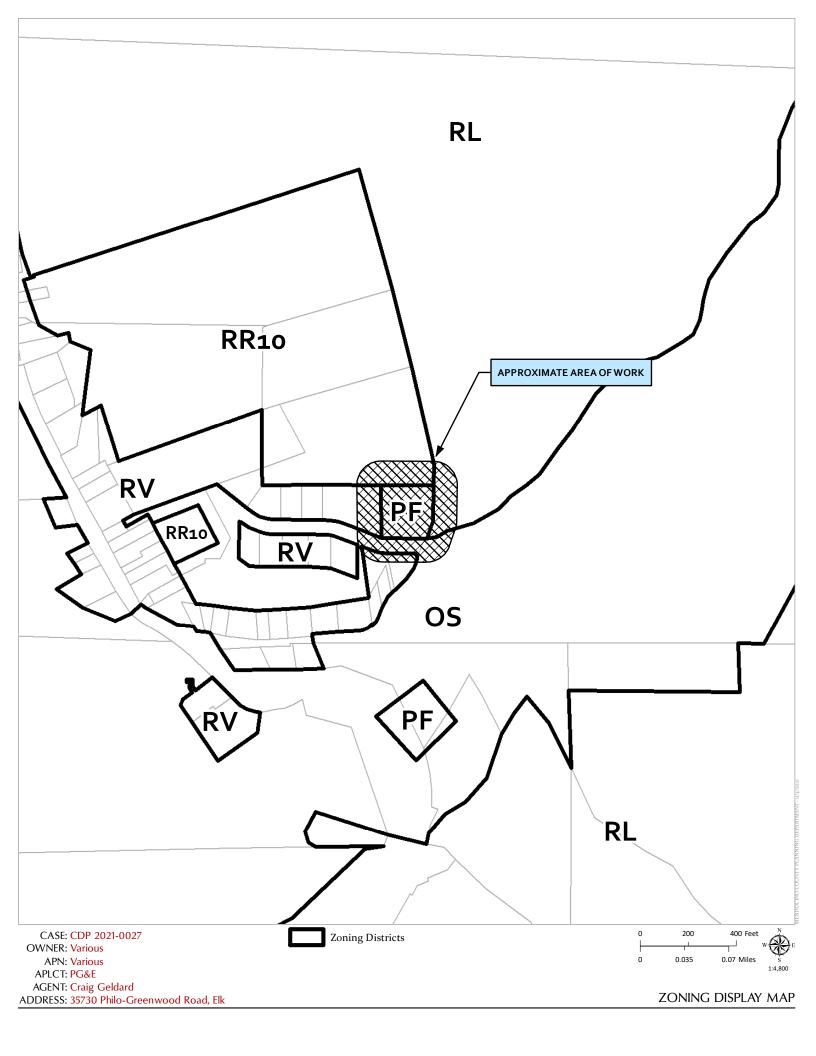
41 Douglas firPsuedotsuga menzies	ii 6	24	PG&E
42 Monterey cypress <i>Hesperocypari</i>	is 99	45	PG&E
43 Douglas firPsuedotsuga menzies	ii 6	24	PG&E
44 Douglas firPsuedotsuga menzies	ii 8	24	PG&E
45 Douglas fir <i>Psuedotsuga menzies</i>	ii 8	24	PG&E
46 Douglas firPsuedotsuga menzies	ii 45	40	PG&E
47 Douglas firPsuedotsuga menzies	ii 45	40	PG&E
48 Douglas firPsuedotsuga menzies	ii 26	40	PG&E
49 Tan oak <i>Lithocarpus densiflorus</i>	8	30	PG&E
50 Douglas fir <i>Psuedotsuga menzies</i>	ii 6	24	PG&E
51 Tan oak <i>Lithocarpus densiflorus</i>	35	30	PG&E
52 Tan oak <i>Lithocarpus densiflorus</i>	14	30	PG&E
53 Douglas firPsuedotsuga menzies	ii 26	40	PG&E
54 Tan oak <i>Lithocarpus densiflorus</i>	36	40	PG&E
55 Tan oak <i>Lithocarpus densiflorus</i>	14	30	PG&E
56 Tan oak <i>Lithocarpus densiflorus</i>	7	30	PG&E
57 Douglas fir <i>Psuedotsuga menzies</i>	ii 38	20	PG&E
58 Douglas firPsuedotsuga menzies	ii 13	24	PG&E
59 Douglas fir <i>Psuedotsuga menzies</i>	ii 12	24	PG&E
60 Douglas firPsuedotsuga menzies	ii 18	35	PG&E
61 Douglas firPsuedotsuga menzies	ii 6	24	PG&E
62 Douglas firPsuedotsuga menzies	ii 15	35	PG&E
63 Douglas firPsuedotsuga menzies	ii 8	24	PG&E

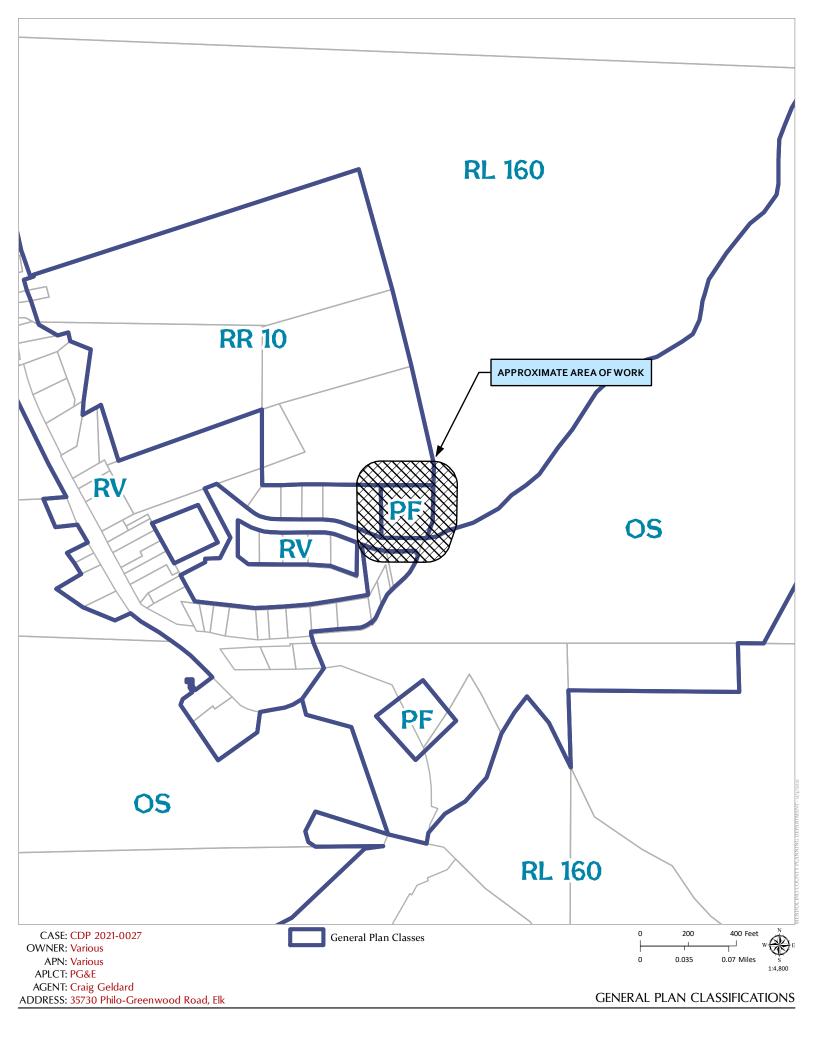
64	Douglas firPsuedotsuga menziesii	6	24	PG&E
65	Douglas firPsuedotsuga menziesii	6	24	PG&E
66	Douglas firPsuedotsuga menziesii	6	24	PG&E
67	Douglas firPsuedotsuga menziesii	16	35	PG&E
68	Douglas firPsuedotsuga menziesii	6	24	PG&E
69	Douglas firPsuedotsuga menziesii	6	24	PG&E
70	Douglas firPsuedotsuga menziesii	8	24	PG&E
71	Douglas firPsuedotsuga menziesii	8	24	PG&E
72	Douglas firPsuedotsuga menziesii	9	22	PG&E
73	Douglas firPsuedotsuga menziesii	13	24	PG&E
74	Douglas firPsuedotsuga menziesii	13	24	PG&E
75	Douglas firPsuedotsuga menziesii	9	22	PG&E
76	Douglas firPsuedotsuga menziesii	9	22	PG&E
77	Douglas firPsuedotsuga menziesii	8	24	Philip Kay
78	Douglas firPsuedotsuga menziesii	16	24	Richard Mitchell
79	Douglas firPsuedotsuga menziesii	20	22	Richard Mitchell
80	Douglas firPsuedotsuga menziesii	18	45	Richard Mitchell
81	Douglas firPsuedotsuga menziesii	14	18	Richard Mitchell
82	Douglas firPsuedotsuga menziesii	14	18	Richard Mitchell
83	Douglas firPsuedotsuga menziesii	14	18	Richard Mitchell
84	Douglas firPsuedotsuga menziesii	16	22	Richard Mitchell
85	Douglas firPsuedotsuga menziesii	18	28	Richard Mitchell

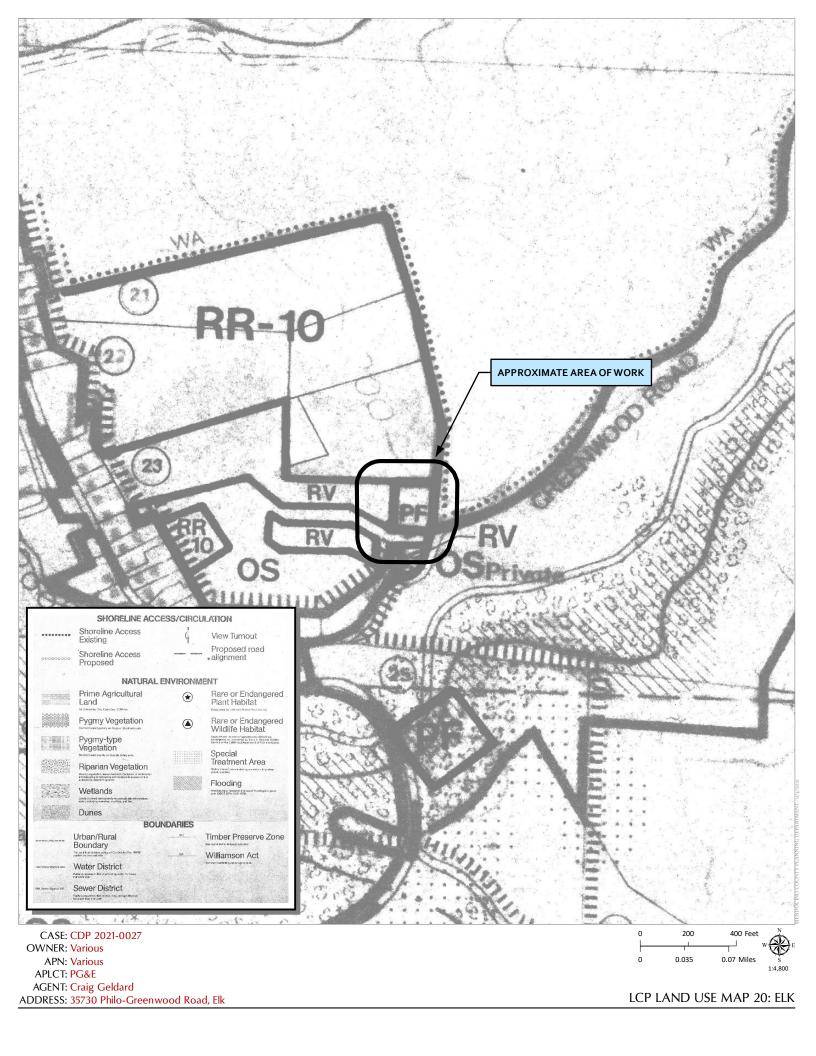


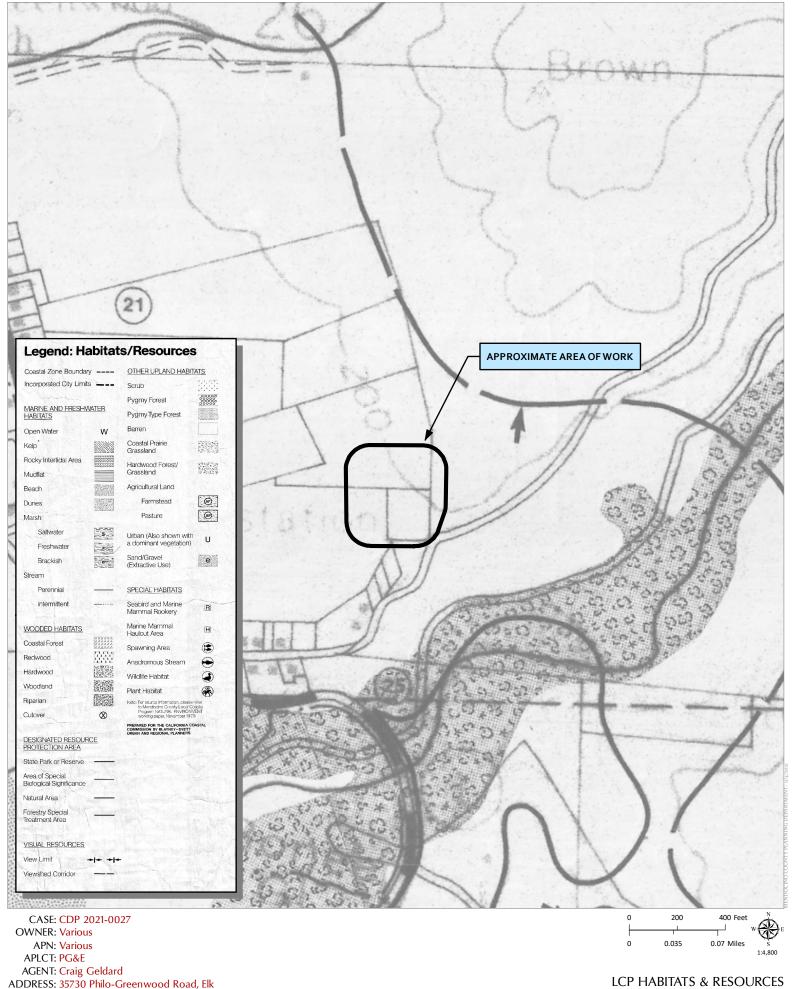












LCP HABITATS & RESOURCES

