



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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March 11, 2019

**PUBLIC NOTICE OF PENDING ACTION**  
**STANDARD COASTAL DEVELOPMENT PERMIT**

The Mendocino County Coastal Permit Administrator, at a **Special Meeting** to be held on **Wednesday, March 27, 2019** at 10:00 a.m. or as soon thereafter as the item may be heard, located in the Planning and Building Conference Room, 860 North Bush Street, Ukiah, California, will hear the below described project that is located in the Coastal Zone.

**CASE#:** CDP\_2018-0016

**DATE FILED:** 5/18/2018

**OWNER/APPLICANT:** EDWARDS BOB S JR & JULIE E

**REQUEST:** An after-the-fact Standard Coastal Development Permit request to remediate for major vegetation removal adjacent to and within a sensitive coastal resource area, including a riverine and wetland.

**ENVIRONMENTAL DETERMINATION:** Statutory Exemption

**LOCATION:** In the Coastal Zone, in the community of Little Valley, 6.3± miles north of Fort Bragg, on the east side of State Route 1, located at 26921 N Hwy 1, Fort Bragg (APN: 069-060-16).

**STAFF PLANNER:** JULIANA CHERRY

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building, Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

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.

Additional information regarding the above noted case may be obtained by calling Juliana Cherry at 707-964-5379, Monday through Friday.

BRENT SCHULTZ, Director of Planning and Building Services



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**COASTAL PERMIT ADMINISTRATOR  
SPECIAL MEETING - CDP STANDARD**

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**MARCH 27, 2019  
CDP\_2018-0016**

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**SUMMARY**

**OWNER/APPLICANT:** BOB S JR & JULIE E EDWARDS  
26921 N HWY 1  
FORT BRAGG, CA 95437

**REQUEST:** An after-the-fact Standard Coastal Development Permit request to remediate for major vegetation removal adjacent to and within a sensitive coastal resource area, including a riverine and wetland.

**LOCATION:** In the Coastal Zone, in the community of Little Valley, 6.3± miles north of Fort Bragg, on the east side of State Route 1, located at 26921 N Hwy 1, Fort Bragg (APN 069-060-16).

**TOTAL ACREAGE:** 4.98 Acres

**GENERAL PLAN:** Coastal Element, General Plan  
Rural Residential (RR2:R)

**ZONING:** Mendocino County Coastal Zoning Code  
Rural Residential (RR:2)

**SUPERVISORIAL DISTRICT:** 4

**ENVIRONMENTAL DETERMINATION:** Statutory Exemption

**APPEALABLE:** Yes. Mapped Appeal Jurisdiction & Wetland-Riparian Habitat

**RECOMMENDATION:** Deny without Prejudice

**STAFF PLANNER:** JULIANA CHERRY

**BACKGROUND**

**PROJECT DESCRIPTION:** An after-the-fact Standard Coastal Development Permit request to remediate for major vegetation removal adjacent to and within a sensitive coastal resource area, including a riverine and wetland. The property owner requests the following additional development activities:

- a. Establish a 100-foot defensible space around existing structures;
- b. Widen the paved area within an existing easement;
- c. Clear trees within utility easements;
- d. Replant trees;
- e. Constructing fences; and
- f. Protect riparian areas.

On June 13, 2018, correspondence informed the property owner that the application, as filed, was incomplete. In response to additional information filed on August 31, 2018 and September 4, 2018, staff

requested additional information and clarifications on October 2, 2018 (See attached). The property owner on October 6, 2018, replied that pursuant with Mendocino County Coastal Zoning Code (MCCZC) Section 20.532.035(C), the application shall be deemed complete 30-days post August 31, 2018. The property owner has not otherwise responded to staff's request of October 2, 2018.

**APPLICANT'S STATEMENT:** From the application questionnaire:

"a. 100 foot defensible space, SOD, diseased trees: First priority is to establish a 100 foot defensible space around the residence and ceremonial tea house. Most of the defensible space has been accomplished. We believe this is important as we have charred tree stumps near the residence, and with another drought our residence would be in harm's way. NOTE: This project exists in the SRA. Second priority is to remove the dead and dying Tan Oaks. We are in a SOD (Sudden Oak Death) area. Some trees have lost all of their leaves. About 35 Tan Oaks have been removed by the property owner due to SOD. Ten of these trees had split limbs or broken tree limbs. PG&E, through their vendor, has been removing trees in the utility easement. Some of these trees are dead; others have limbs crossing the high voltage power lines. PG&E has been out twice to remove trees in the easement, and is scheduled to return with a target to remove eight additional trees. SOD causes the tree trunk and tree limbs to weaken, this can be sudden. The priority is to remove diseased, damaged, aged trees on the property that are "widow makers." These include Bull Pine and White Spruce.

b. Widen Easement: The Fort Bragg Fire Chief has done an assessment of the easement to the North and East side of our property and has determined we need to widen the easement by removing the gate (done), and clearing vegetation to allow a large fire engine(s) to have access. This future easement widening will result in a few redwood trees (now capped) and 3 white spruce trees being removed in the easement.

c. Power Lines: The property has power lines on the North, East, and parts of the Southern Boundary. The property has cable/TV and telephone lines on the Western boundary of the property. We will continue to clear trees, and sometimes bushes in the utility easement of our property. As mentioned above PG&E has been helpful in this issue.

d. Change in Zoning: We initially requested a change in zoning to Agriculture, but with this addition to the Application, we are not requesting a change in zoning. We sent CalFire a letter, per instructions with this application, about preliminary clearance. We received our CalFire letter (March 31, 2018). CalFire requested we talk to them, and the result of that phone conversation is to plant trees and to replace old dead trees in areas where trees existed previously.

e. Replanting of Trees: Where trees were we will replant trees. Where meadows or lawn existed we will keep these areas mowed. We would like to plant some blueberry bushes on the property, and they are members of the same plant family as native Huckleberry plants. Huckleberry plants really like our property. We are contacting Sarah Bradley, a wildlife Biologist, to help us with the plan of replanting.

f. Fencing: We wish to enclose the property with fencing. The perimeter fencing will be either weaved hog wire or hog panel fencing, at 6 feet. On our South boundary, between the Edwards' and the Brown's we will extend the privacy fence up to 75 feet longer. We want the perimeter fencing to keep our pets safe. We received a phone threat from our neighbor that our German Shepard dog was often on her deck. She said she didn't want anything bad to happen to our dog. The implied threat that something could have happened to our dog, if it were on her property, was very discouraging, as our dog was on her property a few times. But the heartbreaking news to us was our dog died suddenly at our feet, about a month later. Neither neighbor has asked "where is your dog."

g. Riparian area: We have setup a Riparian area on the west side of our property. We have placed T-posts at 50 feet from the center of the dry creek. This will help us from mowing and clearing within this 100-foot) corridor. Game and Wildlife did not identify any other riparian area on our property (Application Questionnaire. May 18, 2018)."

**RELATED APPLICATIONS:****On-Site**

- Septic 1293
- Building Permit 8791 for a Single-Family Residence
- CDP 22-1992 and LCP 92-49
- Building Permits for workshops and addition 929-73 and 909-1015

**Neighboring Properties**

- Northern parcel APN 069-060-09: CDP 10-1992 Care Unit
- Southerly parcel APN 069-060-17: CDP 109-2001

**SITE CHARACTERISTICS:** The parcel is 6± miles north of the City of Fort Bragg and in the area of Little Valley along the State Route 1 corridor (See attached *Location Map*). The site is 1± mile east of the shore with dunes and forest separating this location from the Pacific Ocean. The lot and surrounding area are identified as wooded habitats with riparian characteristics (See attached *LCP Habitats & Resources*). An unnamed seasonal stream crosses the property from south to northwest in the westerly quadrant of the parcel and the water drains into Inglenook Creek (See attached *Wetlands*). This seasonal stream coincides with the boundaries of the appeal jurisdiction on the Post LCP Certification Permit and Appeal Jurisdiction Map (See attached *Appealable Areas*). As shown on the *LCP Land Use Map 10: Little Valley* as “riparian habitat,” a second seasonal stream crosses the property from south to northwest, bisecting the easterly quadrant of the parcel; it drains water from neighboring properties to the south across the subject parcel and into a ditch that parallels the south side of the vehicle access easement located on the northern property boundary (See attached). Mapped Western Soil Types are #214 and #204, where Type #214 is predominately mapped within the 40-foot land contours where seasonal streams feed the Inglenook Creek (See attached *Local Soils* and *Topographic Map*). The lot and surrounding areas are mapped as Critical Water Resources Bedrock (See attached *Ground Water Resources*). The site is mapped as moderately productive timberland (See attached *LCP Land Capabilities & Natural Hazards* and *Important Farmland*). The topography of the parcel has been drastically terraformed (graded) to create a flat area for the previously constructed single-family residential development and surrounding cultivated landscaped garden. The slope of the land is inconsistent with surrounding parcels, showing a clear pattern of large-scale grading and an alteration of the natural topography. This has the effect of impacting the direction of the water course.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the surrounding lands to the north, south, east and west are classified Rural Residential (i.e., RR2 and RR10) (See attachment *General Plan Classifications*). The lots are developed with Single-Family Residential dwelling units.

Table 1: Surrounding land use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
<b>NORTH</b>	Rural Residential	Rural Residential	1-4 acres	Residential
<b>EAST</b>	Rural Residential	Rural Residential	5 acres	Residential
<b>SOUTH</b>	Rural Residential	Rural Residential	2-3 acres	Residential
<b>WEST</b>	Rural Residential	Rural Residential	11 acres	Residential

**LOCAL COASTAL PLAN CONSISTENCY**

On October 2, 2018, Staff sent correspondence to the property owner identifying aspects of the filed application that are incomplete. The letter identified several needed clarifications to the botanical survey report, including identifying the boundaries of a 100-foot buffer from wetlands and riparian areas. In addition, the letter requested information consistent with MCCZC Section 20.532.060. Since the applicant



has not provided additional material, staff cannot assess whether the scope of the proposed project complies with goals, policies, and implementation of the Local Coastal Program.

1. Land Use: The parcel is classified as Rural Residential (RR2). This classification is intended to encourage local small scale food production (farming) in areas which are not suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability. The property owner proposes a variety of development activities, including small scale farming and growing blueberries. The blueberry shrubs would be planted in the riparian corridor, which would not be consistent with general plan policies 3.1-2 and 3.1-7.

Relevant land use policies from Coastal Element Chapter 3.1 *Habitats and Natural Resources* include Policies 3.1-2, and 3.1-7.

3.1-2 Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource. Where representatives of the County Planning Department, the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain about the extent of sensitive habitat on any parcel such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, County Planning Department staff member, a representative of California Department of Fish and Game, a representative of the California Coastal Commission. The on-site inspection shall be coordinated by the County Planning Department and will take place within 3 weeks, weather and site conditions permitting, of the receipt of a written request from the landowner/agent for clarification of sensitive habitat areas. If all of the members of this group agree that the boundaries of the resource in question should be adjusted following the site inspection, such development should be approved only if specific findings are made which are based upon substantial evidence that the resource as identified will not be significantly degraded by the proposed development. If such findings cannot be made, the development shall be denied. Criteria used for determining the extent of wetlands and other wet environmentally sensitive habitat areas are found in [Coastal Element] Appendix 8 and shall be used when determining the extent of wetlands.

See report Section 5, Habitats and Natural Resources for a detailed description about MCCZC Section 20.496.015 ESHA-Development Application Procedure and implementing Policy 3.1-2.

3.1-7 A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards: 1. It shall be sited and designed to prevent impacts which would significantly degrade such areas; 2. It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and 3. Structures will be allowed within the buffer

*area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.*

See report Section 5, Habitats and Natural Resources for a detailed discussion about MCCZC Section 20.496.020(A)(4) *Permitted Development* and implementing Policy 3.1-7.

2. Zoning: The project is located within a Rural Residential (RR2) District. The proposed projects (100-foot defensible space, widening easement, clearing trees within utility easements, replanting trees, fencing and protection of riparian area) are not principally permitted uses within the District. Clearing vegetation, grading, and planting trees (as mitigation) are types of development that require an approved Coastal Development Permit.
3. Visual Resources: The site is not designated as a Highly Scenic Area and is not subject to the regulations of MCCZC Chapter 20.504.
4. Hazards Management: MCCZC Chapter 20.500 *Hazard Areas* is applied 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 threats from geologic, fire, flood or other hazards. The site is not identified with the following natural hazards: faults, bluffs and bluff erosion, Tsunami, landslides, erosion, and flood hazards (See attached *Aerial Imagery, Topographic Map, and LCP Land Capabilities & Natural Hazards*).

Section 20.500.025 *Fire Hazard* – The parcel is located within an area mapped with a “Moderate Fire Hazard” severity rating (See attachment *Fire Hazard Zones & Responsibility areas*). Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Fort Bragg Rural Fire Prevention District. The applicant has filed with the Coastal Development Permit (CDP) 2018-0016 application the “State Fire Safe Regulations Applications Form,” but has not filed a preliminary clearance from CalFire. Rather the property owner filed a copy of correspondence dated March 13, 2018, from CalFire stating, “CalFire has received your application for your project at 26921 North Hwy. 1, Fort Bragg, Ca. We are unable to determine the need for this application. Attempts to reach you by phone have been unsuccessful. Your application looks like you are erecting a fence which does not need prior clearance from CalFire. Your application does however state that you will be converting timberland to a non-timber growing use which DOES require you to contact CalFire Resource Management ...”

Staff cannot recommend that the application, as filed, would satisfy general plan policies regarding potential hazards, including moderate fire hazards, or MCCZC Section 20.500.025 or the conversion of lands to non-timber growing uses.

5. Habitats and Natural Resources: MCCZC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* shall apply to all development proposed in the Coastal Zone, unless it can be demonstrated to the Coastal Permit Administrator that the projects will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. Mapping and a botanical survey report establish that there is a freshwater forested/shrub wetland bisecting the westerly quadrant of the parcel (See attachment *Wetlands*). The wetland drains into Inglewood Creek, which is less than 1 mile north and west of the project site. The attached *LCP Habitats & Natural Resources* exhibit identifies the entire parcel as riparian wooded habitat and, in the location of the freshwater forested/shrub wetland, there is an intermittent stream.

The purpose of MCCZC Chapter 20.496 is to ensure that environmentally sensitive habitat and other designated resource areas are protected for both the wildlife inhabiting them and for the enjoyment of present and future populations. Environmentally Sensitive Habitat Areas (ESHAs) include wetlands, riparian areas, habitats of rare and endangered plants and animals, and others. MCCZC Section 20.496.015 lists development application procedures, which begin with determining the

extent of ESHA. On August 31, 2018, a Biological Survey report was filed and on September 18, 2018, the Department of Fish and Wildlife (DFW) provided preliminary comments. On October 2, 2018, Planning and Building Services sent the property owner comments from DFW and Planning. Staff requested several report clarifications, including maps depicting the ESHA boundaries, identification of the ESHA, and the width of ESHA buffers. Other information requested included:

- Revise the survey report content to include facts supporting how the proposed project (e.g. habitat restoration) would meet the standards for an appropriate buffer from the ESHA.
- Revise the survey report to describe: (a) biological significance of adjacent lands; (b) sensitivity of species to disturbance; (c) susceptibility of parcel to erosion; (d) use of natural topographic features to locate development; (e) use of existing cultural features to locate buffer zones; (f) lot configuration and location of existing development; and (g) type and scale of development proposed.
- Revise the survey report to clarify that buffer areas are measured to MCCZC Section 20.496.020(A)(2) standard.
- Revise the survey report to include a proposed ESHA restoration plan that would meet minimum standards, including MCCZC Section 20.496.020(A)(4)(a) - (k).
- Revise the survey report and clarify how the proposed project would satisfy vegetation removal, a defined development type MCCZC Section 20.308.080(C), or ESHA restoration within a wetland area.
- Pursuant with MCCZC Section 20.496.025, development or activities within wetland areas is limited. CDP 2018-0016 application description and the survey report should be revised to address specified standards limiting development within wetland areas, including restoration projects (See MCCZC Section 20.496.025(A)(8)). Requirements for permitted development within in wetlands are specified in MCCZC Section 20.496.025(B).
- Pursuant with MCCZC Section 20.496.030(C), development permitted in streams and rivers shall be limited. CDP 2018-0016 application description and the survey report should respond to specified standards that limit vegetation removal in streams to necessary water supply projects and flood control projects.
- Pursuant with MCCZC Section 20.532.060, additional project information is required for development within an ESHA and for any development within five hundred feet of an ESHA (if the development is determined to have the potential to affect an ESHA). Please submit the following additional information: (a) topographic base map, (b) inundation map, (c) vegetation map, (d) soils map, and (e) Report of Compliance.

Department of Fish and Wildlife preliminary comments are:

- Botanical surveys appear to have been conducted primarily in impacted/cleared areas, not in existing intact areas that would likely be representative of areas where vegetation has been removed. Complete surveys should be conducted not only to gain an understanding of what was removed, but also to assist in identifying the location and extent of ESHAs.
- The report does not mention or identify ESHAs or ESHA buffers, and does not acknowledge impacts to these areas.
- No reference is made to the Manual of California Vegetation or CDFW's List of California Terrestrial Natural Communities, or natural communities recognized within these resources.

- The report does not include a map or maps a) identifying areas that were surveyed, b) showing proposed project footprint (including proposed planting, fencing, revegetation areas, etc.), or c) identifying ESHAs and ESHA buffers in relation to cleared vegetation and proposed development.
- White alder (*Alnus rhombifolia*) is identified as occurring within the riparian area. This seems highly unlikely, as white alder is an inland species. The report does not acknowledge that this would be a very unusual occurrence, which raises concerns about identification of other species by this consultant. There are a few other questionable species on the list as well.
- The project proponent should provide a detailed revegetation plan (including maps, species list, success criteria, five-year monitoring and reporting plan, etc.). In addition to replacing removed alders (they are most likely red alders, *Alnus rubra*), the bishop pines and grand firs should be replaced at an acceptable ratio (3:1 or 4:1 is typical). Tanoaks are native and also provide habitat value, but if they are likely to become infected with sudden oak death, it might not be worthwhile to try to replant that species.
- The survey methodology is missing important elements of CDFW's 2018 "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities."
- In general, the report is missing much of the content we would expect for a biological report associated with a Coastal Development Permit application, especially one with wetland and riparian (and potentially other ESHA) impacts.

Before Staff can recommend approval of the proposed project, the property owner will need to furnish information that demonstrates that the project would satisfy ESHA policies, including MCCZC Section 20.496.020 *ESHA Development Criteria* and MCCZC Section 20.532.030 *Environmentally Sensitive Habitat Area – Supplemental Application Procedures, et seq.* This proposal should furnish information that would assure the project's compliance with MCCZC Section 20.532.065 *Wetland Restoration Plan Procedures*. The filed biological survey is not accepted and clarifications have been requested, but no response has been filed. Therefore, staff cannot recommend findings that the project would be consistent with the Local Coastal Program policies, including Policies 3.1-2 and 3.1-7, or ESHA development regulations.

6. Archaeological/Cultural Resources: Planning and Building Services' procedure for small projects is to not refer the project to Mendocino County Archaeological Commission. Planning and Building Services procedure (as detailed in a Staff Memorandum) was reviewed by the Archaeological Commission in 2005 and again in 2014. It was determined to be an appropriate guidance document for what projects would require archaeological review. A standard Condition would advise the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. As the filed application is not complete, the proposed project has not been distributed to agencies or tribes for their comment.
7. Grading, Erosion, and Runoff: Pursuant with MCCZC Chapter 20.492 *Grading, Erosion, and Runoff*, the approving authority is required to review all permit applications for CDPs to determine the extent of project related impacts due to grading, erosion, and runoff. The approving authority shall determine the extent to which grading, erosion, sedimentation, and runoff standards should apply to the proposed development and the extent to which additional studies and/or mitigation are required. It is evident from viewing the site that significant land areas have been altered. Grading has occurred along a west facing slope and adjacent to a seasonal creek. The applicant states that no grading is planned (*Application questionnaire, Question #16*). Staff recommends that the property owners revise the filed application and provide documentation demonstrating, after-the-fact, that the site is not vulnerable to erosion, sedimentation, or runoff hazards.

8. Transportation and Circulation: The project would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. *State Route 1 Corridor Study Update for the County of Mendocino* lists the intersection of State Route 1 and Little Valley Road with a "B" level of service (2008). This is the nearest State Route intersection to the project site. The project site has direct access to State Route 1. The proposed project has not been distributed to the California Department of Transportation (CalTrans), as the application as filed is incomplete; therefore, staff has not had the opportunity to learn what comments, recommendations, or conditions, if any, CalTrans may request. While it is likely the project would conform to MCCZC Section 20.516.015(C) regulations, it cannot be determined at this time.
9. Groundwater Resources: The project site is located within a mapped Sufficient water Resources Area (See attached *Ground Water Resources*). The proposed development, e.g., establishing 100-foot defensible space, widening easement, clearing trees within utility easements, replanting trees, fencing and protection of riparian area, would have access to sufficient groundwater resources and is likely to conform with MCCZC Section 20.516.015(B) *Water Supply*. However as the filed application is incomplete, the proposed project has not been distributed to the Division of Environmental Health for their review or comment regarding septage and leach field, or water supply.
10. Public Access: The project site is not designated as a potential public access point on the certified LCP (Local Coastal Program) maps. Existing shoreline access is west of the project site at Seaside Creek Shoreline, Seaside Creek to Pudding Creek Trail, Ten Mile River river access, Inglenook Grange Trail, and Mill Creek Drive Shoreline. Staff recommends that the application could satisfy general plan public access policies and MCCZC Chapter 20.528 *Coastal Access Regulations and Open Space Easements* regulations that are applied to all projects in the coastal zone that fall within the definition of development.

### **RECOMMENDATION**

Pursuant with MCCZC Section 20.532.055 *Time Periods*, within 180-days of filing a complete application for a coastal development permit the Coastal Permit Administrator shall take action on CDP 2018-0016. The Coastal Permit Administrator may take any one or a combination of the following different actions for each application for a permit.

- a. Make such findings or determination as is required by this Division and approve the application; or
- b. Make such findings or determination as is required by this Division, including performance of, or compliance with, changes, modifications or conditions necessary to assure conformity with this Division and required for approval of the application; or
- c. Make such findings or determination as is required by this Division and deny the application if: (1) The coastal development permit cannot be conditioned by adequate requirements to insure compliance with this Division; or (2) The proposed development cannot be modified to conform with this Division; or (3) The proposed development does not conform with the certified local coastal program.

At this time there is insufficient information to determine that the proposed would conform with the certified local coastal program; therefore, staff recommends that the Coastal Permit Administrator make such findings, or determination as is required by the Mendocino County Coastal Zoning Code, and deny the application without prejudice. The property owner, whose actions are in violation with County Codes, would have the opportunity to file a new Coastal Development Permit application with the foreknowledge of information required for an application to be complete as filed.

Therefore and pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, the Coastal Permit Administrator denies the proposed project without

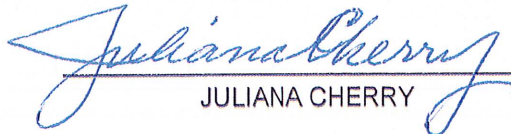
prejudice and refers the project to Code Enforcement for their action.

**FINDINGS:**

1. Pursuant with MCCZC Section 20.532.095(A)(1), the proposed development does not demonstrate conformity with the certified Local Coastal Program as it proposes development within wetlands and riparian areas without demonstrating compliance with the Mendocino County Coastal Zoning Code regulations; and
2. Pursuant with MCCZC Section 20.532.095(A)(2), the site has access to utilities, access roads, drainage and other necessary facilities; and
3. Pursuant with MCCZC Section 20.532.095(A)(3), the proposed 100-foot defensible space, widening easement, clearing trees within utility easements, replanting trees, fencing and protection of riparian area) are not principally permitted uses within the District. Clearing vegetation, grading, and planting trees has not been demonstrated consistent with the purpose, intent, and development requirements of the Rural Residential District nor satisfies the specified requirements of the MCCZC Chapters 20.496 *Grading, Erosion and Runoff*, 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*, and 20.500 *Hazards*, and all other provisions of Division II; and
4. Pursuant with MCCZC Section 20.532.095(A)(4), the California Environmental Quality Act does not apply to project that a public agency rejects or disapproves; and
5. Pursuant with MCCZC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Pursuant with MCCZC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have not been considered and may not be adequate to serve the proposed development; and
7. Pursuant with MCCZC Section 20.532.100(A)(1), the proposed development does not conform to Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* regulations as insufficient information is available to determine otherwise and the site is mapped as wetlands, wooded riparian habitat; and

3-11-2019

DATE

  
JULIANA CHERRY

Appeal Period: 10 Days  
Appeal Fee: \$1616.00

**ATTACHMENTS:**

- |                                       |   |
|---------------------------------------|---|
| A. October 2, 2018 Incomplete Letter  | I. LCP Land Capabilities & Natural Hazards    |
| B. Location                           | J. LCP Habitats & Resources                   |
| C. Topographical                      | K. Appealable Areas                           |
| D. Aerial Imagery                     | L. Adjacent Owner Map                         |
| E. Site Plan                          | M. Fire Hazard Zones and Responsibility Areas |
| F. Zoning Map                         | N. Ground Water Resources                     |
| G. General Plan Classifications       | O. Local Soils                                |
| H. LCP Land Use Map 11: Little Valley | P. Wetlands                                   |





**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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October 2, 2018

Julie and Bob Edwards  
26921 N Hwy 1  
Fort Bragg, CA 95437

RE: Application CDP\_2018-0016 for Major Vegetation Removal at 26921 N Hwy 1, Fort Bragg

Dear Mr. and Mrs. Edwards,

Application CDP 2018-0016 requests after-the-fact approval to remove vegetation within ESHAs. Thank you for submitting on August 31, 2018, a report titled "Biological Survey 26921 North Highway One, Fort Bragg CA 95437," prepared by Dark Gulch Environmental. I have distributed the report to the Department of Fish and Wildlife for their comments; please find comments attached. As filed, the report does not provide sufficient information to determine the extent of environmentally sensitive habitat and other resource areas, including riparian areas.

Report clarifications are needed, including the report format and referenced attachments:

1. All of the attachments need to be sequentially numbered.
2. The report and its attachments need to be legible, including attachments #7 and #9.
3. Clarify on page 16 which plants are unidentified and the purpose of including this image in the report.
4. The report needs to include the mailing address, email, and phone number for the consultant.

Please be advised that maintaining defensible space and satisfying CalFire Standards is not the basis for analyzing the quality of environmentally sensitive habitat and other resource areas. Pursuant with MCC Section 20.496.010, the purpose of requesting a survey report is to ensure that environmentally sensitive habitat and other designated resource areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations.

Pursuant with MCC Section 20.496.015, there are specified application procedures that begin with determining the extent of an ESHA. Staff finds the report, as prepared, does not provide sufficient information to identify the extent of the ESHA on the westerly and easterly portions of the property. On-line resources indicate that the ESHA may include a wetland, riparian vegetation, hydric soil types (one-parameter wetland), western bumble bee, dark-eyed gilia, Point Reyes horkelia, swamp harebell, maple leaved checker bloom, and others.

5. Revise the survey report to include maps depicting ESHA boundaries and identify the types of ESHA.

Pursuant with MCC Section 20.496.020(A), there are specified ESHA development criteria, beginning with establishing buffers from environmentally sensitive habitat areas (ESHA).

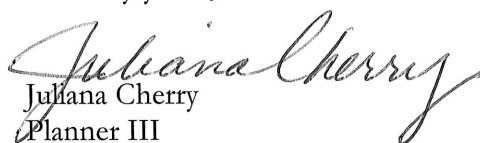
6. Revise the survey report to include maps depicting a 100-foot buffer from the edge of each ESHA.
7. Revise the survey report content to include facts supporting how the proposed project (e.g. habitat restoration) would meet the standards for an appropriate buffer from the ESHA.
8. Revise the survey report to describe: (a) biological significance of adjacent lands; (b) sensitivity of species to disturbance; (c) susceptibility of parcel to erosion; (d) use of natural topographic features to locate development; (e) use of existing cultural features to locate buffer zones; (f) lot configuration and location of existing development; and (g) type and scale of development proposed.
9. Revise the survey report to clarify that buffer areas are measured to MCC Section 20.496.020(A)(2) standard.
10. Revise the survey report to include a proposed ESHA restoration plan that would meet minimum standards, including MCC Section 20.496.020(A)(4)(a) - (k).
11. Revise the survey report and clarify how the proposed project would satisfy vegetation removal, a defined development type MCC Section 20.308.080(C), or ESHA restoration within a wetland area.
12. Pursuant with MCC Section 20.496.025, development or activities within wetland areas is limited. CDP 2018-0016 application description and the survey report should be revised to address specified standards limiting development within wetland areas, including restoration projects (See MCC Section 20.496.025(A)(8)). Requirements for permitted development within in wetlands are specified in MCC Section 20.496.025(B).
13. Pursuant with MCC Section 20.496.030(C), development permitted in streams and rivers shall be limited. CDP 2018-0016 application description and the survey report should respond to specified standards that limit vegetation removal in streams to necessary water supply projects and flood control projects.

Pursuant with MCC Section 20.532.060, additional project information is required for development within an ESHA and for any development within five hundred feet of an ESHA (if the development is determined to have the potential to affect an ESHA).

14. Please submit the following additional information: (a) topographic base map, (b) inundation map, (c) vegetation map, (d) soils map, and (e) Report of Compliance.

Prior to further processing, the above noted items will need to be submitted to Planning and Building Services. Once all the required items have been submitted, the Initial Review of your project will begin. Please be advised that after environmental analysis and responding agencies comments, additional items may be required. You will be notified if any additional information is required. Please note that pursuant with MCC Section 20.532.035(F), if the application is not completed by the applicant within one year of original receipt of the application, it will be deemed withdrawn. A new application may be submitted. If you have questions, please contact Juliana Cherry: [cherryj@mendocinocounty.org](mailto:cherryj@mendocinocounty.org) or 707-234-2888.

Cordially yours,

  
Juliana Cherry  
Planner III

enclosures

- Department of Fish and Wildlife Comments dated 9-18-2018, Angela Liebenberg



**From:** Juliana Cherry  
**To:** Angela Liebenberg  
**CC:** Bill Kinser  
**Date:** 9/18/2018 4:17 PM  
**Subject:** CDP\_2018-0008 Edwards "Biological Report"

Angela, thank you for your thoughtful message this afternoon. I will put on work-task list for Wednesday morning to develop a similar list with the intention to mail my comments to you. Perhaps next week (W/T/or F) we can consolidate our thoughts into one document? I will be away from the office 9/20-9/25 and return on 9/26.

Best -- J.

Juliana Cherry  
Planning and Building Services  
707-234-2888

>>> "Liebenberg, Angela@Wildlife" <[Angela.Liebenberg@wildlife.ca.gov](mailto:Angela.Liebenberg@wildlife.ca.gov)> 9/18/2018 4:01 PM >>>  
Hi Juliana -

Thank you for sending me a copy of the "Biological Report" for the Edwards violation. I have given it a brief review, and like you, I am concerned that it does not address many important issues. I agree with your proposal of providing combined/unified comments to the project proponent. Maybe we can either set up a time to meet, or correspond by email to get comments together by your deadline.

Below is a preliminary list of my comments/concerns:

- Botanical surveys appear to have been conducted primarily in impacted/cleared areas, not in existing intact areas that would likely be representative of areas where vegetation has been removed. Complete surveys should be conducted not only to gain an understanding of what was removed, but also to assist in identifying the location and extent of ESHAs.

- The report does not mention or identify ESHAs or ESHA buffers, and does not acknowledge impacts to these areas.

- No reference is made to the Manual of California Vegetation or CDFW's List of California Terrestrial Natural Communities, or natural communities recognized within these resources.

- The report does not include a map or maps a) identifying areas that were surveyed, b) showing proposed project footprint (including proposed planting, fencing, revegetation areas, etc.), or c) identifying ESHAs and ESHA buffers in relation to cleared vegetation and proposed development.

- White alder (*Alnus rhombifolia*) is identified as occurring within the riparian area. This seems highly unlikely, as white alder is an inland species. The report does not acknowledge that this would be a very unusual occurrence, which raises concerns about identification of other species by this consultant. There are a few other questionable species on the list as well.

- The project proponent should provide a detailed revegetation plan (including maps, species list, success criteria, five-year monitoring and reporting plan, etc.). In addition to replacing removed alders (they are most likely red alders, *Alnus rubra*), the bishop pines and grand firs should be replaced at an acceptable ratio (3:1 or 4:1 is typical). Tanoaks are native and also provide habitat value, but if they are likely to become infected with sudden oak death, it might not be worthwhile to try to replant that species.

- The survey methodology is missing important elements of CDFW's 2018 "Protocols for Surveying and

Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities."

In general, the report is missing much of the content we would expect for a biological report associated with a Coastal Development Permit application, especially one with wetland and riparian (and potentially other ESHA) impacts.

Please let me know if you'd like to discuss.

Thank you,

Angela

Angela M. Liebenberg  
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California Department of Fish and Wildlife  
Watershed Enforcement Team  
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Report poachers and polluters - 1 888 334-CALTIP (888 334-2258), 24 hours a day, seven days a week.  
<https://www.wildlife.ca.gov/Enforcement/CalTIP>

## CHAPTER 20.496 - ENVIRONMENTALLY SENSITIVE HABITAT AND OTHER RESOURCE AREAS

**Sec. 20.496.005 - Applicability.** This Chapter shall apply to all development proposed in the Coastal Zone unless and until it can be demonstrated to the approving authority that the projects will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. While symbols denoting habitat and resource areas appear on the Land Use Maps, field investigations and review of the Department of Fish and Game Data Base may be required prior to a determination of the applicability of this Chapter. Additional information developed or obtained by the County as the result of future field investigation shall be added to the land use maps in future minor amendments or reviews of the Coastal Element of the General Plan of Mendocino County.

**Sec. 20.496.010 - Purpose.** The purpose of this Chapter is to ensure that environmentally sensitive habitat and other designated resource areas listed on Pages 39, 40 and 41 of the Coastal Element dated November 5, 1985, which constitute significant public resources are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations.

Environmentally Sensitive Habitat Areas (ESHA's) include: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals.

### **Sec. 20.496.015 - ESHA—Development Application Procedures.**

(A) Determining Extent of ESHA. The Coastal Permit Administrator shall review, with the assistance of land use maps, all permit applications for coastal developments to determine whether the project has the potential to impact an ESHA. A project has the potential to impact an ESHA if:

- (1) The development is proposed to be located on a parcel or proximate to a parcel identified on the land use plan map with a rare and/or endangered species symbol;
- (2) The development is proposed to be located within an ESHA, according to an on-site investigation, or documented resource information;
- (3) The development is proposed to be located within one hundred (100) feet of an environmentally sensitive habitat and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through the project review.

Development proposals in ESHA's including but not limited to those shown on the coastal land use maps, or which have the potential to impact an ESHA, shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of the sensitive resource, to document potential negative impacts, and to recommend appropriate mitigation measures. The biological survey shall be submitted for the review and approval of the Coastal Permit Administrator prior to a determination that the project application is complete. The biological survey shall be prepared as described in Section 20.532.060, "Environmentally Sensitive Habitat Area—Supplemental Application Procedures."

(B) Disagreement as to Extent of ESHA. Where the Coastal Permit Administrator and representatives of the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain as to the extent of the sensitive habitat on any parcel, such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, county staff member and representatives from Fish and Game and the Coastal Commission.

(C) On-Site Inspection. The on-site inspection shall be coordinated by the Coastal Permit Administrator and shall take place within three (3) weeks, weather and site conditions permitting, of the receipt of a written request for clarification of sensitive resource areas by the landowner or assigned agent.

(D) Development Approval. Such development shall only be approved if the following occurs:

(1) All members of the site inspection team agree to the boundaries of the sensitive resource area; and

(2) Findings are made by the approving authority that the resource will not be significantly degraded by the development as set forth in Section 20.532.100(A)(1).

(E) Denial of Development. If findings cannot be made pursuant to Section 20.532.100(A)(1), the development shall be denied.

**Sec. 20.496.020 - ESHA—Development Criteria.**

**(A) Buffer Areas.** A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.

**(1) Width.** The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.

Standards for determining the appropriate width of the buffer area are as follows:

(a) Biological Significance of Adjacent Lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting).

Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.

(b) **Sensitivity of Species to Disturbance.** The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:

- (i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;
- (ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;
- (iii) An assessment of the impact and activity levels of the proposed development on the resource.

(c) **Susceptibility of Parcel to Erosion.** The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.

(d) **Use of Natural Topographic Features to Locate Development.** Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.

(e) **Use of Existing Cultural Features to Locate Buffer Zones.** Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.

(f) **Lot Configuration and Location of Existing Development.** Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.

(g) **Type and Scale of Development Proposed.** The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations

shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

**(2) Configuration.** The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).

**(3) Land Division.** New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.

**(4) Permitted Development.** Development permitted within the buffer area shall comply at a minimum with the following standards:

(a) Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.

(b) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.

(c) Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.

(d) Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.

(e) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.

(f) Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.

(g) Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of one to one (1:1) to restore the protective values of the buffer area.

(h) Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.

(i) Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.

(j) Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist, in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system wherever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the groundwater flow direction. Piers may be allowed on a case by case basis.

(k) If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.

**Sec. 20.496.025 - Wetlands and Estuaries.**

**(A)** Development or activities within wetland and estuary areas shall be limited to the following:

(1) Port facility expansion or construction.

(2) Energy facility expansion or construction.

(3) Coastal-dependent industrial facilities, such as commercial fishing facilities, expansion or construction.

(4) Maintenance or restoration of dredged depths or previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and associated boat launching ramps.

(5) In wetland areas, only entrance channels for new or expanded boating facilities may be constructed, except that, in a degraded wetland, other boating facilities may be permitted under special circumstances.

(6) New or expanded boating facilities may be permitted in estuaries.

(7) Incidental public service purposes which temporarily impact the resource including but not limited to burying cables and pipes, or inspection of piers, and maintenance of existing intake and outfall lines.

(8) Restoration projects which are allowable pursuant to Section 30233(a)(7) of the Coastal Act are publicly or privately financed projects in which restoration is the sole purpose of the project. Restoration projects may include some fill for nonpermitted uses if the wetlands are small, extremely isolated, and incapable of being restored. Small, extremely isolated parcels that are incapable of being restored to biologically productive systems may be filled and developed for uses not ordinarily allowed only if such actions establish stable and logical boundaries between urban and wetland areas and if the applicant

provides funds sufficient to accomplish an approved restoration program in the same general region pursuant to Chapter 20.532. All the following criteria must be satisfied before this exception is granted:

- (a) The wetland to be filled is so small (e.g., less than one (1) acre) and so isolated (i.e., not contiguous or adjacent to a larger wetland) that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.
  - (b) The wetland must not provide significant habitat value to wetland fish and wildlife species, and must not be used by any species that are rare or endangered.
  - (c) Restoration of another wetland to mitigate for fill can most feasibly be achieved in conjunction with filling a small wetland. The mitigation measure shall be carried out in a manner that would result in no net loss of either wetland acreage or habitat value.
  - (d) Restoration of a parcel to mitigate for the fill must occur at a site that is next to a larger, contiguous wetland area providing significant habitat value to fish and wildlife that would benefit from the addition of more area. In addition, such restoration must occur in the same general region (e.g., within the general area surrounding the same stream, lake, or estuary where the fill occurred).
  - (e) The Department of Fish and Game and the U.S. Fish and Wildlife Service believe the proposed restoration project can be successfully carried out.
  - (9) Mineral extraction, including sand for restoring beaches, except in ESHA's.
  - (10) Nature study purposes and salmon restoration projects.
  - (11) Aquaculture, or similar resource dependent activities excluding ocean ranching.
- (B) Requirements for Permitted Development in Wetlands and Estuaries.
- (1) Any proposed development that is a permitted development in wetlands and estuaries must meet the following statutory requirements, and supplemental findings pursuant to Section 20.532.100:
    - (a) There is no feasible, less environmentally damaging alternative;
    - (b) Where there is no feasible, less environmentally damaging alternative, mitigation measures have been provided to minimize adverse environmental effects.
  - (2) Dredging. If the development involves dredging, the Coastal Permit Administrator shall request the Department of Fish and Game to review dredging plans for developments in or adjacent to wetlands or estuaries. The Department may recommend measures other than those listed in this Chapter to mitigate disruptions to habitats or to water circulation. Mitigation measures shall include at least the following:
    - (a) Dredging shall be limited to the smallest area feasible.
    - (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to habitats and to water circulation and shall maintain or enhance the functional capacity of any wetlands.



(c) Limitations on the timing of the operation, the type of operations, the quantity of dredged material removed, and the location of the spoil site.

(d) Dredging in breeding and nursery areas and during periods of fish migration and spawning shall incorporate all mitigation measures recommended by the California Department of Fish and Game to assure maximum protection of species and habitats.

(e) Dredge spoils suitable for beach replenishment shall, where feasible, be transported to appropriate beaches where public access would not be significantly adversely affected or into suitable long-shore current systems. Dredge spoils shall not be deposited in riparian areas or wetlands.

(f) Other mitigation measures may include opening up areas to tidal action, removing dikes, improving tidal flushing, or other restoration measures.

(g) Designs for dredging and excavation projects shall incorporate all mitigation measures recommended by the Regional Water Control Board and regulated to prevent unnecessary discharge of refuse, petroleum spills and disposal of silt materials.

(3) Diking or Filling. If a development involves diking or filling of a wetland, required minimum mitigation measures shall include the following:

(a) If an appropriate restoration site is available, the applicant shall acquire and restore an equivalent area of equal or greater biological productivity and dedicate the land to a public agency or otherwise permanently restrict its use for open space purposes. The site shall be purchased before the dike or fill development may occur and, at a minimum, restoration must occur simultaneously with project construction, or

(b) The applicant may, in some cases, be permitted to open equivalent areas to tidal action. This method of mitigation would be appropriate if the applicant already owned filled, diked areas which themselves were not environmentally sensitive but would become so, if such areas were opened to tidal action or provided with other sources of surface water.

(c) If no appropriate restoration sites under options (a) or (b) are available because the applicant is unable to find a willing seller, the applicant shall pay an in-lieu fee of sufficient value to an appropriate public agency for the purchase and restoration of an area of equivalent productive value or equivalent surface area. Such replacement site shall be purchased before the dike or fill development permit is issued.

This option shall be allowed only if the applicant is unable to find a willing seller of a potential restoration site. The in lieu fee shall reflect the additional costs of acquisition, including litigation, as well as the cost of restoration. If the public agency's restoration project is not already approved, the public agency may need to be a co-applicant for a Coastal Development Permit to provide adequate assurance that conditions can be imposed to ensure purchase and restoration of the mitigation site prior to issuance of the permit.

(d) Such mitigation measures shall not be required for temporary or short term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time and that such activities will not cause permanent damage to wetland or estuarine ecosystems.

(4) Diking, filling, or dredging of a wetland or estuary shall maintain or enhance the functional capacity of the wetland or estuary. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, the applicant shall demonstrate all of the following:

(a) That the development will not alter present plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project;

(b) That the development will not harm or destroy a species or habitat that is rare or endangered;

(c) That the development will not harm a species or habitat that is essential to the natural biological functioning of the wetland or estuary;

(d) That the development will not significantly reduce consumptive (e.g., fishing, aquaculture, and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.

**Sec. 20.496.030 - Open Coastal Waters, Lakes, Stream, Rivers.**

**(A) Development permitted in open coastal waters and lakes shall be limited to the following:**

(1) All development permitted in wetlands and estuaries (Section 20.496.025).

(2) New or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities.

(3) Sand or gravel extraction in portions of open coastal waters that are not ESHA's.

**(B) Requirements for Permitted Developments in Open Coastal Waters and Lakes.**

(1) Diking, filling, or dredging of open coastal waters or lakes shall be permitted only if there is no feasible, less environmentally damaging alternative.

(2) If there is no feasible, less environmentally damaging alternative, mitigation measures shall be provided to minimize adverse environmental effects.

**(C) Development permitted in streams and rivers shall be limited to the following:**

(1) Necessary water supply projects.

(2) Flood control projects.

(3) Developments which have as the primary function the maintenance or improvement of fish and wildlife habitat.

(4) New or expanded boating facilities.

(5) Sand and gravel extraction.

**(D) Requirements for Permitted Development in Streams and Rivers.**

(1) All channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible to minimize adverse environmental effects.

(2) Flood control projects shall be subject to both of the following conditions:

(a) The project must be necessary for public safety or to protect the existing development.

(b) There must be no other feasible method for protecting existing structures in the floodplain.

**Sec. 20.496.035 - Riparian Corridors and Other Riparian Resource Areas.**

(A) No development or activity which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the riparian corridor or in any area of riparian vegetation except for the following:

(1) Channelizations, dams or other alterations of rivers and streams as permitted in Section 20.496.030(C);

(2) Pipelines, utility lines and road and trail crossings when no less environmentally damaging alternative route is feasible;

(3) Existing agricultural operations;

(4) Removal of trees for disease control, public safety purposes or personal use for firewood by property owner.

**(B) Requirements for development in riparian habitat areas are as follows:**

(1) The development shall not significantly disrupt the habitat area and shall minimize potential development impacts or changes to natural stream flow such as increased runoff, sedimentation, biochemical degradation, increased stream temperatures and loss of shade created by development;

(2) No other feasible, less environmentally sensitive alternative exists;

(3) Mitigation measures have been incorporated into the project to minimize adverse impacts upon the habitat;

(4) Where development activities caused the disruption or removal of riparian vegetation, replanting with appropriate native plants shall be required at a minimum ratio of one to one (1:1) and replaced if the survival rate is less than seventy-five (75) percent.

**Sec. 20.496.040 - Dunes.**

**(A) Development and activities permitted in dunes shall be limited to the following:**

- (1) Scientific, educational and passive recreational uses.
- (2) One single-family dwelling where adequate access, water and sewage disposal capacity exist consistent with applicable Coastal Element policies and development standards of this division.
- (3) Removal of sand, construction of fences or walls to impede sand movement and planting of vegetation for dune stabilization where necessary to protect existing structures. These projects shall be subject to provisions regarding sand extraction and shall be processed under conditional use permit procedures.
- (4) Footpaths to direct use and minimize adverse impacts where public access is permitted.

**(B) Requirements for development in dune areas are as follows:**

- (1) Motorized or non-motorized vehicle traffic is prohibited.
- (2) New development on dune parcels shall be located in the least environmentally damaging location and shall minimize the removal of natural vegetation and alteration of natural landforms.
- (3) No new parcels shall be created entirely in dune habitats.
- (4) All sand removal shall be subject to a Coastal Development Use Permit but shall not be allowed on vegetated dunes.

**Sec. 20.496.045 - Pygmy Forests.**

**(A) General.**

- (1) Pygmy forests are generally categorized as a unique ecosystem but if they contain a rare or endangered species they are categorized as an ESHA.
- (2) New development on parcels which contain pygmy type vegetation shall be located in the least environmentally damaging locations and shall minimize the removal of native vegetation and alteration of soils and natural land forms.
- (3) Where feasible, new development should only be permitted at the periphery of pygmy forest habitat where construction does not cause penetration of the hardpan, where septic systems do not drain into adjacent pygmy forest habitat, and where dwellings do not require that an access road be built through intact pygmy forest.

(4) Scientific, educational and passive recreational uses are permitted where trails result in minimal impact to surrounding vegetation. Boardwalks should be built where trails traverse terrain that is seasonally wet due to the presence of a perched water table, or areas with a fragile ground cover consisting of several species of lichen.

(5) Because the pygmy forest has a low carrying capacity for foot traffic, trails proposed by the applicant should be built around the forest perimeter, where possible.

(6) Parcels entirely within areas of pygmy vegetation shall be designated Planned Development (PD). Such parcels shall be allowed to develop consistent with all applicable provisions of this Division if mitigation measures are adopted and implemented to prevent or avoid impacts such as; erosion, surface/groundwater contamination, extensive vegetation removal and other related concerns.

**(B) Development Requirements in or adjacent to a pygmy forest categorized as ESHA.**

(1) Development permitted in or adjacent to pygmy forests categorized as ESHA are to be severely restricted and shall be limited to uses that do not interfere with the hydrologic regime, soil acidity or low nutrient status and shall not cause adverse impacts to this unique ecosystem or to water quality (See ESHA Buffer Areas, Section 20.496.020).

(2) Any development on individual parcels entirely within areas of pygmy vegetation categorized as ESHA shall be developed consistent with Chapter 20.428, Planned Unit Development Combining District and all other applicable regulations of this Division.

(3) Parcels containing pygmy vegetation categorized as ESHA shall be allowed to divide only if each new parcel being created has an adequate area available for a residence with a conventional septic system allowing for a one hundred (100) percent back up area for an alternate leach field. New parcels created on soil types characterized by pygmy vegetation shall be limited to a low density (defined as two to five acres), consistent with the County Division of Environmental Health's recommendations.

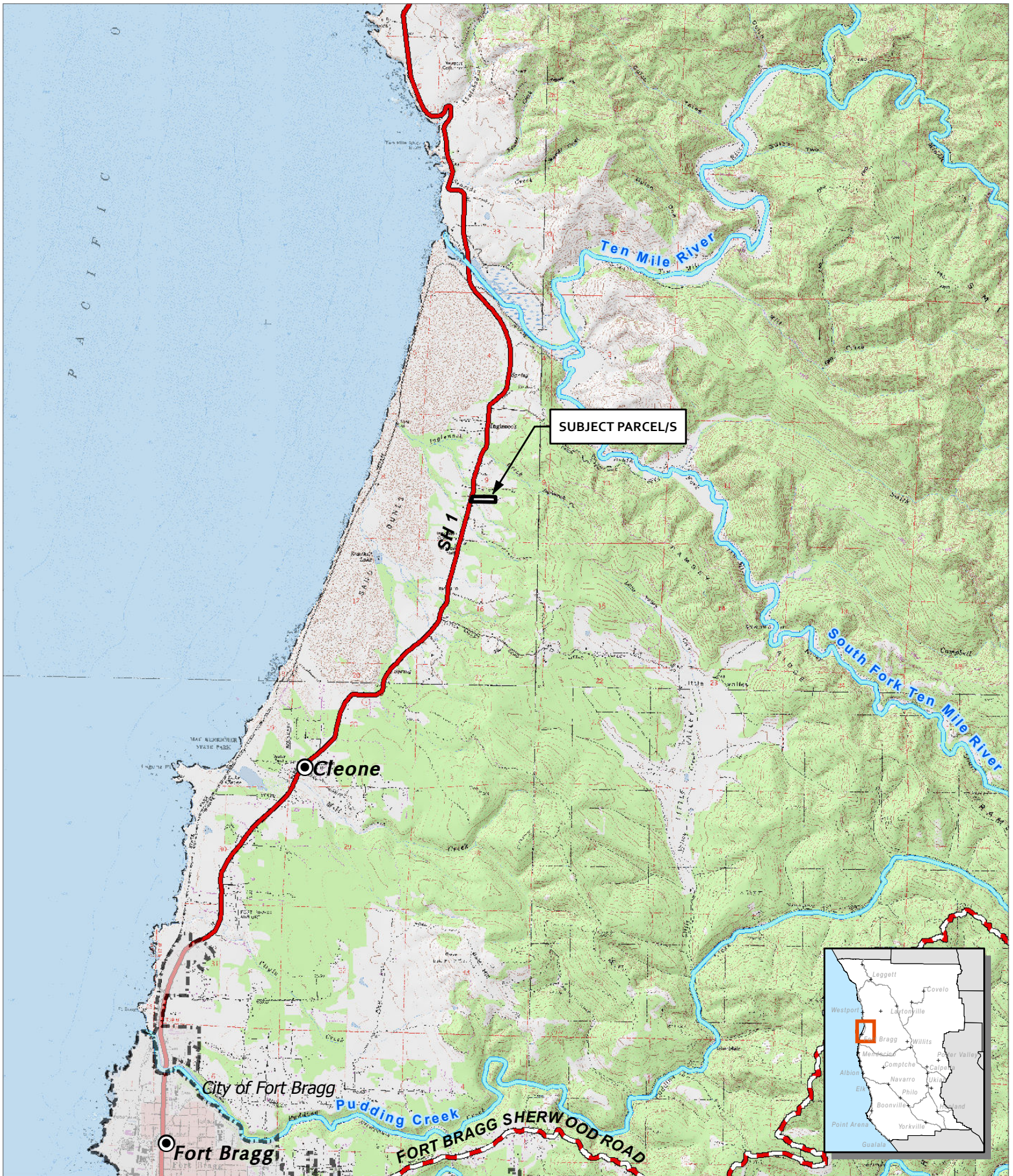
**Sec. 20.496.050 - Other Resource Areas.**

**(A) General.** Other designated resource areas as identified on Pages 39, 40 and 41 of the Coastal Element dated November 5, 1985 include: State parks and reserves, underwater parks and reserves, areas of special biological significance, natural areas, special treatment areas, fishing access points, areas of special biological importance, significant California ecosystems and coastal marine ecosystems.

**(B) Development of Resource Areas.**

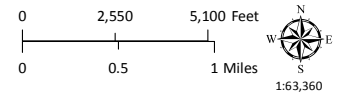
Any development within designated resource areas shall be reviewed and established in accord with conditions which could allow some development under mitigating conditions but which assures the continued protection of the resource area.





CASE: CDP 2018-0016  
 OWNER: EDWARDS, Bob & Julie  
 APN: 069-060-16  
 APLCT: Bob & Julie Edwards  
 AGENT:  
 ADDRESS: 26921 N. Hwy. 1, Fort Bragg

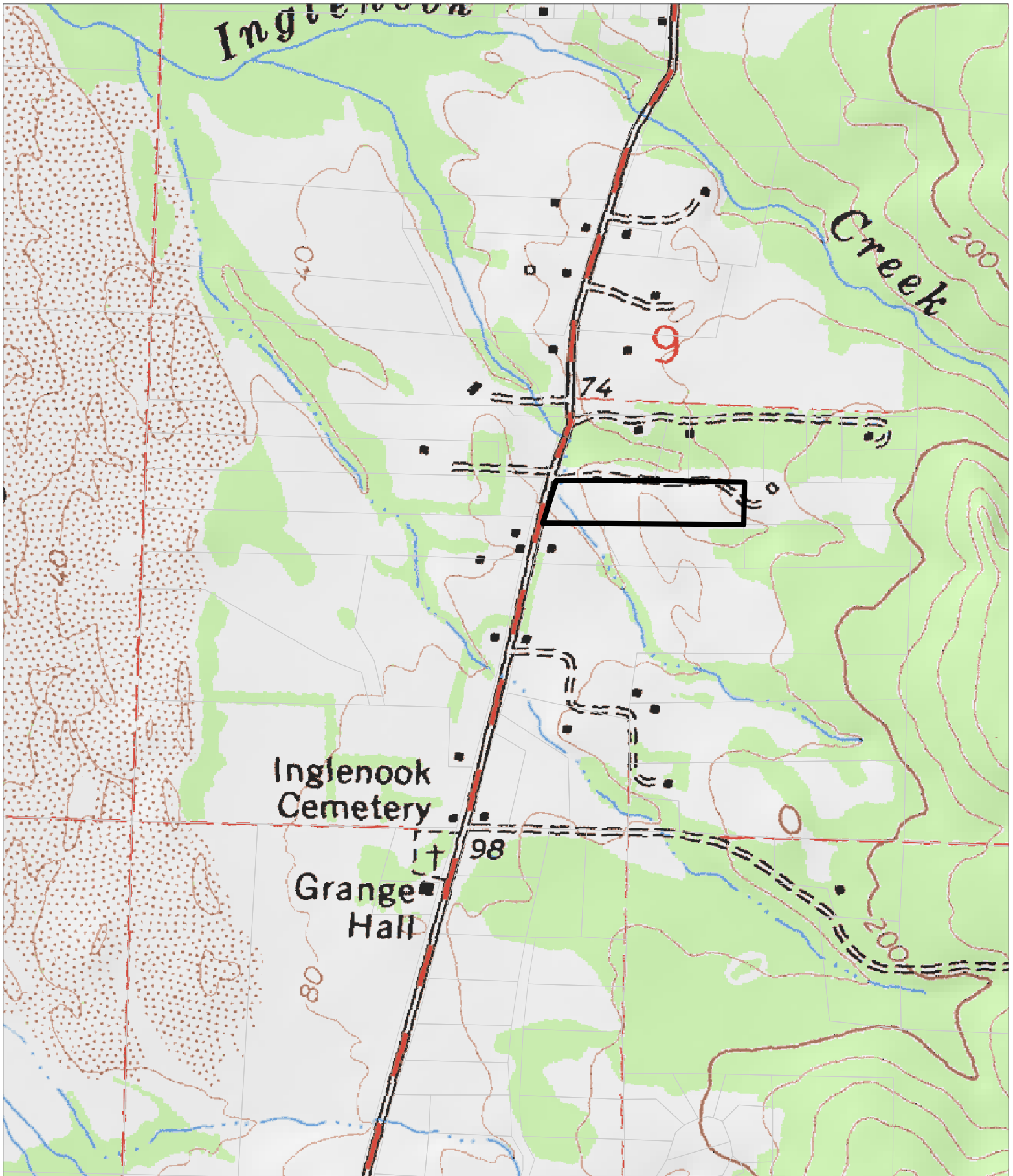
- Major Towns & Places
- Highways
- City Limits
- Major Roads
- Major Rivers



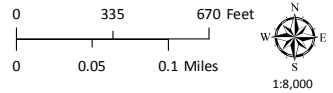
LOCATION MAP

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TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

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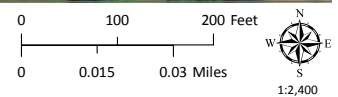




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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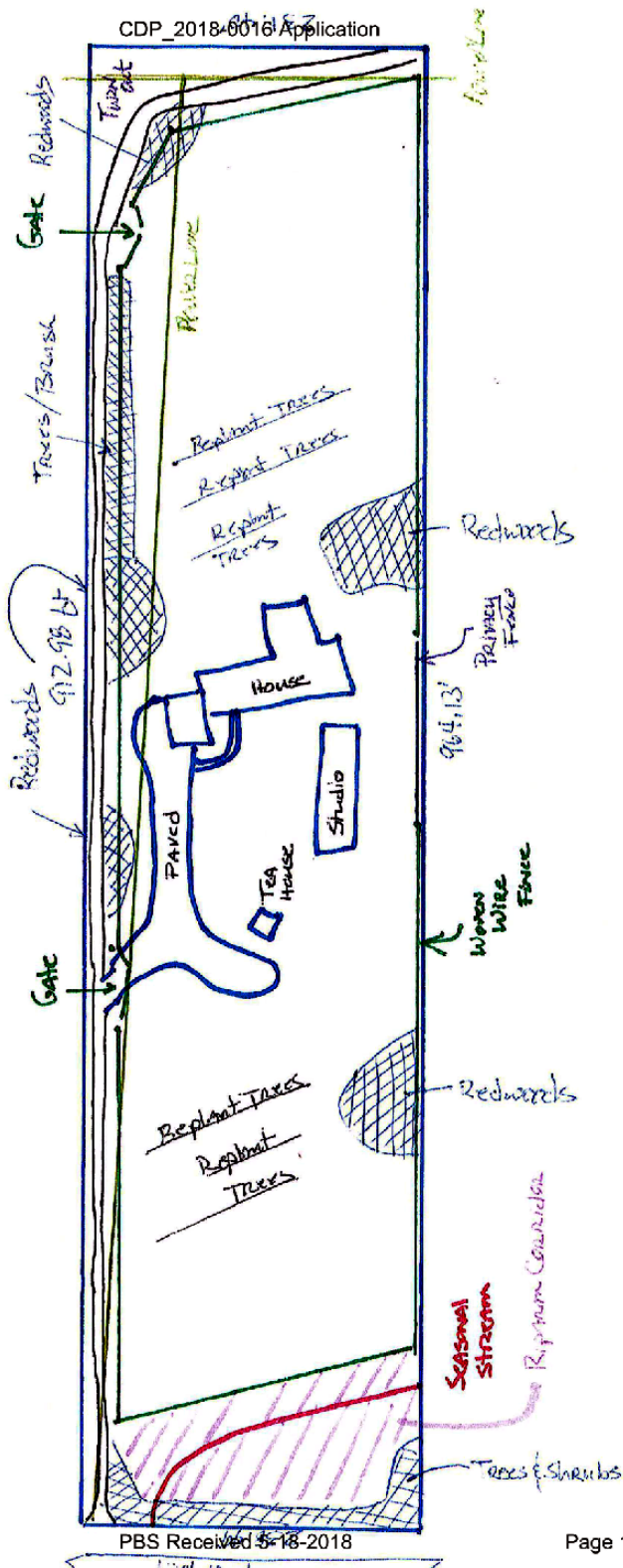
- Public Roads
- Private Roads
- Driveways/Unnamed Roads



AERIAL IMAGERY

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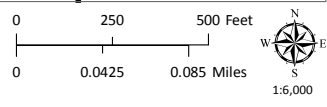
Owners:

Bob & Julie Edwards  
26921 N Highway 1  
Fort Bragg CA 95437  
AP# 69-D60-116  
4.983 Acres



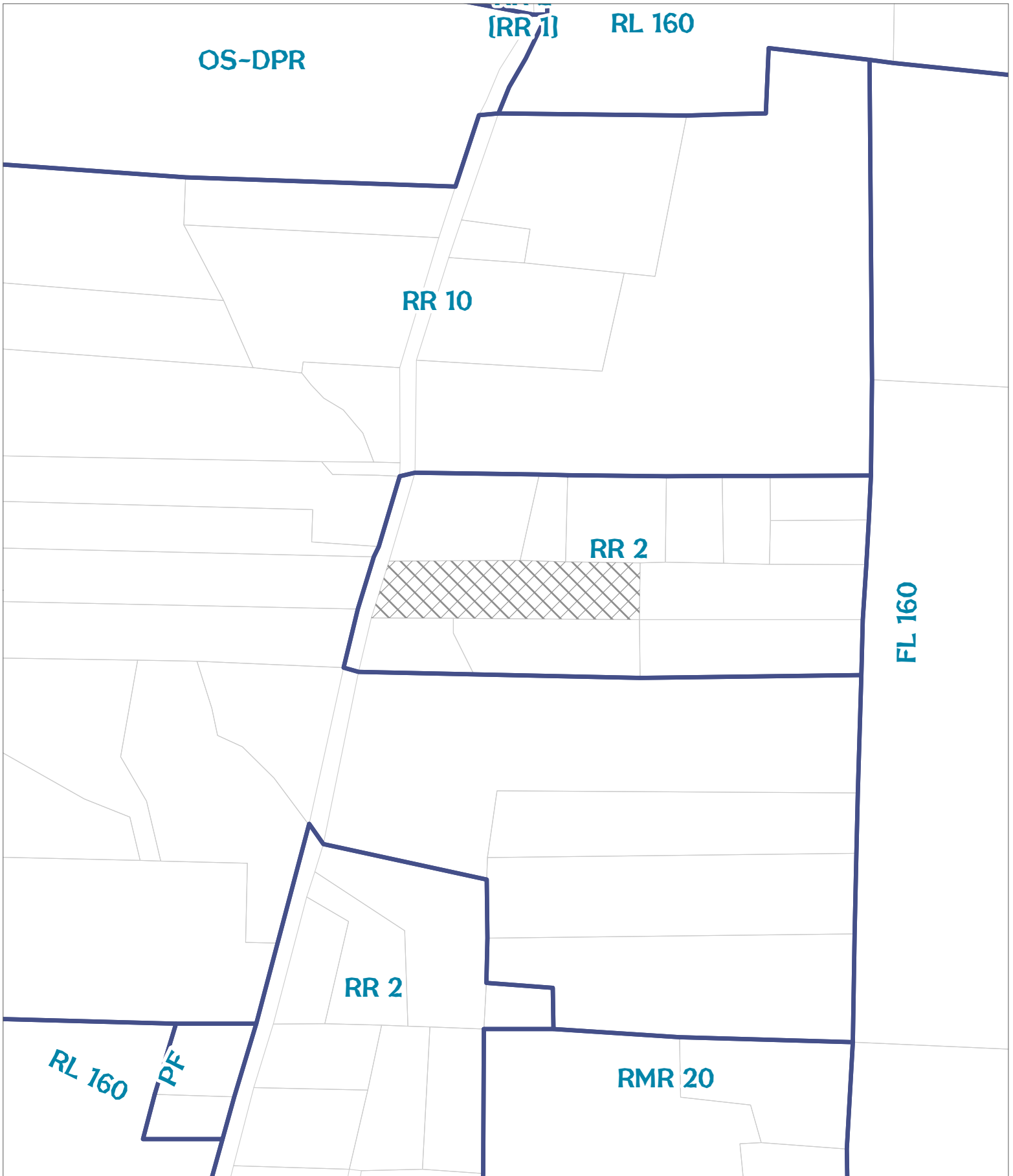
CASE: CDP 2018-0016  
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 Zoning Districts




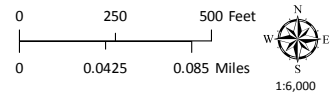
ZONING DISPLAY MAP

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 General Plan Classes



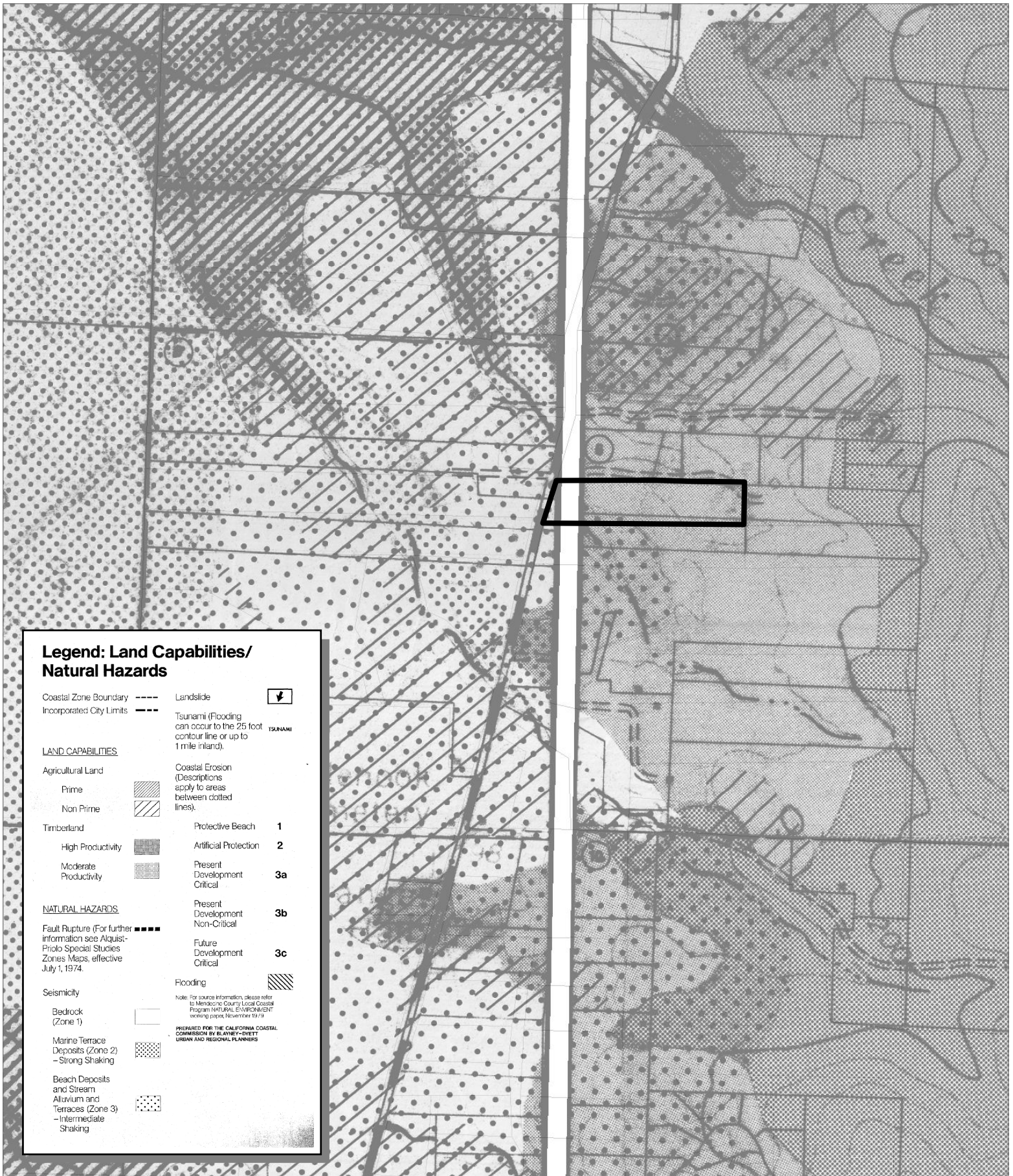
GENERAL PLAN CLASSIFICATIONS

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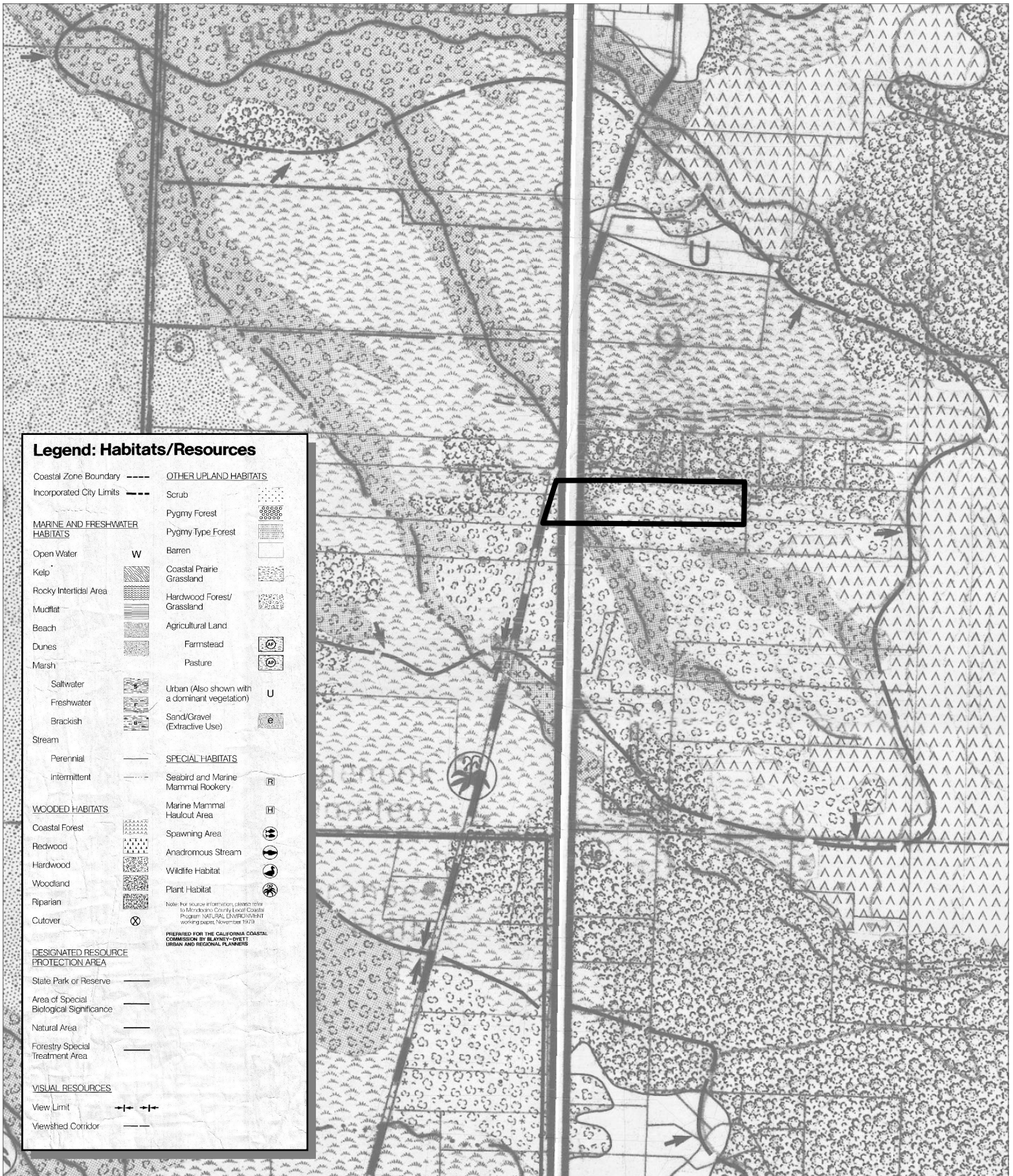


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LCP LAND CAPABILITIES & NATURAL HAZARDS

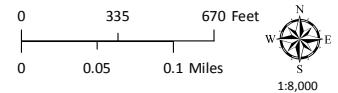
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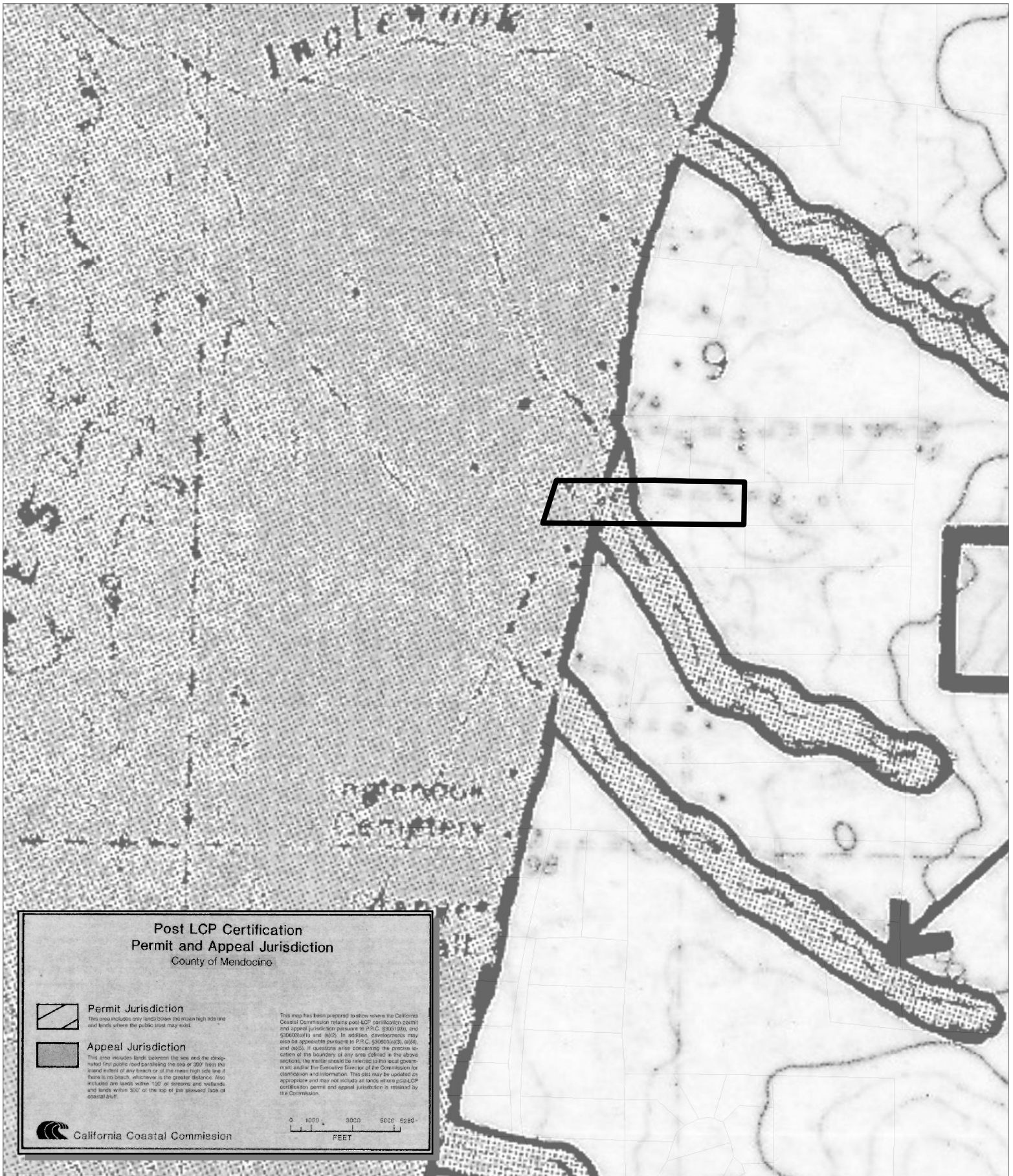
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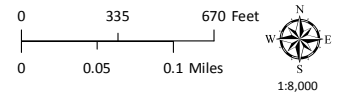
LCP HABITATS & RESOURCES

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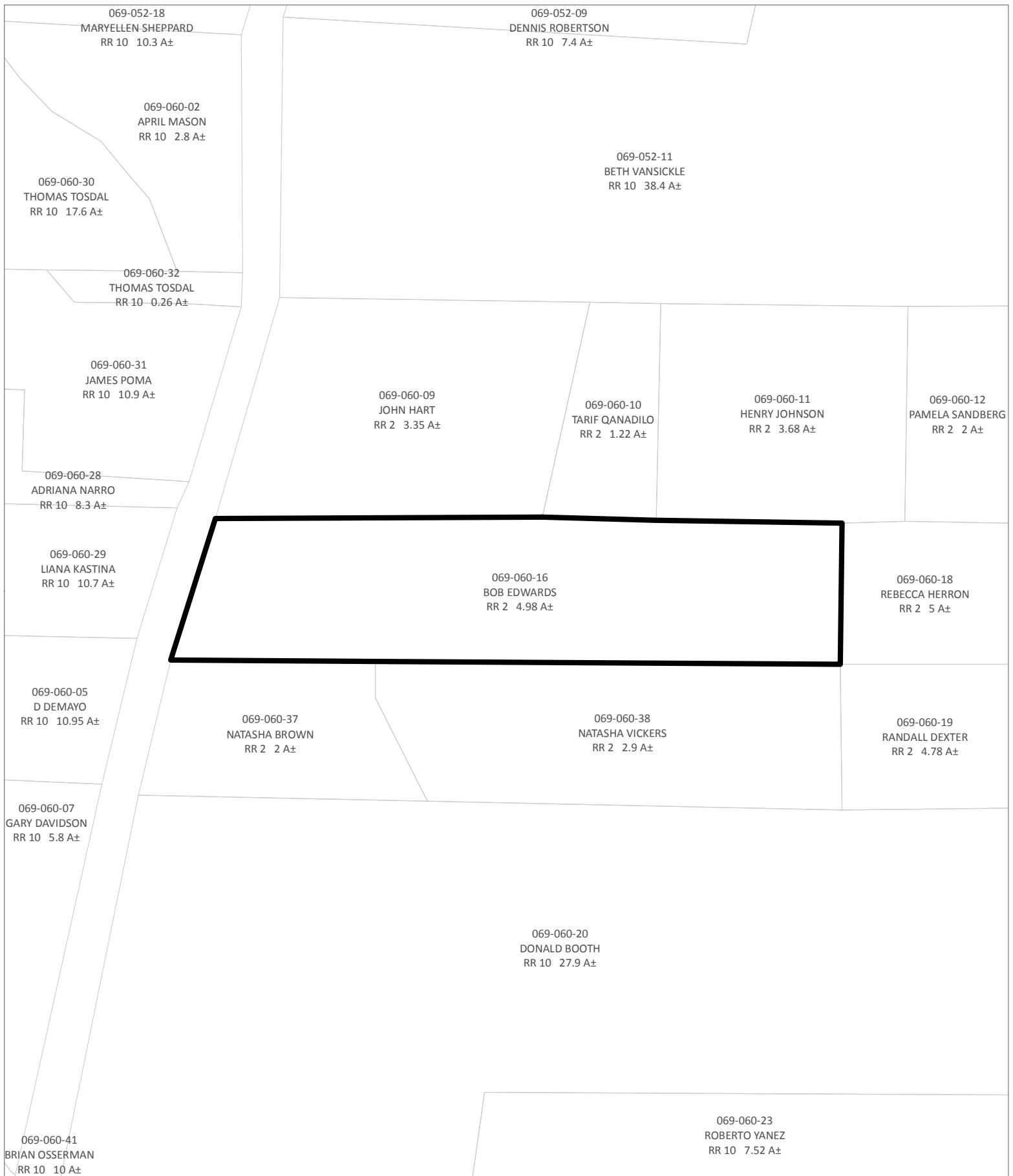


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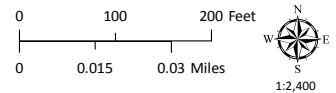


APPEALABLE AREAS

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ADJACENT PARCELS

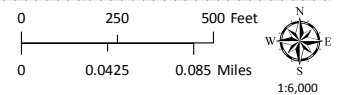
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**FORT BRAGG RURAL FPD**

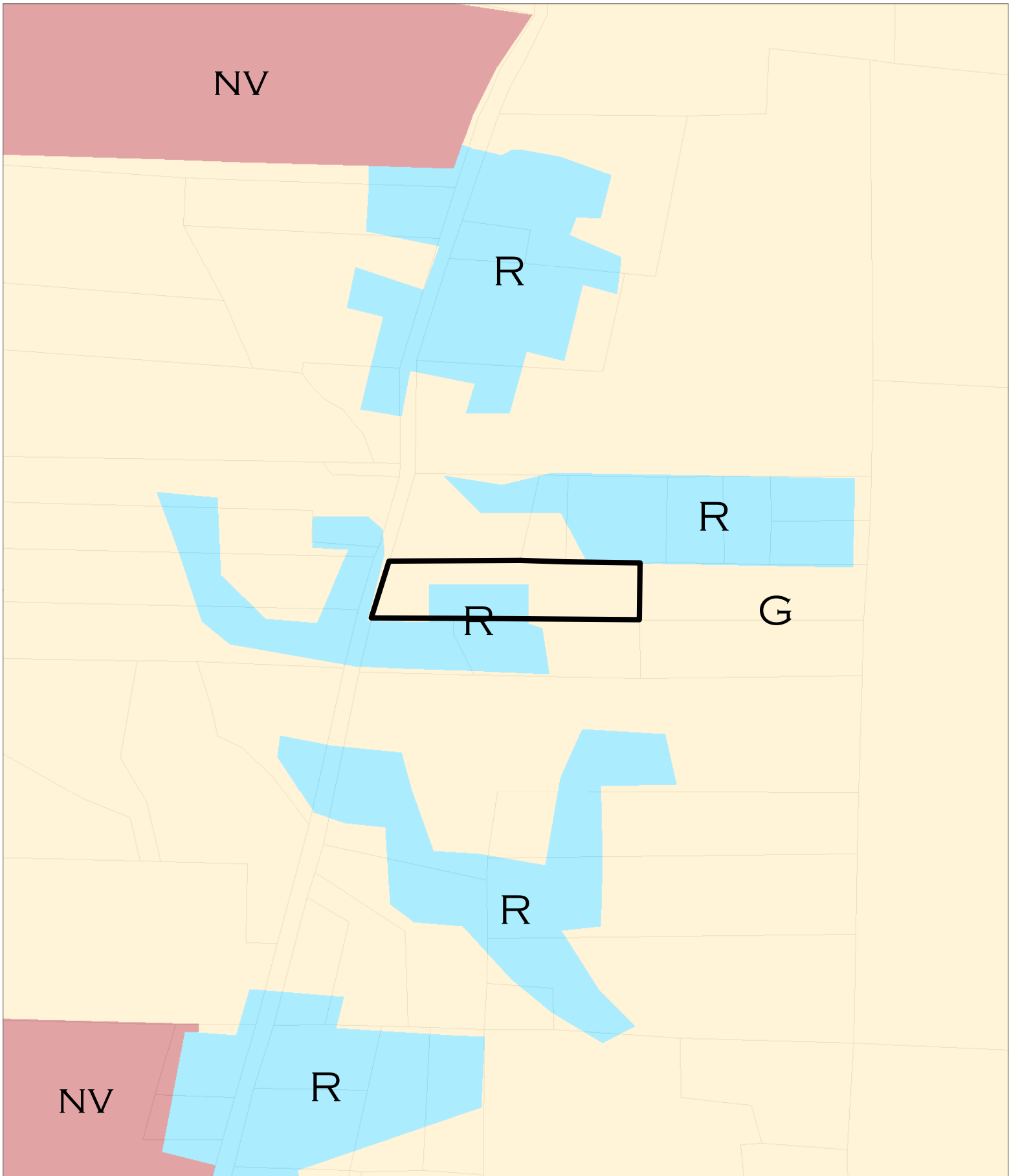
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ADDRESS: 26921 N. Hwy. 1, Fort Bragg

-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard






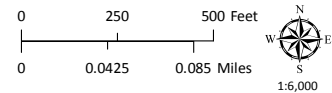
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
STATE RESPONSIBILITY AREA

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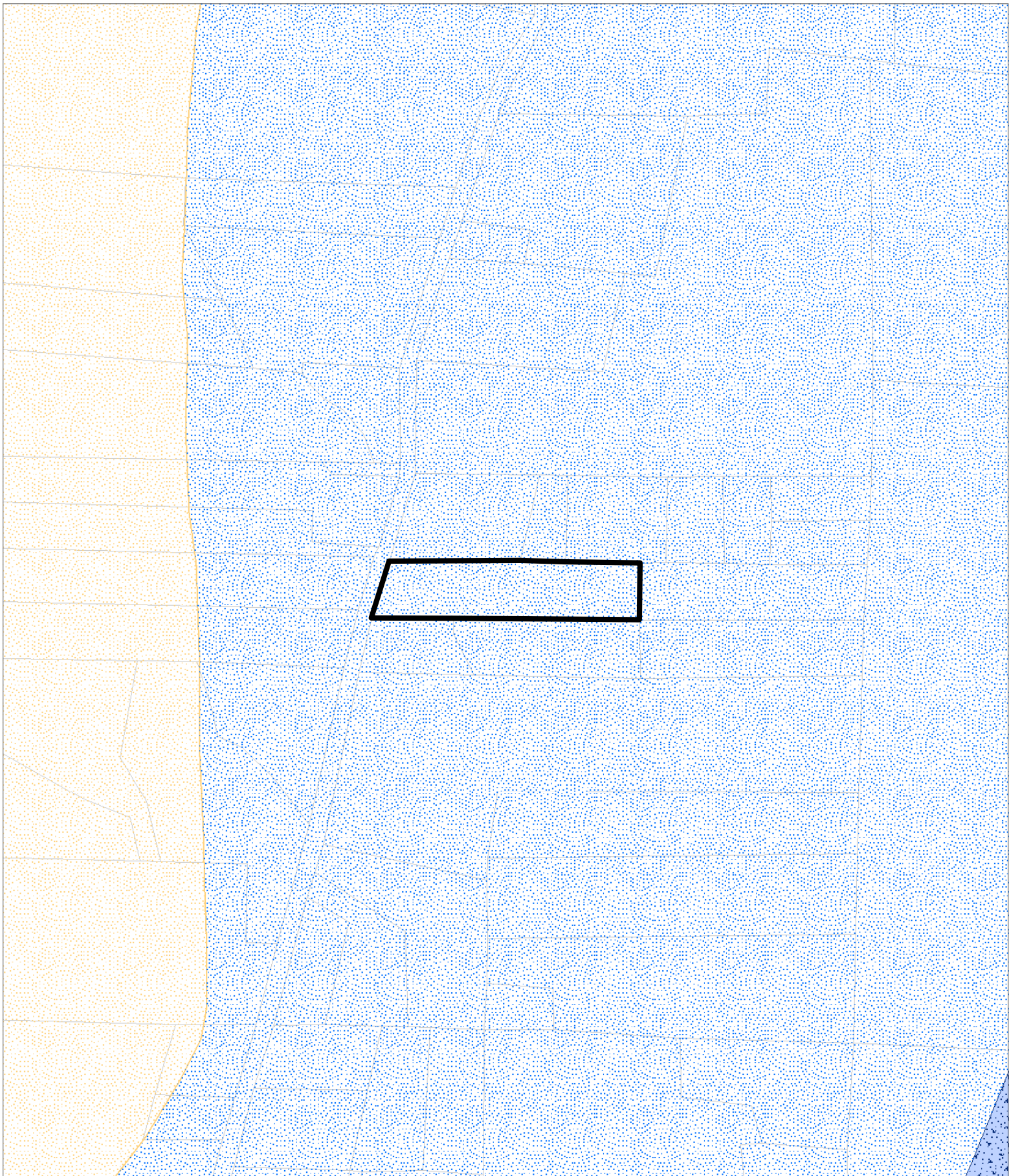
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-  Grazing Land (G)
-  Non-Ag & Natural Vegetation (nv)
-  Rural Residential & Rural Commercial (R)






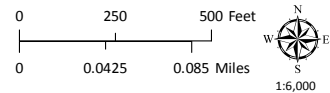
IMPORTANT FARMLAND

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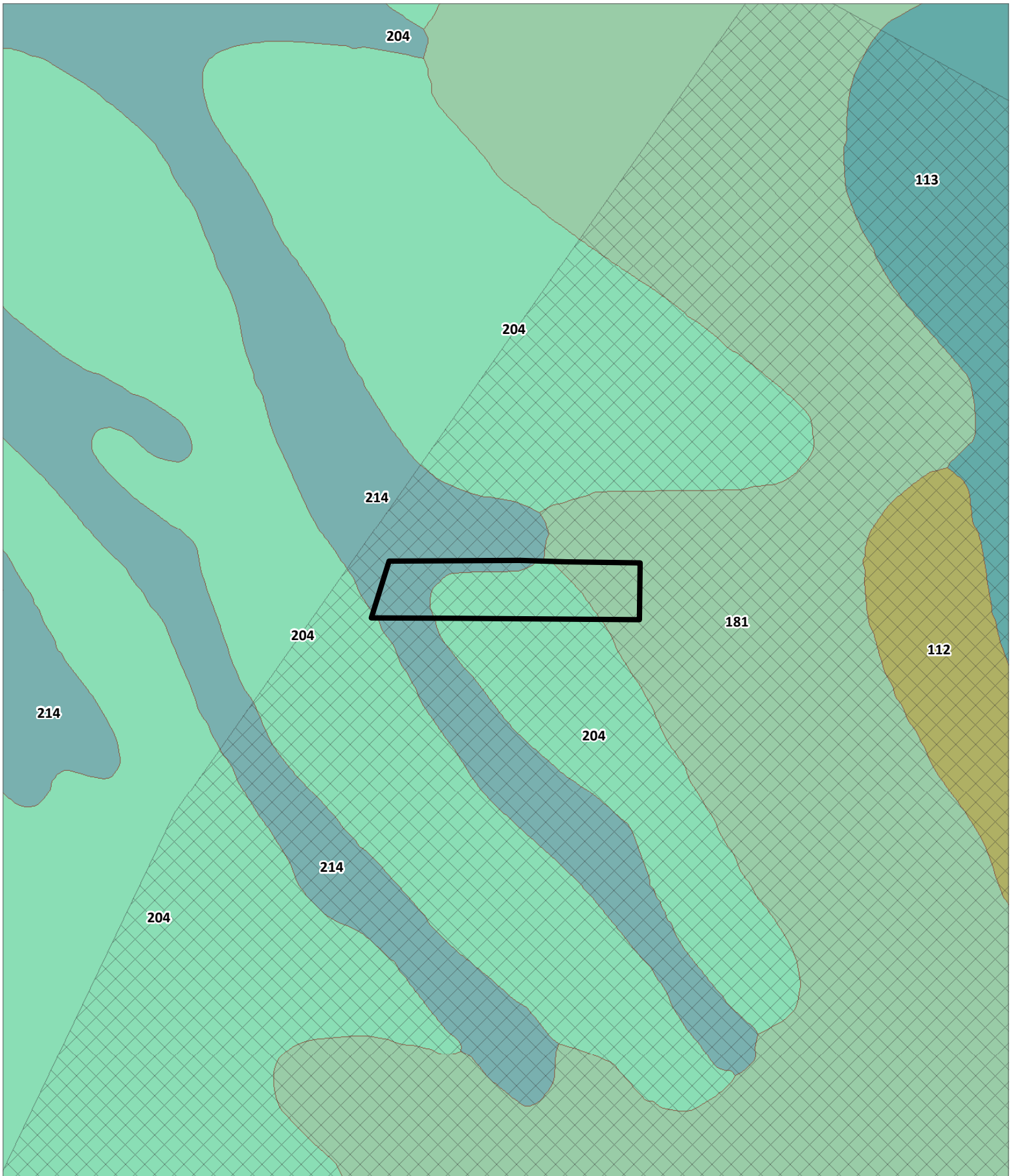
-  Sufficient Water Resources
-  Critical Water Resources Bedrock
-  Dunes





## GROUND WATER RESOURCES

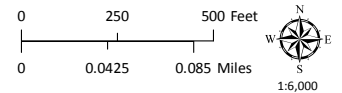
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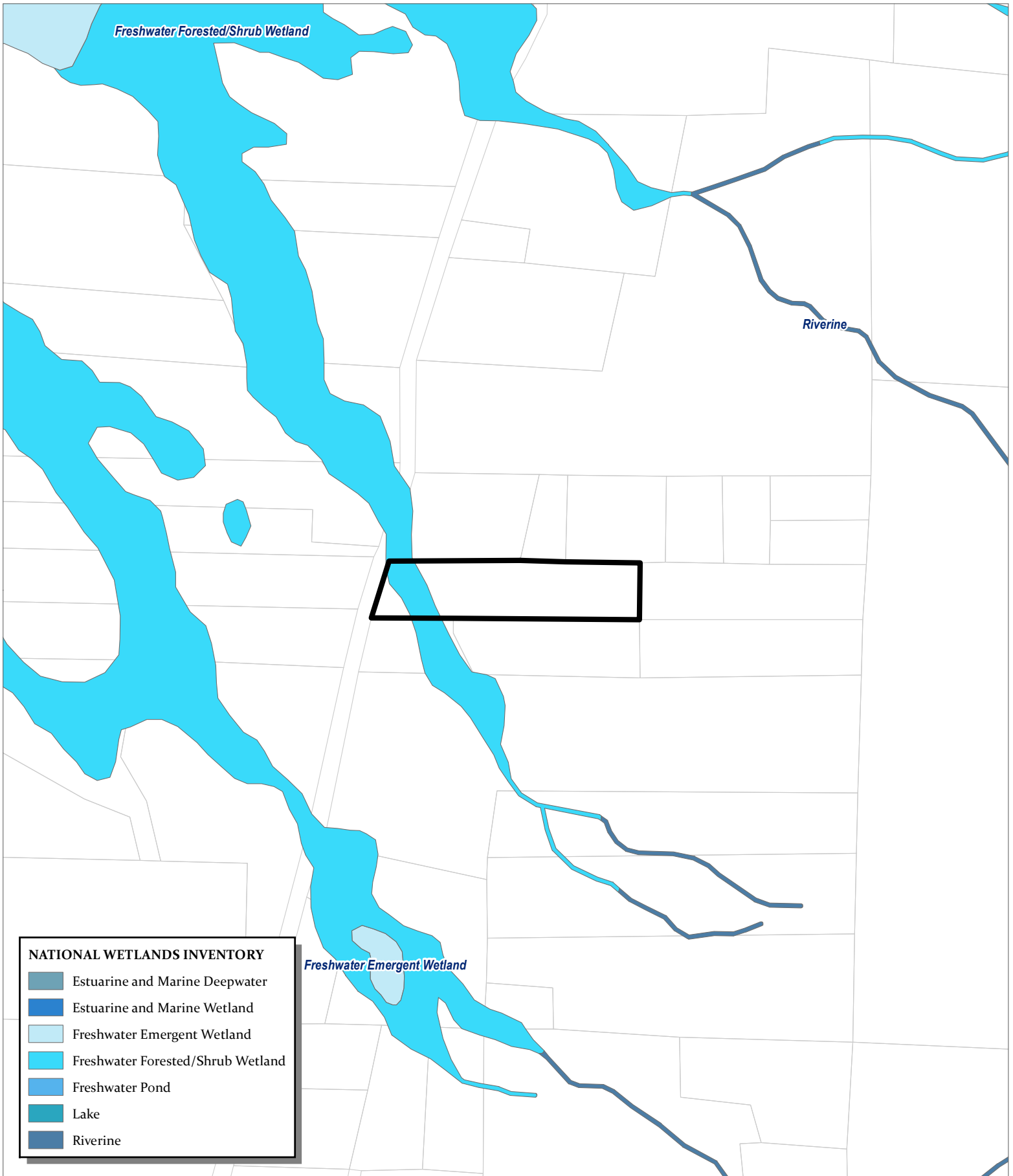
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 Bishop Pine  
 Western Study Soil Types



LOCAL SOILS

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