



PROJECT PLANNER CONTACT

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PROJECT SUMMARY

OWNER/APPLICANT: Save the Redwoods League
111 Sutter Street, 11th Floor
San Francisco, CA 94104

AGENT: Todd McMahon, NCRM, Inc.
2501 North State Street
Ukiah, CA 95482

REQUEST: Standard Coastal Development Permit to demolish and remove an existing barrack structure, remove overhead electrical lines and associated panels, and install 315± linear feet of buried electrical conduit and associated electrical panels.

LOCATION: In the Coastal Zone, 7± miles north of Westport, on a private road 0.5± miles west of its intersection with State Route 1 (SR-1), located at 44000 N. Highway 1, Westport; APN: 013-410-14.

TOTAL ACREAGE: 51± Acres

GENERAL PLAN: Forest Lands 160-Acre Minimum (FL:160)
General Plan (Chapter 7 – Coastal Element)

ZONING: Timberland Production (TP)
Mendocino County Code Title 20, Division II

CODE REFERENCE: Open Space, Passive Recreation
Mendocino County Code (MCC) Section 20.340.010,
20.340.015

APPEALABLE Yes

SUPERVISORIAL DISTRICT: District 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends, pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, that the Coastal Permit Administrator approve the proposed project, adopt a Mitigated Negative Declaration, and adopt the below findings and conditions.

PROJECT BACKGROUND & INFORMATION

PROJECT DESCRIPTION: The project would involve the demolition and removal of an approximately one thousand two hundred ten (1,210±) square foot barrack structure and the removal of overhead electrical lines and panels currently serving the barrack structure and adjacent mess hall. The project would also involve the installation of three hundred fifteen (315) linear feet of two (2) inch diameter buried electrical conduit and electrical panels to restore connectivity to the mess hall. Approximately eight thousand nine hundred fifty-one (8,951±) square feet of vegetation clearance would occur. Several other activities would occur in accordance with mitigation measures recommended for adoption, including revegetation, translocation of existing plants, pre-construction surveys, installation of temporary fencing, and others.

SITE CHARACTERISTICS: The site of proposed development is part of the larger Cape Vizcaino property owned by Save the Redwoods League. The site lies between Cottaneva Creek to the north and Hardy Creek to the south and is comprised of mostly undeveloped forest and meadows. The site is accessed via a private access road connecting to State Route 1 (SR 1). The barracks and mess hall are located at the end of the access road 2,000± feet west of SR 1, which creates a loop within a small meadow. There is a cluster of existing structures immediately north of the end of the access road, including sheds, a concrete pad, and a garage. Other structures located elsewhere on the property include sheds, a water tower which has been converted into a viewing platform, and two residences on an adjacent parcel (APN: 013-410-29). The remnants of an older sheep ranch exist in the northeastern corner of the parcel, including a “sheep shed” and “sheep chute”. Several other structures exist on the property, including water and electrical lines, dirt roads, and associated utility infrastructure. The barrack structure was installed by the California Department of Forestry and Fire Protection (CAL FIRE) as part of the Rockport Forest Fire Station, which was established in 1947. The station closed in 1975.

Public Services:

Access: Private road via State Route 1 (SR 1)
Water District: None
Sewer District: None
Fire District: None

RELATED APPLICATIONS: The following applications have occurred on the subject parcel or on the surrounding properties and are relevant to the proposed project. All projects listed below have already been approved, unless otherwise stated.

- **Certificate of Compliance CC 14-06** recognized three separate lots. Lot 1 is comprised of APN 013-410-21, -22, & -30. Lot 2 is comprised of APN 013-410-29. Lot 3 is comprised of APN 013-410-14. Recorded 05/08/2007.
- **Rezone R 1-71** changed the zoning district of the subject lot from A-1 (Agricultural General) to F-C (Agricultural Forest Conservation). Adopted by the Board of Supervisors under Ordinance No. 762 on 04/07/1971.
- **Coastal Development Permit CDP_2017-0035** authorized the demolition and removal of five (5) structures on APN 013-410-29, including a residence, shed, pump house, and two decks. Approved 06/04/2018.
- **Building Permit BF_2014-0928** authorized the repurposing of the existing water tower to an observation tower. Finalized 07/30/2015.

AGENCY COMMENTS: On June 19, 2024 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions are discussed in this staff report and contained in Conditions of Approval. A summary of the submitted agency comments are listed below.

TABLE 1: Referral Agency Responses	
REFERRAL AGENCIES	COMMENT
Planning Division – Fort Bragg	No Comment
Department of Transportation (DOT)	No Comment
Division of Environmental Health (DEH)	No Comment

Building Division – Fort Bragg	Comments
Assessor	No Response
Forestry Advisor	No Response
Air Quality Management District	No Response
Archaeological Commission	Comments
CAL FIRE	No Response
California Department of Fish & Wildlife (CDFW)	Comments
California Coastal Commission	No Response
Westport Municipal Advisory Council	No Response
County Addresser	No Comment
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	Comments

On June 28, 2024, the Building Division noted that a building permit would be required for the project.

On July 3, 2024, the Archaeological Commission’s representative noted that the project should be scheduled for an Archaeological Commission meeting depending on comments from the Northwest Information Center. However, an archaeological report was provided with the application. Therefore, the project was not referred to the Northwest Information Center and was scheduled for the July 10th Archaeological Commission meeting. See the Archaeological and Cultural Resources section below.

CDFW provided several comments through correspondence with staff. For a detailed discussion of CDFW comments, see the Environmentally Sensitive Habitat and Other Resource Areas section below.

On June 25, 2024, the Sherwood Valley Band of Pomo Indians (the Band) requested cultural monitoring services during earth movement work when trenching for electrical lines and offered to help in selecting local indigenous plants for the revegetation phase of the project. On June 27, 2024, the Band restated their intent to request cultural monitoring and help with selecting plants and requested a copy of the archaeological survey. See the Archaeological and Cultural Resources section below.

PROJECT ANALYSIS

LOCAL COASTAL PROGRAM CONSISTENCY:

Land Use and Planning Areas: The site is located within the Forest Lands (FL) classification as described in Chapter 2 of the Coastal Element:

The Forest Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. The classification includes lands eligible to be zoned Timberland Production (TPZ); intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of timber resource lands.

Principal Permitted Use on Forest Lands Designated Timber Production Zone: Forest production and processing and associated uses including: one single family dwelling and home occupations.

*Conditional Permitted Uses on Forest Lands Designated Timber Production Zone: Light agriculture; cottage industry; dwelling groups; campgrounds where designated by an * on the Land Use Maps; major impact services and utilities (i.e. power generating facilities, sewage disposal facilities, sanitary landfills and water treatment plants); farm employee housing, farm labor camps; extraction of sand, shale and gravel. Uses determined to be related to and compatible with forestry; conservation, processing and development of natural resources; recreation and utility installations.*

Save the Redwoods League acquired the subject property in 2008. The League intends to transfer the property to the Bureau of Land Management (BLM) following the proposed demolition. In June 2024, staff

from the Planning Division, North Coast Resource Management, Inc. (NCRM), and CDFW visited the site. It appears that most of the site is currently maintained as Open Space and possibly also Passive Recreation due to the presence of the converted water tower. The “Mess Hall” appears to be maintained as a residence for temporary use by Save the Redwoods League and/or NCRM staff. Though the site does not appear to be used for forest production or processing, the proposed development would not conflict with the intent of the FL classification because the barrack structure is abandoned, and tree removal would not occur.

Zoning: The is located within the Timberland Production (TP) zoning district, as described in Mendocino County Code (MCC) Section 20.364.005:

This district is intended to encompass lands within the Coastal Zone which because of their soil types and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such.

Demolition of the abandoned barrack building and the installation of electrical conveyances would not impact the intent of the zoning district. Existing use of the residence and water tower are encompassed by principal permitted uses in Section 20.364.010. However, if the Bureau of Land Management intends to convert the site to primarily open space or recreational use or otherwise permanently remove the land from timber production, additional Coastal Development Permits or zoning amendments may be required. Other standards within Chapter 20.364 do not apply to the proposed development because the installation of underground electrical conduits and panels are not subject to setback requirements. The project would result in a net loss of lot coverage.

In accordance with MCC Section 20.456.010(A) and 20.456.015(O), the proposed electrical conduits and panels are considered accessory uses encompassed by the principal permitted single-family residential use because the electrical infrastructure supports continued operation of the residence.

Grading, Erosion, and Runoff: In accordance with MCC Section 16.30.030(C), “any property owner anywhere in the County proposing a project with soil disturbance of less than one acre, must demonstrate compliance with the California Green Building Standards Code pertaining to site development stormwater runoff control, and Best Management Practices as listed in 16.30.070(B).” Therefore, the proposed project would be subject to this requirement.

Examples of Best Management Practices (BMPs) from Section 16.30.070(B) include, but are not limited to, scheduling construction activity, preservation of natural features, vegetation and soil, erosion control to protect slopes, building materials stockpile management, etc.

The project site is not within one hundred (100) feet of a stream or wetland. Standard BMPs required by MCC Section 16.30.070(B) would be sufficient to comply with Section 20.492. Therefore, staff recommends a condition of approval memorializing these requirements.

Environmentally Sensitive Habitat and Other Resource Areas: Per Coastal Element Policies 3.1-2, 3.1-7, and MCC Sections 20.496.015 and 20.488.010, a Biological Assessment prepared by NCRM was submitted with the application. According to the report, the nearest wetland is approximately nine hundred fifty (950) feet south of the project area. The entirety of the existing barrack structure and much of the proposed electrical conduit is within the Redwood Forest and Woodland Alliance vegetation community. According to CDFW’s Natural Community List, the Redwood Forest and Woodland Alliance has a rank of G3 S3, meaning that the alliance is globally vulnerable, or “at moderate risk of extinction or elimination due to a restricted range, relatively few populations, recent and widespread declines, or other factors”, and that the alliance is vulnerable statewide “due to a restricted range, relatively few populations, recent and widespread declines, or other factors making it vulnerable to extirpation.”

Though the Redwood Forest and Woodland Alliance is not listed as a Sensitive Natural Community, all specific Associations within the Alliance are considered a Sensitive Natural Community. According to the biological report, three Associations are present on the site, including the *Sequoia sempervirens* / *Polystichum munitum* (86.100.25), *Sequoia sempervirens* / *Oxalis oregana* (86.100.13), and *Sequoia sempervirens* – *Pseudotsuga menziesii* / *Gaultheria shallon* (86.100.11) Associations. In this case, the Redwood Forest and Woodland Alliance is presumed to be an Environmentally Sensitive Habitat Area

(ESHA) because its classification as a Sensitive Natural Community indicates that it may contain habitat of rare and endangered plants and animals in accordance with MCC Section 20.496.010. Therefore, the entirety of the proposed development lies either within ESHA or within the standard one hundred (100) foot buffer prescribed by MCC Section 20.496.020.

Surveys were conducted on January 24th and May 28th, 2024. The biological report identified forty-two (42) special-status plant species in a scoping list, eight (8) of which were determined to have a “moderate” to “high” potential to exist within the project area. None of those special-status species were observed during the surveys. However, approximately eighty-five (85) individual Redwood lilies (*Lilium rubescens*) were observed within and around planters lining the outside of the barrack structure proposed for demolition. This plant has a California Rare Plant Rank of 4.2, meaning it is “*of limited distribution*” and “*fairly threatened in California*”. The plant also has a Global and State Rank of G3 S3.

The biological report identified twenty-three (23) sensitive vertebrate and invertebrate species in a scoping list, none of which were observed during the surveys. However, thirteen (13) of those species have the potential to occur in the surrounding area. As such, mitigation measures were recommended by the biologist(s) to account for potential occurrence during project activities.

Of particular concern is the Townsend’s big-eared bat (*Corynorhinus townsendii*), which is listed as a species of special concern by CDFW. The bat has the potential to occur around the project area, particularly in the abandoned barrack building proposed for demolition and removal. The bat is dependent on habitats such as these for roosting and hibernation. Although bats were not detected during surveys and scat was not discovered, it is recommended that a pre-construction survey take place and that a mitigation plan be incorporated, should any bats be found during future survey. The report notes that bat boxes have been installed to account for the loss of habitat due to demolition of the barrack structure.

The report notes the following:

“We do not foresee any significant impacts to sensitive wildlife species from the Project. Very little work will occur outside of the existing footprints, such that the only biological resources that could be impacted, are terrestrial wildlife species that may move into the demolition area during the limited work period, which would include roosting bats, migrating amphibians, or nesting birds within or immediately adjacent to the proposed development areas.”

Additionally, the report notes that the project would result in temporary disturbance of an ESHA. Unlike other types of ESHA, the Mendocino County Coastal Element and Coastal Zoning Code do not contain a list of uses or development that may be permitted within ESHA comprised of “*habitats of rare and endangered plants and animals*”. However, Section 20.496.025 notes that development permitted within wetlands and estuaries can include “*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.*” Per Section 20.496.035, development permitted within riparian corridors and other riparian resource areas can include “*pipelines, utility lines and road trail crossing when no less environmentally damaging alternative route is feasible.*” Given these factors, the proposed underground electrical conduits should be considered a permitted development within the Redwood Forest and Woodland Alliance, provided a feasible less environmentally damaging alternative is not available. In this case, the proposed arrangement of electrical conduit seems to be the most feasible location because it follows straight lines between existing power poles or otherwise follows natural contours.

Section 20.496.015(D) notes that development proposals in ESHA shall only be approved if all members of the site inspection team agree to the boundaries of the sensitive resource area and that 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). In this case, a disagreement as to the extent of ESHA has not been raised and the applicable findings can be made, as discussion in the Findings section below.

The biological report also contains a narrative describing the project's consistency with the minimum standards prescribed by MCC Section 20.496.020(A)(4) for development permitted within the buffer area. The report notes that demolition of the barrack structure will allow vegetation to reclaim the area, expanding the potential for natural habitat, that the location of electrical burial has been identified as the most feasible option, that riparian vegetation will not be lost and wetland intrusion will not occur, tree removal or significant landform alteration would not occur, that the project will not degrade adjacent habitat areas, and that minimization of development impacts will occur, including:

- Flagging existing footprints and roadways
- Restricting construction vehicle operation within flagged areas to limit vegetation disturbance
- Implementation of noise reduction measures
- Misting and watering to control dust during removal
- Activities will occur during daylight hours
- Implementation of Best Management Practices (BMPs) for erosion and sediment control

Overall, the report notes that *“the project is not expected to have permanent or significant adverse impacts within the ESHA. The removal of the structure will eliminate artificial and unintended wildlife habitat, ultimately allowing for revegetation and the further expansion of the redwood forest.”*

The applicant also provided a list of proposed BMPs to be implemented during the project, including Vehicle and Equipment Cleaning, Fueling, Maintenance, Spill Prevention and Control, Soil Waste Management, Hazardous Waste Management, Contaminated Soil Management, and Sanitary/Septic Waste Management (see attached *BMP Letter*).

The project was referred to CDFW on June 19, 2024, who responded on July 16 (see attached *CDFW Comments 1*). CDFW recommended (1) that the report be updated to adequately identify and describe the Redwood Forest and Woodland Alliance on the site, (2) that the identified redwood lily bulbs be translocated to avoid potential impacts from demolition of the barrack structure, (3) that more information be provided to determine if the installation of bat boxes would provide habitat for bat species in the area, (4) that work be conducted outside of the Northern spotted owl breeding season, and (5) that several additional avoidance and minimization measures be incorporated such as flagging, monitoring, acoustic surveys, modification of the proposed amphibian mitigation measure, and sediment/erosion control measures.

The biological report was subsequently edited and resubmitted. Upon review of the updated report, CDFW provided additional comments (see attached *CDFW Comments 2*). CDFW recommended (1) that the project monitor and target the removal of invasive species for a minimum of three (3) to five (5) years, (2) that lilies be planted in clusters or groupings and not in a line/grid pattern, and that the transplanted location of lilies have temporary construction fencing installed around them to prevent impact during project work, (3) that more information be provided regarding the bat boxes, (4) that employees and contractors receive environmental training and prohibit access of heavy equipment or vehicles or storage of construction materials outside of designated areas, and (5) that conflicting wording within the report be corrected.

A memo regarding the bat boxes was subsequently submitted (see attached *Bat Memo*), and staff suggested edits to conditions of approval to eliminate conflicting wording. Staff recommends that these recommendations from CDFW be included as conditions of approval.

Hazards Areas: Per Coastal Element Policies 3.4-3, 3.4-5, and MCC Section 20.500.020, the site is not within a fault zone, is not less than one hundred twenty-five (125) feet from the bluff edge, is not in a tsunami inundation area, is not within the boundary of an existing or prehistoric landslide, and is unlikely to result in significant erosion with implementation of BMPs. Per MCC Section 20.500.025 and Coastal Element Policy 3.4-13, the project was referred to CAL FIRE on June 19, 2024. CAL FIRE did not respond to the referral request. The project is not expected to increase fire hazard because a fuel source (the barrack structure) would be removed. Per MCC Section 20.500.030, the site is not within a flood hazard zone.

Visual Resources and Special Treatment Areas: Per Coastal Element Policies 3.5-1, 3.5-8, 3, and MCC Chapter 20.504, the site is not within a mapped Highly Scenic Area, is not within a designated Special Community, is not within a Special Treatment Area, and does not involve any proposed lighting. The proposed electrical lines would be buried.

Transportation, Utilities, and Public Services: Per Coastal Element Policies 3.8-1, 3.8-9, 3.8-11, 3.9-1, and MCC Section 20.516.015, the project is not a subdivision or boundary line adjustment and does not involve the approval of an additional building site that would require any water supply or sewer capacity. The parcel does not abut State Route 1 and is not accessed via County Road. The project was referred to the Department of Transportation, who responded with no comment. No additional road development is proposed.

Archaeological and Cultural Resources: Per Coastal Element Policy 3.5-10 and Mendocino County Code Section 22.12, an archaeological survey report and historic resource evaluation was submitted for the project. The report notes that the prefabricated barrack structure is a World War II surplus building that was sold to CAL FIRE for construction of fire stations across the state. However, this structure was determined not to represent an individually significant historic use and does not bear association with important events in local, county, or state history that elevate its significance. The design of the barrack was not considered unique or representative of the work of a master or artistic values. The barrack was determined not to feature innovative building techniques that would inform research questions in architectural history. It was determined that the structure would not meet the criteria for eligibility within the California Register of Historical Resources. Therefore, the removal of the structure would not have an impact on a historical or tribal cultural resource.

Augur tests and shovel pits were also utilized to survey the site. No other archaeological or cultural resources were found. On July 10th, the Archaeological Commission discussed the report. The Commission accepted the survey with the inclusion of the discovery clause as a condition of approval. Based on correspondence with the Sherwood Valley Band of Pomo Indians, the Commission also included recommendations that a tribal monitor be present during ground disturbance, to ensure that disturbance to the “meadow” adjacent to the site does not occur, and that the Tribe be consulted during revegetation. Staff recommends that these be included as conditions of approval.

Public Access: Per Coastal Element Policies 3.6-9, 3.6-28, and MCC Section 20.528.010, the site is not proximate to a minimum access location as shown on the LCP maps. Therefore, the establishment of additional coastal access as a condition of this permit is not warranted.

ENVIRONMENTAL DETERMINATION: An Initial Study for the proposed project was completed by staff in accordance with the California Environmental Quality Act (CEQA). Based on this initial evaluation, it was found that the Project would not produce any significant environmental impacts with mitigation incorporated. As such, a Mitigated Negative Declaration was prepared. It is noted in the Initial Study that the proposed project could result in some environmental impacts, but these were considered less-than-significant with mitigation incorporated.

PROJECT FINDINGS & CONDITIONS OF APPROVAL

Staff recommends, pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, that the Coastal Permit Administrator approve the proposed project, adopt a Mitigated Negative Declaration, and adopt the following findings and conditions.

FINDINGS:

1. Pursuant to MCC Section 20.532.095(A)(1), the proposed project to demolish and remove an existing barrack structure, remove overhead electrical lines and associated panels, and install 315± linear feet of buried electrical conduit and associated electrical panels is in conformity with the certified local coastal program. As described in this staff report, the project is consistent with the intent of the FL land use classification and TP zoning district, would incorporate BMPs to reduce erosion and sedimentation, would not substantially degrade ESHA, is not within a hazard area or Highly Scenic Area, is served by adequate utilities, would not impact cultural resources, and does not warrant the provision of any new public access easements; and

2. Pursuant to MCC Section 20.532.095(A)(2), the proposed development to demolish and remove an existing barrack structure, remove overhead electrical lines and associated panels, and install 315± linear feet of buried electrical conduit and associated electrical panels will be provided with adequate utilities, access roads, drainage, and other necessary facilities. Water supply and sewage capacity are not required for the project because it does not involve the construction of any new dwellings or plumbing. The new electrical infrastructure is intended to restore electrical service to an existing structure that would be lost due to the demolition of another structure. The existing private access road between State Route 1 and the site is sufficient to serve the development because the density and intensity of use would not change. BMPs implanted during construction would ensure that proper drainage is available. After construction, disturbed soil would be restored and revegetated. Demolition of the barrack structure would increase pervious surface area, lessening runoff; and
3. Pursuant to MCC Section 20.532.095(A)(3), the proposed development to demolish and remove an existing barrack structure, remove overhead electrical lines and associated panels, and install 315± linear feet of buried electrical conduit and associated electrical panels is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserve the integrity of the zoning district. The project would not result in timberland being converted to non-timber use because tree removal would not occur. New uses would not be established; and
4. Pursuant to MCC Section 20.532.095(A)(4), the proposed development to demolish and remove an existing barrack structure, remove overhead electrical lines and associated panels, and install 315± linear feet of buried electrical conduit and associated electrical panels, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. A mitigated negative declaration has been prepared. Adoption and implementation of the mitigation measures would ensure that impacts are less than significant. A mitigation monitoring and reporting program has been prepared to outline the implementation of mitigation measures and show they are feasible and enforceable; and
5. Pursuant to MCC Section 20.532.095(A)(5), the proposed development to demolish and remove an existing barrack structure, remove overhead electrical lines and associated panels, and install 315± linear feet of buried electrical conduit and associated electrical panels will not have any adverse impacts on any known archaeological or paleontological resource. An archaeological survey report and historic resource evaluation was prepared for the project. The survey and evaluation did not indicate the presence of any archaeological or paleontological resources in the project area. The Mendocino County Archaeological Commission accepted the results of the survey and recommended additional measures to ensure that potential unanticipated discoveries are addressed, and that tribal monitoring would occur during ground disturbing activities; and
6. Pursuant to MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development to demolish and remove an existing barrack structure, remove overhead electrical lines and associated panels, and install 315± linear feet of buried electrical conduit and associated electrical panels. Solid waste and public roadway capacity would not be impacted because the project would not create any new dwellings or otherwise increase population density; and
7. Pursuant to MCC Section 20.532.095(B)(1), the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan because the site is not in a Minimum Access Location depicted on the LCP maps, meaning the provision of new public access from the site to the sea is not warranted. No new uses would be established, nor would dwelling density increase because of the project.
8. Pursuant to MCC Section 20.532.100(A)(1)(a), the Redwood Forest and Woodland Alliance ESHA and redwood lily individuals will not be significantly degraded by the proposed development because demolition would eliminate artificial structures and allow for revegetation and expansion of the forest, trenching would result in temporary impacts where vegetation would be restored, and mitigation measures would be implemented to minimize impacts, such as the translocation of redwood lily bulbs.

9. Pursuant to MCC Section 20.532.100(A)(1)(b), there is no feasible less environmentally damaging alternative because demolition of the barrack structure would allow for revegetation and expansion of the ESHA and the proposed trenching follows either straight lines or natural contours from existing power poles to the residence. A different orientation of the electrical conduit would result in a greater distance of trenching and/or a greater amount of ground disturbance.
10. Pursuant to MCC Section 20.532.100(A)(1)(c), all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted, including flagging existing footprints and roadways, restricting construction vehicle operation within flagged areas to limit vegetation disturbance, implementation of noise reduction measures, misting and watering to control dust during removal, limiting activities to daylight hours, implementation of BMPs for erosion and sediment control, translocation of redwood lilies, limiting activities outside of Northern spotted owl breeding season, a bat mitigation plan, targeted removal of invasive species, environmental training for construction workers, and biological monitoring.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “*)”:**

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 Code. The permit shall become effective after the ten (10) 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/or use of the property in reliance on such permit has been initiated prior to its expiration. Such permit vesting shall include approved permits associated with this project (i.e. building permits, septic permits, well permits, etc.) and physical construction in reliance of such permits, or a business license demonstrating establishment of a use proposed under this project.
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. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
4. 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.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
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 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. Conditions approving this variance shall be attached to or printed on any building permit application and shall be a part of on-site construction drawings.
10. Per Mendocino County Code Section 16.30.070(B), the permittee shall implement Best Management Practices (BMPs) to prevent the discharge of debris, contaminants, or construction waste from the site, or from grading or construction materials, tools, and equipment. Best Management Practices as appropriate for each project shall include but not be limited to the following:
 - a. Scheduling construction activity.
 - b. Preservation of natural features, vegetation, and soil.
 - c. Drainage swales or lined ditches to control stormwater flow.
 - d. Mulching or hydroseeding to stabilize disturbed soils.
 - e. Erosion control to protect slopes.
 - f. Protection of storm drain inlets (gravel bags or catch basin inserts).
 - g. Perimeter sediment control (perimeter silt fence, fiber rolls).
 - h. Sediment trap or sediment basin to retain sediment on site.
 - i. Stabilized construction exits.
 - j. Wind erosion control.
 - k. Other soil loss BMP acceptable to the enforcing agency.
 - l. Material handling and waste management.
 - m. Building materials stockpile management.
 - n. Management of washout areas (concrete, paints, stucco, etc.).
 - o. Control of vehicle/equipment fueling to contractor's staging area.
 - p. Vehicle and equipment cleaning performed off site.
 - q. Spill prevention and control.
 - r. Other housekeeping BMP acceptable to the enforcing agency.
11. **The permittee shall implement applicable Best Management Practices contained in the attached *BMP Letter*, including the following:
 - a. Vehicle and Equipment Cleaning
 - b. Vehicle and Equipment Fueling
 - c. Vehicle and Equipment Maintenance
 - d. Spill Prevention and Control
 - e. Soil Waste Management
 - f. Hazardous Waste Management
 - g. Contaminated Soil Management
 - h. Sanitary/Septic Waste Management
12. **In accordance with the recommendations of the Mendocino County Archaeological Commission at their meeting on July 10, 2024, the Sherwood Valley Band of Pomo Indians shall conduct tribal monitoring during the trenching phase of the project and may also be consulted when selecting local indigenous plants for revegetation. Sherwood Valley Band of Pomo Indians shall provide written confirmation to Planning & Building Services that monitoring has occurred.
13. **In accordance with the recommendations of the Mendocino County Archaeological Commission at their meeting on July 10, 2024, equipment shall not be parked in the meadow near the project area. The permittee shall coordinate with the tribal monitor to locate and avoid the meadow area.

14. **Prior to demolition activities, the identified redwood lilies (*Lilium rubescens*) shall be transplanted from the project site under the following conditions:
 - a. The lilies shall be transplanted during their dormant season (typically in late summer to early fall after the flowering period but before the first frost).
 - b. When digging up bulbs, as much of the root system should remain intact as possible.
 - c. Bulbs should be handled with care to avoid bruising.
 - d. The new location shall closely match the lilies natural habitat with well-drained soil, partial shade, and a site that receives filtered sunlight.
 - e. Areas with heavy clay or overly moist conditions shall be avoided.
 - f. The bulbs shall be placed in prepared holes at the same depth they were growing before.
 - g. The bulbs shall be spaced adequately for growth, usually about twelve (12) to eighteen (18) inches apart.
 - h. The bulbs shall be planted in clusters or groupings and not in a line or grid pattern.
 - i. The transplanted location shall have temporary construction fencing installed around the lilies to prevent impact during project activities.

15. **To limit impacts to surrounding vegetation, the following avoidance and minimization measures shall be implemented:
 - a. All construction vehicles shall utilize only existing footprints or roadways. Existing footprints and roadways shall be flagged or have temporary construction fencing installed to mark their limits, and all construction vehicles shall operate only within these designated areas.
 - b. Maximize the preservation of existing vegetation by marking the project area boundaries and any protected areas.
 - c. Instruct employees and subcontractors to honor project boundaries and prohibit access of heavy equipment, vehicular traffic, or storage of construction materials outside of the designated, delineated work area, access roads, and staging area(s) as indicated by temporary construction fencing or flagging. All employees and subcontractors shall receive environmental training and understand the importance of staying within the project boundaries.
 - d. A qualified biologist shall be present during all activities including vegetation removal, electric conduit installation, and demolition activities to monitor to confirm species are not present and/or to relocate them out of the work area including amphibian species of special concern.

16. **If operations occur during the nesting bird season (February 15th to August 15th), a nesting bird survey shall take place at the site prior to construction activities.

17. **Demolition activities shall occur outside of the Northern spotted owl breeding season (after July 31st and before February 15th).

18. **The following measures shall be implemented to prevent impacts to bats.
 - a. Demolition shall be conducted outside of pupping season (from June to August).
 - b. Demolition shall occur during daylight hours to limit construction noise and artificial light.

- c. Demolition shall occur incrementally. Small portions of the roof structures shall be disassembled first. This will create a disturbance and an undesirable roost site, allowing any roosting bats to vacate the premises prior to the complete demolition of the structure.
 - d. Prior to demolition of the structure, a bat survey shall be conducted by a qualified biologist.
 - e. The bat survey will involve surveying the structure for evidence of bat use (guano accumulation, ammonia odor, grease-stained cavities). If an active roost site is found, the biologist shall conduct acoustic surveys using an acoustic detector to determine whether a site is occupied. Any positive results shall be submitted to Planning & Building Services and the California Department of Fish & Wildlife (CDFW) to determine if the proposed bat mitigation plan will adequately avoid impacts to bats. If evidence of bat use is not found, then the work may proceed.
 - f. If an active pupping colony is observed, a one hundred (100) foot exclusion zone shall be established around the roost site. Demolition and/or ground disturbance shall not occur within the exclusion zone until all young are no longer dependent upon the roost. If no dependent pups are present, bats will be gently flushed out from the structures prior to demolition, incentivizing relocation.
19. **The following measures shall be implemented to prevent impacts to amphibians:
- a. A qualified biologist shall conduct pre-construction surveys for amphibians immediately before disturbance.
 - b. A qualified biologist, who is onsite to monitor species during construction activities, shall relocate individuals found within the project footprint to suitable, nearby habitats.
 - c. Sediment and erosion control measures shall be implemented to prevent runoff and sedimentation into areas where these species may reside or breed.
20. **The permittee shall monitor and target the removal of invasive plant species for a minimum of five (5) years. For example, species such as *Oxalis pes-caprae* (Buttercup oxalis) can be hand pulled, but the entirety of the plant should be removed, including underground rhizome and bulbs. Repeated pulling of the tops will deplete the bulb's carbohydrate reserves, but these efforts may take several years to be successful. At the end of the five (5) year period, a qualified biologist shall submit a report to Planning & Building Services which outlines the results of targeted removal efforts. The report should quantify the success of removal efforts. For example, the report should include a percentage change in the relative cover of invasive species within one hundred (100) feet of the project area from the targeted removal period.
21. **Prior to issuance of a building permit for demolition of the barrack structure, the applicant shall obtain a copy of each written asbestos notification regarding the structure that has been required to be submitted to the Mendocino County Air Quality Management District in accordance with California Health and Safety Code Section 19827.5. The building permit may be issued without submitting a copy of the written notification if the applicant declares that the notification is not applicable to the proposed demolition project in accordance with Section 19827.5.

8/20/24

DATE



LIAM CROWLEY
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

ATTACHMENTS:

- A. Location
- B. Aerial Imagery (Vicinity)
- C. Aerial Imagery (Detail)
- D. Topographic Map
- E. Site Map 1
- F. Topographic Site Map
- G. Zoning
- H. General Plan
- I. LCP Land Use Map 6: Rockport
- J. LCP Land Capabilities & Natural Hazards
- K. LCP Habitats & Resources
- L. Post LCP Certification & Appeal Jurisdiction
- M. Adjacent Parcels
- N. Fire Hazard Zones & Responsibility Areas
- O. Flood Zone
- P. Wetlands
- Q. Coastal Ground Water Resources
- R. Estimated Slope
- S. Western Soil Classifications
- T. Landslide Hazard
- U. Williamson Act
- V. Farmland Classifications
- W. Biological Assessment **(View on Website)**
- X. Bat Memo
- Y. BMP Letter **(View on Website)**
- Z. CDFW Comments 1
- AA. CDFW Comments 2
- BB. Sherwood Valley Comments 1
- CC. Sherwood Valley Comments 2

ATTACHMENT W, ATTACHMENT Y AND THE MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY AVAILABLE ONLINE AT: <https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>