

FINDINGS AND CONDITIONS (approved by CPA June 11, 2013 and revised by Supervisors 8-26-2013)

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Board of Supervisors approved CDP#12-2012, adopting the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval of this coastal development permit and with the mitigation measures incorporated into the project by the certified Mitigated Negative Declaration, in accordance with the California Environmental Quality Act, will not have any significant adverse impacts on the environment; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
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.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.
8. Resource Protection Impact Findings:
 - (a) The resource as identified will not be significantly degraded by the proposed development.
 - (b) There is no feasible less environmentally damaging alternative.
 - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

STANDARD CONDITIONS:

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 working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
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 applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

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SPECIAL CONDITIONS:

1. The proposed project shall comply with all measures from the Final Mitigated Negative Declaration for the Inglenook Fen-Ten Mile Dunes Natural Preserve Dune Rehabilitation Project 2012, except as modified by these special conditions. A copy of this staff report shall be supplied to all contractors and a copy shall be maintained on the job site.
2. Non-native trees shall not be removed in the eastern fringes of the proposed project area. Native trees shall be planted on State Parks property in strategic areas to provide greater protection to existing residential developments. State Parks shall develop and distribute an educational handout or flyer for adjacent landowners on how to protect their land through native tree/vegetation plantings or protection measures for existing vegetation, including the identification of nurseries that supply native trees or other appropriate plantings.
3. Sand removed and stockpiled during project activities should not be stored in a manner that would accelerate sand migration eastward to the residential properties.
4. Prior to September 30, 2014, Applicant shall implement accessibility improvements to the parking lot and trail to the beach at Ward Avenue, including but not limited to: adequate handicap parking (which must be assessed on a regular basis, based on visitor demand), signage, beach-ready wheelchair(s), and appropriate access to the sandy beach. The location and materials of the storage structure (6'x6' shed), parking, and trail improvements (if necessary) shall be submitted to Planning for review and approval.
5. State Parks shall explore the feasibility of obtaining a public access easement to provide formal vertical access from Highway 1 to the Preserve as well as a means to provide nonmotorized boating access. Feasibility of acquiring an access easement shall be based on landowner willingness. If willing landowner(s) are identified, a dedicated access easement shall be developed, approved by the County and Coastal Commission, and recorded. Feasibility of establishing boating access may be limited due to the presence of federally listed species. State Parks shall be required to remove sand on the northern segment of the Haul Road, in the rock-ballast retainment area, if necessary, in order to maintain access to the beach, and install signage to direct visitors to the beach.
6. State Parks shall not remove the road surface, but shall be required to remove sand on the northern segment of the Haul Road, in the rock-ballast retainment area, if necessary, in order to maintain access to the beach.
7. State Parks shall help facilitate development of a Class I bike path along Highway 1, from Ten Mile River to Ward Avenue, and a Class II bike path in those limited areas where a Class I bike path is not feasible. Furthermore, to the extent that a future access easement dedication may help to facilitate development of the Class I/II bike path along Highway 1, State Parks shall dedicate sufficient area from the edge of right of way on its properties directly adjacent to Highway 1 from Ten Mile River to Ward Avenue.
8. State Parks shall continue to monitor the stream crossing conditions during winter high flow events for pedestrian access. State Parks shall evaluate alternative stream crossings methods to maintain public access during winter high flow events.
9. The disposal site identified in the MND as closest to Ten Mile shall be the preferred site for disposal. Use of the Big River Quarry shall be restricted to only on an as-needed basis in order to reduce impacts to coastal visitors. If the Big River Quarry is found to be needed for disposal, a plan shall be developed to ensure that the disposed materials are not contaminated with pampas grass seed and other non-native found at the quarry site. This plan shall be submitted to Planning for review and approval prior to disposal at Big River Quarry.
10. State Parks shall submit to Planning any modification and/or finalization of the mitigation monitoring plan and long-term strategy during the life of the project. It is expected that State Parks will continue to responsibly manage its Preserve long after the proposed project is complete to ensure that invasive species are reduced and eliminated and the ecological function is maintained.
11. Grading standards from Ch. 20.492 of the MCCZC shall be followed:
 - a. Grading shall not significantly disrupt natural drainage patterns and shall not significantly increase volumes of surface runoff unless adequate measures are taken to provide for the increase in surface runoff.
 - b. Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to an absolute minimum.
 - c. Essential grading shall complement the natural land forms. At the intersection of a manufactured cut or fill slope and a natural slope, a gradual transition or rounding of contours shall be provided.
 - d. The permanently exposed faces of earth cuts and fills shall be stabilized and revegetated, or otherwise protected from erosion.
 - e. Adjoining property shall be protected from excavation and filling operations and potential soil erosion.

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- f. The area of soil to be disturbed at any one time and the duration of its exposure shall be limited. Erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Construction equipment shall be limited to the actual area to be disturbed according to the approved development plans.
- 12. Prior to commencement of the project, State Parks shall submit a plan which shall be approved by the Department of Planning and Building Services for the removal of all railroad ties that may be embedded in the sections of haul road to be removed; all railroad ties that may be scattered or stockpiled in the project area; and all pressure treated fence posts (“peeler cores”), including cut off and embedded remnants, that formerly delineated the State Parks – Georgia Pacific boundary line. Such plan shall include safe handling and best management practices for the removal, handling, storage, transport and disposal of the material that is protective of public and worker safety and the environment.