

CALIFORNIA COASTAL COMMISSION

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Th7a

DATE: Prepared September 2, 2010 for the September 16, 2010 hearing

TO: Coastal Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Robert Merrill, North Coast District Manager

SUBJECT: **Appeal No. A-1-DNC-10-27 (Babich)**, local permit #B30867C), Appeal by Friends of Del Norte of Del Norte County decision granting a coastal development permit with conditions to Henry Babich for the construction of an approximately 4,608-sq.-ft. storage building on a 1.30-acre lot in a general industrial area. The structure would be approximately 48 feet wide by 96 feet long and 22 feet tall, constructed of non-reflective metal siding and roofing. The project site is located at 200 Standard Veneer Road, approximately one mile north of Crescent City, on APN 110-440-13, Del Norte County.

Appeal filed: July 30, 2010; 49th day: September 17, 2010.

Recommendation:

Staff recommends that the Commission determine that **a substantial issue exists** with respect to the grounds on which Appeal No. A-1-DNC-10-027 has been filed and that the Commission hold a *de novo* hearing.

Staff recommends a NO vote on the following motion and resolution:

Motion & Resolution. *I move that the Commission determine and resolve that: Appeal No. A-1-DNC-10-027 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

Following the staff recommendation by voting no will result in the Commission conducting a *de novo* review of the application, and adoption of the following findings. Passage of this motion via a yes vote, thereby rejecting the staff recommendation, will result in a finding of No Substantial Issue, and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners.

IMPORTANT NOTE:
THE COMMISSION WILL NOT TAKE PUBLIC TESTIMONY DURING THE
SUBSTANTIAL ISSUE PHASE OF THE APPEAL HEARING UNLESS
THREE COMMISSIONERS REQUEST IT.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue of conformity of the approved project with the certified LCP. Since the staff is recommending substantial issue, unless three Commissioners object, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its *de novo* review. The Commission will not take public testimony during this phase of the appeal hearing unless three Commissioners request it.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicants, the appellant and persons who made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

Unless it is determined that there is no substantial issue, the Commission will proceed to the *de novo* portion of the appeal hearing and review the merits of the proposed project. Oral and written public testimony will be taken during this *de novo* review which may occur at the same or subsequent meeting.

Findings

A. Project Description.

On July 7, 2010 the Del Norte County Planning Commission conditionally approved Coastal Development Permit No. B30867C for the construction of an approximately 4,608-sq.-ft. industrial storage building on a 1.30-acre lot in a general industrial area on the south side of Standard Veneer Road (200 Standard Veneer Road), approximately one mile north of Crescent City and one mile south of Lake Earl (See Exhibit Nos. 1-3). The structure would be approximately 48 feet wide by 96 feet long and 22 feet tall,

constructed of non-reflective metal siding and roofing (See Exhibit No. 4). The long axis of the building would extend across much of the width of the property. The building would be positioned approximately 50 feet from the southern property line and approximately 386 feet south of the centerline of the road. The applicant intends to use the building for the applicant's building construction business.

B. Project Site.

A portion of the existing parcel is enclosed by a single chain link fence. The proposed building would be constructed within the fenced enclosure. An approximately 136-foot long driveway from Standard Veneer Drive located parallel to the parcels western boundary serves as the primary access to the existing fenced area. No other structures have been developed on the parcel.

The site is located within a general industrial area that historically has been designated for manufacturing or industrial uses related to a former lumber mill that had previously been located northwest of the subject property at the end of Standard Veneer Road. The subject parcel and adjoining parcels are designated in the certified Land Use Plan as General Industrial and are zoned as Manufacturing and Industrial. An enclosed building for storage related to construction activities conforms to the principal permitted uses in the zoning district.

In June of 2009, Galea Wildlife Consulting (GWC) prepared a biological assessment of the site (See Exhibit 9). The biological assessment indicates the site has been previously cleared and that the area was scraped of soil in the past for use in another construction project. The parcel is vegetated with grasses and is devoid of trees. The biological assessment indicates that a shallow drainage ditch crosses the southern end of the parcel from east to west. The drainage ditch was created some time in the past after the adjoining property to the south was filled to an elevation approximately five feet higher than the subject property. The ditch is parallel to the foot of the fill slope and drains runoff from the immediate surroundings. Although the parallel fill slope is covered with a narrow band of willows and other vegetation, the ditch itself is maintained clear of vegetation for drainage purposes and is dry for portions of the year. The approved storage building would be set back 25 feet from the drainage swale in accordance with the buffer set back recommendation of the biological assessment.

The biological assessment also indicates that the adjoining property to the east contains a stand of young willows in the mist of an open field. The stand of willows may indicate the presence of a wetland. As approved, the storage building would be constructed approximately 54 feet to the west of the stand of willows in accordance with the 50-foot buffer set back recommendation of the biological assessment.

C. Local Approval.

On July 7, 2010 the Del Norte County Planning Commission conditionally approved Coastal Development Permit No. B30867C subject to 20 special conditions (See Exhibit 6). The decision of the Planning Commission was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received at the Commission's North Coast District Office on July 9, 2010 (Exhibit No. 6).

Pursuant to Coastal Act Section 30603, this approval is appealable to the Commission because (1) the approved development is located between the sea and the first public road paralleling the sea, and (2) the approved development is located within 100 feet of a wetland. Section 13573 of the Commission's regulations allows for appeals of local approvals to be made directly to the Commission without first having exhausted all local appeals when, as here, the local jurisdiction charges an appeal fee for the filing and processing of local appeals.

One appeal was filed with the Commission's North Coast District Office on July 30, 2010 from the Friends of Del Norte (Exhibit No. 5). The appeal was filed in a timely manner, within 10 working days of receipt by the Commission of the County's Notice of Final Action.

D. Appellant's Contentions.

The appellant, the Friends of Del Norte, claims that the approved project is inconsistent with the policies and standards of the Del Norte County certified Local Coastal Program (LCP) for the following reasons: (1) the storage building will be placed in an area that contains wetlands that have not been delineated and that the approved project will involve the placement of fill in wetlands for a use that is not permitted by LCP wetland fill policies, (2) the wetland buffers between the approved developed and the wetlands on the site and adjoining property are inadequate and inconsistent with LCP wetland buffer policies, (3) the site lacks a suitable water supply to serve the development due to soil and ground water contamination, inconsistent with LCP policies requiring adequate services for new development, and (4) the approved development will have inadequate storm water drainage plans that will fail to protect the Lake Earl wetland complex from pollutant-laden runoff.

E. Substantial Issue Analysis.

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determined that no substantial issue exists with respect to the grounds on which the appeal has been filed.¹ Commission staff has

¹ The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the

analyzed the county's Final Local Action Notice for the development (Exhibit No. 6), appellant's claims (Exhibit No. 5), and the relevant requirements of the LCP (Appendix B). Staff recommends that the Commission find that the appeal raises a substantial issue of conformance of the approved project with respect to the provisions of the certified LCP regarding (1) the placement of fill in wetlands for a use that is not permitted by LCP wetland fill policies and (2) the adequacy of wetland buffers as explained below.

A substantial issue has been raised as to whether all of the wetlands on the site that might be affected by the approved development have been identified. In a letter to the County dated October 27, 2009 commenting on the Mitigated Negative Declaration prepared for the project, the Department of Fish & Game (DFG) comments that DFG staff field reviewed the subject parcel and found that the parcel contains wetlands not identified in the biological assessment (See Exhibit No. 7). The letter states the following:

DFG staff field reviewed the subject parcel on September 29, 2009, and found that the subject parcel contains wetlands not identified in the GWC report. Vegetation on the southern portion of the parcel is predominantly hydrophytic (water-loving) and herbaceous species ranged from facultative to obligate. With the exception of a small patch of re-sprouting willows, shrubs and trees are absent from the parcel. Soils ranged from non-hydric with indications of historic fill, to mottled (i.e. concentrations and depletions) with redoxmorphic features (oxidized root channels). Based on these features, hydrology was inferred due to the seasonality of the field review. The parcel is clearly disturbed due to current and historic land use; however, the predominance of hydrophytes and hydric soils on the southern portion of the parcel suggests that additional wetland investigation and delineation is warranted.

After receiving the DFG comment letter, the County requested the applicant to provide a wetland delineation (See Exhibit No. 8). The applicant's consultant, Galea Wildlife Consulting (GWC) prepared a wetland delineation and discussed the results in a letter dated December 2009 (See Exhibit No. 9, pages 6 of 13 through 13 of 13). GWC re-visited the site in November of 2009 and tested conditions at two sample pits as part of its delineation. The two sample points were located in relatively close proximity along the southeast side of the parcel. Based on the results of the samples taken, GWC concluded that the samples taken from the two pits were not indicative of wetland habitats. GWC determined that only one of the three indicators used to detect the presence of wetlands (hydrophytic vegetation, hydric soils, and hydrology) were present at the two sample pits, hydrophytic vegetation. Although the presence of just one of the indicators can be sufficient to establish that a wetland is present, GWC discounts the significance of the existence of the hydrophytic vegetation at the two sample points. GWC states in part:

significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues, or those of regional or statewide significance.

The vegetation was almost exclusively invasive reed canary grass (*Phalaris arundinacea*). This invasive species quickly out-competes native species, and it does well in disturbed soils, such as those found at this location where the owner has kept the site relatively cleared. This species is classified as facultative-wet in Oregon (which is much more representative for Del Norte County than California plant classification), meaning it can grow in upland habitats but prefers wetter habitats, but is not a wetland obligate. Although this plant is a wetland species, its preponderance here is primarily due to being quick to colonize disturbed areas.

The wetland definition utilized by the Coastal Commission and Del Norte County is found in Section 13577 of the California Code of Regulations, which defines wetland² as “...land where the water table is at near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent....”

Therefore, in order to qualify as a wetland in the Coastal Zone, land must be at least periodically inundated or saturated for sufficient duration to result in a predominance of hydrophytes or a predominance of hydric soils. There is no specific periodicity or duration of inundation or saturation required. The primacy of hydrology is implicit in the definition, but is presumed adequate if either hydrophytic cover or hydrophytic soils are predominant. However, neither the definitions of hydrophytes or hydric soils nor field methods for their identification are provided in California law. In practice, delineators primarily rely on the definitions and technical guidelines developed by the Army Corps of Engineers.³ Several other technical publications also provide useful guidance.⁴

The response provided by the applicant’s consultant does not fully dismiss the possibility that wetlands may be present at the two sample points. As discussed above, the presence of dominant hydrophytic vegetative cover alone is adequate to delineate a site as a wetland. According to the Wetland Determination Data Forms completed by the consultant and attached to the GWC response letter, reed canary grass, a hydrophytic plant, consisted of 90% of the cover at Sampling Point A and 30% of the cover at Sampling Point B. The percentage of other species present at these sampling points was not provided. Thus, at least at Sampling Point A, a hydrophytic plant

² The definition in the Regulations was adapted from: Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRue. 1979. Classification of wetlands and deepwater habitats of the United States. Office of Biological Services, U.S. Fish and Wildlife Service, Washington, D.C.. The definitions of upland limits are identical to those of the Service.

³ Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Stations, Vicksburg, Mississippi.

⁴ Federal Interagency Committee for Wetland Delineation. 1989. Federal manual for identifying and delineating jurisdictional wetlands. Cooperative technical publication. U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and USDA Soil Conservation Service, Washington, D.C.; National Research Council. 1995. Wetlands: Characteristics and boundaries. National Academy Press, Washington, D.C.; Tiner, R.W. 1999. Wetland indicators. A guide to wetland identification, delineation, classification, and mapping. Lewis Publishers, N.Y.

comprised the dominant plant coverage. In addition, Section 13577 of the Commission's regulations and the technical guidelines used for wetland delineation do not require that hydrophytic vegetation be native to qualify a site as a wetland. Therefore, the fact that the reed canary grass may be exotic to the project site does not disqualify the site as a potential wetland.

Furthermore, the wetland delineation relied on the use of only two sampling points, both located in the same general proximity along the southeast side of the parcel. Wetland delineations usually require the sampling of many more points than just two to determine the presence of wetland and the location of the boundary between any wetlands discovered and upland areas. The limited sampling performed in this case is especially problematic as the correspondence from the Department of Fish & Game indicates that DFG staff found hydrophytic vegetation on the southern portion of the parcel, not just along the southeast side where the two sample points were located. In addition, DFG indicates they found hydrophytic species ranging from facultative to obligate, indicating that at least in certain locations, more hydrophytic species than just reed canary grass is present. GWC reported finding only reed canary grass at its two sample points, suggesting that sampling at other points on the property where DFG observed additional hydrophytic species would be important. Sampling in additional locations within the southern portion of the property would yield additional information about the presence or lack of hydrophytic vegetation, hydric soils, and hydrology, thus providing a better basis for determining the presence and extent of wetlands on the site. In the absence of a more comprehensive wetland delineation, a substantial issue is raised as to whether wetlands are present on the site or not and what the extent of the wetlands may be.

Accurate information about the presence and extent of wetlands on the site is critical for determining the project's consistency with the wetland fill and wetland buffer policies of the certified LCP. Marine and Water Resources – Sensitive Coastal Habitats Specific Area Policies - Section VII. D.4. (Wetlands) states that the diking, filling, or dredging of wetlands shall be limited to those project identified in Section 30233 of the Coastal Act. Section 30233 of the Coastal Act limits diking, filling, and dredging to only seven purposes, none of which include construction business storage buildings. Therefore, the placement of the approved storage building in a wetland would be inconsistent with the above-cited wetland fill policies of the LCP.

Accurate information about the presence and extend of wetlands on the site is also critical for determining the project's consistency with the wetland buffer policies of the certified LCP including but not limited to *Marine and Water Resources – Sensitive Coastal Habitats* Specific Area Policy Section VII. D.4, sub-sections a and f. These policies require that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas and require that buffers be established between wetlands and new development. The LCP requires a 100-foot wetland buffer from new development. However, a buffer of less than one-hundred feet may only be utilized where it can be determined that there is no adverse impact on the wetland. Therefore, the placement of the approved storage building within 100 feet of wetland where no evaluation had been conducted to determine

if a reduced buffer would result in adverse impacts on the wetland would be inconsistent with the above-cited ESHA and wetland buffer policies of the LCP.

The approved storage building would be located in the southern portion of the parcel, the same area where DFG has found wetlands. The degree of legal and factual support for the local government's decision that the development is consistent with (a) the wetland fill policies of the certified LCP limiting fill to only certain uses that do not include the approved use, and (b) the ESHA and wetland buffer policies is low. In addition, as Section 30233 of the Coastal Act requires that wetlands be protected and only filled for certain limited purposes and Section 30240 of the Coastal Act requires that development adjacent to ESHA be sited and designed to prevent impacts which would significantly degrade those areas, the appeal raises issues of statewide significance rather than just a local issue. Therefore, the Commission finds that the project as approved raises a substantial issue with regard to whether the approved development conforms to (a) the LCP wetland fill policies that limit the allowable filling of wetlands to certain uses, none of which includes construction business storage buildings, and (b) the LCP ESHA and wetland buffer policies that require a 100-foot wetland buffer from new development unless a of less than one-hundred feet would have no adverse impact on the wetland.

(F) Information Needed for *De Novo* Review of Application

Section 30621 of the Coastal Act instructs the Commission to provide for a *de novo* hearing on all appeals where it has determined that a substantial issue exists with respect to the grounds on which an appeal has been filed. If the Commission finds substantial issue as recommended above, staff also recommends that the Commission continue the *de novo* hearing to a subsequent date. The *de novo* portion of the appeal must be continued because the Commission does not have sufficient information to determine what, if any, development can be approved, consistent with the certified LCP.

Given that the project the Commission will be considering *de novo* has come to the Commission after an appeal of a local government action, the Commission has not previously been in the position to request information from the applicant needed to determine if the project can be found to be consistent with the certified LCP. Following is a discussion of the information needed to evaluate the development.

1. Supplemental Wetland Delineation

The wetland delineation prepared for the project is not comprehensive as it only included two sample points along the southeast side of the subject parcel. The delineation also does not fully explain the conclusions reached that no wetlands are present. For example, the delineation report does not fully justify a determination made that a sampling point showing dominant vegetative cover by an hydrophitic plant does not indicate the presence of wetlands under Section 13577 of the Coastal Act. The policies of the Marine Resources Chapter of the certified LCP limit the filling of wetlands to certain specific uses that do not include construction business storage

buildings. Therefore, to evaluate the consistency of the proposed project with LCP wetland fill policies, a supplemental wetland delineation prepared to Coastal Act and LCP standards must be submitted that (1) samples wetland conditions at numerous sample points throughout the southern portion of the subject parcel sufficient in number to establish whether wetlands are present on the site or not and to establish the location of the boundary between any wetlands discovered and upland areas, and (2) fully analyzes the result of each sampling location to establish whether wetlands are present or not and the basis for such determinations. The supplemental delineation information shall be prepared by a qualified wetland biologist and shall include a final site map depicting the full extent of all wetlands on and bordering the property and the full extent of buffer area needed to protect the wetlands. The supplemental delineation information shall include complete field notes taken to determine the extent of the wetlands.

2. Alternatives Analysis

As discussed above, the LCP requires that development in areas adjacent to wetlands and other environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. To implement this policy in part, the LCP requires a 100-foot wetland buffer from new development. However, a buffer of less than one-hundred feet may be utilized where it can be determined that there is no adverse impact on the wetland. If the supplemental wetland delineation report required in Section 1 above indicates that additional wetlands are present on the parcel within 100 feet of the development, an analysis of alternative siting locations must be submitted to enable the Commission to fully evaluate the project's consistency with the LCP wetland fill and ESHA buffer policies and the development's potential impact on the wetland habitat. The alternatives analysis shall evaluate alternatives that provide for a full 100-foot buffer between the development and any wetlands discovered as well as alternatives that provide for any reduced buffer recommended by the buffer analysis required in Section 3 below. The analysis shall discuss whether these and other alternatives are feasible and the relative environmental impact of each alternative.

3. Supplemental Reduced Buffer Analysis

The LCP requires that development in areas adjacent to wetlands and other environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. To implement this policy in part, the LCP requires a 100-foot wetland buffer from new development. However, a buffer of less than one-hundred feet may be utilized where it can be determined that there is no adverse impact on the wetland. If the supplemental wetland delineation report required in Section 1 above indicates that additional wetlands are present on the parcel and the applicant proposes to locate the storage building and/or other development within 100 feet of these additional wetlands, a supplemental reduced buffer analysis must be

submitted to address the adequacy of the reduced buffer to these particular wetlands. The revised buffer width adequacy analysis shall be prepared using the reduced buffer criteria of the Commission's Interpretive Guidelines.

4. Evaluation of Adequacy of Water Supply

The appeal raises concerns as to whether the use of ground water from the site will be adequate to serve the development. Past industrial activities at the site may have contaminated the ground water supply. Therefore, to enable the Commission to determine if the proposed water supply source for the development will be suitable to serve the development, an evaluation of the water supply source's conformance with applicable Department of Environmental Health and other applicable state and local standards is required.

Without the above information, the Commission cannot reach a final determination concerning the consistency of the project with policies of the LCP. Therefore, before the Commission can act on the proposed project *de novo*, the applicant must submit all of the above-identified information.

APPENDICES

APPENDIX A: Commission's Appeal Jurisdiction Over Project

APPENDIX B: Excerpts from the Del Norte County Local Coastal Program

EXHIBITS

1. Regional Location Map
2. Vicinity Map/Aerial Photo
3. Parcel Map
4. Project Plans
5. Appeal
6. Notice of Final Local Action and Findings for Approval
7. Department of Fish & Game Comments on Wetlands
8. County Response to Dept. of Fish & Game Letter
9. Biological Assessment

APPENDIX A

COMMISSION'S APPEAL JURISDICTION OVER THE PROJECT

On July 7, 2010 the Del Norte County Planning Commission conditionally approved Coastal Development Permit No. B30867C for the construction of an approximately 4,608-sq.-ft. industrial storage building on a 1.30-acre lot in a general industrial area. The structure would be approximately 48 feet wide by 96 feet long and 22 feet tall, constructed of non-reflective metal siding and roofing.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603). Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area, such as designated "special communities." Furthermore, developments approved by local governments may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the local government. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified LCP and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act, because (1) the approved development is located between the sea and the first public road paralleling the sea, and (2) the approved development is located within 100 feet of a wetland.

The decision of the Planning Commission was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received at the Commission's North Coast District Office on July 9, 2010 (Exhibit No. 6). Section 13573 of the Commission's regulations allows for appeals of local approvals to be made directly to the Commission without first having exhausted all local appeals when, as here, the local jurisdiction charges an appeal fee for the filing and processing of local appeals.

One appeal was filed with the Commission's North Coast District Office on July 30, 2010 from the Friends of Del Norte (Exhibit No. 5). The appeal was filed in a timely manner, within 10 working days of receipt by the Commission of the County's Notice of Final Action.

APPENDIX B

**EXCERPTS FROM THE DEL NORTE COUNTY
CERTIFIED LOCAL COASTAL PROGRAM**

Land Use Plan Policies

Marine and Water Resources Policies:

1. The County seeks to maintain and where feasible enhance the existing quality of all marine and water resources.
3. All surface and subsurface waters shall be maintained at the highest level of quality to insure the safety of public health and the biological productivity of coastal waters.
4. Wastes from industrial, agricultural, domestic or other uses shall not impair or contribute significantly to a cumulative impairment of water quality to the extent of causing a public health hazard or adversely impacting the biological productivity of coastal waters.
5. Water conservation measures (e.g. flow restrictors, industrial recycling of usable waste waters) should be considered by present users and required in new development to lessen cumulative impacts on existing water systems and supplies.
6. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

*Marine and Water Resources – Sensitive Coastal Habitats Specific Area Policies -
Section VII. D.4. Wetlands:*

- a. The diking, filling, or dredging of wetlands shall be permitted in accordance with other applicable provisions of this program, where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects. Such projects shall be limited to those identified in Section 30233 of the Coastal Act.
- f. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly

degrade such areas, and shall be compatible with the continuance of such habitat areas. The primary tool to reduce the above impacts around wetlands between the development and the edge of the wetland shall be a buffer of one-hundred feet in width. A buffer of less than one-hundred feet may be utilized where it can be determined that there is no adverse impact on the wetland. A determination to utilize a buffer area of less than one-hundred feet shall be done in cooperation with the California Department of Fish and Game and the County's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. Firewood removal by owner for on site use and commercial timber harvest pursuant to CDF timber harvest requirements are to be considered as allowable uses within one-hundred foot buffer areas.

- g. Due to the scale of the constraints maps, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is a dispute over the boundary or location of an environmentally sensitive habitats area, the following may be requested of the applicant:
 - i.) A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.
 - ii.) Vegetation map.
 - iii.) Soils map.

Review of this information shall be in cooperation with the Department of Fish and Game and the County's determination shall be based upon specific findings as to whether an area is or is not an environmentally sensitive habitat area based on land use plan criteria, definition, and criteria included in commission guidelines for wetland and other wet environmentally sensitive habitat areas as adopted February 4, 1981. The Department of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation.

Marine and Water Resources – Sensitive Coastal Habitats Specific Area Policies -
Section VII. E.4. Riparian Vegetation:

- a. Riparian vegetation shall be maintained along streams, creeks and sloughs and other water courses within the Coastal Zone for their qualities as wildlife habitat, stream buffer zones, and bank stabilization.

Coastal Act Policies

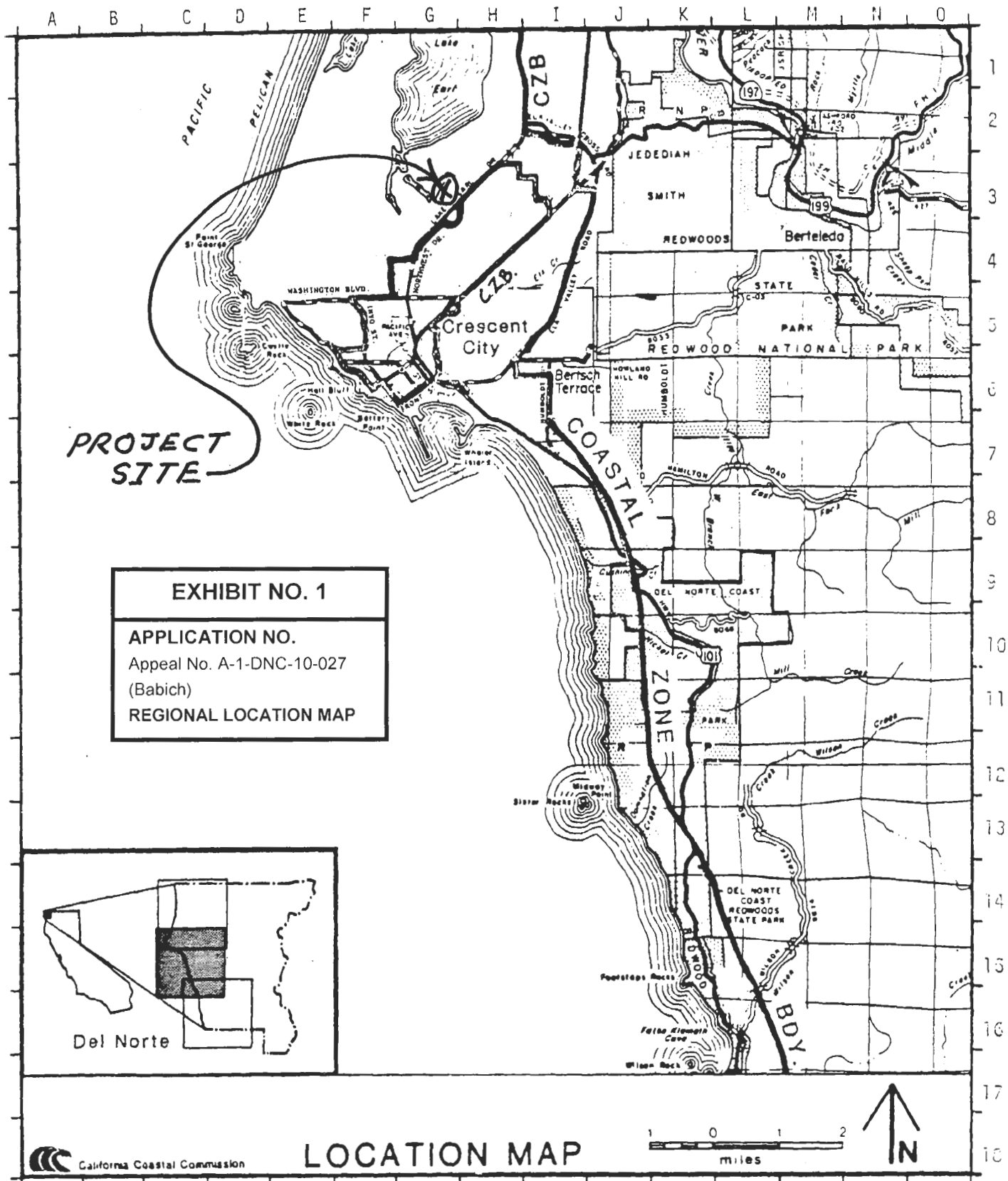
Section 30233(a) of the Coastal Act states, in applicable part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) Restoration purposes.*
- (7) Nature study, aquaculture, or similar resource dependent activities.*

Implementation Program Standards

None cited.



County of Del Norte

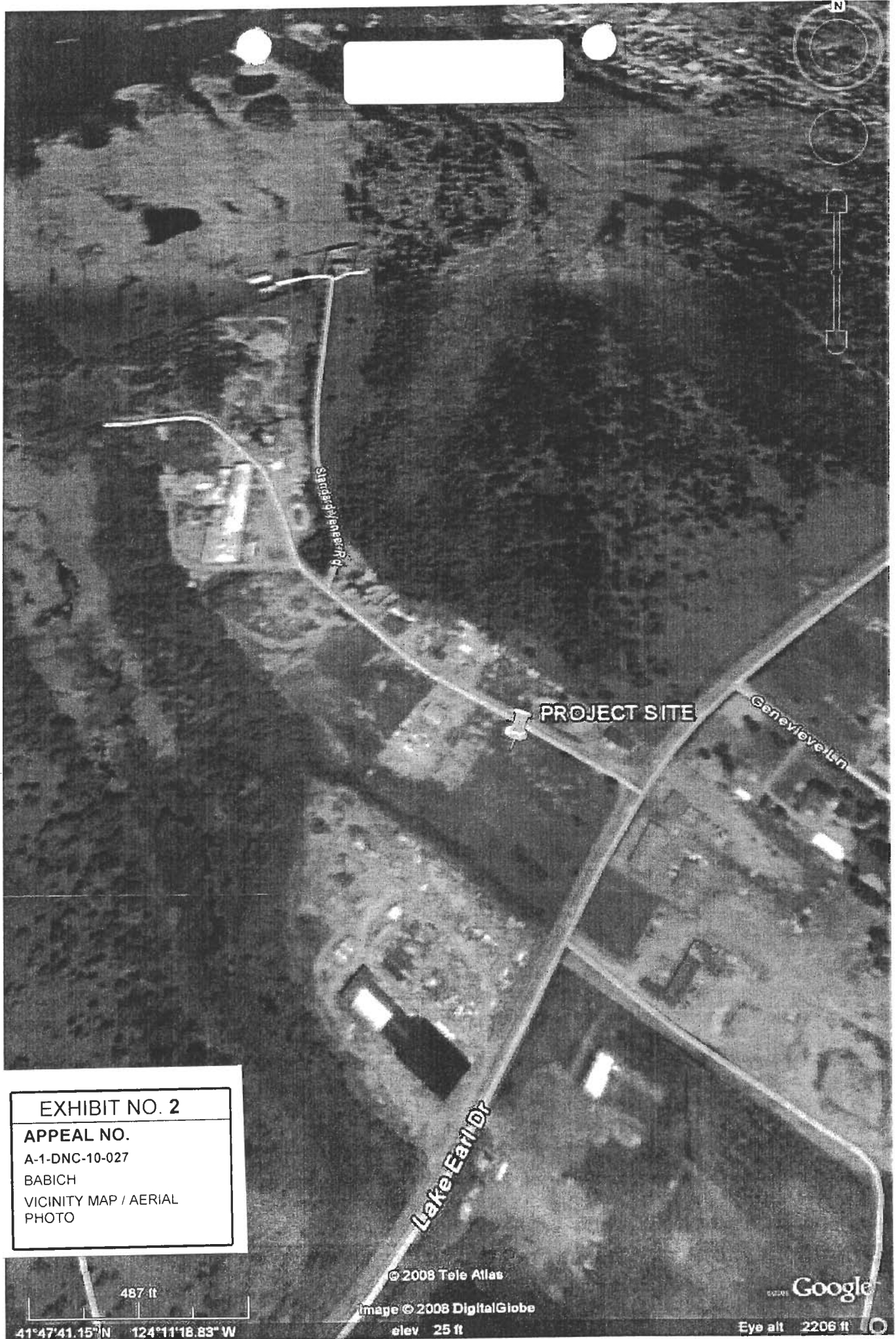


EXHIBIT NO. 2

APPEAL NO.

A-1-DNC-10-027

BABICH

VICINITY MAP / AERIAL
PHOTO

© 2008 Tele Atlas

Image © 2008 DigitalGlobe

elev 25 ft

Google

Eye alt 2206 ft

487 ft
41°47'41.15"N 124°11'18.83"W

PUR. SEC. 9, T. 16 N., R. 1 W., H. B. & M.

110-44

THIS IS NOT AN OFFICIAL MAP
FOR ASSESSMENT PURPOSES ONLY

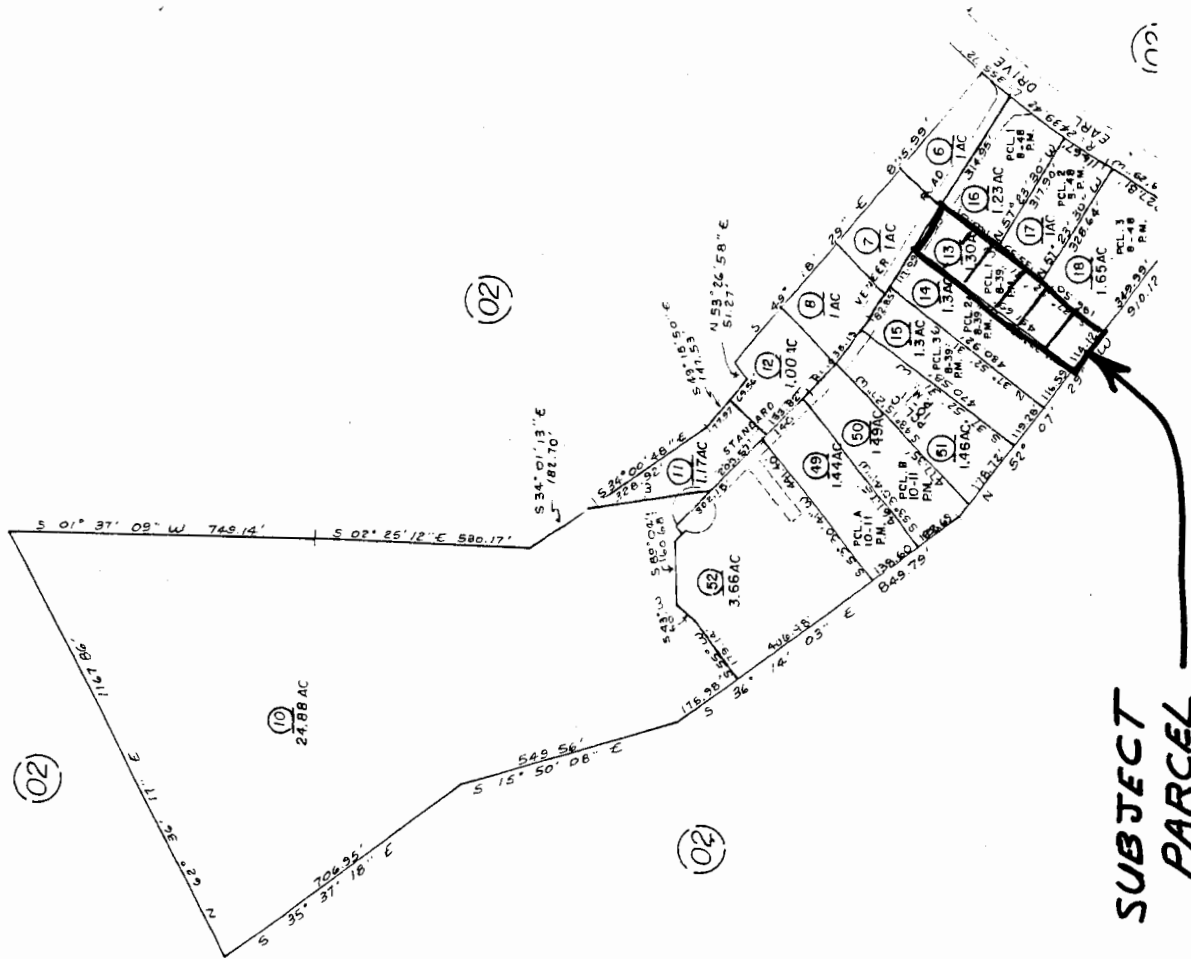


EXHIBIT NO. 3

APPEAL NO.

A-1-DNC-10-027

BABICH

PARCEL MAP

BABICH, HENRY
— CDP STORAGE BUILDING

B30867C
110-440-13 —

Indicates Fence

Plot Plan

11412 APN 110-440-13

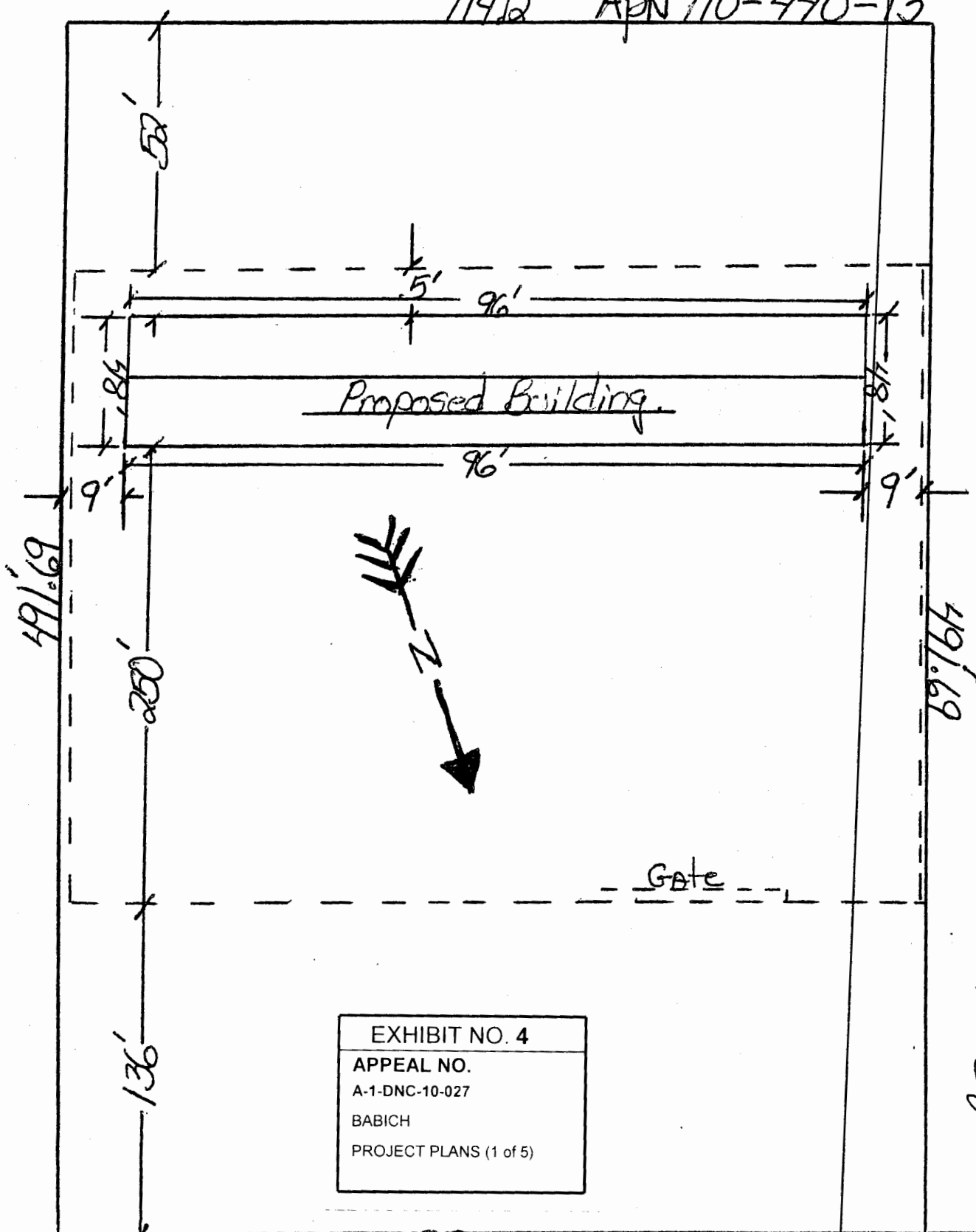


EXHIBIT NO. 4
APPEAL NO.
A-1-DNC-10-027
BABICH
PROJECT PLANS (1 of 5)

B30867C - Babich

Standard Veneer Rd. 114' 55" 80 Standard Veneer Rd.

Standard Veneer Rd.

Standard Veneer Rd.

114.55

B30867C - Babich

69.164

136'

220'

50' Buffer

49.169

willows

Gate



Proposed Building

9' 9' 8' 4'

9' 9' 8' 4'

25' Buffer

Drainage Channel

114.2 APR 110-440-13

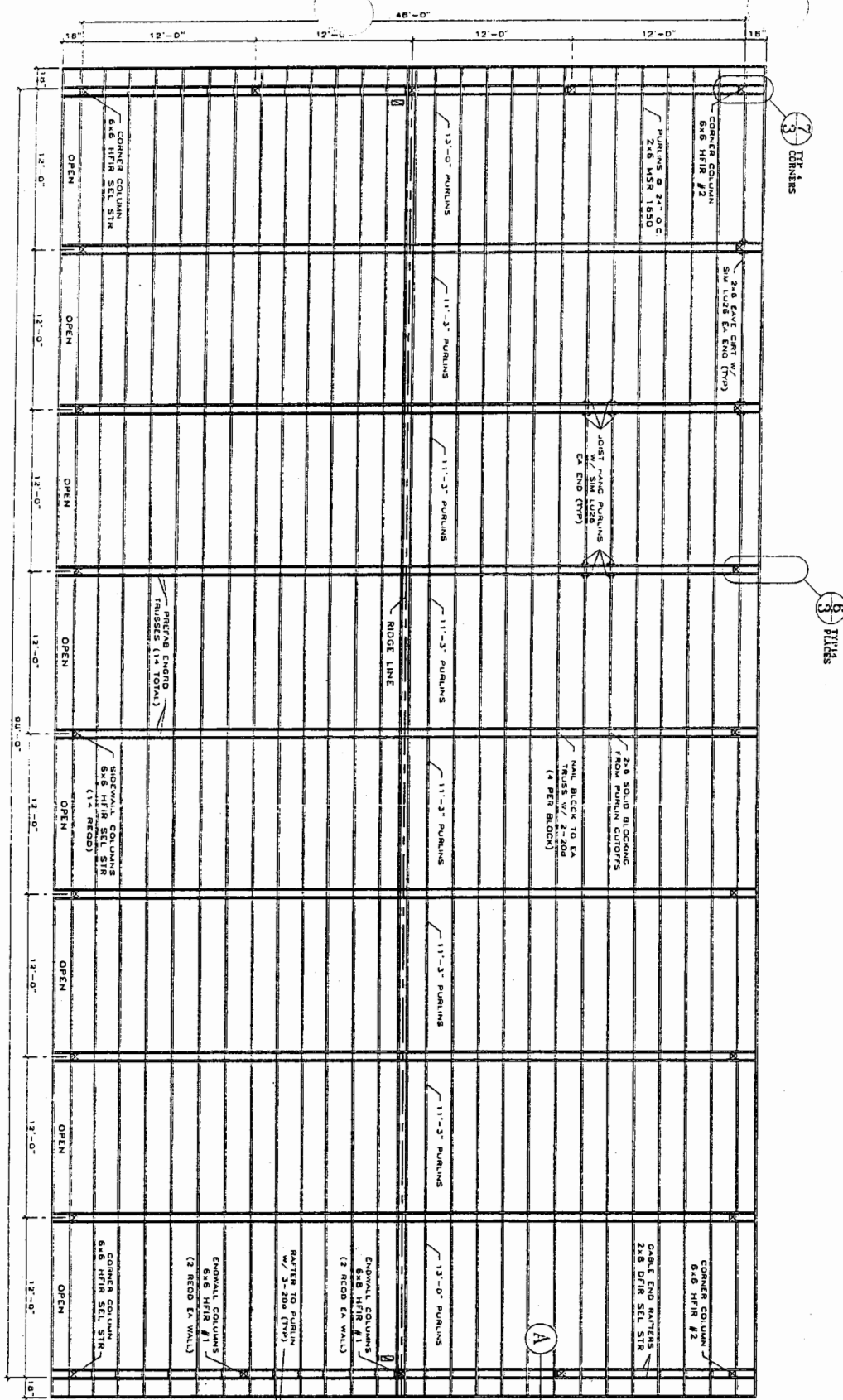
2 of 5

79

BABICH, HENRY
- CDP STORAGE BUILDING

B30867C
110-440-13

Plot Plan



SHT 1 of 3

M & W BUILDING SUPPLY
CUSTOM POLE BUILDINGS

48' WIDE x 96' LONG x 14' EAVE

ROOF LOAD: LIVE 25 PSF

DEAD LOAD 5 PSF

WIND LOAD 85 MPH EXP. C

SEISMIC ZONE: E

FOUNDATION PRESSURE 1500 PSF

LAT. SOIL BEARING 150 PSF

BUILDING DESIGN: 2007 C.B.C.

CLOSED BUILDING

BABICH CONSTRUCTION
200 STANDARD VENEER RD.
CRESCENT CITY, CALIFORNIA

COUNTY: DEL NORTE

ENGINEERS DESIGN RESPONSIBILITIES ARE LIMITED EXCLUSIVELY TO THOSE DOCUMENTS BEARING HIS SEAL AND SIGNATURE. ANY ALTERATIONS TO THESE DOCUMENTS OR THE PHYSICAL STRUCTURE BY ANY PERSONS OR AGENCY SHALL VOID SAID DOCUMENTS AND RELIEVE ENGINEER OF DESIGN RESPONSIBILITY, AND MAY CREATE LIABILITY ISSUE FOR THEMSELVES. DRAWINGS ARE FOR STRUCTURAL COMPLIANCE ONLY. THEY ARE NOT TO BE CONSIDERED AS HAVING BEEN PREPARED FOR BUILDING USE. OCCUPANCY AND/OR FIRE & LIFE-SAFETY REQUIREMENTS OF LOCAL CODES OR AGENCIES. SLAB & HAIRPINS SHOWN FOR CONSTRAINT ONLY. DESIGN MIX, THICKNESS, C.J.'s, & REINFORCEMENT BY OTHERS. THIS STRUCTURE HAS NOT BEEN DESIGNED FOR USE WITH INTERIOR FINISH MATERIALS SUBJECT TO DAMAGE OR FAILURE DUE TO LATERAL MOVEMENT.

M & W BUILDING SUPPLY
22175 S. HWY. 99E
CANBY, OREGON 97013
(503) 268-6850
(503) 268-7102 (FAX)

SCALE: NONE

RDD/LS 6/26/09

KIT HI

BABICH, HENRY
CDP STORAGE BUILDING

B30867C
110-440-13 -



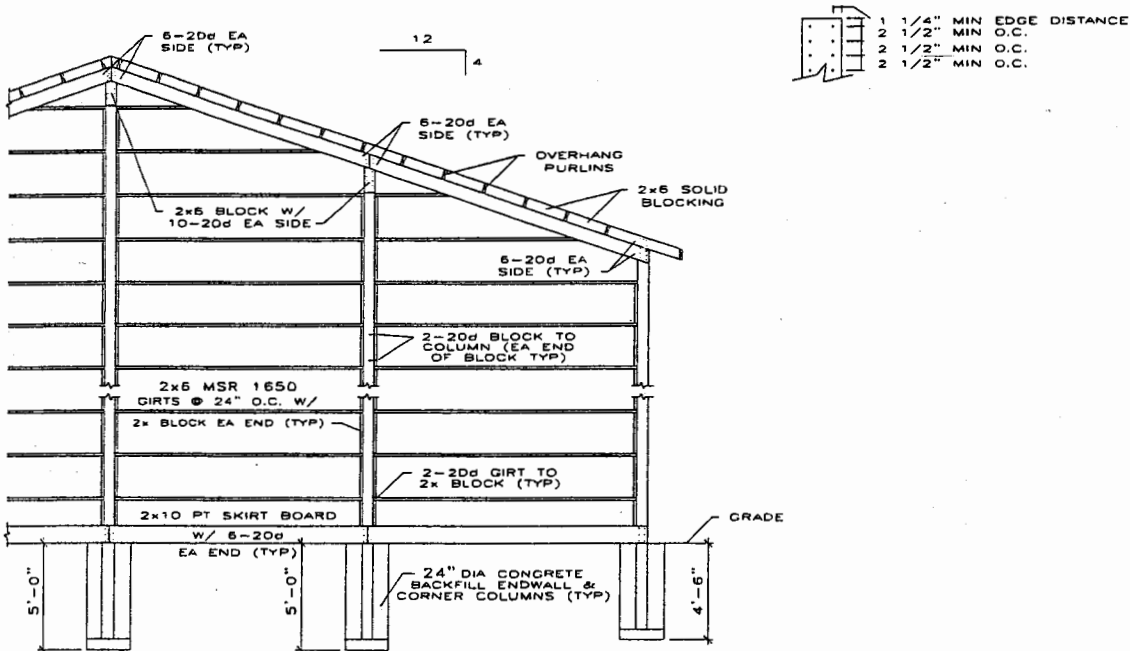
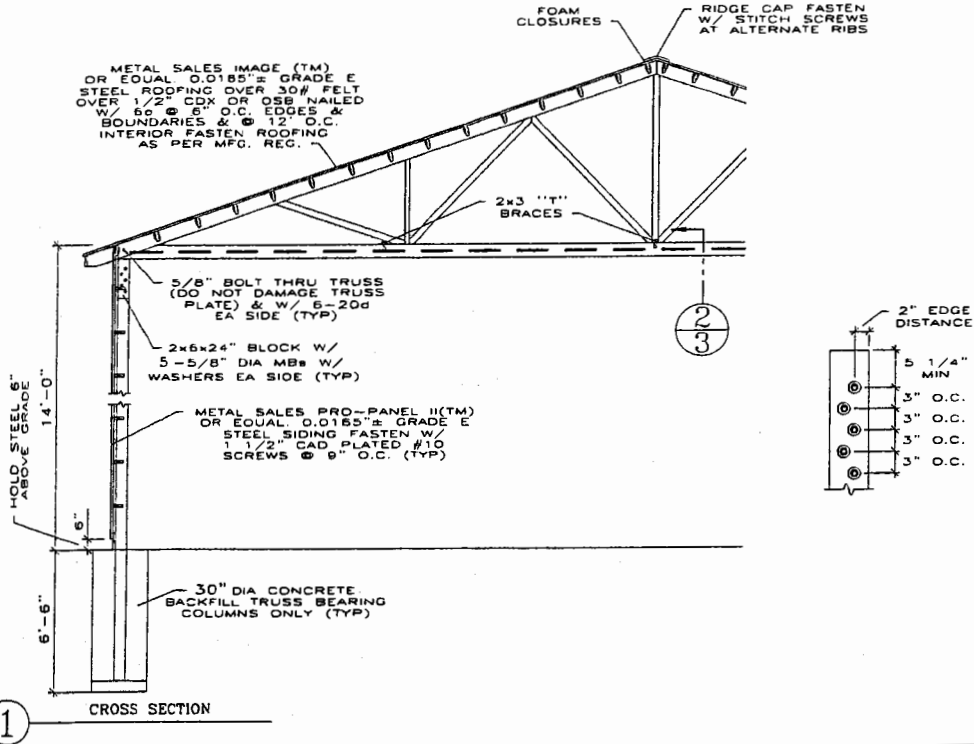
345

B30867C

81

NOTES:

SEE TRUSS DRAWINGS FOR DOUBLE TRUSS
BLOCKING REQUIREMENTS AND WEB BLOCKING
LOCATIONS, IF APPLICABLE.



SHT 2 of 3

M & W BUILDING SUPPLY
CUSTOM POLE BUILDINGS
48' WIDE x 96' LONG x 14' EAVE
ROOF LOAD: LIVE 25 PSF
DEAD LOAD: 5 PSF
WIND LOAD: 85 MPH EXP. C
SEISMIC ZONE: E
FOUNDATION PRESSURE: 1500 PSF
LAT. SOIL BEARING: 150 PSF
BUILDING DESIGN: 2007 C.B.C.
CLOSED BUILDING

BABICH CONSTRUCTION
200 STANDARD VENEER RD.
CRESCENT CITY, CALIFORNIA

COUNTY: DEL NORTE

ENGINEERS DESIGN RESPONSIBILITIES ARE LIMITED EXCLUSIVELY TO
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DESIGN RESPONSIBILITY, AND MAY CREATE LIABILITY ISSUE FOR THEMSELVES
DRAWINGS ARE FOR STRUCTURAL COMPLIANCE ONLY. THEY ARE NOT TO
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AND/OR FIRE & LIFE-SAFETY REQUIREMENTS OF LOCAL CODES OR
AGENCIES. SLAB & RAFTERS SHOWN FOR CONSTRAINT ONLY. DESIGN
MIX THICKNESS, C.J.S. & REINFORCEMENT BY OTHERS. THIS
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MATERIALS SUBJECT TO DAMAGE OR FAILURE DUE TO LATERAL MOVEMENT

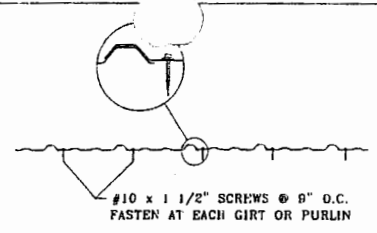
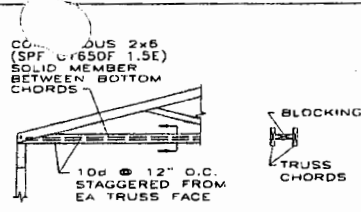
M & W BUILDING SUPPLY
22175 S. HWY. 99E
CANBY, OREGON 97013
(503) 283-6953
(503) 286-7102 (FAX)
SCALE: NONE
RDO/L5: 6/26/09
KIT: MW09165



495

82

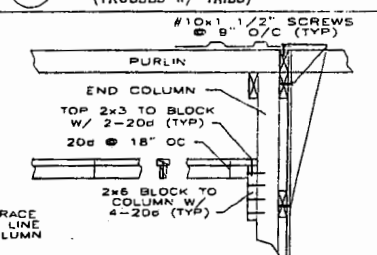
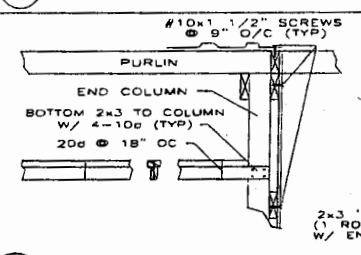
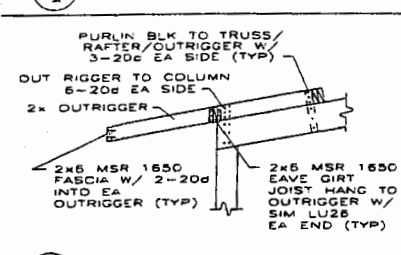
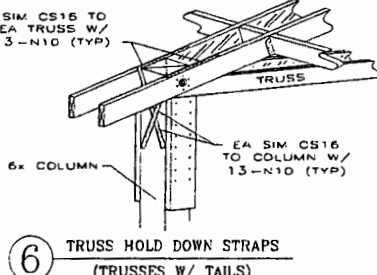
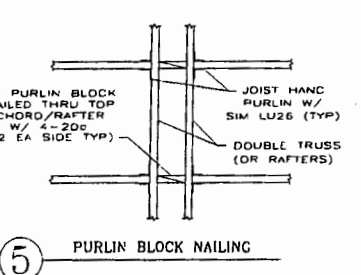
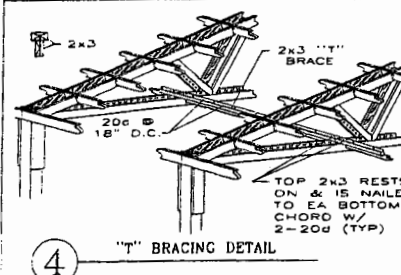
1. BUILDING PAD SHALL BE CONSTRUCTED ON LEVEL SOIL.
2. COLUMN FOOTING CONCRETE BACKFILL SHALL BE CAST AGAINST EXISTING UNDISTURBED SOIL THE SIZE AND SHAPE SHOWN ON DRAWINGS (U.O.N.).
3. ALL WORK SHALL BE IN ACCORDANCE WITH LOCAL CODES AND ORDINANCES.
4. BOLT HEADS & NUTS BEARING ON WOOD SHALL HAVE STD. PLATE WASHERS. BOLTS SHALL BE ASTM A307. BOLT DIA. SHALL BE 1/16" LARGER THAN BOLT DIA.
5. STRUCTURAL STEEL SHAPES AND PLATES SHALL BE ASTM A36 UNLESS OTHERWISE NOTED.
6. REBAR SHALL BE GRADE 40 UNLESS OTHERWISE NOTED (U.O.N.).
7. CONCRETE FOR FOOTINGS & SLABS (f=8500 PSI).
8. BEARING BLOCKS SHALL BE PRE-DRILLED PRIOR TO SETTING ROD NAILS.
9. ROD NAILS SHALL BE GALV. BOX TYPE.
10. BOLT HOLES SHALL BE DRILLED STRAIGHT AND PERPENDICULAR TO THE COLUMN FACE TO ASSURE FULL BOLT BEARING.
11. SEE TRUSS DRAWINGS FOR DOUBLE TRUSS BLOCKING REQUIREMENTS.
12. ALL 6x TIMBERS SHALL BE ROUGH SAWN AND TREATED TO 0.60 RET W/CCA TYPE C.
13. NO OTHER MATERIALS SHALL BE USED W/O M&W BUILDING APPROVAL.



1 NOTES

2 BOTTOM CHORD SOLID BLOCKING

3 TYP. PANEL W/O EXTENDED LEG N.T.S.



7 OVERHANG DETAIL

A END WALL SECTION

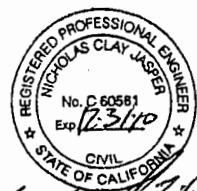
A END WALL SECTION (OPTIONAL)

SHT 3 of 3

M & W BUILDING SUPPLY
CUSTOM POLE BUILDINGS
8' WIDE x 96' LONG x 14' EAVE
DOF LOAD: LIVE 25 PSF
DEAD LOAD 5 PSF
WIND LOAD 85 MPH EXP. C
SEISMIC ZONE E
FOUNDATION PRESSURE: 1500 PSF
AT SOIL BEARING: 150 PSF
BUILDING DESIGN: 2007 C.B.C.
CLOSED BUILDING

BABICH CONSTRUCTION
200 STANDARD VENEER RD.
CRESCENT CITY, CALIFORNIA
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ENGINEERS DESIGN RESPONSIBILITIES ARE LIMITED EXCLUSIVELY TO THOSE DOCUMENTS BEARING HIS SEAL AND SIGNATURE. ANY ALTERATIONS TO THESE DOCUMENTS OR THE PHYSICAL STRUCTURE BY ANY PERSONS OR AGENCY SHALL VOID SAID DOCUMENTS AND RELIEVE ENGR. OF DESIGN RESPONSIBILITY. AND MAY CREATE LIABILITY ISSUE FOR THEMSELVES. DRAWINGS ARE FOR STRUCTURAL COMPLIANCE ONLY. THEY ARE NOT TO BE CONSTRUED AS HAVING BEEN PREPARED FOR BUILDING USE, OCCUPANCY AND/OR FIRE & LIFE-SAFETY REQUIREMENTS OF LOCAL CODES OR AGENCIES. SLAB & RAFTERS SHOWN FOR CONSTRAINT ONLY. DESIGN MIX. THICKNESS, C.J. & REINFORCEMENT BY OTHERS. THIS STRUCTURE HAS NOT BEEN DESIGNED FOR USE WITH INTERIOR FINISH MATERIALS SUBJECT TO DAMAGE OR FAILURE DUE TO LATERAL MOVEMENT.

M & W BUILDING SUPPLY
22175 S. HWY. 99E
CANBY, OREGON 97013
(503) 263-8953
(503) 268-7102 (FAX)
SCALE: NONE
RDO/LS: 6/26/09
KIT: MWD9163



545

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET, SUITE 200

EUREKA, CA 95501

VOICE (707) 445-7833 FAX (707) 445-7877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Friends of Del Norte

Mailing Address: P.O. Box 229

City: Gasquet CA

Zip Code: 95543

Phone: 707 954-2473
465-8904SECTION II. Decision Being Appealed

1. Name of local/port government: Del Norte County

2. Brief description of development being appealed:

Industrial Storage Building

3. Development's location (street address, assessor's parcel no., cross street, etc.):

200 Standard Veneer Rd,
Parcel 110-440-13

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

EXHIBIT NO. 5

APPEAL NO.

A-1-DNC-10-027

BABICH

APPEAL (1 of 6)

RECEIVED

JUL 30 2010

CALIFORNIA
COASTAL COMMISSION

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-1-DNC-10-027

DATE FILED:

7/30/10

DISTRICT:

North Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☒ Planning Commission
☐ Other

6. Date of local government's decision: hearing: July 7, 2010

7. Local government's file number (if any): B 30867 C

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Henry Babich Jr.
205 Tedsen Lane
Crescent City, CA 95531

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Eileen Cooper
2644 Roy Ave
Crescent City, CA 95531

(2)

(3)

(4)

Section IV - Reasons for appeal:
as attached (3 pages)

2096

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature on File

Signature of Appellant(s) or Authorized Agent
Date: July 29, 2010

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

Eileen Cooper
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature on File

Signature of Appellant(s)
Date: July 29, 2010

Friends of Del Norte, *Committed to our environment since 1973.*

*A nonprofit, membership based conservation group,
advocating sound environmental policies for our region.*

PO Box 229, Gasquet, CA 95543, 707-954-2473

ATT: California Coastal Commission, Jim Baskin, FAX: 707- 445- 7877, July 29, 2010
RE: Appeal: CDP Babich B30867C, #110-440-13, 200 Standard Veneer, Storage building

Wetlands are shown incorrectly- Construction of Industrial Storage Buildings is not a permitted use of Wetland ESHA.

The wetland/biological report appears to be inaccurate. The Dept. of Fish and Game review biologist, Michael VanHatten, during phone conversation June 17, 2010, stated that there appeared to be more wetlands than was indicated, as he had previously observed obligate wetland indicator species in areas where the project disturbance is indicated. The County Staff Report (pg 71 bottom) and the DFG letter dated Oct 27, 2009 states that the DFG field review of the parcel found wetlands which were not identified in the Galea biological report of June 2009.

Additional biological report by Galea is dated Nov 15, 2009, which is not our wet season, when hydrological conditions would allow assessment for Coastal wetland criteria. Furthermore, the data sheets conclude not a wetland, however the vegetation data shown indicates wetland criteria is met. Some creative, unscientific dismissals are included in the paperwork. It is therefore likely that unpermitted use of wetlands will occur.

Insufficient setbacks provided

There are insufficient setbacks (19 feet and 30 feet) indicated from "Galea wetland areas" and drainages that are important as they are contiguous with Lake Earl wetlands/ponds. This area is a drainage to the Standard Veneer Pond, contiguous with Lake Earl. More recent projects on Standard Veneer Rd. and ponds have been required to have greater wetland buffers. The LCP standard is a 100 foot wetland buffer. There seems to be an excessively large area to the road frontage, ~ 400' road setback, where the storage building could be located. Standard Veneer is a large wide, straight level road, and it is disingenuous to claim that approximately 400' would be required along the frontage for trucks to enter and leave the property. Fences can be moved easily. Wetlands can be easily disturbed by industrial activities.

The adjacent Standard Veneer Ponds are considered of high biological value within the LCP. Nesting Wood Ducks, assorted herons, raptors, and biological reports of bald eagle have been filed for other projects in the adjacent areas. This area is red legged frog habitat, well known to occur here, and is a species of concern in California. Therefore adequate buffers are important.

Water Supply, septic system?: Finally, groundwater supply in this industrial site has been found contaminated by past lumber/milling industrial activities. For public health reasons, there should be further testing, and appropriate restriction on water uses before development is approved. There are places within this old mill area that have visible black oil deposits on the surface. Contamination may not be a simple matter of filtering. LCP requires adequate services for new development. Septic system should be placed 100 feet from accurate wetland delineations.

4 of 6

Storm Water Drainage Plan

Please note the California Regional Water Quality Control Board letter dated Oct. 20, 2009 that calls for greater wetland and drainage buffers of 100 feet, and for required storm water drainage plan that retains on site runoff to avoid carrying pollutants into the Lake Earl wetland complex. Also expressed is concern for an increase of impervious surface adjacent to this wetland and drainage. We ask for minimizing impervious surfacing, and other recommendations listed by the Water Board.

Development conflicts with the Following LCP Policies:

The LCP requires that wetlands, of such great resource value as Lake Earl ESHA, are to receive buffers of 100 feet, and measures taken as necessary to maintain biological productivity.

LCP Policy, Marine and Water Resources,

LCP IV: Sensitive Coastal Habitats:

Under Table 1: Sensitive Habitat Types and Their Principle Locations:

Wetlands: Lake Earl and the ponds and sloughs in the Lake Earl and coastal dune region are designated as principle location of ESHA.

LCP Policy, Marine and Water Resources,

LCP VII.D: Wetlands, 4: Policies and Recommendations

f.) Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which could significantly degrade such areas, and shall be compatible with the continuance of such habitat areas. The primary tool to reduce the above impacts around wetlands between the development and the edge of the wetland shall be a buffer of 100 feet in width. A buffer of less than 100 feet may be utilized where it can be determined that there is no adverse impact on the wetland. A determination to be done in cooperation with the California Dept. of Fish and Game and the County's determination shall be based on specific findings as to the adequacy of the proposed buffer to protect the identified resource.

LCP Policy, Marine and Water Resources, VII. D. Wetlands:

4. g. Due to the scale of the constraints maps, questions may arise as to the specific boundary limits of an identified environmentally sensitive habitat area. Where there is a dispute over boundary or location of an environmentally sensitive habitats area, the following may be requested of the applicant:

i.) A base map delineating topographic lines, adjacent roads, location of dikes, levees, flood control channels and tide gates.

ii.) Vegetation map

iii.) Soils map

Review of this information shall be in cooperation with the Dept. of Fish and Game and the County's determination shall be based upon specific findings as to whether an area is or is not an environmentally sensitive habitat area based on land use plan criteria, definition, and criteria included in commission guidelines for wetland and other wet environmentally sensitive habitat areas as adopted February 4, 1981. The Dept. of Fish and Game shall have up to fifteen days upon receipt of County notice to provide review and cooperation.

5 of 6

LCP Policy, Marine and Water Resources, VI. C:

1. The County seeks to maintain and where feasible enhance the existing quality of all marine and water resources.

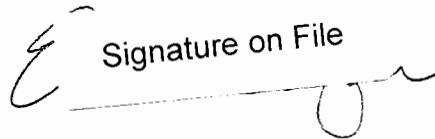
3. All surface and subsurface waters shall be maintained at the highest level of quality to insure the safety of the public health and the biological productivity of coastal waters.

4. Wastes from industrial, agricultural, domestic or other uses shall not impair or contribute significantly to a cumulative impairment of water quality to the extent of causing a public health hazard or adversely impacting the biological productivity of coastal waters.

5. Water conservation measures (e. g., flow restrictors, industrial recycling of usable waste waters) should be considered by present users and required in new development to lessen cumulative impacts on existing water systems and supplies.

6. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Thank you,

 Signature on File

Eileen Cooper, FDN board member

Joe Gillespie, President

*County report pages 84 - 92 - agency letters
DFG & Water quality*

DEL NORTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
981 H STREET, SUITE 110
CRESCENT CITY, CA 95531

NOTICE OF ACTION

- I. Notice is hereby given that the **Planning Commission** of Del Norte County took the following action on **July 7, 2010** regarding the application for development listed below:

Action: ☒ Approved ☐ Denied ☐ Continued ☐ Recommended EIR
☐ Forwarded to Board of Supervisors

Application Number: B30867C

Project Description: Coastal Development Permit for a Storage Building

Project Location: 200 Standard Veneer Road, Crescent City

Assessor's Parcel Number: 110-440-13

Applicant: Henry Babich

Applicant's Mailing Address: 205 Tedsen Lane, Crescent City, CA 95531

Agent's Name & Address: , ,

EXHIBIT NO. 6

APPEAL NO.

A-1-DNC-10-027

BABICH

NOTICE OF FINAL LOCAL
ACTION (1 of 70)

A copy of any conditions of approval and/or findings adopted as part of the above action is attached.

II. **If Approved:**

- ☒ This County permit or entitlement serves as a Coastal permit. No further action is required unless an appeal is filed in which case you will be notified.

This County permit or entitlement DOES NOT serve as a Coastal permit. Consult the Coastal Zone Permit procedure section of your NOTICE OF APPLICATION STATUS or the Planning Division of the Community Development Department if you have questions.

III. **Notice is given that this project:**

Is not appealable to the California Coastal Commission, however, a local appeal period does exist.

- ☒ Is appealable to the California Coastal Commission.

- ☒ Any appeal of the above decision must be filed with the Clerk of the Board of Supervisors by July 19, 2010 for consideration by the Board of Supervisors.

- ☒ Any action of the Board of Supervisors on this item may be appealed to the California Coastal Commission within 10 working days or 21 calendar days subject to the requirements of Chapter 21.52 DNCC and Coastal Regulations.

Must be forwarded to the California Coastal Commission for final action. You will be notified of its status by the Coastal Commission Office.

(Continued on the next page)

Is not subject to Coastal Commission regulations, however, a local appeal process is available. Written appeals must be filed with the Clerk of the Board of Supervisors by N/A. Consideration will be by the Board of Supervisors.

Requests for deferment of road improvement standards or for modification of road improvement standards must be filed in writing with the Clerk of the Board of Supervisors by July 19, 2010, with a copy provided to the Secretary of the Planning Commission. Consideration will be by the Board of Supervisors.

Parcel map must be filed within 24 months of the date of approval.

N/A Record of Survey and new deeds must be filed within 24 months of the date of approval.

New deeds must be filed within 24 months of the date of approval.

EXTENSIONS – MAJOR & MINOR SUBDIVISIONS OR BOUNDARY ADJUSTMENTS – Maps (or Records of Survey/Deeds) must be filed within 12 months after the original date of expiration.

NOTICE – SECTION 1.40.070

The time within which review of this decision must be sought is governed by the California Code of Civil Procedure, Section 1094.6, and the Del Norte County Ordinance Code, Chapter 1.40. Any petition seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision was made; however, if within 10 days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to no later than the 30th day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

FISH AND GAME FILING FEES

Projects subject to CEQA are also subject to the following fees as required by the California Department of Fish and Game:

Applicable Fee - ☒ Neg. Dec. (\$2060.25) ☐ EIR (\$2842.25) ☐ Exempt

This fee is due and payable to the County Clerk's Office. The applicant or agent is responsible for paying the current Fish and Game fee, which is subject to change. If not paid within 5 working days of the date of action of the Planning Commission, your project may be invalid by law (PRC 21089(b)) and will be referred to Fish and Game's Department of Compliance and External Audits in the Clerk's monthly deposit and report to Fish and Game.

ATTENTION APPLICANT

As a subdivider or adjuster of property, this notice is to advise you that **all taxes** must be paid in full prior to the recordation of your map or deeds. If the map or deeds are filed **after December 16th**, you must pay all taxes due **PLUS NEXT YEAR'S TAXES** before the map or deeds can be recorded.

If you have any questions regarding the payment of taxes, call the Del Norte County Tax Collector's Office at (707) 464-7283.

BELOW ARE LISTED THE CONDITIONS OF APPROVAL FOR YOUR PROJECT. PLEASE BE AWARE THAT COMPLIANCE WITH THESE CONDITIONS, AS WELL AS ANY APPLICABLE COUNTY STANDARDS, IS YOUR RESPONSIBILITY AS THE APPLICANT. NEITHER THE PLANNING COMMISSION NOR ANY OTHER AGENCY OF THE COUNTY OF DEL NORTE WILL TAKE ANY ACTION TO COMPLY WITH THE CONDITIONS OR DO ANY OTHER WORK TO FINALIZE YOUR PROJECT. YOUR PROJECT WILL NOT BE FINALIZED UNTIL THESE CONDITIONS AND/OR STANDARDS HAVE BEEN MET. IF YOU HAVE ANY QUESTIONS REGARDING THE CONDITIONS AND/OR STANDARDS FOR YOUR PROJECT, YOU SHOULD CONTACT THE DEPARTMENT OR AGENCY WHICH REQUIRED THAT CONDITION AND/OR STANDARD

- 1) Issuance of the Building Permit shall be subject to final review and approval by the Building Inspection Division;
- 2) The subject permit is for a storage building. Changes of use must be reviewed by the Building Inspection Division and Planning Division;
- 3) The placement of the building shall be in substantial compliance with the submitted plot plan and required setbacks for the "M" Zone District;
- 4) The project shall comply with the California Fire Code applicable at the time of complete application (09/09);
- 5) Prior to issuance of the building permit, a complete set of construction plans shall be submitted to the Crescent Fire Protection District for review and approval;
- 6) All construction shall comply with Section 14.16.027 and Section 14.16.028 of Del Norte County Code regarding the addressing and posting of address numbers;
- 7) The proposed water supply shall be from an approved public water source or from some other source approved for the purpose by the Health Officer prior to issuance of the building permit. If testing indicates, it may be necessary to place a note on the building permit advising any prospective purchaser that "The installation of filtration treatment equipment may be desirable on proposed individual wells in order to avoid any unacceptable levels of such minerals or corrosiveness. This equipment may be costly to install and maintain.";
- 8) Any lighting on the subject parcel shall be directed away from adjacent areas to minimize off-site glare in accordance with Del Norte County Code – Coastal Zoning – Section 21.46.050;
- 9) Parking shall be provided pursuant to Del Norte County Title 21 – Coastal Zoning Chapter 21.44. A minimum of 2 spaces shall be required, of which 1 space shall be ADA (van) accessible. The parking spaces shall be verified on-site prior to issuance of the Certificate of Occupancy;
- 10) The applicant is on notice that the project shall meet all current ADA requirements for new construction;
- 11) A 25 foot setback as shown on Exhibit A shall be applied to the drainage ditch located along the southern boundary of the parcel. The setback extends 5 feet into the fenced area. New development and vegetation or soils disturbance within the setback, other than for the maintenance of the drainage ditch and lawn located within the fenced area, is prohibited unless permitted by the County of Del Norte and the California Department of Fish and Game. The maintenance of the drainage ditch and lawn pre-date the Coastal Act. Constructive notice of this restriction is provided through the recordation of the Notice of Conditional Approval as required in condition #16;
- 12) A 50 foot setback as shown on Exhibit B shall be applied to the thicket of willow shoots lying east of the project site. The setback extends 5 feet into the fence line along the east property line. The proposed structure is to be located 9 feet from the fence line thereby leaving a 54 foot protection buffer;
- 13) The required buffers listed in conditions 11 and 12 shall be staked in the field and verified by Planning Division staff prior to any earth disturbing activities related to the development of the project;
- 14) This permit does not include review and approval of any signage. A sign/building permit shall be obtained from the Community Development Department (CDD) prior to construction/placement of signs;
- 15) Prior to issuance of building permit to construct the storage building, an engineered grading and drainage plan for on-site and any off-site drainage improvements (if any) shall be submitted to the Community Development Department, Engineering and Surveying Division, for review and acceptance. The plan shall

contain provisions for temporary sediment and erosion control and permanent sediment and erosion control post construction. The plan shall incorporate design elements and/or Best Management Practices (BMPs) which will serve to minimize the volume and velocity of stormwater runoff leaving the developed site, and to capture sediment and other pollutants contained in storm water runoff from the development, by facilitating on-site infiltration and trapping of sediment generated from construction. The plan shall address roof drains and their discharge and other impervious surfaces;

- 16) If grading is necessary, no grading shall be conducted between October 30 and April 30;
- 17) Any grading that disturbs more than 1-acre of land is required to obtain a State Water Resources Control Board Construction Storm Water Permit. Disturbed land includes new access roads, soil stockpiling, staging areas and offsite disposal of soils;
- 18) Pursuant to legislative action effective January 1, 2007, this project is subject to Section 711.4 of the California Department of Fish and Game (DFG) Code. This section requires that a filing fee is due and payable to the Department of Fish and Game (DFG). The amount of the fee paid is determined by whether a Negative Declaration or an Environmental Impact Report is prepared for the project. The filing fee is due upon the filing of the Notice of Determination (NOD) and the amount is subject to change. DFG Code section 711.4 provides that, "no project shall be operative, vested, or final" until the required filing fees are paid. A project proponent who believes their project will have no effect on fish and wildlife must contact DFG to obtain a form signed by a representative of DFG officially exempting the specific project from this fee requirement;
- 19) A Notice of Conditional Approval of this project shall be recorded at the time of acceptance of the permit (signing) at the applicant's expense; and
- 20) This entitlement is specifically conditioned on the applicant agreeing to indemnify and hold harmless the County of Del Norte, the Planning Commission of the County of Del Norte, the Board of Supervisors of the County of Del Norte, their officers, employees and agents against any and all claims arising out of the issuance of the entitlement and specifically against any expense arising from defending any legal action challenging the issuance of the entitlement, including but not limited to the value of time devoted to such defense by County officers, employees and agents and the amount of any judgment, including costs of suit and attorney fees, recovered against the County or any of its officers, employees or agent in such legal action. The County of Del Norte reserves the option to either undertake the defense of any such legal action or to tender such defense to the applicant. Should the County tender such defense to the applicant and the applicant fail or neglect to diligently defend such legal action, the County may consider such failure or neglect to be a material breach of this conditions and forthwith revoke this entitlement.

Agent: None

APP# B30867C

STAFF REPORT

APPLICANT: Henry Babich, Jr.

APPLYING FOR: Coastal Development Permit for a Storage Building

AP#: 110-440-13

LOCATION: 200 Standard Veneer Road, Crescent City.

PARCEL(S)

SIZE: 1.30 acres

EXISTING

USE: Vacant

EXISTING

STRUCTURES: None

PLANNING AREA: 9

GENERAL PLAN: Gen Ind.

ADJ. GEN. PLAN: Same

ZONING: M

ADJ. ZONING: Same

1. PROCESSING CATEGORY:

NON-COASTAL

NON-APPEALABLE COASTAL

APPEALABLE COASTAL X

PROJECT REVIEW APPEAL

2. FIELD REVIEW NOTES: DATE: 8/7/09

HEALTH DEPT X
PLANNING X

BUILDING INSP X
ENGINEERING/SURVEYING X

ACCESS: Standard Veneer Road

TOPOGRAPHY: Generally Flat

ADJ. USES: Industrial and Vacant

DRAINAGE: Surface

DATE OF COMPLETE APPLICATION: June 10, 2010

3. ERC RECOMMENDATION: Adopt Mitigated Negative Declaration. Post Public Hearing Notice. Approval with Findings and Conditions.

4. STAFF RECOMMENDATION:

Henry Babich Jr. has submitted an application to construct a 48 foot wide by 96 foot long (4,608 square feet) by 22 foot high storage building on his 1.30 acre parcel. The parcel is located on the south side of Standard Veneer Road and is roughly 120 feet east of the Red Sky Roofing business. The subject parcel and APN 110-440-14 owned by Haban/Pappas are partially enclosed by a single chain link fence. Exhibit A is an aerial photograph that identifies the location of the project. The parcel has a General Plan Land Use designation of General Industrial and a Zone designation of M (Manufacturing and Industrial). Mr. Babich owns a building construction business and proposes to use the building for the storage of equipment and materials related to his business. Enclosed buildings for storage related to construction activities are primary permitted uses in a Manufacturing Zone District. The parcel is located within a designated Appeals Jurisdiction on the California Coastal Commission's Post LCP Certification Permit and Appeal Jurisdiction Map for Del Norte County and therefore any permissible development requires a Coastal Development Permit.

Project Setting

The project site and surrounding area has historically been designated for manufacturing or industrial uses related to the Standard Veneer Mill which is no longer in operation. The ex-mill site is located northwest of the project site at the end of Standard Veneer Road. Existing mill structures are shown on Exhibit A. Another mill site existed south of the project site, directly along Lake Earl Drive. The mill structure exists and is utilized by the current owner for commercial and industrial uses. A historic mill pond exists between the old Standard Veneer Mill and the aforementioned mill operation. The lot immediately west (Haban/Pappas) is undeveloped but the owners have received approval for a Coastal Development Permit (B30108C) to construct a 6,000 square foot storage building/office which will be initiated in the summer of 2010.

The parcel to the immediate west of this parcel is developed with a commercial facility (Red Sky Roofing) constructed within a fenced perimeter. East of the property are several parcels currently bare and vacant. North and south of the property are commercial buildings and businesses. They include Bommelyn Construction, Johnston Cabinets, Community Assistance Network (CAN) and the McMullin sawmill.

The Project

The parcel is approximately 114.5 feet wide by 491 feet long and was created as part of a prior minor subdivision (Book 8 of Parcel Maps Page 39) along with Assessor Parcel Numbers 110-440-14 and 15. An existing driveway from Standard Veneer Road parallels the parcel's western boundary and serves as the primary access to the existing fenced area. The driveway is roughly 136 feet long and ends at the gated fenced area shared by the Haban/Pappas parcel to the immediate east. Mr. Babich's parcel is undeveloped with the exception of the fencing and the driveway. The plot plan indicates that the building will be located approximately 386 feet south of the centerline of Standard Veneer Road within the existing fenced area. With respect to required distances between buildings and County maintained roads, the building setback exceeds the minimum setback required for minor County roads in industrial and manufacturing areas.

Biological Assessment

Based on prior field visits to the project area for other projects, staff requested that a biological assessment be prepared to address a drainage channel that parallels the parcel's south property line and an off-site willow thicket was identified as part of previous biological assessments completed within the project area. The applicant hired Frank Galea of Galea Wildlife Consulting (GWC) to assess the project site and surrounding area for biological resources. In June 2009, GWC prepared a *Biological Assessment for Babich Property, Standard Veneer Road, Del Norte County*, which is included as an attachment to this study. According to GWC, the assessment was conducted to determine the potential impacts on sensitive wildlife species by building on the property, including federally or state listed species, and species of special concern, and to determine the extent of wetland habitats if any on the property or in the area and to make recommendations should resources be located on or near the property. A field investigation of the project area and ¼ mile area around the project was conducted by GWC. A search of the California Department of Fish and Game's Natural Diversity Data Base was not used since the project site has been cleared for many years and is unlikely to contain sensitive species.

According to GWC, the ground level of the parcel is artificially low as the area was scraped of soil years ago for another construction project. GWC states that historically, there was an artificial pond located approximately 500 feet southwest of Standard Veneer which has been completely filled in and is now

used as a commercial equipment storage yard. The fill is approximately five feet higher than the elevation of the project site, creating a berm of material south of the property. As the surface flow hydrology of the area is to the southwest, this fill acts to block normal surface water flow. For this reason a shallow drainage ditch was created at the foot of the berm, allowing water to drain to the west. GWC notes that this drainage channel is not fed by any culverts along Lake Earl Drive, or from any other source. The drainage channel is located at the extreme south side of the property and can be seen in Exhibit A, the aerial photo. Mr. Galea visited the project site on June 2, 2009, and did not find any water within the drainage channel or any evidence of recent hydrology. The berm beyond the drainage channel was covered with vegetation including willows. The drainage channel had been cleared to allow drainage to occur during storm events.

GWC finds that no sensitive biological resources are located within the drainage channel and therefore it does not meet the criteria of an Environmentally Sensitive Habitat Area (ESHA). GWC recommends that a 25-foot non-development buffer be applied to the drainage. The resultant buffer would place the buffer 5 feet within the fenced area. The applicant proposes to place his building at the edge of the buffer.

A wet area was identified in the field immediately east of the subject property (APN 110-440-13). The area is covered with tall pasture grass and a small stand of young willows and a line of small willow shoots emerging from the soil, in an east to west line toward the subject property. GWC notes that a subsurface line of water potentially exists in this field, creating wet conditions allowing hydric-preferring vegetation like willows to colonize the site. There was no hydrology linked to the hydric conditions in the field. Based on the GWC field survey, the line of hydric conditions ended approximately 45 feet east of the boundary of the Babich parcel, based on the extent of willow shoots, and ended approximately 95 feet north of the drainage channel. GWC tested the soils at the property line and did not identify any indicators of hydric soil conditions. Furthermore, GWC found that the field drains to the southwest, directly toward the southeast corner of the Babich parcel, where the drainage channel is located. No evidence of hydrology was noted on the property, except for one small willow shoot emerging near the fence line. GWC recommends that a 50 foot wetland protection buffer measured from the western extent of the small willow shoots be applied to the project. The applicant proposes to construct approximately 9 feet from the fence line which is 45 feet from the western extent of the small willow shoots which combines for a 54 foot distance from the building to the resources. According to GWC, this is a sufficient buffer to protect the resources, as they are shoots of willows and not a complex wetland. The County's Coastal Land Use Plan (LUP) requires that a determination of no adverse impact be made when reducing a protection buffer to a distance less than 100 feet in width. In 1981 the Coastal Commission adopted guidelines known as "Standards for Siting Development Adjacent to Environmentally Sensitive Habitat Areas" which are used in making the determination. GWC has addressed the seven standards as follows:

1. Biological significance of adjacent lands:

The lands adjacent to this parcel are not biologically significant. The property is located within a commercial development complex. Properties to the west and north are already developed commercially. Property to the south is developed commercially, with a dry drainage swale between the two properties. The property to the east is currently open, but previously cleared. A small group of willows was located on the adjacent property; however the remainder was covered with pasture grass. As this property is located in the midst of a commercial zoning area, and is surrounded by developed properties and a main road, the property has no biological significance.

2. Sensitivity of species to disturbance:

This area has little potential for use by wildlife due to the proximity of commercial businesses and major road. The undeveloped property to the east is dry year round, with only a small group of willows in its midst. The small drainage channel south of the property is dry except during high rainfall events. No sensitive species are known to occur in the immediate area, and the proposed building will be placed within an existing, fenced area.

3. Susceptibility of parcel to erosion:

The parcel and surrounding area is completely flat, having once been part of a mill yard. No erosion would occur from this development.

4. Use of natural, topographic features to locate development:

The applicant is proposing a building well distant from resources. There are no topographic features to utilize as the entire area is very flat.

5. Use of existing cultural features to locate buffer zones:

There are no existing cultural features to aid in screening any resources.

6. Lot configuration and location of exiting development:

The commercial building is being placed well away from the drainage swale, and within an existing fenced perimeter.

7. Type and scale of development proposed:

The scale of the project is directly comparable to other commercial buildings already located within the commercial development area. It is being located within an exiting, fenced area, and is not using the entire fenced area for the building.

Therefore, GWC recommends a non-development (protection) buffer of at least 50 feet between potential resources located to the east and the construction on the subject parcel. As a result of the circulation of the environmental review comments were received from the California Department of Fish and Game that resulted in an additional assessment of the project site which is discussed below under the Environmental Review heading.

Environmental Review

Pursuant to the California Environmental Quality Act an Initial Study was prepared, which resulted in a Negative Declaration that was circulated to the State Clearinghouse. Comment letters were received from the California Department of Fish and Game (DFG) and the North Coast Region Office of the California Regional Water Quality Control Board. Below is a summary of the comments received in each letter and GWC's response to the comments. Copies of each letter and GWC's written response are included as attachments to this report.

California Department of Fish and Game Comment Letter received from Gary B. Stacey dated October 27, 2009

DFG Comment

DFG staff field reviewed the subject parcel on September 29, 2009, and found that the subject parcel contains wetlands not identified in the GWC report. According to DFG staff, predominant hydrophytic and herbaceous vegetation which ranged from facultative to obligate exists in the southern portion of

- 2) The Regional Water Board is concerned with the lack of stormwater mitigation for the project; and
- 3) The Regional Board is concerned with the potential runoff pollution from equipment.

GWC Response

- 1) GWC notes that the drainage swale south of the proposed building is very narrow, and has other commercial vehicle yards located directly south of it. Therefore, the biological resources are limited to a thin row of alder and willow within the swale, which does not carry water except for during periods of heavy rainfall. The response also states that the drainage swale is not likely natural, and is a remnant of the severe alterations which occurred at this location when the logging mill was first constructed. Furthermore, there are no significant biological resources in the immediate area of this project.

The siting of the building in the precise location was necessary in order to negotiate large trucks and equipment on trailers within the fence area into the building for protection from the elements. A future office and vehicle clearing area are planned for the north end of the parcel according to GWC;

- 2) Stormwater runoff prevention will be addressed through the roofing material (metal) and the routing of runoff from the roof toward vegetated areas; and
- 3) Phase two of the project includes a the construction of a state-of-the-art truck washing station that would allow for the cleaning of heavy equipment on-site while preventing contamination or pollution of natural systems.

Staff Response

On February 2, 2010 a letter with GWC's response was sent to Cathleen Goodwin, the signer of the NCRWQCB comment letter, requesting any additional comments on GWC's Response to Agency Comments, Biological Assessment for Babich Property, Standard Veneer Road, Del Norte County, December 2009 (letter included with report). To date, no formal response has been received by the Community Development Department.

With respect to the Board's recommendation for larger buffers, staff supports the recommendation of GWC for proposed buffers based on his responses to the Standards for Siting Development Adjacent to Environmentally Sensitive Habitat described in this report and found within the original assessment as well as the additional field work performed in November 2009.

Conditions 15, 16, and 17 were placed on the project to address the Board's concerns related to stormwater runoff and pollution. The inclusion of these proposed conditions were conveyed to the Board in staff's February 2 letter.

Fish and Game Filing Fees

Due to the nature of this project (building proposed to be over 2,500 square feet in size) the project requires Fish & Game environmental review. As a result the Lead Agency can not make a *de minimis* finding in the case of this project. Therefore, this project has been conditioned so that the applicants are required to pay the applicable Fish and Game environmental review prior to the County filing the

Notice of Determination for the project. State of California Public Resources Code Section 21152. (a) states that the Notices of Determination must be filed within 5 working days of the project approval.

Other Conditions

Any lighting would be required to comply with Title 21 – Coastal Zoning Section 21.46.050 which requires all direct light to be confined to the subject premises. The project is also subject to the California Fire Code which will likely require that water be available for fire suppression purposes. Any on-site public parking will be required to comply with Title 21 – Coastal Zoning Section 21.44 and the American with Disabilities Act (ADA). Since no office space is proposed or other area designated for public use the applicant will be required to place a minimum of two parking spaces of which one will be required to be ADA van accessible.

Recommendation

Staff recommends that the Commission adopt the findings and approve the project with the below listed conditions.

5. FINDINGS:

- A. The project is consistent with the policies and standards of the Local Coastal Program (Land Use Plan and Title 21 – Coastal Zoning);
- B. A Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act which the Commission has considered in reviewing the project and making its decision;
- C. The Planning Commission finds that this project would create an increase in the density and intensity of land use and would cumulatively contribute to the overall reduction in wildlife populations and habitat, the de minimus finding can not be made for this project. Therefore the project is subject to the Fish and Game mitigation fee. The Commission further finds that this finding may be voided if the California Department of Fish and Game provide in writing a statement that it determines their mitigation fee to be not applicable to this project;
- D. As designed and conditioned, the subdivision is consistent with standards for development adjacent to or containing wetlands.
- E. A Report prepared by Galea Wildlife Consulting has been incorporated into the project and the action of the Planning Commission. A 25 foot setback has been applied to protect the drainage ditch located along the south property line;
- F. Continued maintenance of the drainage ditch and lawn within the existing fenced area may be permitted as their existence pre-dates the Coastal Act; and
- G. The project site has been inspected on-site and has been reviewed by members of the Environmental Review Committee. The project analysis including a project description and proposed mitigation measures have been circulated to interested agencies including but not limited to the California Coastal Commission and the California Department of Fish and Game.

6. CONDITIONS:

- 1) Issuance of the Building Permit shall be subject to final review and approval by the Building Inspection Division;
- 2) The subject permit is for a storage building. Changes of use must be reviewed by the Building Inspection Division and Planning Division;



B30867C
110-440-13 —

EXHIBIT A



Superior Ave

PROJECT SITE

Genevieve Ln

Lake Earl Dr

487 ft

© 2008 Tele Atlas

Image © 2008 DigitalGlobe

Google

41°47'41.15" N 124°11'18.83" W

elev 25 ft

Eye alt 2206 ft

Standard Veneer Rd.

Standard Veneer Rd.

114'55"

B30862C - Babich

69'6 1/4"

Gate

50' Buffer

willows

Proposed Building

25' Buffer

Drainage Channel

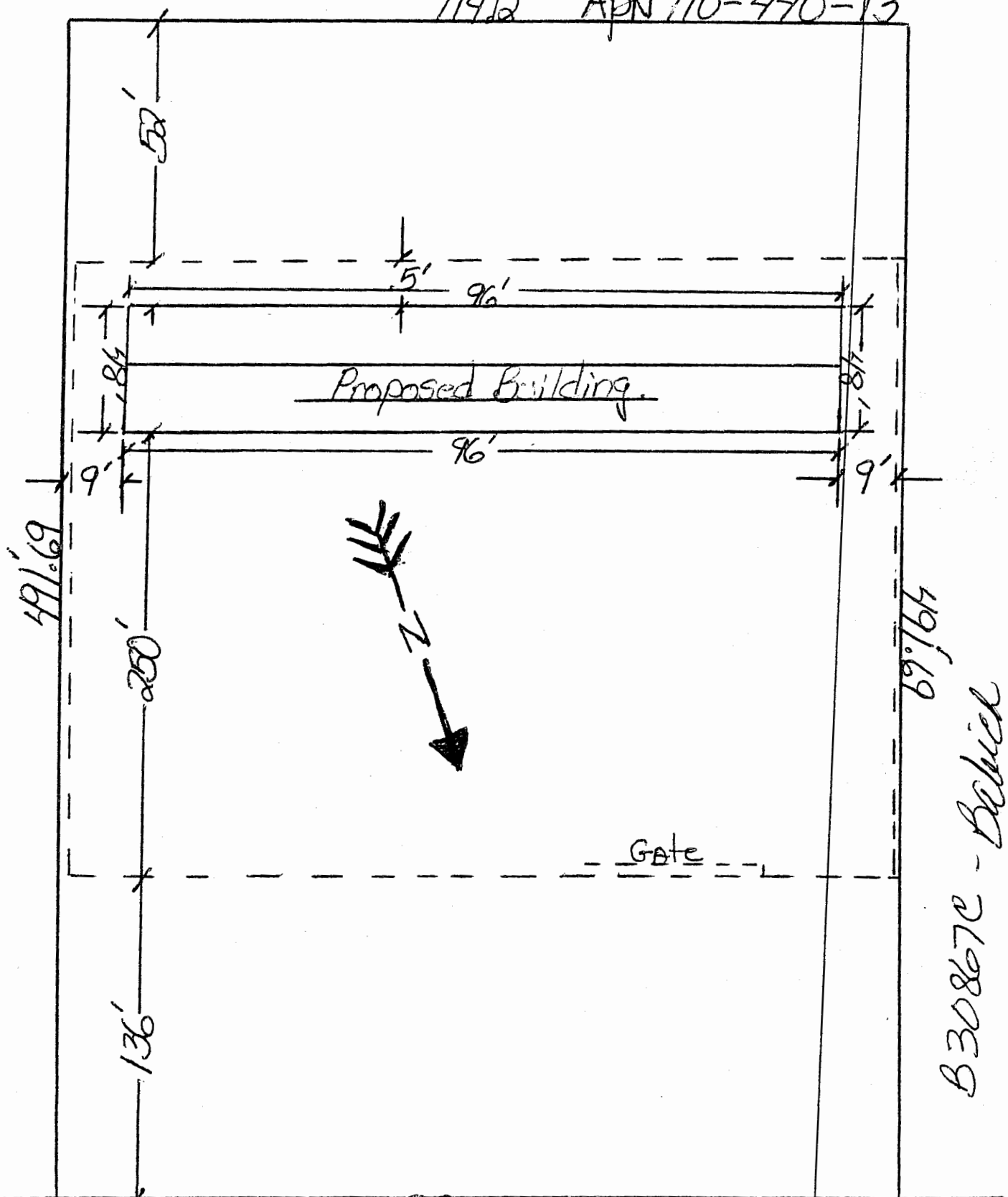
114'55" APN 110-440-13

Plot Plan

Indicates Fence

Plot Plan

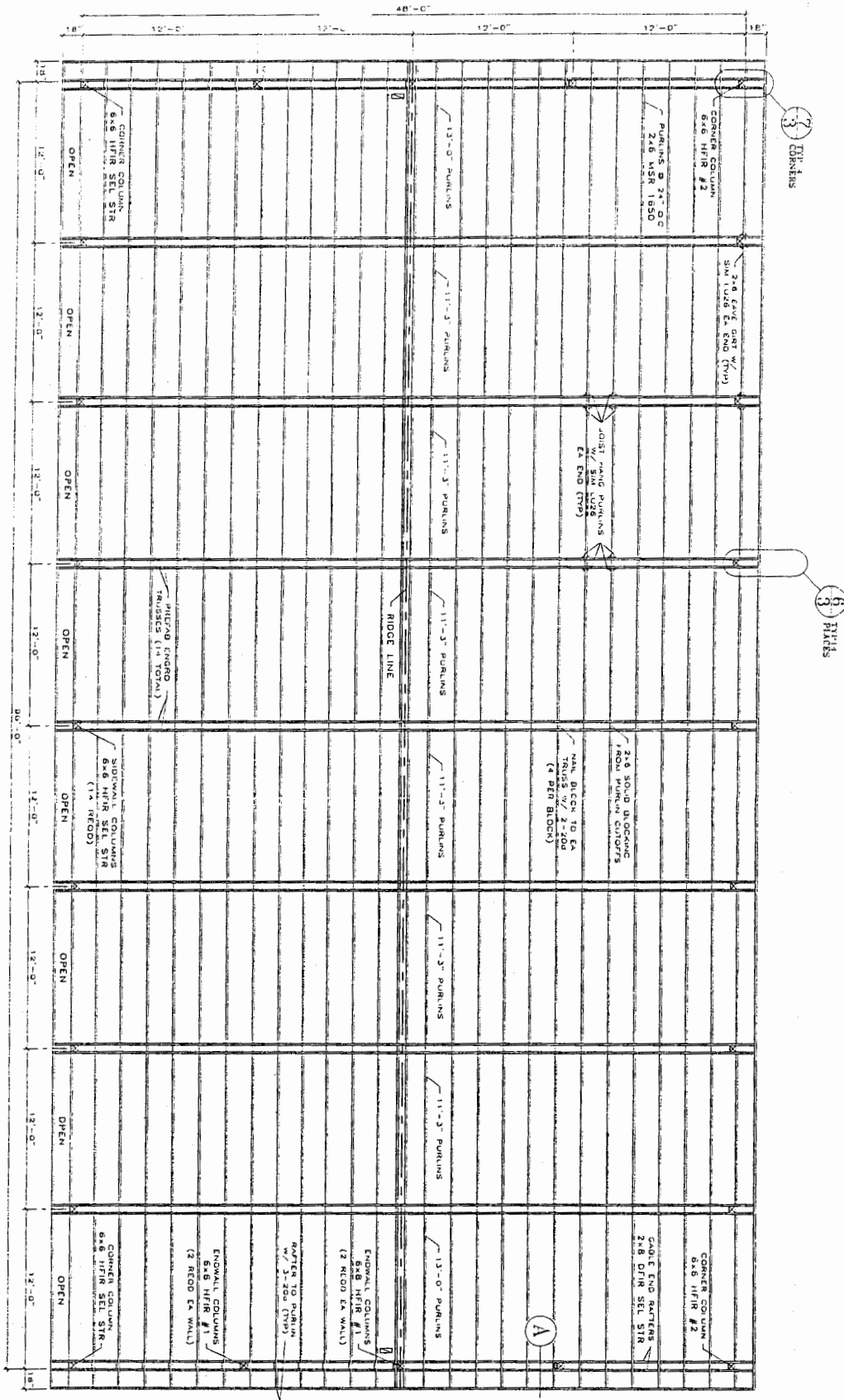
11412 APN 110-440-13



Standard Veneer Rd.

Standard Veneer Rd.

11412



SHT 1 of 3

M & W BUILDING SUPPLY
CUSTOM POLE BUILDINGS
48' WIDE x 96' LONG x 14' EAVE
ROOF LOAD LIVE 25 PSF
DEAD LOAD 5 PSF
WIND LOAD 85 MPH EXP. C
SEISMIC ZONE E
FOUNDATION PRESSURE 1500 PSF
AT SOIL BEARING 150 PSF
BUILDING DESIGN 2007 C.B.C.
CLOSED BUILDING

BABICH CONSTRUCTION
200 STANDARD VENEER RD.
CRESCENT CITY, CALIFORNIA
COUNTY: DEL NORTE

ENGINEER'S DESIGN RESPONSIBILITIES ARE LIMITED EXCLUSIVELY TO THOSE DOCUMENTS BEARING HIS SEAL AND SIGNATURE. ANY ALTERATIONS TO THESE DOCUMENTS OR THE PHYSICAL STRUCTURE BY ANY PERSONS OR AGENCY SHALL VOID SAID DOCUMENTS AND RELIEVE ENGR OF DESIGN RESPONSIBILITY. AND MAY CREATE LIABILITY ISSUE FOR THEMSELVES. DRAWINGS ARE FOR STRUCTURAL COMPLIANCE ONLY. THEY ARE NOT TO BE CONSTRUED AS HAVING BEEN PREPARED FOR BUILDING USE, OCCUPANCY AND/OR FIRE & LIFE-SAFETY REQUIREMENTS OF LOCAL CODES OR AGENCIES. SCALE & REINFORCEMENT BY OTHERS. THIS STRUCTURE HAS NOT BEEN DESIGNED FOR USE WITH INTERIOR FINISH MATERIALS SUBJECT TO DAMAGE OR FAILURE DUE TO LATERAL MOVEMENT.

22175 S. HWY. 99E
CANBY, OREGON 97013
(503) 263-0953
(503) 266-7102 (FAX)
SCALE NONE
RDO/L5 6/26/09
KJT ML

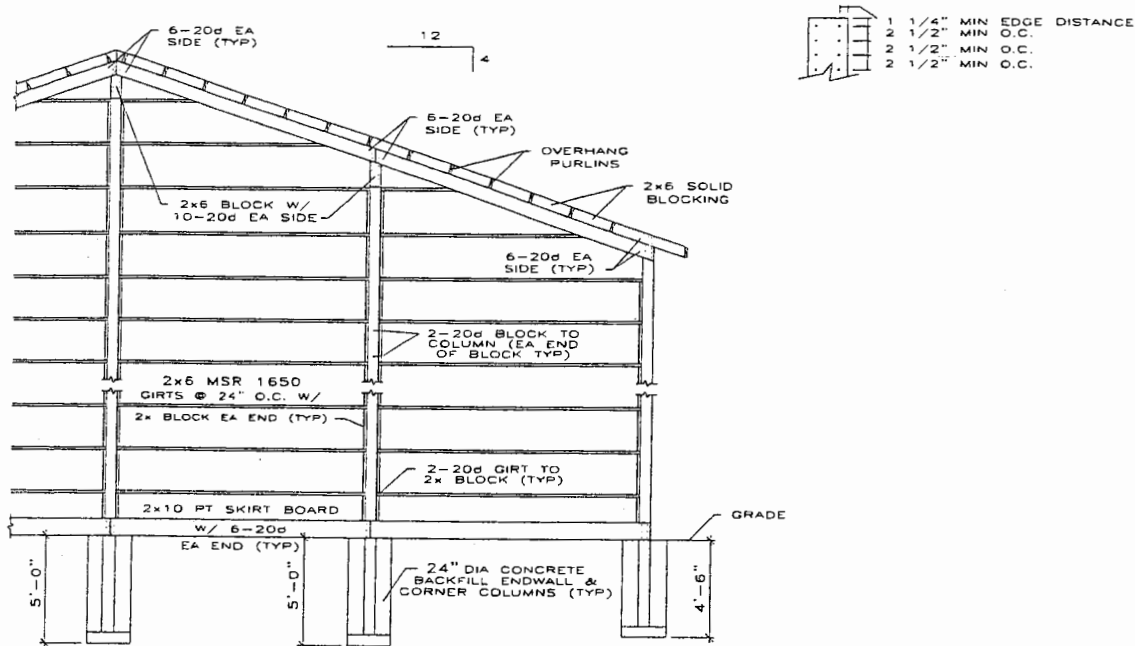
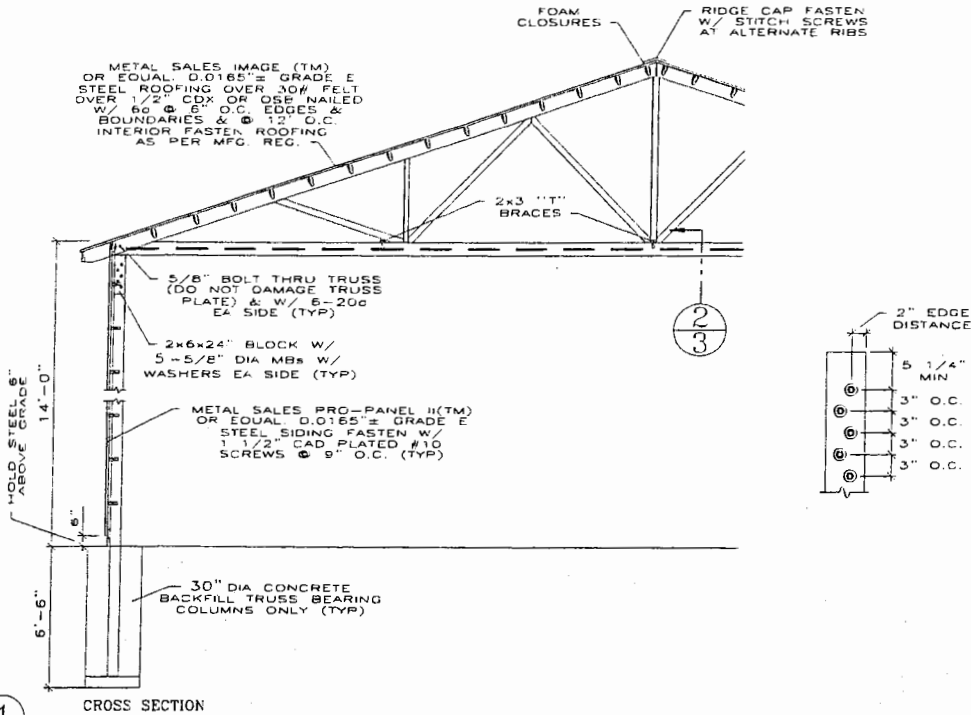


BABICH, HENRY
CDP STORAGE BUILDING

B30867C
110-440-13 -

NOTES:

SEE TRUSS DRAWINGS FOR DOUBLE TRUSS
BLOCKING REQUIREMENTS AND WEB BLOCKING
LOCATIONS, IF APPLICABLE



2 ENDWALL FRAMING

SHT 2 of 3

M & W BUILDING SUPPLY
CUSTOM POLE BUILDINGS
48' WIDE x 96' LONG x 14' EAVE
ROOF LOAD: LIVE 25 PSF
DEAD LOAD: 5 PSF
WIND LOAD: 85 MPH EXP. C
SEISMIC ZONE E
FOUNDATION PRESSURE: 1500 PSF
LAT. SOIL BEARING: 150 PSF
BUILDING DESIGN: 2007 C.B.C.
CLOSED BUILDING

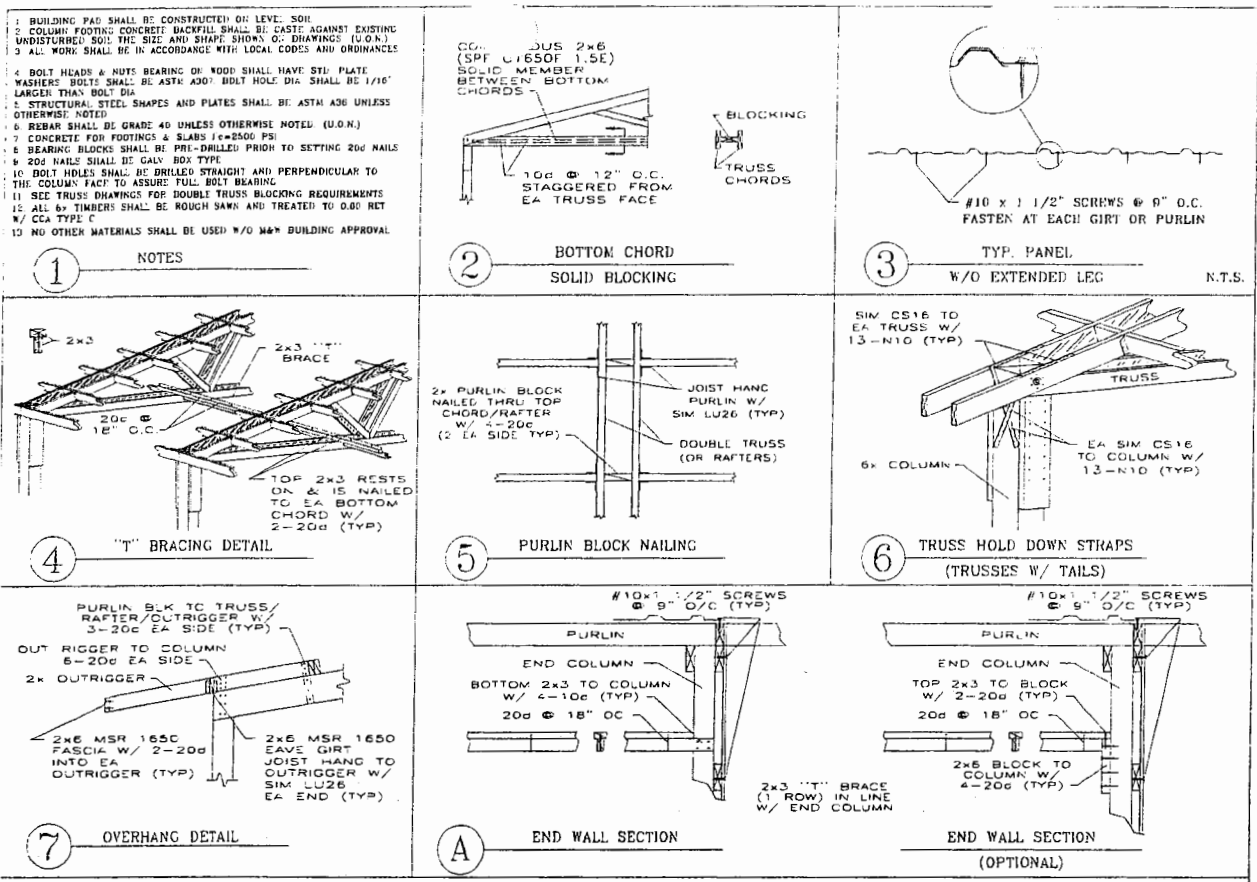
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BE CONSTRUED AS HAVING BEEN PREPARED FOR BUILDING USE. OCCUPANCY
AND/OR FIRE & LIFE-SAFETY REQUIREMENTS OF LOCAL CODES OR
AGENCIES, SLAB & HAIRPINS SHOW FOR CONSTRAINT ONLY. DESIGN
MIX, THICKNESS, C.J.'s & REINFORCEMENT BY OTHERS. THIS
STRUCTURE HAS NOT BEEN DESIGNED FOR USE WITH INTERIOR FINISH
MATERIALS SUBJECT TO DAMAGE OR FAILURE DUE TO LATERAL MOVEMENT

M & W BUILDING SUPPLY
&
22175 S. HWY. 99E
CANBY, OREGON 97013
(503) 263-8953
(503) 266-7102 (FAX)
SCALE: NONE
RDO/LS: 6/26/09
KIT: MV09165





<p>M & W BUILDING SUPPLY CUSTOM POLE BUILDINGS</p> <p>18' WIDE x 96' LONG x 14' EAVE</p> <p>ROOF LOAD LIVE 25 PSF DEAD LOAD 5 PSF WIND LOAD 85 MPH EXP C SEISMIC ZONE E</p> <p>FOUNDATION PRESSURE 1500 PSF LAT SOIL BEARING 150 PSF BUILDING DESIGN 2007 C.B.C. CLOSED BUILDING</p>	<p>BABICH CONSTRUCTION 200 STANDARD VENEER RD. CRESCENT CITY, CALIFORNIA</p> <p>COUNTY: DEL NORTE</p> <p>ENGINEERS DESIGN RESPONSIBILITIES ARE LIMITED EXCLUSIVELY TO THOSE DOCUMENTS BEARING HIS SEAL AND SIGNATURE. ANY ALTERATIONS TO THESE DOCUMENTS OR THE PHYSICAL STRUCTURE BY ANY PERSONS OR AGENCY SHALL VOID SAID DOCUMENTS AND RELIEVE ENGR OF DESIGN RESPONSIBILITY. AND MAY CREATE LIABILITY ISSUE FOR THEMSELVES. DRAWINGS ARE FOR STRUCTURAL COMPLIANCE ONLY. THEY ARE NOT TO BE CONSTRUED AS HAVING BEEN PREPARED FOR BUILDING USE, OCCUPANCY AND/OR FIRE & LIFE-SAFETY REQUIREMENTS OF LOCAL CODES OR AGENCIES. S&E & WATERPROOFING SHOWN FOR CONSTRAINT ONLY. DESIGN MIX, THICKNESS, C.J. & REINFORCEMENT BY OTHERS. THIS STRUCTURE HAS NOT BEEN DESIGNED FOR USE WITH INTERIOR FINISH MATERIALS SUBJECT TO DAMAGE OR FAILURE DUE TO LATERAL MOVEMENT</p>	<p>22175 S. HWY. 99E CANBY, OREGON 97013 (503) 263-0953 (503) 266-7102 (FAX)</p> <table border="1"> <tr> <td>SCALE</td> <td>NONE</td> </tr> <tr> <td>RDD/LS</td> <td>6/26/09</td> </tr> <tr> <td>KIT</td> <td>MWD9165</td> </tr> </table>	SCALE	NONE	RDD/LS	6/26/09	KIT	MWD9165	<p>REGISTERED PROFESSIONAL ENGINEER NICHOLAS CLAY JASPER No. C60561 Exp. 12/31/10 CMIL STATE OF CALIFORNIA</p> <p>7/1/09</p>
SCALE	NONE								
RDD/LS	6/26/09								
KIT	MWD9165								



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Northern Region
601 Locust Street, Redding, CA 96001
<http://www.dfg.ca.gov>

ARNOLD S.

ARZENEGGER, Governor
DONALD KOCH, Director



October 27, 2009

Ms. Heidi Kunstal, Senior Planner
Del Norte County Planning Department
981 H Street, Room 110
Crescent City, CA 95531

RE: Proposed Mitigated Negative Declaration (SCH # 2009092077) for Babich Coastal Development Permit, Crescent City, Del Norte County

Dear Ms. Kunstal:

On September 25, 2009, the Department of Fish and Game (DFG) received from the Del Norte County Planning Department (Lead Agency) a proposed Mitigated Negative Declaration (MND; State Clearinghouse # 2009092077) for the Babich (Applicant) Storage Building (Project) near Crescent City, Del Norte County, California. As a trustee for the State's fish and wildlife resources, DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a responsible agency, DFG administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. DFG offers the following comments and recommendations on this project in our role as a trustee and responsible agency under the California Environmental Quality Act (CEQA, California Public Resource Code §21000 *et seq.*).

Project Description


The Applicant proposes to construct a 96-foot-wide by 48-foot-long by 22-foot-high storage building on a 1.30-acre parcel that is currently mowed. The subject parcel is located along Standard Veneer Road and its General Plan Land Use designation is General Industrial with a Zone designation of M (Manufacturing and Industrial). A biological assessment was prepared by Galea Wildlife Consulting (GWC) and no sensitive biological resources were identified on the subject parcel. A formal wetland delineation was not completed for the Project but GWC suggested that "potential wetlands" occur east of the subject parcel based on the presence of willows (*Salix* sp.). A 50-foot-wide wetland buffer (25 feet on each side of the centerline) is proposed to protect a maintained drainage channel found immediately south of the parcel and outside of the existing subject parcel fencing. The wetland buffer would extend five feet beyond the existing fence onto the subject parcel and the building would be located four feet beyond the buffer.

Ms. Heidi Kunstal
October 27, 2009
Page Two

DFG staff field reviewed the subject parcel on September 29, 2009, and found that the subject parcel contains wetlands not identified in the GWC report. Vegetation on the southern portion of the parcel is predominantly hydrophytic (water-loving) and herbaceous species ranged from facultative to obligate. With the exception of a small patch of re-sprouting willows, shrubs and trees are absent from the parcel. Soils ranged from non-hydric with indications of historic fill, to mottled (i.e. concentrations and depletions) with redoxmorphic features (oxidized root channels). Based on these features, hydrology was inferred due to the seasonality of the field review. The parcel is clearly disturbed due to current and historic land use; however, the predominance of hydrophytes and hydric soils on the southern portion of the parcel suggests that additional wetland investigation and delineation is warranted.

If you have any questions or comments regarding this matter, please contact Environmental Scientist Michael van Hattem (707) 445-5368 at 619 Second Street, Eureka, California 95501.

Sincerely,


GARY B. STACEY
Regional Manager

cc: Ms. Laurie Harnsberger
Department of Fish and Game
619 Second Street
Eureka, CA 95501

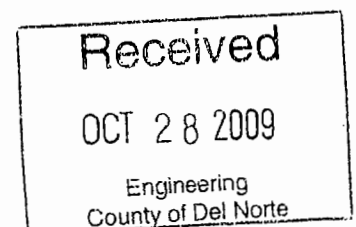
ec: Mr. Arthur Reeve
County of Del Norte
areeve@co.del-norte.ca.us

Mr. Kelley Reid
Army Corps of Engineers
Kelley.E.Reid@usace.army.mil

Mr. Bob Merrill
California Coastal Commission
bmerrill@coastal.ca.gov

Messrs. Dean Prat, Paul Keiran
North Coast Regional Water Quality
Control Board
dprat@waterboards.ca.gov,
pkeiran@waterboards.ca.gov

Messrs. William Condon, Gordon Leppig,
Scott Bauer, Michael van Hattem
Ms. Laurie Harnsberger
Department of Fish and Game
wcondon@dfg.ca.gov,
gleppig@dfg.ca.gov, sbauer@dfg.ca.gov,
mvanhattem@dfg.ca.gov
lharnsberger@dfg.ca.gov





**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**

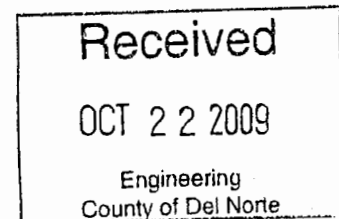


Linda S. Adams
Secretary for
Environmental Protection

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Arnold
Schwarzenegger
Governor

October 20, 2009



Ms. Heidi Kunstal
Del Norte County Planning Department
981 H Street, Ste 110
Crescent City, CA 95531

Dear Ms. Kunstal:

Subject: Comments on the Mitigated Negative Declaration for the Henry Babich
Coastal Development Permit for a Storage Building, Del Norte County

Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the Babich Storage Building project. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of such waters.

The proposed project consists of the construction of a storage building with a footprint of 4,608 square feet on an undeveloped parcel 1.3 acres in size. A drainage channel and an area of willows (indicators of wetlands) are present on the parcel. The MND also states that "potentially, a subsurface line of hydrology exists in this field, creating wet conditions allowing hydric-preferring vegetation to colonize the site."

Buffer zones

The MND proposes a 25 foot buffer between the storage building and the drainage, and a 50 foot buffer between the storage building and the potential wetland area. The Regional Water Board does not agree that "the commercial building is being placed well away from the drainage swale." Setbacks or buffer zones of 100 feet are strongly recommended by both the EPA and the Regional Water Board. We would like to see the proposed project incorporate larger buffer zones into the project design.

The MND cites section VII.D.4 of the LUP's Marine and Water Resources chapter as justification for these small buffers: "A buffer of less than one hundred feet may be utilized where it can be determined there is no adverse impact on the wetland." While there may be no adverse impact on the wetland, CEQA section 15370 prioritizes *avoiding* impacts. The Regional Water Board does not see any reason that the building

California Environmental Protection Agency

Recycled Paper

should not be sited further to the north of the parcel, thus avoiding potential impacts upon the willows and the swale. We request that either the MND demonstrate why the building's site was chosen so close to the sensitive features and provide mitigation measures to protect those sensitive features or the building should be re-sited further from the willows and the swale.

Storm water

The Regional Water Board also is concerned with the lack of stormwater mitigation for this project. In section VIII(c) and (e), Hydrology and Water Quality, the MND states that the project would have no impact upon drainage or drainage patterns or require further drainage systems. The only mitigation provided states that a drainage and grading plan "may" be required by the County's Engineering and Surveying Division.

It is incorrect to assume that this project, although small in footprint, will have no effect upon runoff. Any increases in impervious surfaces will increase quantity and degrade the quality of runoff. Furthermore, although the MND is probably correct in assuming that the increase in runoff will not be substantial enough to cause flooding, this is only one of several concerns regarding runoff. Runoff can carry pollutants into streams, wetlands, and drainage areas, and cause erosion and channelization. Failure to retain storm water onsite contributes to depletion of groundwater supplies. Lastly, provisions that include verbiage like 'may' or 'should' are not mitigation measures as they are unenforceable.

The MND should describe techniques that will address both construction and post-construction storm water concerns. We strongly recommend the following:

Construction Storm water Best Management Practices:

- Time windows: Construction activities should take place during the dry season (May through October) unless prohibited due to biological concerns identified by the California Department of Fish and Game.
- Equipment staging: Equipment should be staged on paved areas or offsite, if possible, to prevent release of hazardous materials and petroleum products into groundwater or runoff.

Post-construction Storm water Best Management Practices:

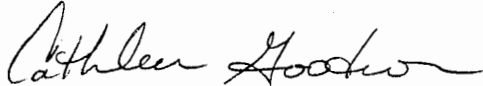
- Bioinfiltration and Low Impact Development: Storm water from roofs and paved areas should be routed into vegetated areas. The Regional Water Board strongly encourages the use of Low Impact Development (LID) techniques to address potential storm water impacts. We have included a list of LID resources at the end of this letter for your reference.

The Regional Water Board recognizes that this project is relatively small and will probably have few impacts upon water quality and biological resources. However, the

project's small size does not mean that the applicant shouldn't make the greatest possible effort to assess, reduce, and mitigate for potential impacts, and we would like to see the MND demonstrate appropriate mitigation.

If you have any questions, you may contact John Short at (707) 576-2065 or jshort@waterboards.ca.gov.

Sincerely,



Cathleen Goodwin
Water Resources Engineer

102009_CMT_BabichStorageBldgCDP_MND.doc

Low Impact Development Resources

State Water Board Low Impact Development and Sustainable Storm Water Management:
http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/index.shtml

State Water Board Resolution on LID and Sustainable Water Resources Management:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2008/rs2008_0030.pdf

Resolution of the California Ocean Protection Council Regarding Low Impact Development:
http://www.resources.ca.gov/copc/05-15-08_meeting/05_LID/0805COPC05_%20LID%20Res%20amended.pdf

Puget Sound LID manual:
http://www.psp.wa.gov/downloads/LID/LID_manual2005.pdf

Low Impact Development Center:
<http://www.lowimpactdevelopment.org/>

Green Infrastructure Municipal Handbooks:
<http://cfpub2.epa.gov/npdes/greeninfrastructure/munichandbook.cfm>

Marin County's LID manual:
http://www.mcstoppp.org/acrobat/GuidanceforApplicantsv_2-5-08.pdf

San Diego County's LID manual – has a section on LID for roads:
<http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

Low Impact Development – Sustainable Storm Water Management:
http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/

EPA Green Infrastructure Basic Information:
<http://cfpub.epa.gov/npdes/greeninfrastructure/information.cfm>

Managing Wet Weather with Green Infrastructure:
http://cfpub.epa.gov/npdes/home.cfm?program_id=298

Contra Costa Manual and Guidance to Municipalities:
<http://www.cccleanwater.org/new-developmentc3/stormwater-c3-guidebook/>

Contra Costa approach powerpoint to implement LID:
<http://www.cccleanwater.org/Publications/StormCon-5-06/5-ContraCostaApproach-I-Dalziel-Cloak.ppt>

State Water Board Funded Projects That Include Low Impact Development:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/low_impact_development/

City of Portland's Sustainable Storm Water Management Program – LID for streets:
<http://www.portlandonline.com/bes/index.cfm?c=34598>

Low Impact Development Center – Green Highways and Green Infrastructure:
http://www.lowimpactdevelopment.org/green_highways.htm

Streetscape improvements and water quality design:
<http://www.lowimpactdevelopment.org/nhb/lid.htm>

Low Impact Development for Roads - Washington State Green Building for Transportation Infrastructure webpage: <http://www.metrokc.gov/kcdot/roads/eng/lid/militarys272/index.cfm>

LID Urban Design tools – has design software for different BMPs:
<http://www.lid-stormwater.net/homedesign.htm>

LID design fact sheet:
<http://www.coastal.ca.gov/nps/lid-factsheet.pdf>

Storm Water Runoff Calculator:
<http://www.stormulator.com>

LID Training Program for Linear Transportation Projects:
http://www.lowimpactdevelopment.org/epa03_transportation.htm

Storm Water Management and LID at EPA headquarters – BMP choice and design:
http://www.epa.gov/owow/nps/lid/stormwater_hq/

<http://sustainablesites.org/>

A Review of Low Impact Development Policies: Removing Institutional Barriers to Adoption:
http://www.waterboards.ca.gov/lid/docs/ca_lid_policy_review.pdf

Storm Water Resources:

The CASQA Construction BMP manual:
<http://www.cabmphandbooks.com/Construction.asp>

North Coast Regional Water Board Municipal Storm Water:
http://www.waterboards.ca.gov/northcoast/water_issues/hot_topics/santa_rosa_ms4_npdes_stormwater_permit/

State Water Board Storm Water Program:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/

Erase the Waste Campaign – California Storm Water Toolbox:
http://www.waterboards.ca.gov/water_issues/programs/outreach/erase_waste/

State Water Board Storm Water Grant Program:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/prop84/index.shtml

The San Francisco Regional Water Board storm water website:
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/avail_docs.shtml

EPA Storm Water Program:

http://cfpub.epa.gov/npdes/home.cfm?program_id=6

Federal Funding Sources for Watershed Protection:

<http://cfpub.epa.gov/fedfund/>

California Stormwater Quality Association:

<http://www.casqa.org/>

Stormwater Manager's Resource Center:

<http://www.stormwatercenter.net/>

Post Construction BMPs:

<http://www.stormwaterauthority.org/library/library.aspx?id=190>

For more information, please contact Mona Dougherty at mdougherty@waterboards.ca.gov or John Short at jshort@waterboards.ca.gov



COUNTY OF DEL NORTE
COMMUNITY DEVELOPMENT DEPARTMENT

981 "H" Street, Suite 110
Crescent City, California 95531

Fax (707) 465-0340

Planning
(707) 464-7254

Engineering & Surveying
(707) 464-7229

Roads
(707) 464-7238

Building Inspection
(707) 464-7253

February 2, 2010

Gary B. Stacey
California Department of Fish and Game
Northern Region
601 Locust Street
Redding, CA 96001

Dear Mr. Stacey,

Thank you for your comments on the Mitigated Negative Declaration (MND; State Clearinghouse #2009092077) for the Henry Babich Coastal Development Permit for a Storage Building project.

Following the receipt of your comment letter and another sent by the California Regional Water Quality Control Board, the applicant was requested to provide a wetland delineation as well as additional justification for the need for reduced buffers. I have attached a copy of the response prepared by the applicant's biologist for your review.

The purpose of this letter is to seek any additional comments that you may have to the biologist's response prior to the County taking action on the MND. A revised MND has *not* been prepared as no new mitigation measures have been incorporated into the project proposal.

The biologist has proposed *no* changes in the location or size of the storage building.

Any additional assistance that you can provide in the review is greatly appreciated. If you have any questions you may reach me by phone at (707) 464-7254 or by e-mail at hkunstal@co.del-norte.ca.us.

Regards,

Heidi Kunstal
Senior Planner

cc: Michael van Hattem, DFG



COUNTY OF DEL NORTE
COMMUNITY DEVELOPMENT DEPARTMENT

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February 2, 2010

Cathleen Goodwin
California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, California 95403

Dear Ms. Goodwin,

Thank you for your comments on the Mitigated Negative Declaration (MND; State Clearinghouse #2009092077) for the Henry Babich Coastal Development Permit for a Storage Building project.

Following the receipt of your comment letter and another sent by the California Department of Fish and Game, the applicant was requested to provide a wetland delineation as well as additional justification for the need for reduced buffers. I have attached a copy of the response prepared by the applicant's biologist for your review.

The purpose of this letter is to seek any additional comments that you may have to the biologist's response prior to the County taking action on the MND. A revised MND has *not* been prepared as no new mitigation measures have been incorporated into the project proposal.

The biologist has proposed *no* changes in the location or size of the storage building.

With respect to your comments relating to storm water mitigation, I have spoken with the County Engineer, Art Reeve, and he has confirmed that the following conditions would be placed on the project, if it is ultimately recommended for approval:

- a) Prior to issuance of building permit to construct the storage building, an engineered grading and drainage plan for on-site and any off-site drainage improvements (if any) shall be submitted to the Community Development Department, Engineering and Surveying Division, for review and acceptance. The plan shall contain provisions for temporary sediment and erosion control and permanent sediment and erosion control post construction. The plan shall incorporate design elements and/or Best Management Practices (BMPs) which will serve to minimize the volume and velocity of stormwater runoff leaving the developed site, and to capture sediment and other pollutants contained in storm

water runoff from the development, by facilitating on-site infiltration and trapping of sediment generated from construction. The plan shall address roof drains and their discharge and other impervious surfaces;

- b) If grading is necessary, no grading shall be conducted between October 30 and April 30; and
- c) Any grading that disturbs more than 1-acre of land is required to obtain a State Water Resources Control Board Construction Storm Water Permit. Disturbed land includes new access roads, soil stockpiling, staging areas and offsite disposal of soils.

Any additional assistance that you can provide in the review is greatly appreciated. If you have any questions you may reach me by phone at (707) 464-7254 or by e-mail at hkunstal@co.del-norte.ca.us.

Regards,



Heidi Kunstal
Senior Planner



GALEA WILDLIFE CONSULTING

200 Raccoon Court . Crescent City . California 95531

Tel: 707-464-3777

E-mail: frankgalea@charter.net . Web: www.galeawildlife.com



RESPONSE TO AGENCY COMMENTS, BIOLOGICAL ASSESSMENT FOR BABICH PROPERTY, STANDARD VENEER ROAD, DEL NORTE COUNTY. DECEMBER 2009

INTRODUCTION

Galea Wildlife Consulting (GWC) Inc. conducted a biological assessment for a planned commercial building to be located on a commercial property located on the south of Standard Veneer Road in Del Norte County. This entire area was historically a mill site and has been re-designated as a commercial development area. The property is located west of Lake Earl Drive and is within the jurisdiction of the California Coastal Commission.

GWC determined that potential wetland habitats (located on an adjacent property) were located 45 feet east of the property. A no-development buffer of 50 feet was recommended for potential wetlands to the east and a no-development buffer of 25 feet was recommended for a drainage channel on the south edge of the property.

AGENCY RESPONSE

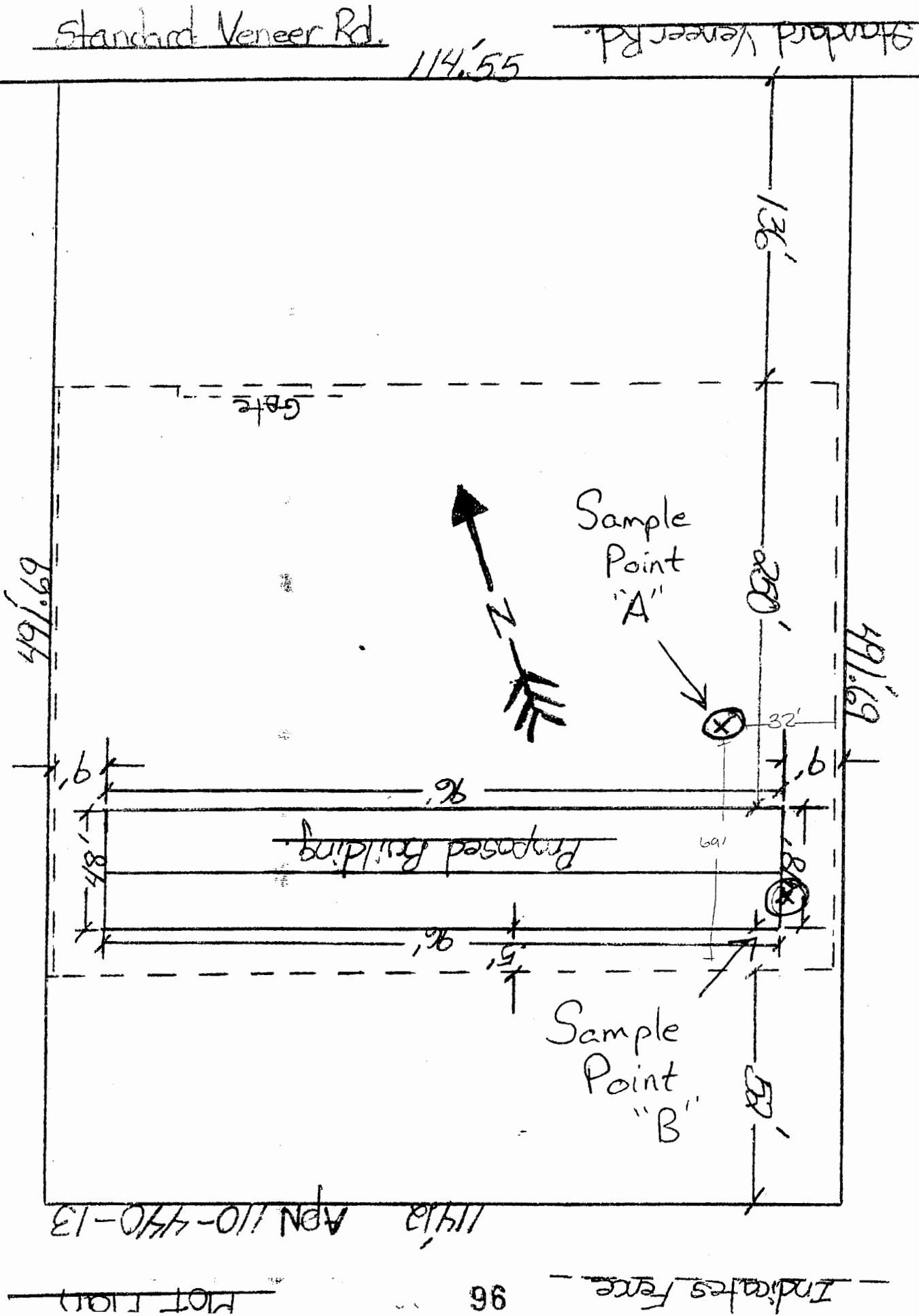
The California Department of Fish and Game (CDF&G) and the North Coast Regional Water Quality Control Board (NCRWQCB) both sent comments on Del Norte County's proposed mitigated negative declaration. This document will attempt to address the concerns raised by both agencies.

NCRWQCB COMMENTS

1. The NCRWQCB wanted to know why the proposed building was set back so far south on the property, and why the building could not be placed farther north and away from potential biological resources, such as a drainage ditch.

The building was planned toward the southern end of the property because the primary purpose of the building would be for the storage of a contractors equipment. This entails the driving of large trucks and equipment on trailers, which have to be negotiated within a fenced area, and backed into the

Figure 1. Approximate Location of Wetland Sample Points A & B on Pabich Property.



building for storage and protection from the elements. The Applicant is also planning, in the future, to build an office and vehicle-cleaning area toward the north end of the property.

It should be noted that the drainage swale behind (south of) the proposed commercial building is very narrow, and has other commercial equipment yards located directly south of the same swale. Therefore, biological resources are limited to a thin row of alder and willow within the swale, which does not carry water except for during periods of heavy rainfall. It should also be noted that this proposed building is located within an old mill site which has been designated as an industrial park for commercial development. The drainage swale is likely not natural, and is a remnant of the severe alterations which occurred at this location when the logging mill was first constructed. There are no significant biological resources in the immediate area of this project.

2. The NCRWQCB was concerned with the potential impacts of stormwater runoff.

As currently proposed, this structure will be mitigated by the use of a metal roof. Particle roofs give off particles which can potentially pollute runoff, however metal roofs do not give off particles and are therefore non-polluting.

An additional mitigation will be the routing of storm water from the roof toward vegetated areas. Although the drainage ditch located south of the property is more than large enough to handle local storm water runoff, by routing storm water from the into vegetation there will be a decrease in overall runoff velocity.

3. The NCRWQCB is concerned with potential pollution from equipment.

The Applicant plans to build at this location, in the near future, a state-of-the-art truck washing station with oil- separation and removal technology, water re-cycling and waste-reduction capability. This truck washing station would allow for the cleaning of heavy equipment on-site while preventing any contamination or pollution of natural systems. The technology from Industrial Equipment of Chico, California, costs approximately 70 thousand dollars, and would be the first of it's kind in Del Norte County. The Applicant clearly intends to develop the site with the most modern cleaning technologies available.

CDF&G COMMENTS

CDF&G staff reviewed the site of the proposed building in September of 2009. In their letter to Del Norte County, they report finding hydrophytic vegetation and some areas with potential wetland soils, especially in the south portion of the property.

GWC re-visited the site in November of 2009. Two, 24 inch sample pits were prepared and sampled toward the southeast corner of the property, inside the fenced area.

The first sample area (A) was 69 feet north of the south fenceline, and 32 feet west of the east fenceline. At this location vegetation was almost exclusively invasive reed canary grass (*Phalaris arundinacea*). This invasive species quickly out-competes native species, and it does well in disturbed soils, such as

those found at this location where the owner has kept the site relatively cleared. This species is classified as facultative-wet in Oregon (which is much more representative for Del Norte County than California plant classification), meaning it can grow in upland habitats but prefers wetter habitats, but it is not a wetland obligate. Although this plant is a wetland species, its preponderance here is primarily due to being quick to colonize disturbed areas.

Soils at this sample point were found to be dry in November, composed of granular clay, mineral soils, wood chips and small stone, typical of an old logging deck with introduced materials. Soil color was described as 4/3 7.5 YR, which is not a wetland soil color and is not indicative of wetland soils. Unlike CDF&G, GWC did not see evidence of redoxmorphic features (wetland indicators) at this site.

A second sample site (B) was located 22 feet north of the south fence, and 16 feet west of the east fence. Soils here were found to be a rich loam soil with small stones at low density. At 14 inches the soil was dry in November. Soil color was described as 3/2 10 YR, which is not a wetland soil color and is not indicative of wetland soils. Redoxmorphic features (wetland indicators) at this site were minimal at 14 inches and were not sufficient to designate soils as hydric.

SUMMARY

The proposed location is the site of a historic log deck. All natural features in this area were removed decades ago and natural drainage systems altered as required by the historic logging mill. The site was chosen as an industrial park due to historic alterations and impacts, is cleared and fenced, and does not provide habitat for any sensitive wildlife or plant species.

Additional surveys show only one of three possible indicators as being wetland, and this was due to an invasive plant which quickly invades disturbed soils, such as those at this location. Soil tests were dry for November and did not show evidence of wetland conditions. The presence of an invasive species which prefers moist conditions is not indicative of wetland habitats.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Babich, Standard Veneer City/County: Del Norte Sampling Date: Nov. 15-09
 Applicant/Owner: Henry Babich, Jr. State: _____ Sampling Point: A
 Investigator(s): Frank Galea Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): none Slope (%): 2%
 Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)

Are Vegetation ☒ Soil ☒ or Hydrology ☒ significantly disturbed?

Are "Normal Circumstances" present? Yes _____ No ☒

Are Vegetation ☒ Soil ☒ or Hydrology NO naturally problematic?

(If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes _____ No <input checked="" type="checkbox"/>	
Wetland Hydrology Present?	Yes _____ No <input checked="" type="checkbox"/>	
Remarks		

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: _____) 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ _____ = Total Cover				
Herb Stratum (Plot size: _____) 1. <u>Phalaris arundinacea</u> 2. <u>90% Yes OBL</u> 3. <u>in Oregon → FACW</u> 4. _____ 5. _____ 6. _____ 7. _____ 8. _____ 9. _____ 10. _____ 11. _____ _____ = Total Cover				
Woody Vine Stratum (Plot size: _____) 1. _____ 2. _____ _____ = Total Cover				
% Bare Ground in Herb Stratum _____				
Remarks <u>Phalaris is non-native + invades disturbed sites. This location greatly disturbed.</u>				Hydrophytic Vegetation Indicators: ___ Dominance Test is >50% ___ Prevalence Index is ≤3.0 ¹ ___ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic
Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____				

Sampling Point

A

HYDROLOGY

US Army Corps of Engineers

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Babich - Stendord Venice City/County: Del Norte Sampling Date: Nov 15-09
 Applicant/Owner: Henry Babich Jr. State: _____ Sampling Point: B
 Investigator(s): Frank Galea Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
 Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation ✓ Soil ✓ or Hydrology ✓ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No X
 Are Vegetation _____ Soil _____ or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>✓</u> No _____	Is the Sampled Area within a Wetland?	Yes _____ No <u>X</u>
Hydric Soil Present?	Yes _____ No <u>✓</u>		
Wetland Hydrology Present?	Yes _____ No <u>✓</u>		
Remarks: <u>old mill site - log deck</u>			

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
_____ = Total Cover				Hydrophytic Vegetation Indicators: ___ Dominance Test is >50% ___ Prevalence Index is ≤3.0' ___ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Wetland Non-Vascular Plants ¹ ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Herb Stratum (Plot size: _____)				
1. <u>Phalaris arundinacea</u>	<u>30</u>	<u>Yes</u>	<u>OBL</u>	
2. _____	_____	_____	<u>or FACW</u>	
3. _____	_____	_____	_____	
4. <u>Pasture Grass</u>	<u>30</u>	_____	<u>NI</u>	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
_____ = Total Cover				Hydrophytic Vegetation Present? Yes <u>✓</u> No _____
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum _____				
Remarks: _____				

Sampling Point: E

HYDROLOGY

US Army Corps of Engineers

APPENDIX G

Environmental Checklist Form

1. Project title: Henry Babich Jr. – Coastal Development Permit for a Storage Building – B30867C
2. Lead agency name and address:
County of Del Norte Community Development Department
981 H Street, Suite 110
Crescent City, CA 95531
3. Contact person and phone number: Heidi Kunstal (707) 464-7254
4. Project location: 200 Standard Veneer Road, off of Lake Earl Drive, Crescent City
5. Project sponsor's name and address:
Henry Babich Jr.
205 Tedsen Lane
Crescent City, CA 95531
6. General plan designation: General Industrial
7. Zoning: M (Manufacturing & Industrial)
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The applicant has submitted an application to construct a 48 foot wide by 96 foot long (4,608 square feet) by 22 foot high storage building on his 1.30 acre parcel. The parcel is located on the south side of Standard Veneer Road and is roughly 120 feet east of the Red Sky Roofing business. The subject parcel and APN 110-440-14 owned by Haban/Pappas are partially enclosed by a single chain link fence. Exhibit A is an aerial photograph that identifies the location of the project. The parcel has a General Plan Land Use designation of General Industrial and a Zone designation of M (Manufacturing and Industrial). Mr. Babich owns a building construction business and proposes to use the building for the storage of equipment and materials related to said business. Enclosed buildings for storage related to construction activities are primary permitted uses in a Manufacturing Zone District.

The parcel is approximately 114.5 feet wide by 491 feet long and was created as part of a prior minor subdivision (Book 8 of Parcel Maps Page 39) along with Assessor Parcel Numbers 110-440-14 and 15. An existing driveway from Standard Veneer Road parallels the parcel's western boundary and serves as the primary access to the existing fenced area. The driveway is roughly 136 feet long and ends at the gated fenced area shared by the Haban/Pappas parcel to the immediate east. Mr. Babich's parcel is undeveloped with the exception of the fencing and the driveway. For reference, the Haban/Pappas parcel has received approval for a Coastal

Development Permit (B30108C) to construct a 6,000 square feet storage building/office on their parcel but the applicants have delayed construction until the spring of 2010.

The plot plan indicates that the building will be located approximately 386 feet south of the centerline of Standard Veneer Road within the existing fenced area. With respect to required distances between buildings and County maintained roads, the building setback exceeds the minimum setback required for minor County roads in industrial and manufacturing areas. Any on-site public parking will be required to comply with Title 21 – Coastal Zoning Section 21.44 and the American with Disabilities Act (ADA). Since no office space is proposed or other area designated for public use, it is likely that the applicant will be required to place a minimum of two parking spaces of which one will be required to be ADA van accessible.

The project site and surrounding area has historically been for manufacturing/industrial uses related to the Standard Veneer Mill which is no longer in operation. The ex-mill site is located northwest of the project site at the end of Standard Veneer Road. Existing mill structures are shown on Exhibit A.

Another mill site existed south of the project site, directly along Lake Earl Drive. The mill structure exists and is occupied by the current owner for commercial/industrial uses. A historic mill pond exists between the old Standard Veneer Mill and the aforementioned mill operation. Unlike the parcels located further north along Standard Veneer Road, the subject parcel is separated from the historic mill pond by approximately 500 feet, the area in which the structures and storage area associated with mill are located. Staff requested that a biological assessment be prepared to address a drainage channel that parallels the parcel's south property line and an off-site willow thicket was identified as part of previous biological assessments completed within the project area.

In June 2009 Galea Wildlife Consulting (GWC), prepared a *Biological Assessment for Babich Property, Standard Veneer Road, Del Norte County*, which is included as an attachment to this study. According the GWC, the assessment was conducted to determine the potential impacts on sensitive wildlife species by building on the property, including federally or state listed species, and species of special concern, and to determine the extent of wetland habitats if any on the proper or in the area and to make recommendations should resources be located on or near the property. A field investigation of the project area and ¼ mile area around the project was conducted by GWC. A search of the California Department of Fish and Game's Natural Diversity Data Base was not used since the project site has been cleared for many years and is unlikely to contain sensitive species.

According to GWC, the ground level of the parcel is artificially low as the area was scraped of soil years ago for another construction project. GWC states that historically, there was an artificial pond located approximately 500 feet southwest of Standard Veneer which has been completely filled in and is now used a commercial equipment storage yard. The fill is approximately five feet higher than the elevation of the project site, creating a berm of material south of the property. As the surface flow hydrology of the area is to the southwest, this fill acts to block normal surface water flow. For this reason a shallow drainage ditch was created at the foot of the berm, allowing water to drain to the west. GWC notes that this drainage channel is not fed by any culverts along Lake Earl Drive, or from any other source.

The drainage channel is located at the extreme south side of the property and can be seen in Exhibit A, the aerial photo. Mr. Galea visited the project site on June 2, 2009, and did not find any water within the drainage channel or any evidence of recent hydrology. The berm beyond the drainage channel was covered with vegetation including willows. The drainage channel had been cleared to allow drainage to occur during storm events.

GWC finds that as no sensitive biological resources are located within the drainage channel and therefore it does not meet the criteria of an Environmentally Sensitive Habitat Area (ESHA). GWC recommends that a 25 foot non development buffer be applied to the drainage. The resultant buffer would place the buffer 5 feet within the fenced area. The applicant proposes to place his building at the edge of the buffer. Staff recommends that the applicant maintain at least a 5 foot distance from the buffer in order to maintain the building while avoiding impacts to the designated protection area.

A wet area was identified in the field immediately east of the subject property (APN 110-440-13). The area is covered with tall pasture grass and a small stand of young willows and a line of small willow shoots emerging from the soil, in an east to west line toward the subject property. GWC notes that a subsurface line of hydrology "potentially" exists in this field, creating wet conditions allowing hydric-preferring vegetation like willows to colonize the site. There was no hydrology linked to the hydric conditions in the field. Based on the GWC field survey, the line of hydric conditions ended approximately 45 feet east of the boundary of the Babich parcel, based on the extent of willow shoots, and ended approximately 95 feet north of the drainage channel. GWC tested the soils at the property line and did not identify any indicators of hydric soil conditions. Furthermore, GWC found that the field drains to the southwest, directly toward the southeast corner of the Babich parcel, where the drainage channel is located. No evidence of hydrology was noted on the property, except for one small willow shoot emerging near the fence line. GWC recommends that a 50 foot wetland protection buffer measured from the western extent of the small willow shoots be applied to the project. The applicant proposes to construct approximately 9 feet from the fence line which is 45 feet from the western extent of the small willow shoots which combines for a 54 foot distance from the building to the resources. According to GWC, this is a sufficient buffer to protect the resources, as they are shoots of willows and not a complex wetland. The County's Coastal Land Use Plan (LUP) requires that a determination of no adverse impact be made when reducing a protection buffer to a distance less than 100 feet in width. In 1981 the Coastal Commission adopted guidelines known as "Standards for Siting Development Adjacent to Environmentally Sensitive Habitat Areas" which are used in making the determination. GWC has addressed the seven standards as follows:

1. Biological significance of adjacent lands:

The lands adjacent to this parcel are not biologically significant. The property is located within a commercial development complex. Properties to the west and north are already developed commercially. Property to the south is developed commercially, with a dry drainage swale between the two properties. The property to the east is currently open, but previously cleared. A small group of willows was located on the adjacent property; however the remainder was covered with pasture grass. As this property is located in the midst of a commercial zoning area, and is surrounded by developed properties and a main road, the property has no biological significance.

2. Sensitivity of species to disturbance:

This area has little potential for use by wildlife due to the proximity of commercial businesses and major road. The undeveloped property to the east is dry year round, with only a small group of willows in its midst. The small drainage channel south of the property is dry except during high rainfall events. No sensitive species are known to occur in the immediate area, and the proposed building will be placed within an existing, fenced area.

3. Susceptibility of parcel to erosion:

The parcel and surrounding area is completely flat, having once been part of a mill yard. No erosion would occur from this development.

4. Use of natural, topographic features to locate development:

The applicant is proposing a building well distant from resources. There are no topographic features to utilize as the entire area is very flat.

5. Use of existing cultural features to locate buffer zones:

There are no existing cultural features to aid in screening any resources.

6. Lot configuration and location of existing development:

The commercial building is being placed well away from the drainage swale, and within an existing fenced perimeter.

7. Type and scale of development proposed:

The scale of the project is directly comparable to other commercial buildings already located within the commercial development area. It is being located within an existing, fenced area, and is not using the entire fenced area for the building.

Therefore, GWC recommends a non-development (protection) buffer of at least 50 feet should be mandated between potential resources located to the east and construction on the subject parcel. GWC's recommendation will be incorporated into the Staff's recommendation to the Environmental Review Committee. Comments received from the California Department of Fish and Game as a result of the environmental review will be incorporated into the recommendation made to the Planning Commission if they are not received prior to the next meeting of the Environmental Review Committee.

Road improvements may be a condition of the project approval. The project is located within the County's Urban Boundary and is subject to the County's Urban Road Standards for road improvements. Any lighting would be required to comply with Title 21 – Coastal Zoning Section 21.46.050 which requires all direct light to be confined to the subject premises. Offsite lighting may be allowed with a Use Permit. The project is also subject to the California Fire Code which will likely require that water be available for fire suppression purposes.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

Parcels designated for manufacturing and industrial uses surround the parcel on all sides. The lot immediately west (Haban/Pappas) is undeveloped but has an approved local Coastal Development Permit for a storage building and office. The parcel to the immediate west of this parcel is developed with a commercial facility (Red Sky Roofing) constructed within a fenced perimeter. East of the property are several parcels currently bare and vacant. North and south of the property are commercial buildings and businesses. They include Bommelyn Construction, Johnston Cabinets, Community Assistance Network (CAN) and the McMullin sawmill.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Del Norte County Engineering and Surveying Division, Crescent Fire Protection District, and the Del Norte County Building Inspection Division.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Heidi Kunstal

Signature

September 21, 2009

Date

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

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No impact. The project site is not visible from a designated scenic area and is located within an area designated for manufacturing/industrial development. No scenic vistas have been identified on-site or within the project area. The project will not change the scenic views or vistas from existing commercial areas, public lands, or roads.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

☐
☐
☐


No impact. The project site is not located in proximity to a designated state scenic highway area. There are no identified scenic trees, rocks, historic buildings near the building site, or other prominent site features that would be affected by the proposed project.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

☐☐☐

No impact. There should be a less than significant impact in the quality of the site and its surroundings. The land is designated for commercial use or other uses that are deemed compatible with commercial uses.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

☐☐☐

No impact. The project would not be known to create a substantial amount of glare and light to the surrounding area. The proposed development may require some exterior lighting. Any lighting would be required to comply with Title 21 – Coastal Zoning Section 21.46.050 which requires all direct light confined to the subject premises. Light and glare would therefore be insignificant. As part of the building permit application for the structure, lighting will be taken under consideration and will be required to meet the Coastal Zoning Section listed above.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

☐☐☐

No impact. No agricultural lands are located on the site. (Del Norte County Local Coastal Program Land Use Map and Del Norte County Zoning Maps) The project site is not designated as farmland under the Farmland Mapping and Monitoring Program of the California Resources Agency. Thus, no impact on important farmlands would occur with the proposed project.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

☐☐☐

No impact. The land use designation and zoning for the subject property is consistent. (Del Norte County Local Coastal Program, Title 21 Del Norte County Zoning Ordinance) The site is designated as M

(Manufacturing & Industrial) according to Del Norte County Zoning Ordinance Maps (Title 21). The Local Coastal Plan Land Use designation for the parcel is General Industrial. No agricultural lands have been identified on site. No impact on agricultural resources or operations would result from the proposed project.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

☐☐☐

No impact. The subject property is not designated as agricultural land. The project will not result in any agricultural conversion since the site is designated for General Industrial.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

☐☐☐

No impact. The proposed project would not conflict with the major goals of the Del Norte County General Plan or Del Norte County Local Coastal Program; would not lead to population growth; and would not increase vehicle miles traveled to a rate higher than the population growth. The proposed project is not a major source of nitrogen oxides or ozone.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

☐☐☐

No impact. Air pollutant emissions associated with the proposed project would be limited to emissions from construction activities, vehicle trip emissions, and off-site emissions from power consumption. The amount of emissions would not violate any air quality standard or contribute substantially to a projected air quality violation. Although the area is designated for manufacturing and industrial uses, the proposed project is a storage building and is not expected to have an impact on the environment. If the current or any future owner of the parcel proposes a project which may have an impact on the environment, including contributing substantially to a projected air quality violation, an environmental review would be required to address the potential impact.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

☐☐☐

No impact. Presently, the only criteria pollutant in which the County is non-attainment for is PM-10 (particulate matter – 10 microns in size). The general source of PM- 10 is wood burning and vehicular emissions. The proposed project should not have a substantial impact on wood burning or vehicular emissions.

d) Expose sensitive receptors to substantial pollutant concentrations?

☐☐☐

No impact. Emissions from the project would include on-site construction emissions, off-site emissions from vehicle trips generated by the project and emission from energy consumption related to the construction of the storage building. Future manufacturing or industrial uses would be evaluated on a case-by-case basis for potential environmental impact.

e) Create objectionable odors affecting a substantial number of people?

☐☐☐

No impact. Although the zone designation for this parcel is Manufacturing & Industrial the proposed project is not of a nature that would handle large quantities of solid waster materials, chemicals, food products or other odorous materials, and has little or no potential to create objectionable odors. Thus, no impact in terms of odors is expected. See response for III (b) with regard to future manufacturing/industrial use triggering an environmental review under the California Environmental quality act if there is potential for an impact to the environment.

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

☐☐☐

No impact. GWC did not identify and sensitive species on the subject parcel as a result of a field investigation. Due to previous disturbance on the subject parcel GWC did not conduct a search of the California Department of Fish and Game's Natural Diversity Data Base. The only resource located on the subject parcel is a drainage channel with a berm located on the far southern portion of the parcel. The hydrological conditions and vegetation of the drainage channel did not indicate its suitability for sensitive plant/animal species. (Biological Assessment for Babich Property, Standard Veneer Road, Del Norte

County, June 2009 prepared by Galea Wildlife Consulting)

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

☐☐☐

Less than Significant with Mitigation Incorporation. According to GWC, the ground level of the parcel is artificially low as the area was scraped of soil years ago for another construction project. GWC states that historically, there was an artificial pond located approximately 500 feet southwest of Standard Veneer which has been completely filled in and is now used a commercial equipment storage yard. The fill is approximately five feet higher than the elevation of the project site, creating a berm of material south of the property. As the surface flow hydrology of the area is to the southwest, this fill acts to block normal surface water flow. For this reason a shallow drainage ditch was created at the foot of the berm, allowing water to drain to the west. GWC notes that this drainage channel is not fed by any culverts along Lake Earl Drive, or from any other source. The drainage channel is located at the extreme south side of the property and can be seen in Exhibit A, the aerial photo. Mr. Galea visited the project site on June 2, 2009, and did not find any water within the drainage channel or any evidence of recent hydrology. The berm beyond the drainage channel was covered with vegetation including willows. The drainage channel had been cleared to allow drainage to occur during storm events.

GWC finds that as no sensitive biological resources are located within the drainage channel and therefore it does not meet the criteria of an Environmentally Sensitive Habitat Area (ESHA). GWC recommends that a 25 foot non development buffer be applied to the drainage. The resultant buffer would place the buffer 5 feet within the fenced area. The applicant proposes to place his building at the edge of the buffer. Staff recommends that the applicant maintain at least a 5 foot distance from the buffer in order to maintain the building while avoiding impacts to the designated protection area.

(Biological Assessment for Babich Property, Standard Veneer Road, Del Norte County, June 2009 prepared by Galea Wildlife Consulting)

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☐☐☐

Less than Significant with Mitigation Incorporation. A wet area was identified in the field immediately east of the subject property (APN 110-440-13). The area is covered with tall pasture grass and a small stand of young willows and a line of small willow shoots emerging from the soil, in an east to west line toward the subject property. GWC notes that a subsurface line of hydrology "potentially" exists in this field, creating wet conditions allowing hydric-preferring vegetation like willows to colonize the site. There was no hydrology linked to the hydric conditions in the field. Based on the GWC field survey, the line of hydric conditions ended approximately 45 feet east of the boundary of the Babich parcel, based on the extent of willow shoots, and ended approximately 95 feet north of the drainage channel. GWC tested the

soils at the property line and did not identify any indicators of hydric soil conditions. Furthermore, GWC found that the field drains to the southwest, directly toward the southeast corner of the Babich parcel, where the drainage channel is located. No evidence of hydrology was noted on the property, except for one small willow shoot emerging near the fence line. GWC recommends that a 50 foot wetland protection buffer measured from the western extent of the small willow shoots be applied to the project. The applicant proposes to construct approximately 9 feet from the fence line which is 45 feet from the western extent of the small willow shoots which combines for a 54 foot distance from the building to the resources. According to GWC, this is a sufficient buffer to protect the resources, as they are shoots of willows and not a complex wetland. The County's Coastal Land Use Plan (LUP) requires that a determination of no adverse impact be made when reducing a protection buffer to a distance less than 100 feet in width. In 1981 the Coastal Commission adopted guidelines known as "Standards for Siting Development Adjacent to Environmentally Sensitive Habitat Areas" which are used in making the determination. GWC has addressed the seven standards as follows:

8. Biological significance of adjacent lands:

The lands adjacent to this parcel are not biologically significant. The property is located within a commercial development complex. Properties to the west and north are already developed commercially. Property to the south is developed commercially, with a dry drainage swale between the two properties. The property to the east is currently open, but previously cleared. A small group of willows was located on the adjacent property; however the remainder was covered with pasture grass. As this property is located in the midst of a commercial zoning area, and is surrounded by developed properties and a main road, the property has no biological significance.

9. Sensitivity of species to disturbance;

This area has little potential for use by wildlife due to the proximity of commercial businesses and major road. The undeveloped property to the east is dry year round, with only a small group of willows in its midst. The small drainage channel south of the property is dry except during high rainfall events. No sensitive species are known to occur in the immediate area, and the proposed building will be placed within an existing, fenced area.

10. Susceptibility of parcel to erosion:

The parcel and surrounding area is completely flat, having once been part of a mill yard. No erosion would occur from this development.

11. Use of natural, topographic features to locate development:

The applicant is proposing a building well distant from resources. There are no topographic features to utilize as the entire area is very flat.

12. Use of existing cultural features to locate buffer zones:

There are no existing cultural features to aid in screening any resources.

13. Lot configuration and location of existing development:

The commercial building is being placed well away from the drainage swale, and within an existing fenced perimeter.

14. Type and scale of development proposed:

The scale of the project is directly comparable to other commercial buildings already located within the commercial development area. It is being located within an existing, fenced area, and is not using the entire fenced area for the building.

Therefore, GWC recommends a non-development (protection) buffer of at least 50 feet should be mandated between potential resources located to the east and construction on the subject parcel. GWC's recommendation will be incorporated into the Staff's recommendation to the Environmental Review Committee. Comments received from the California Department of Fish and Game as a result of the environmental review will be incorporated into the recommendation made to the Planning Commission if they are not received prior to the next meeting of the Environmental Review Committee.

(Biological Assessment for Babich Property, Standard Veneer Road, Del Norte County, June 2009)

prepared by Galea Wildlife Consulting)

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

☐☐☐

No impact. The proposed project is not expected to affect wildlife dispersal or migration that would occur with the project sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

☐☐☐

No impact. See responses to IV a-e.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

☐☐☐

No impact. The project is not located in an area with an adopted Habitat Conservation Plans.

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?

☐☐☐

No impact. The project site is not located in an area designated for historic sensitivity in the Del Norte County General Plan. No historical structures were identified on the entire parcel. No adverse impact on historical resources in the County would occur with the project. Based on adjacent reviews of land it is the County's conclusion that there is a low probability of finding sites or other evidence of human historic or cultural activity in the area.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?

☐☐☐

No impact. Any surface archaeological resources that may have been present prior to development are not expected to be found at the site due to ground surface disturbance associated with constructed of the existing structures and grading of the existing landscape. Any new construction should only involve limited grading to prepare the site for new building and also road improvements as needed.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

☐☐☐

No impact. The potential for paleontological resources on site is considered low. Limited grading will be necessary to prepare the parcels for development. There is no evidence that paleontological resources exist at this location. No impact on paleontological resources is expected.

d) Disturb any human remains, including those interred outside of formal cemeteries?

☐☐☐

No impact. No impact on human remains is expected to occur with proposed project.

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

☐☐☐

No impact. No active or potentially active earthquake faults have been identified within Del Norte County; the provisions of the Alquist-Priolo Special Studies Zone are not applicable.

ii) Strong seismic ground shaking?

☐☐☐

No impact. No active or potentially active earthquake faults have been identified within Del Norte County that would cause strong seismic ground shaking.

iii) Seismic-related ground failure, including liquefaction?

☐☐☐

No impact. No active or potentially active earthquake faults have been identified within Del Norte County that would cause seismic-related ground failure, including liquefaction.

iv) Landslides?

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No impact. The project site is not located in an area that would be subject to landslides. The project site is located on relatively flat terrain.

b) Result in substantial soil erosion or the loss of topsoil?

☐☐☐

No impact. The site is relatively flat and is not located in an area with soil creep. It is also outside areas with very weak soils, which include baylands and streambeds. The foundation for the future building would involve limited grading and excavation. Thus, the proposed project would not result in substantial soil erosion or loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

☐☐☐

No impact. There is no known site history of hazards associated with landslide, lateral spreading, subsidence, liquefaction, or collapse at the project site. Thus, the project is not expected to be exposed to these hazards. There is no new or old fill on the parcel.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

☐☐☐

No impact. Standard and approved engineering practices shall be implemented during any excavation and construction activities. These measures will ensure the proposed building is structurally sound and future habitants are not exposed to geologic hazards.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

☐☐☐

No impact. The applicant is not proposing to have a restroom located within the storage and therefore has not provided any information related to a wastewater disposal system.

VII. HAZARDS AND HAZARDOUS MATERIALS

B Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

☐☐☐

No impact. The proposed project is for a storage building. The applicant has indicated the storage building would not use, generate, transport or dispose of hazardous material, nor be involved in the generation or handling of hazardous materials in quantities which may create public health hazards. Thus no significant hazards to the public related to hazardous materials would occur with the project. If a future commercial use does create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, it would be addressed through a separate environmental review specific to the proposed commercial use as required by CEQA.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

☐☐☐

No impact. The proposed project is not anticipated to handle any hazardous materials in large quantities that may create risks of upset conditions. Thus, no impact regarding the release of hazardous materials into the environment is expected from the project.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

☐☐☐

No impact. The project site is more than ¼ mile from any existing school. No schools are proposed within ¼ mile of the project site. Additionally, the proposed project would not handle hazardous materials or emit hazardous emissions that may create public health hazards to residents or to adjacent neighbors. Thus, no impact regarding hazardous emissions is expected from the project.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

☐☐☐

No impact. The project, which is the construction of a storage building, does not result in the handling of hazardous materials. The project site is not presently included on a list of hazardous materials compiled to the above referenced Government Code Section.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

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No impact. The project site is located over two miles east of McNamara Airfield in Crescent City. The project site is not located in an established flight path and as such there is a less than significant chance that the project would result in a safety hazard for people working in the project area.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

☐☐☐

No impact. There are no private airstrips near the project site. As such, the project would not result in a safety hazard for people residing or working in the project area.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

☐☐☐

The proposed project would not interfere with emergency response to the site or the surrounding area.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

☐☐☐

Less than significant. The subject parcel is located within a designated as a Moderate Wildland Hazard Area as identified by the California Department of Forestry and Fire Protection. All work will be subject to review and approval by the Crescent Fire Protection District.

VIII. HYDROLOGY AND WATER QUALITY --
Would the project:

a) Violate any water quality standards or waste discharge requirements?

☐☐☐

No impact. Stormwater runoff would be limited to rainfall onto graveled and/or paved areas and is not expected to violate water quality standards. It is the policy of the County to follow existing and future Federal and State water quality standards. Any grading that disturbs more than 1-acre of land is required to obtain a State Water Resources Control Board Construction Storm Water Permit. Disturbed land includes new access roads, soil stockpiling, staging areas and offsite disposal of soils.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

☐☐☐

No impact. Public water provided by the City of Crescent City is located in close proximity to the project site. No water supply is proposed for potable usage.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

☐☐☐

No impact. The proposed project includes minor clearing and grading necessary for the improvement of this site. Runoff from the site would be minor. No alterations of any stream or river or other drainage pattern would occur that would cause substantial erosion or siltation. A drainage and grading plan may be required by the County Engineering & Surveying Division for review and approval prior to construction. If required, the drainage plan shall address, but is not limited to both onsite and offsite drainage and may incorporate a storm drain system.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

☐☐☐

No impact. The decrease in the amount of ground percolation and an increase in the amount of runoff to storm drains would not be significant due to the size of the area (1.3 acres). The increase in the amount of runoff is not expected to be so substantial as to cause flooding.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

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No impact. The increase in runoff from the approximately 1.3-acre site is not anticipated to be substantial enough to cause area flooding. Any future development on the subject parcel will be evaluated by the County Engineering and Surveying Division to determine if additional study and/or environmental review should be required in order to hold the project application complete.

f) Otherwise substantially degrade water quality?

☐☐☐

No impact. The proposed project would not generate, handle or dispose of hazardous materials in quantities, which may affect stormwater runoff quality.

g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

☐☐☐

No impact. The parcel is not located within a designated Zone A 100-year flood hazard area based on a review of Flood Insurance Rate Maps prepared by FEMA (Community Panel Number 06015C0215E, Map Revised: September 26, 2008, panel 215 of 675).

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

☐☐☐

No impact. The site is located outside areas designated within a designated 100-year flood hazard area. The proposed projects access will not impede or redirect stormwater runoff or any flood flows except to storm drains/drainage ditches.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

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No impact. The project site is located outside designated dam inundation as shown on the County Safety and Safety Hazard Element. Thus, no significant risk of loss, injury or death involving dam inundation would occur with the proposed project.

j) Inundation by seiche, tsunami, or mudflow?

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No impact. The project site is located inland and is not subject to seiche or tsunami hazards. The site is also located on relatively flat terrain and no mudflow hazards are present in the area. No dams are located near the site which may pose inundation hazards.

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

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No impact. The project is located within the unincorporated portion of Del Norte County. No communities will be divided by the project (Del Norte County General Plan – Land Use Element).

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

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No impact. The project site is located within the Crescent City Urban Planning Area and is designated as Industrial in the Del Norte County Land Use Plan. The site is zoned M (Manufacturing and Industrial) in the Del Norte County Title 21 Coastal Zoning Ordinance. The proposed project would not change the land use on the subject parcel. The proposed project would not conflict with any regional land use or environmental plans. No environmental plans or policies of state or regional agencies are directly applicable or would be affected by the proposed project.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

☐☐☐

No impact. The project site is located in an urbanized area of Del Norte County and is not designated under County adopted conservation plan. There are no habitat conservation plans that are applicable to the site or the surrounding area. Thus, the proposed project would not conflict with any conservation plan.

X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

☐☐☐

No impact. The project site is not located in an area designated to have significant mineral resources, as defined by the California Department of Conservation under the Surface Mining and Reclamation Act. The proposed project would not affect mineral resources in the area.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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No impact. The project site and the surrounding area are not subject to mineral resource recovery operations. Thus, the proposed project would not affect mining operations elsewhere in the County.

XI. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

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No impact. The subject parcel is not located within the County's Noise Attenuation Zone for mitigation of noise related to highway generation.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

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No impact. On-site construction activities would create noises from construction equipment and vibration from grading activities. Noise levels from construction equipment range from 65 to 105 DBA at 50 feet from the noise source.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

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No impact. The proposed storage building will not contribute to the existing noise level and would not be perceptible. Again, as stated elsewhere in this study, future or any change in use of the storage building will be reviewed for compatibility with the M Zoning and if necessary, a separate environmental review will be conducted to address potential impacts to the environment.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

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No impact. The proposed project would not involve a significant increase in noise levels. Also, see response above.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

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No impact. The proposed site is located more than two miles from McNamara Air Field in Crescent City. As such, the project will not expose people working in the project area to excessive noise levels.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

☐☐☐

No impact. There are no private airstrips located near the site which may expose residents to excessive noise levels. The proposed project would not increase on-site exposure to aircraft noise.

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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No impact: This project is for a storage building, which is permitted uses in this district. The development will not result in any significant amount of growth nor would it affect significantly the population growth in the area as it has no residential component.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

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No impact. The proposed project would not displace any housing units located near the site. The project involves no change in housing either on-site or off-site. Adjacent housing units would not be demolished, and no displacement would occur with the project.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

☐☐☐

No impact. The proposed project would not displace households or residents of the area.

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

☐☐☐

Less than Significant with Mitigation Incorporated. The proposed project would increase demand for fire protection services in case of a fire emergency based on the addition of the storage building. Compliance with the requirements of the Uniform Fire Code for fire safety and fire emergency response would avoid the potential for significant impacts on fire protection services. The project will also be subject to review and approval by the Crescent Fire Protection District.

Police protection?

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No impact. The project would not result in the need to alter or expand police service in the area and would not have an adverse effect on existing police service or response times.

Schools?

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No impact. There is no residential use proposed as part of the project.

Parks?

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No impact. The proposed site is not a designated park within the County.

Other public facilities?

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No impact. The project is not expected to lead to the need for new governmental services or is it expected to create a demand for other public facilities.

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

☐☐☐

No impact. The proposed project would result in little to no increase in the use of existing neighborhood and regional parks or other recreational facilities. The impact is not expected to be significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

☐☐☐

No impact. The proposed project would not result in a substantial increase in users of existing neighborhood and regional parks or other recreational facilities.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

☐☐☐

No impact. The proposed project would not lead to a significant increase in additional vehicle trips as the storage building will result in minimal new trips to the project area. The building will be used for storage which typically doesn't result in a significant amount of traffic generation. The County Engineering and Surveying Division has reviewed this project and has not determined that traffic impact analysis is necessary.

Road improvements and securement of an encroachment permit for any new encroachments from Standard Veneer Road, a County maintained road, may be a condition of the project approval.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

☐☐☐

No impact. The LOS is not expected to change as a result of the project.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

☐☐☐

No impact. The proposed project would not involve air transportation nor affect air traffic at any airports. Thus, no impact on air traffic patterns would occur.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

☐☐☐

No impact. No hazards due to design features or incompatible uses are anticipated.

e) Result in inadequate emergency access?

☐☐☐

No impact. Adequate emergency vehicle access would be provided to the site from Standard Veneer Road. The proposed project would not alter emergency access to properties surrounding the site. Thus, emergency access to the site or to adjacent uses would not be affected by the proposed project. The subdivision will be subject to review by the Crescent Fire Protection District for compliance with minimum fire safe standards. As such, road improvements are a condition of this project.

f) Result in inadequate parking capacity?

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No impact: The parcel is 1.3 acres with a 4,608 square foot storage building. Two parking spaces will be required for the storage building. The project site will have more than adequate space for parking. Parking will be proposed as a condition of this project and will be consistent with the requirements of the County Off-Street Parking Ordinance.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

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No impact. The proposed project will not conflict with any adopted policies, plans or programs supporting alternative transportation or will it impact any bus turnouts or bicycle racks.

XVI. UTILITIES AND SERVICE SYSTEMS --

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

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No impact. The proposed project would not result in generation of wastewater which exceeds the treatment requirements of the Regional Water Quality Control Board. The project will not be connected to a public or private wastewater system.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

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No impact. The project will connect to a public water system which currently has adequate capacity. An on-site sewage disposal system will be constructed that will meet all County requirements and be inspected as part of the building permit process.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

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No impact. This project will not require the construction of new storm drainage facilities. Therefore, no impacts associated with storm water drainage facilities would occur.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

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No impact. The estimated water use is not considered a substantial amount to require new sources or entitlements to local or regional water supplies.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the providers existing commitments?

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No impact. The proposed building will be connected to an on-site wastewater disposal system.

f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?

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No impact. Solid waste disposal needs for the parcels can be accommodated by the Del Norte Transfer Station.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

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No impact. No conflict with solid waste regulations is expected.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐☐☐

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☐☐☐

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐☐☐



GALEA WILDLIFE CONSULTING

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AUG 18 2009

PLANNING
COUNTY OF DEL NORTE

BIOLOGICAL ASSESSMENT FOR BABICH PROPERTY, STANDARD VENEER ROAD, DEL NORTE COUNTY. JUNE, 2009.

SUMMARY

The Applicant plan to construct a commercial building on a lot located within a commercial development park on Standard Veneer Road. Galea Wildlife Consulting reviewed the property to determine if sensitive biological resources were present and if buffers to those resources were needed. The property was found to be free of sensitive biological resources. Potential wetland habitats were located 45 feet east of the property. A no-development buffer of 50 feet was recommended for potential wetlands to the east and a no-development buffer of 25 feet was recommended for a drainage channel on the south edge of the property.

INTRODUCTION

The Applicant wishes to submit building plans for a commercial building to be located on a commercial property located on the south of Standard Veneer Road in Del Norte County (Figure 1). This entire area was historically a mill site and has been re-designated as a commercial development area. The property is located west of Lake Earl Drive and is within the jurisdiction of the California Coastal Commission.

The property is 481 feet long (north to south) and 116 feet wide. The property is partially fenced toward the south end. The fencing is actually shared with another landowner, and continues off the property to the west another 116 feet. The proposed structure would be built across the property from east to west, near the midst of the property (Figure 2).

Galea Wildlife Consulting (GWC) Inc. of Crescent City was contracted to provide a general biological assessment to determine the potential impacts on sensitive wildlife species by building on the property, including federally or state listed species, and species of special concern, and determine the extent of wetland habitats if any on the property or in the area and make recommendations should resources be located on or near the property.

METHODS

Field Investigation

A field investigation of the project area was conducted in early June of 2009. Certified Wildlife Biologist Frank Galea conducted the field review. All potential wildlife habitats within the project area and within 1/4 mile around the project area were assessed for their potential for listed wildlife and plant species. Trees were searched with 8x power binoculars for nest structures, and the ground under the trees was searched for evidence of avian occupancy.

Private properties immediately east of the subject property were reviewed for biological resources, however a full wetland delineation was not possible due to it being private property.

The California Department of Fish and Game's Natural Diversity Data Base was not used to determine what species might be potentially present. This project is small, located on a property which has been completely cleared for many years within a commercial area, and has little potential to impact sensitive species, therefore a database search was not warranted.

RESULTS

Current Conditions

The property is located at the site of the old Standard Veneer timber mill. Several old mills were once located in the immediate area (black shapes in Figure 1) and historic log ponds are located approximately 410 feet southwest of the property. Lake Earl is located approximately 1.5 miles to the north.

The property is currently cleared and partially fenced. Ground level is artificially low as the area was scraped of soil years ago for another construction project. West of the property is an identical lot with a commercial facility constructed within the same fenced perimeter. East of the property are parcels currently bare and vacant. North and south of the property are commercial buildings and businesses.

Historically, there was an artificial pond located approximately 500 feet southwest of Standard Veneer Road (Figure 1) which has been completely filled in and is now used as a commercial equipment storage yard. This fill is approximately five feet higher than the elevation of this project site, creating a berm of material south of the property. As the surface flow hydrology of the area is to the southwest, this fill acts to block normal surface water flow. For this reason a shallow drainage ditch was created at the foot of the berm, allowing water to drain to the west. This drainage channel is not fed by any culverts along Lake Earl Drive, or from any other source. The drainage channel is located at the extreme south side of the property. The fence is located approximately 25 feet north of the drainage channel.

Field Visit

A field visit to the site was conducted on June 2nd, 2009. On that date there was no water evident within the drainage channel, nor was there evidence of recent hydrology, with the ground being completely dry. The berm beyond the drainage channel was covered with vegetation, primarily willows. The drainage channel had been cleared to allow drainage to occur during storm events.

Approximately 20 feet east of the southeast corner of the property, the willows were more prevalent within the drainage channel. Maintenance of the drainage channel, such as periodic clearing to remove woody debris and brush species, appears necessary to maintain drainage of the site. As no sensitive biological resources are currently present and would not likely persist due to dry conditions and periodic cleaning, the drainage channel does not meet the criteria of an environmentally sensitive habitat area (ESHA) and a 25 foot non-development buffer from the north side of the drainage swale is sufficient. This would place the edge of the buffer five feet within the fenced area of the property.

The field east of the project property was covered with tall pasture grass, but also contained a small stand of young willows and a line of small willow shoots emerging from the soil, in a east to west line toward the subject property. Willows are considered indicators of wetlands and usually grow where soils are more hydric than surrounding areas, though not necessarily in wetlands.

Potentially, a subsurface line of hydrology exists in this field, creating wet conditions allowing hydric-preferring vegetation to colonize the site. There was no hydrology linked to the hydric conditions in the field. The line of hydric conditions ended approximately 45 feet east of the boundary of this property, based on the extent of willow shoots, and approximately 95 feet north of the drainage channel. Soils tests to 18 inches did not reveal hydric soil conditions 45 feet east of the property, rather, soils were dry, contained pieces of old redwood and gravels, and showed evidence of clay from a deeper depth. Ground elevations indicated that the field east of the property drains to the southwest, directly toward the SE corner of the subject property, where the drainage canal is located. As this potential wetland was located within a private property further investigation was not conducted.

The property itself was covered with dense pasture grass. No evidence of hydrology was noted on the property, except for one small willow shoot emerging near the fenceline.

Development within the subject property would have no impacts on potential sensitive resources within the property, or east of the subject property. The subject property is already cleared and fenced, therefore a new building would have no impacts on sensitive resources or habitats.

Reduced Buffers to Potential Wetlands

The field east of the subject property contains a few willow trees, with willow shoots evident to within 45 feet of the subject property. No other indicators of "wetland" ecology were present.

The Applicant proposes to build starting 9 feet west of the existing fence. This allows a 50 foot buffer (actual distance, 54 feet) between the few willow shoots and the building, with a fence in between (Figure 2). This is a sufficient buffer to protect these resources, as they are shoots of willows and not a

complex wetland. The willows are located adjacent to a busy road within an industrial area, however as the field is immediately adjacent to a major road and is located in an industrial park, the field gets very little use by wildlife. The new building will be placed completely within an area already fenced. Therefore, a reduced buffer to resources has already occurred, and this project will not reduce the width of the current buffer. A reduced buffer to this potential resource is therefore acceptable.

As per section VII.D.4 of the LUP's Marine and Water Resources chapter, section f: *A buffer of less than one-hundred feet may be utilized where it can be determined there is no adverse impact on the wetland.*

The following criteria are used to determine if significant impacts to resources would occur from a reduced buffer:

- 1. Biological significance of adjacent lands:** The lands adjacent to this parcel are not biologically significant. The property is located within a commercial development complex. Properties to the west and north are already developed commercially. Property to the south is developed commercially, with a dry drainage swale between the two properties. The property to the east is currently open, but previously cleared. A small group of willows was located on the adjacent property, however the remainder was covered with pasture grass. As this property is located in the midst of a commercial zoning area, and is surrounded by developed properties and a main road, the property has no biological significance.
- 2. Sensitivity of species to disturbance:** This area has little potential for use by wildlife due to the proximity of commercial businesses a major road. The undeveloped property to the east is dry year round, with only a small group of willows in it's midst. The small drainage channel south of the property is dry except during high rainfall events. No sensitive species are known to occur in the immediate area, and the proposed building will be placed within an existing, fenced area.
- 3. Susceptibility of parcel to erosion:** The parcel and surrounding area is completely flat, having once been part of a mill yard. No erosion would occur from this development.
- 4. Use of natural, topographic features to locate development:** The Applicant is proposing a building well distant from resources. There are no topographic features to utilize as the entire area is very flat.
- 5. Use of existing cultural features to locate buffer zones:** There are no existing cultural features to aid in screening any resources.
- 6. Lot configuration and location of existing development:** The commercial building is being placed well away from the drainage swale, and within an existing fenced perimeter.
- 7. Type and scale of development proposed:** The scale of the project is directly comparable to other commercial buildings already located within te commercial development area. It is being located within an existing, fenced area, and is not using the entire fenced area for the building.

RECOMMENDATIONS

1. A non-development buffer of at least 50 feet should be mandated between potential resources located to the east and construction on the subject property.

QUALIFICATIONS

Impact assessment and report writing for this project was conducted by Principal Biologist Frank Galea. Frank is the primary Biological Consultant and owner of Galea Wildlife Consulting, established in 1989. Frank is Certified as a Wildlife Biologist through the Wildlife Society. Frank's qualifications include a Master of Science Degree in Wildlife Management from Humboldt State University and a Bachelor of Science in Zoology from San Diego State University. Frank has been assessing habitat and conducting field surveys for Threatened and Endangered species for over 16 years. Frank has taken an accredited class on wetland delineation through the Wetland Training Institute, and has successfully completed a Watershed Assessment and Erosion Treatment course through the Salmonid Restoration Federation.

Eileen Cooper
2644 Roy, Crescent City, CA 95531
June 25, 2010

ATT: Del Norte County Planning. REGARDING: CDP Babich B30867C #110-440-13
200 Standard Veneer, Storage building

The wetland/biological report appears to be inaccurate. The Dept. of Fish and Game review biologist, Michael VanHatten, during phone conversation June 17, 2010, stated that there appeared to be more wetlands than was indicated, as he had previously observed obligate wetland indicator species in areas where the project disturbance is indicated. The biological report is dated Nov 15, 2009, which is not the wet season, when hydrological conditions would allow assessment for Coastal wetland criteria. There are insufficient setbacks indicated from wetland areas and drainages that are important as they are contiguous with Lake Earl wetlands/ponds. Other projects on Standard Veneer Rd. have been required to have greater wetland buffers. There seems to be an excessively large area from the road frontage, ~ 400', where the storage building could be located. Standard Veneer is a large wide, straight level road, and it is disingenuous to claim that approximately 400' would be required along the frontage for trucks to enter and leave the property. Fences can be moved easily. Wetlands can be easily disturbed by industrial activities.

Thank you, Eileen Cooper



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JUN 25 2010

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COUNTY OF DEL NORTE



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Northern Region
601 Locust Street, Redding, CA 96001
<http://www.dfg.ca.gov>

ARNOLD S.

JARZENEGGER, Governor
DONALD KOCH, Director



October 27, 2009

Ms. Heidi Kunstal, Senior Planner
Del Norte County Planning Department
981 H Street, Room 110
Crescent City, CA 95531

EXHIBIT NO. 7

APPEAL NO.

A-1-DNC-10-027

BABICH

FISH & GAME COMMENTS ON
WETLANDS (1 of 2)

RE: Proposed Mitigated Negative Declaration (SCH # 2009092077) for Babich Coastal Development Permit, Crescent City, Del Norte County

Dear Ms. Kunstal:

On September 25, 2009, the Department of Fish and Game (DFG) received from the Del Norte County Planning Department (Lead Agency) a proposed Mitigated Negative Declaration (MND; State Clearinghouse # 2009092077) for the Babich (Applicant) Storage Building (Project) near Crescent City, Del Norte County, California. As a trustee for the State's fish and wildlife resources, DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a responsible agency, DFG administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. DFG offers the following comments and recommendations on this project in our role as a trustee and responsible agency under the California Environmental Quality Act (CEQA, California Public Resource Code §21000 *et seq.*).

Project Description

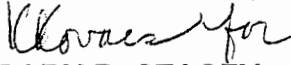
The Applicant proposes to construct a 96-foot-wide by 48-foot-long by 22-foot-high storage building on a 1.30-acre parcel that is currently mowed. The subject parcel is located along Standard Veneer Road and its General Plan Land Use designation is General Industrial with a Zone designation of M (Manufacturing and Industrial). A biological assessment was prepared by Galea Wildlife Consulting (GWC) and no sensitive biological resources were identified on the subject parcel. A formal wetland delineation was not completed for the Project but GWC suggested that "potential wetlands" occur east of the subject parcel based on the presence of willows (*Salix* sp.). A 50-foot-wide wetland buffer (25 feet on each side of the centerline) is proposed to protect a maintained drainage channel found immediately south of the parcel and outside of the existing subject parcel fencing. The wetland buffer would extend five feet beyond the existing fence onto the subject parcel and the building would be located four feet beyond the buffer.

Ms. Heidi Kunstal
October 27, 2009
Page Two

DFG staff field reviewed the subject parcel on September 29, 2009, and found that the subject parcel contains wetlands not identified in the GWC report. Vegetation on the southern portion of the parcel is predominantly hydrophytic (water-loving) and herbaceous species ranged from facultative to obligate. With the exception of a small patch of re-sprouting willows, shrubs and trees are absent from the parcel. Soils ranged from non-hydric with indications of historic fill, to mottled (i.e. concentrations and depletions) with redoxmorphic features (oxidized root channels). Based on these features, hydrology was inferred due to the seasonality of the field review. The parcel is clearly disturbed due to current and historic land use; however, the predominance of hydrophytes and hydric soils on the southern portion of the parcel suggests that additional wetland investigation and delineation is warranted.

If you have any questions or comments regarding this matter, please contact Environmental Scientist Michael van Hattem (707) 445-5368 at 619 Second Street, Eureka, California 95501.

Sincerely,


GARY B. STACEY
Regional Manager

cc: Ms. Laurie Harnsberger
Department of Fish and Game
619 Second Street
Eureka, CA 95501

Messrs. Dean Prat, Paul Keiran
North Coast Regional Water Quality
Control Board
dprat@waterboards.ca.gov,
pkeiran@waterboards.ca.gov

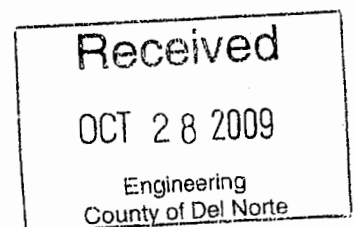
cc: Mr. Arthur Reeve
County of Del Norte
areeve@co.del-norte.ca.us

Messrs. William Condon, Gordon Leppig,
Scott Bauer, Michael van Hattem
Ms. Laurie Harnsberger
Department of Fish and Game
wcondon@dfg.ca.gov,
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lharnsberger@dfg.ca.gov

Mr. Kelley Reid
Army Corps of Engineers
Kelley.E.Reid@usace.army.mil

Mr. Bob Merrill
California Coastal Commission
bmerrill@coastal.ca.gov

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COUNTY OF DEL NORTE
COMMUNITY DEVELOPMENT DEPARTMENT

981 "H" Street, Suite 110
Crescent City, California 95531

Fax (707) 465-0340

Planning
(707) 464-7254

Engineering & Surveying
(707) 464-7229

Roads
(707) 464-7238

Building Inspection
(707) 464-7253

February 2, 2010

Gary B. Stacey
California Department of Fish and Game
Northern Region
601 Locust Street
Redding, CA 96001

Dear Mr. Stacey,

Thank you for your comments on the Mitigated Negative Declaration (MND; State Clearinghouse #2009092077) for the Henry Babich Coastal Development Permit for a Storage Building project.

Following the receipt of your comment letter and another sent by the California Regional Water Quality Control Board, the applicant was requested to provide a wetland delineation as well as additional justification for the need for reduced buffers. I have attached a copy of the response prepared by the applicant's biologist for your review.

The purpose of this letter is to seek any additional comments that you may have to the biologist's response prior to the County taking action on the MND. A revised MND has *not* been prepared as no new mitigation measures have been incorporated into the project proposal.

The biologist has proposed *no* changes in the location or size of the storage building.

Any additional assistance that you can provide in the review is greatly appreciated. If you have any questions you may reach me by phone at (707) 464-7254 or by e-mail at hkunal@co.del-norte.ca.us.

Regards,

Heidi Kunstal
Senior Planner

cc: Michael van Hattem, DFG

EXHIBIT NO. 8

APPEAL NO.

A-1-DNC-10-027

BABICH

COUNTY RESPONSE TO FISH
& GAME LETTER



GALEA WILDLIFE CONSULTING

200 Raccoon Court . Crescent City . California 95531

Tel: 707-464-3777

E-mail: frankgalea@charter.net . Web: www.galeawildlife.com

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AUG 18 2009

PLANNING
COUNTY OF DEL NORTE

BIOLOGICAL ASSESSMENT FOR BABICH PROPERTY, STANDARD VENEER ROAD, DEL NORTE COUNTY. JUNE, 2009.

SUMMARY

The Applicant plan to construct a commercial building on a lot located within a commercial development park on Standard Veneer Road. Galea Wildlife Consulting reviewed the property to determine if sensitive biological resources were present and if buffers to those resources were needed. The property was found to be free of sensitive biological resources. Potential wetland habitats were located 45 feet east of the property. A no-development buffer of 50 feet was recommended for potential wetlands to the east and a no-development buffer of 25 feet was recommended for a drainage channel on the south edge of the property.

INTRODUCTION

The Applicant wishes to submit building plans for a commercial building to be located on a commercial property located on the south of Standard Veneer Road in Del Norte County (Figure 1). This entire area was historically a mill site and has been re-designated as a commercial development area. The property is located west of Lake Earl Drive and is within the jurisdiction of the California Coastal Commission.

The property is 481 feet long (north to south) and 116 feet wide. The property is partially fenced toward the south end. The fencing is actually shared with another landowner, and continues off the property to the west another 116 feet. The proposed structure would be built across the property from east to west, near the midst of the property (Figure 2).

Galea Wildlife Consulting (GWC) Inc. of Crescent City was contracted to provide a general biological assessment to determine the potential impacts on sensitive wildlife species by building on the property, including federally or state listed species, and species of special concern, and determine the extent of wetland habitats if any on the property or in the area and make recommendations should resources be located on or near the property.

Babich Application

EXHIBIT NO. 9
APPEAL NO.
A-1-DNC-10-027
BABICH
BIOLOGICAL ASSESSMENT
(1 of 13)

Galea Wildlife Consulting, June 2009

METHODS

Field Investigation

A field investigation of the project area was conducted in early June of 2009. Certified Wildlife Biologist Frank Galea conducted the field review. All potential wildlife habitats within the project area and within 1/4 mile around the project area were assessed for their potential for listed wildlife and plant species. Trees were searched with 8x power binoculars for nest structures, and the ground under the trees was searched for evidence of avian occupancy.

Private properties immediately east of the subject property were reviewed for biological resources, however a full wetland delineation was not possible due to it being private property.

The California Department of Fish and Game's Natural Diversity Data Base was not used to determine what species might be potentially present. This project is small, located on a property which has been completely cleared for many years within a commercial area, and has little potential to impact sensitive species, therefore a database search was not warranted.

RESULTS

Current Conditions

The property is located at the site of the old Standard Veneer timber mill. Several old mills were once located in the immediate area (black shapes in Figure 1) and historic log ponds are located approximately 410 feet southwest of the property. Lake Earl is located approximately 1.5 miles to the north.

The property is currently cleared and partially fenced. Ground level is artificially low as the area was scraped of soil years ago for another construction project. West of the property is an identical lot with a commercial facility constructed within the same fenced perimeter. East of the property are parcels currently bare and vacant. North and south of the property are commercial buildings and businesses.

Historically, there was an artificial pond located approximately 500 feet southwest of Standard Veneer Road (Figure 1) which has been completely filled in and is now used as a commercial equipment storage yard. This fill is approximately five feet higher than the elevation of this project site, creating a berm of material south of the property. As the surface flow hydrology of the area is to the southwest, this fill acts to block normal surface water flow. For this reason a shallow drainage ditch was created at the foot of the berm, allowing water to drain to the west. This drainage channel is not fed by any culverts along Lake Earl Drive, or from any other source. The drainage channel is located at the extreme south side of the property. The fence is located approximately 25 feet north of the drainage channel.

Field Visit

A field visit to the site was conducted on June 2nd, 2009. On that date there was no water evident within the drainage channel, nor was there evidence of recent hydrology, with the ground being completely dry. The berm beyond the drainage channel was covered with vegetation, primarily willows. The drainage channel had been cleared to allow drainage to occur during storm events.

Approximately 20 feet east of the southeast corner of the property, the willows were more prevalent within the drainage channel. Maintenance of the drainage channel, such as periodic clearing to remove woody debris and brush species, appears necessary to maintain drainage of the site. As no sensitive biological resources are currently present and would not likely persist due to dry conditions and periodic cleaning, the drainage channel does not meet the criteria of an environmentally sensitive habitat area (ESHA) and a 25 foot non-development buffer from the north side of the drainage swale is sufficient. This would place the edge of the buffer five feet within the fenced area of the property.

The field east of the project property was covered with tall pasture grass, but also contained a small stand of young willows and a line of small willow shoots emerging from the soil, in a east to west line toward the subject property. Willows are considered indicators of wetlands and usually grow where soils are more hydric than surrounding areas, though not necessarily in wetlands.

Potentially, a subsurface line of hydrology exists in this field, creating wet conditions allowing hydric-preferring vegetation to colonize the site. There was no hydrology linked to the hydric conditions in the field. The line of hydric conditions ended approximately 45 feet east of the boundary of this property, based on the extent of willow shoots, and approximately 95 feet north of the drainage channel. Soils tests to 18 inches did not reveal hydric soil conditions 45 feet east of the property, rather, soils were dry, contained pieces of old redwood and gravels, and showed evidence of clay from a deeper depth. Ground elevations indicated that the field east of the property drains to the southwest, directly toward the SE corner of the subject property, where the drainage canal is located. As this potential wetland was located within a private property further investigation was not conducted.

The property itself was covered with dense pasture grass. No evidence of hydrology was noted on the property, except for one small willow shoot emerging near the fenceline.

Development within the subject property would have no impacts on potential sensitive resources within the property, or east of the subject property. The subject property is already cleared and fenced, therefore a new building would have no impacts on sensitive resources or habitats.

Reduced Buffers to Potential Wetlands

The field east of the subject property contains a few willow trees, with willow shoots evident to within 45 feet of the subject property. No other indicators of "wetland" ecology were present.

The Applicant proposes to build starting 9 feet west of the existing fence. This allows a 50 foot buffer (actual distance, 54 feet) between the few willow shoots and the building, with a fence in between (Figure 2). This is a sufficient buffer to protect these resources, as they are shoots of willows and not a

complex wetland. The willows are located adjacent to a busy road within an industrial area, however as the field is immediately adjacent to a major road and is located in an industrial park, the field gets very little use by wildlife. The new building will be placed completely within an area already fenced. Therefore, a reduced buffer to resources has already occurred, and this project will not reduce the width of the current buffer. A reduced buffer to this potential resource is therefore acceptable.

As per section VII.D.4 of the LUP's Marine and Water Resources chapter, section f: A buffer of less than one-hundred feet may be utilized where it can be determined there is no adverse impact on the wetland.

The following criteria are used to determine if significant impacts to resources would occur from a reduced buffer:

1. Biological significance of adjacent lands: The lands adjacent to this parcel are not biologically significant. The property is located within a commercial development complex. Properties to the west and north are already developed commercially. Property to the south is developed commercially, with a dry drainage swale between the two properties. The property to the east is currently open, but previously cleared. A small group of willows was located on the adjacent property, however the remainder was covered with pasture grass. As this property is located in the midst of a commercial zoning area, and is surrounded by developed properties and a main road, the property has no biological significance.

2. Sensitivity of species to disturbance: This area has little potential for use by wildlife due to the proximity of commercial businesses a major road. The undeveloped property to the east is dry year round, with only a small group of willows in it's midst. The small drainage channel south of the property is dry except during high rainfall events. No sensitive species are known to occur in the immediate area, and the proposed building will be placed within an existing, fenced area.

3. Susceptibility of parcel to erosion: The parcel and surrounding area is completely flat, having once been part of a mill yard. No erosion would occur from this development.

4. Use of natural, topographic features to locate development: The Applicant is proposing a building well distant from resources. There are no topographic features to utilize as the entire area is very flat.

5. Use of existing cultural features to locate buffer zones: There are no existing cultural features to aid in screening any resources.

6. Lot configuration and location of existing development: The commercial building is being placed well away from the drainage swale, and within an existing fenced perimeter.

7. Type and scale of development proposed: The scale of the project is directly comparable to other commercial buildings already located within the commercial development area. It is being located within an existing, fenced area, and is not using the entire fenced area for the building.

RECOMMENDATIONS

1. A non-development buffer of at least 50 feet should be mandated between potential resources located to the east and construction on the subject property.

QUALIFICATIONS

Impact assessment and report writing for this project was conducted by Principal Biologist Frank Galea. Frank is the primary Biological Consultant and owner of Galea Wildlife Consulting, established in 1989. Frank is Certified as a Wildlife Biologist through the Wildlife Society. Frank's qualifications include a Master of Science Degree in Wildlife Management from Humboldt State University and a Bachelor of Science in Zoology from San Diego State University. Frank has been assessing habitat and conducting field surveys for Threatened and Endangered species for over 16 years. Frank has taken an accredited class on wetland delineation through the Wetland Training Institute, and has successfully completed a Watershed Assessment and Erosion Treatment course through the Salmonid Restoration Federation.



GALEA WILDLIFE CONSULTING

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RESPONSE TO AGENCY COMMENTS, BIOLOGICAL ASSESSMENT FOR BABICH PROPERTY, STANDARD VENEER ROAD, DEL NORTE COUNTY. DECEMBER 2009

INTRODUCTION

Galea Wildlife Consulting (GWC) Inc. conducted a biological assessment for a planned commercial building to be located on a commercial property located on the south of Standard Veneer Road in Del Norte County. This entire area was historically a mill site and has been re-designated as a commercial development area. The property is located west of Lake Earl Drive and is within the jurisdiction of the California Coastal Commission.

GWC determined that potential wetland habitats (located on an adjacent property) were located 45 feet east of the property. A no-development buffer of 50 feet was recommended for potential wetlands to the east and a no-development buffer of 25 feet was recommended for a drainage channel on the south edge of the property.

AGENCY RESPONSE

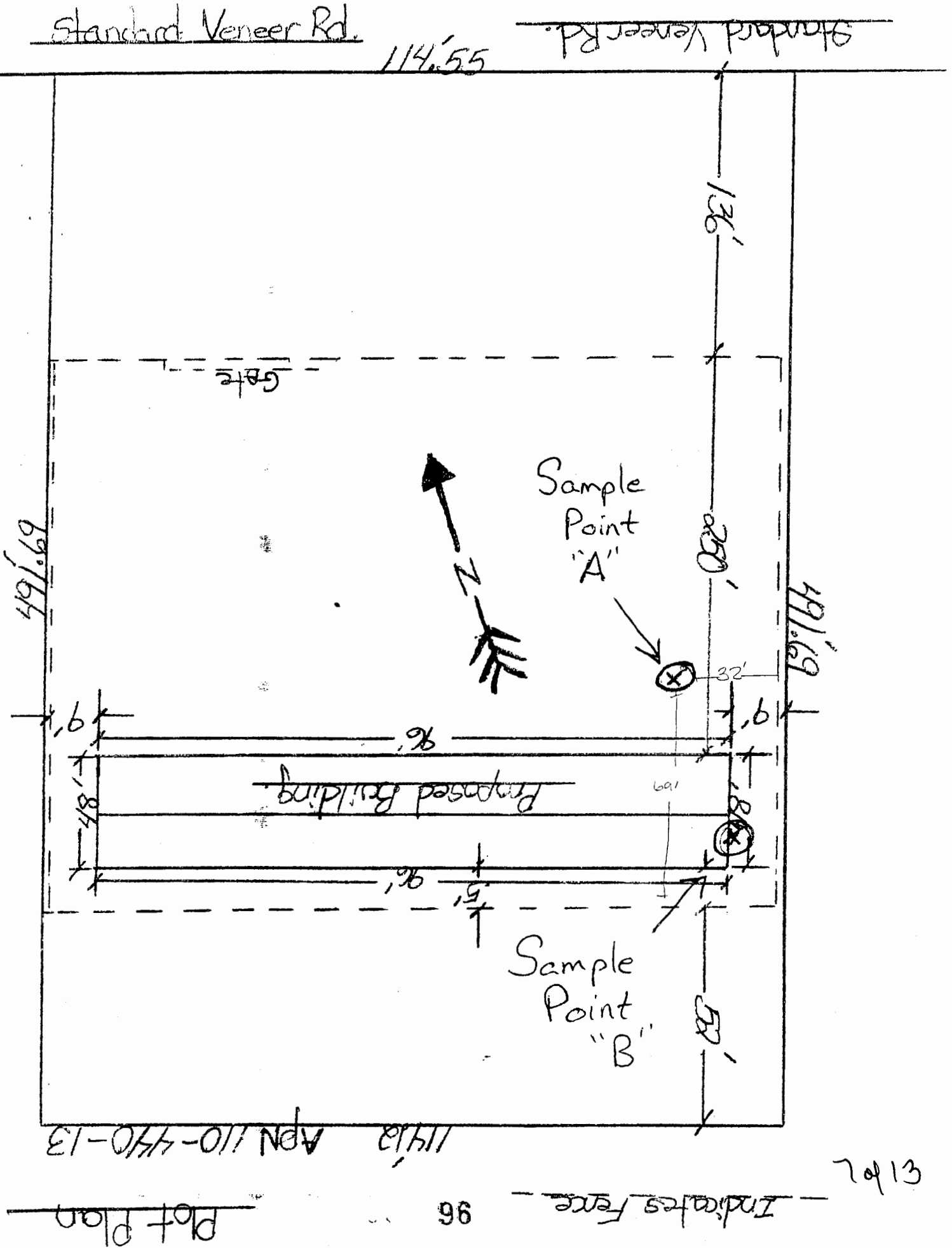
The California Department of Fish and Game (CDF&G) and the North Coast Regional Water Quality Control Board (NCRWQCB) both sent comments on Del Norte County's proposed mitigated negative declaration. This document will attempt to address the concerns raised by both agencies.

NCRWQCB COMMENTS

1. The NCRWQCB wanted to know why the proposed building was set back so far south on the property, and why the building could not be placed farther north and away from potential biological resources, such as a drainage ditch.

The building was planned toward the southern end of the property because the primary purpose of the building would be for the storage of a contractors equipment. This entails the driving of large trucks and equipment on trailers, which have to be negotiated within a fenced area, and backed into the

Figure 1. Approximate Location of Wetland Sample Points A & B on Pabich Property.



building for storage and protection from the elements. The Applicant is also planning, in the future, to build an office and vehicle-cleaning area toward the north end of the property.

It should be noted that the drainage swale behind (south of) the proposed commercial building is very narrow, and has other commercial equipment yards located directly south of the same swale. Therefore, biological resources are limited to a thin row of alder and willow within the swale, which does not carry water except for during periods of heavy rainfall. It should also be noted that this proposed building is located within an old mill site which has been designated as an industrial park for commercial development. The drainage swale is likely not natural, and is a remnant of the severe alterations which occurred at this location when the logging mill was first constructed. There are no significant biological resources in the immediate area of this project.

2. The NCRWQCB was concerned with the potential impacts of stormwater runoff.

As currently proposed, this structure will be mitigated by the use of a metal roof. Particle roofs give off particles which can potentially pollute runoff, however metal roofs do not give off particles and are therefore non-polluting.

An additional mitigation will be the routing of storm water from the roof toward vegetated areas. Although the drainage ditch located south of the property is more than large enough to handle local storm water runoff, by routing storm water from the into vegetation there will be a decrease in overall runoff velocity.

3. The NCRWQCB is concerned with potential pollution from equipment.

The Applicant plans to build at this location, in the near future, a state-of-the-art truck washing station with oil- separation and removal technology, water re-cycling and waste-reduction capability. This truck washing station would allow for the cleaning of heavy equipment on-site while preventing any contamination or pollution of natural systems. The technology from Industrial Equipment of Chico, California, costs approximately 70 thousand dollars, and would be the first of it's kind in Del Norte County. The Applicant clearly intends to develop the site with the most modern cleaning technologies available.

CDF&G COMMENTS

CDF&G staff reviewed the site of the proposed building in September of 2009. In their letter to Del Norte County, they report finding hydrophytic vegetation and some areas with potential wetland soils, especially in the south portion of the property.

GWC re-visited the site in November of 2009. Two, 24 inch sample pits were prepared and sampled toward the southeast corner of the property, inside the fenced area.

The first sample area (A) was 69 feet north of the south fenceline, and 32 feet west of the east fenceline. At this location vegetation was almost exclusively invasive reed canary grass (*Phalaris arundinacea*). This invasive species quickly out-competes native species, and it does well in disturbed soils, such as

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those found at this location where the owner has kept the site relatively cleared. This species is classified as facultative-wet in Oregon (which is much more representative for Del Norte County than California plant classification), meaning it can grow in upland habitats but prefers wetter habitats, but it is not a wetland obligate. Although this plant is a wetland species, it's preponderance here is primarily due to being quick to colonize disturbed areas.

Soils at this sample point were found to be dry in November, composed of granular clay, mineral soils, wood chips and small stone, typical of an old logging deck with introduced materials. Soil color was described as 4/3 7.5 YR, which is not a wetland soil color and is not indicative of wetland soils. Unlike CDF&G, GWC did not see evidence of redoxmorphic features (wetland indicators) at this site.

A second sample site (B) was located 22 feet north of the south fence, and 16 feet west of the east fence. Soils here were found to be a rich loam soil with small stones at low density. At 14 inches the soil was dry in November. Soil color was described as 3/2 10 YR, which is not a wetland soil color and is not indicative of wetland soils. Redoxmorphic features (wetland indicators) at this site were minimal at 14 inches and were not sufficient to designate soils as hydric.

SUMMARY

The proposed location is the site of a historic log deck. All natural features in this area were removed decades ago and natural drainage systems altered as required by the historic logging mill. The site was chosen as an industrial park due to historic alterations and impacts, is cleared and fenced, and does not provide habitat for any sensitive wildlife or plant species.

Additional surveys show only one of three possible indicators as being wetland, and this was due to an invasive plant which quickly invades disturbed soils, such as those at this location. Soil tests were dry for November and did not show evidence of wetland conditions. The presence of an invasive species which prefers moist conditions is not indicative of wetland habitats.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Babich, Standard Veneer City/County: Del Norte Sampling Date: Nov. 15-09
 Applicant/Owner: Henry Babich, Jr. State: _____ Sampling Point: A
 Investigator(s): Frank Galea Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): none Slope (%): 2%
 Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation ✓, Soil ✓, or Hydrology ✓ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No ✓
 Are Vegetation ✗, Soil ✗, or Hydrology no naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>✓</u> No _____	Is the Sampled Area within a Wetland? Yes _____ No <u>✓</u>
Hydric Soil Present? Yes _____ No <u>✓</u>	
Wetland Hydrology Present? Yes _____ No <u>✓</u>	
Remarks:	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
_____ = Total Cover				Hydrophytic Vegetation Indicators: _____ Dominance Test is >50% _____ Prevalence Index is ≤3.0 ¹ _____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Wetland Non-Vascular Plants ¹ _____ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic
Herb Stratum (Plot size: _____)				
1. <u>Phalaris arundinacea</u>	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum _____				
Remarks: <u>Phalaris is non-native + invades disturbed sites. This location greatly disturbed.</u>				

99
10413

Sampling Point:

A

[illegible]

Indicators for Problematic Hydric Soils³:

☐ 2 cm Muck (A10)
☐ Red Parent Material (TF2)
☒ Other (Explain in Remarks)

²Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Hydric Soil Present? Yes No ☒

Remarks: old log deck. wood chips, small stones, clay mixed in mineral soil. Very dry for Nov. Not hydric.

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Wetland Hydrology Present? Yes No ☒

Drainage channel located 90' to south.
Sample dry in November @ 12"

100
112413

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Babich - Stendord Venet City/County: Del Norte Sampling Date: Nov 15, 09
 Applicant/Owner: Henry Babich Jr. State: _____ Sampling Point: B
 Investigator(s): Frank Galea Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none) _____ Slope (%): _____
 Subregion (LRR): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)
 Are Vegetation ☒ Soil ☒ or Hydrology ☒ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No ☒
 Are Vegetation _____ Soil _____ or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Remarks: <u>old mill site - log deck</u>	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A) Total Number of Dominant Species Across All Strata: _____ (B) Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
= Total Cover				
Sapling/Shrub Stratum (Plot size: _____)	_____	_____	_____	Hydrophytic Vegetation Indicators: ___ Dominance Test is >50% ___ Prevalence Index is ≤3.0' ___ Morphological Adaptations' (Provide supporting data in Remarks or on a separate sheet) ___ Wetland Non-Vascular Plants' ___ Problematic Hydrophytic Vegetation' (Explain) 'Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
= Total Cover				
Herb Stratum (Plot size: _____)	_____	_____	_____	
1. <u>Phalaris arundinacea</u>	<u>30</u>	<u>Yes</u>	<u>OBL</u>	
2. _____	_____	_____	<u>or FACW</u>	
3. _____	_____	_____	_____	
4. <u>Pasture Grass</u>	<u>30</u>	_____	<u>NI</u>	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
= Total Cover				
Woody Vine Stratum (Plot size: _____)	_____	_____	_____	Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
= Total Cover				
% Bare Ground in Herb Stratum _____				
Remarks: _____				

