

## EXHIBIT A

### CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM CDP\_2014-0035

An Administrative Coastal Development Permit for a 1,752-square-foot one-story single-family residence, 600-square-foot garage, and 1,360 square feet of decking. The proposed would be a three-bedroom, two-bath home. Associated development includes septic, a propane tank, and improving an existing dirt road with gravel paving.

**PROJECT DESCRIPTION:** An Administrative Coastal Development Permit for a 1,752-square-foot one-story single-family residence, 600-square-foot garage, and 1,360 square feet of decking. The proposed would be a three-bedroom, two-bath home. Associated development includes septic, a propane tank, and improving an existing dirt road with gravel paving. Floor plans include a utility room, and open floor plan for the kitchen, dining, and living room areas. A large driveway, east-facing deck with fenced yard is proposed; the majority of the 1,360 square-feet of decking are west-facing. Associated development includes septic, a propane tank, and paving an existing dirt road with gravel. The building site was previously disturbed. A Mitigated Negative Declaration has been prepared; buffers are recommended between the proposed development and Point Arena Mountain Beaver habitats. Mitigation measures and avoidance measures are listed as recommended conditions of approval.

#### **CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by \*):**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) or more such conditions.

7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Maintain an eight-foot separation between the leach field and the turnout.
10. The applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road. The applicant shall complete, to the satisfaction of the Department of Transportation, a residential driveway approach onto Alta Mesa Road (CR 577). The approach shall have a minimum width of ten (10) feet, and length of fifteen (15) feet measured perpendicular to the edge of the County road, and be paved with surfacing comparable to that on the County road.
- \*11. Prior to issuance of a building permit in reliance on Coastal Development Permit CDP\_2014-0035, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code.
- \*12. Approximately 0.47 acres of Monterey pine shall be removed to create 0.403 acres of good PAMB habitat and 0.071 acres of fair quality PAMB habitat by allowing native plants to become established. Tree removal shall occur between July 1 and November 30. Trees shall be felled toward the street and away from PAMB habitat. One or two logs per stand shall be retained on-site after having been felled to provide shade and moisture for native plants to become established and to provide potential cover for PAMB. Placement of the logs shall be supervised by a biologist. Monterey pine needle duff shall be raked so the average depth is less than five (5) inches to promote establishment of seedlings of native plants.
- \*13. If natural recruitment of native species to the created PAMB habitat area is not successful after two (2) years, and if after that time there is not sufficient growth, container plants shall be planted to establish native plant growth. Relative cover of 25% or less of native plants shall trigger implementation of container planting. All areas shall be weeded of invasive species and monitored, with the results appended to annual PAMB presence/absence surveys (as recommended by Appendix E of the ESHA Compliance Report, the Point Arena Mountain Beaver Mitigation and Monitoring Plan).
- \*14. To mitigate impacts to PAMB behavior, burrows, and habitat, exterior and/or outdoor construction activities shall occur outside the PAMB breeding period (December 1 through June 30). The project shall comply with Appendix E of the ESHA Compliance Report, the Point Arena Mountain Beaver Mitigation and Monitoring Plan, including the Standard Project Requirements listed to ensure potential impacts to ESHA are avoided or minimized.
- \*15. Invasive plants on the site, including broom, Italian thistle, and poison hemlock shall be removed to improve PAMB habitat value and reduce the threat of invasive species colonizing the PAMB habitat created with the removal of Monterey pine.
- \*16. A deed restriction shall be placed on the property ensuring that PAMB habitat is protected in perpetuity and will ensure that both the applicant and future purchasers of the property will

continue to be informed of all Coastal Development Permit requirements and conditions of approval that pertain to the property and of the limitations on future development.

- \*17. Construction activities shall adhere to Draft Point Arena Mountain Beaver Standard Protection Measures for No-Take Determinations, revised by US Fish and Wildlife, dated February 19, 2010.
- \*18. An additional PAMB presence survey shall occur within four (4) weeks of the commencement of construction activities. The survey results and any additional mitigations shall be approved by the US Fish and Wildlife Service prior to commencement of construction and the Coastal Development Permit would be modified prior to any additional mitigation measures.
- \*19. There shall be no operation of above-ground noise generating equipment (including chainsaws and weed eaters) within one-hundred (100) feet of active PAMB burrows or unsurveyed suitable PAMB habitat during the breeding season (December 1 through June 30).
- \*20. There shall be no operation of mechanical equipment which is in direct contact with or below the ground, which cause ground vibrations (including water well drilling, heavy equipment such as graders, soil excavators, air compressors, an directional boring equipment) within one-hundred (100) feet of active PAMB burrows or unsurveyed suitable PAMB habitat during the breeding season (December 1 through June 30), and not within fifty (50) feet during the remainder of the year.
- \*21. There shall be no operation of mechanical equipment which is in direct contact with or below the ground, which cause severe ground vibrations (including operation of log landings and soil compaction with vibrators) within 500 feet of active PAMB burrows or unsurveyed suitable PAMB habitat during the breeding season (December 1 through June 30), and not within one-hundred (100) feet during the remainder of the year. Very severe ground vibration disturbance (including pile driving or blasting) shall not occur within 500 feet at any time.
- \*22. All workers on-site shall be notified of PAMB presence at the site and will receive training on minimization of impact to the PAMB and suitable habitat.
- \*23. There shall be no directional boring beneath active PAMB burrows or unsurveyed PAMB habitat at any time.
- \*24. Construction activities within fifty (50) feet of suitable PAMB habitat shall be completed with hand tools to the extent feasible.
- \*25. Construction fencing and straw wattles shall be erected along the edge of all suitable PAMB habitats adjacent to construction prior to any construction activities, and shall be properly maintained in place until all areas of disturbed earth have been stabilized. Fencing and straw wattles shall be checked and maintained as necessary at the beginning of every working day. No personnel, vehicles or materials shall pass the fencing. Personnel shall be made aware of the purpose of the fencing and the need to maintain it. A biologist shall supervise the erection and maintenance of the exclusion fencing and straw wattles.
- \*26. Any piled excavated dirt shall be covered to prevent movement downhill.
- \*27. No soil from the construction site shall be side cast over the slope. Any extra excavated soil remaining after construction shall be removed from the site.
- \*28. Measures shall be taken to reestablish vegetation over areas of bare dirt caused by construction activities.
- \*29. There shall be no installation of lighting or extended use of night time illumination within one-hundred (100) feet of active PAMB burrows or unsurveyed suitable PAMB habitat.
- \*30. Prior to use on the site, heavy equipment shall be washed down off site to prevent accidental contamination with invasive plant seed.

- \*31. A biologist shall perform preconstruction breeding bird surveys within fourteen (14) days of the onset of construction or clearing of vegetation if activities cannot be done between September 1 and November 30, accounting for PAMB breeding season.
- \*32. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum one-hundred (100) foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance.
- \*33. The breeding bird exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest.
- \*34. A biologist shall monitor any nest sites during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
- \*35. To avoid disturbing bats that may roost in the Monterey pines, all tree felling shall occur between September 1 and October 31, after young have matured and prior to the bat hibernation period.
- \*36. Prior to construction, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog.
- \*37. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any silt fences to detect the presence of frogs.
- \*38. If a special status frog is detected, construction crews shall contact the California Department of Fish and Wildlife or a qualified biologist prior to re-initiating work.
- \*39. If rain occurs during the construction period, all construction-related activities shall cease for a period of forty-eight (48) hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. Construction activities may resume if no special status frogs are found.
- \*40. There shall be no degradation of suitable PAMB habitat contiguous with and within 200 feet of active PAMB burrows or unsurveyed suitable PAMB habitat. PAMB habitat degradation involves temporary alteration such as timber harvest, mowing, livestock grazing, herbicide application, removal of existing down wood, and burning.
- \*41. Shrubs and trees directly adjacent to the existing road extend over the road to some degree. For road and trail maintenance, a two (2) foot strip of vegetation on either side of the road or trail may be reduced in height to no less than two feet.
- \*42. There shall be no removal of suitable PAMB habitat that is contiguous with and within 400 feet of active PAMB burrows or unsurveyed suitable PAMB habitat, as mapped in the ESHA Report of Compliance. Habitat removal involves permanent loss such as paving, any road construction, construction of structures, and conversion to agriculture.
- \*43. Invasive plants listed by Cal-IPC shall not be used as landscaping species, and landscaping shall consist of native plants compatible with the on-site plant communities.
- \*44. No vehicle use, human foot traffic, soil excavation, cattle grazing or movement, or other potential sources of PAMB burrow collapse shall occur within twenty-five (25) feet of active PAMB burrows or unsurveyed suitable PAMB habitat at any time.
- \*45. Any outdoor rodent control shall only be performed by individuals qualified to distinguish between PAMB burrow openings and target species.
- \*46. Dogs and cats shall not be allowed within areas containing PAMB burrow systems or within unsurveyed suitable PAMB habitat.

- \*47. No activity shall occur which alters water drainage or hydrology of areas containing PAMB burrow systems or in unsurveyed suitable PAMB habitat.
- \*48. No rodent control measures, including trapping and application of poison bait or fumigants, shall occur within 400 feet of active PAMB burrows or unsurveyed suitable PAMB habitat at any time.
- \*49. There shall be no construction of permanent barriers, including fences and unvegetated openings greater than fifty (50) feet wide, at any location at any time that may disrupt the dispersal of PAMB, or movement of PAMB between occupied sites. Any temporary barriers shall be removed during PAMB dispersal season (April 15 through September 30).
- \*50. Herbicides shall not be used in or near burrow areas during PAMB breeding season (December 1 through June 30) or dispersal season (April 15 through September 30).
- \*51. Human-generated garbage shall be lidded and tamper resistant to prevent attracting natural PAMB predators.
- \*52. Avoidance and mitigation measures, as detailed in the ESHA Compliance Report shall be incorporated as enforceable conditions of approval for Coastal Development Permit\_2014-0035.
- \*53. To prevent accidental human-caused disturbance or crushing of PAMB burrows on the project site, sensitive habitat signage or other visual markers shall be installed.
- \*54. Prior to issuance of a building permit in reliance on Coastal Development Permit CDP\_2014-0035, the applicant shall submit for approval by Planning and Building staff a drainage and erosion control plan. The plan shall detail erosion and sediment Best Management Practices, including concrete wash out area, staging, stockpile locations, and tree protection areas, as necessary. Roof downspouts shall be directed to landscaped areas and avoid discharging off the parcel.
- \*55. Avoidance and mitigation measures, as detailed in the Updated ESHA Report, should be incorporated as enforceable conditions for approval of CDP 2014-0035.
- \*56. In order to prevent accidental human-caused disturbance or rushing of Point Arena mountain beaver burrows on the project site, sensitive habitat signage or other visual markers should be installed, if fencing will not be used.