

The below is a the MVR definition from within the Town of Mendocino; Strikethrough and underlined items are aspects that differ from the County of Mendocino's MVR definition.

Sec. 20. ~~308.080~~608.032 - Definitions (M).

~~(C) "Major Vegetation, Removal or Harvesting" shall be defined to include one (1) or more of the following:~~

(D) "Major Vegetation, Removal or Harvesting" means one or more of the following:

- (1) The cutting, chemical eradication, excavation, girdling, or other direct or indirect removal of more than fifteen (15) trees or ten (10) percent of the total number of trees on ~~the parcel~~ lot, whichever is less, with a ~~diameter of twelve (12) inches or a tree~~ circumference of thirty-eight (38) inches or more measured at four and one-half (4-½) feet vertically above the ground; or
- (2) The cutting, chemical eradication, excavation, girdling, or other director or indirect removal of trees within a total contiguous ground area of six thousand (6,000) square feet, or within a noncontiguous area or areas not exceeding a total of six thousand (6,000) square feet, measured as the total of the area(s) located directly beneath the tree canopy; or
- (3) If any of the following conditions exist or are proposed they shall be considered major vegetation removal:
 - (a) The vegetation removal involves the use of heavy mechanized equipment, ~~or with a weight greater than five (5) tons;~~
 - (b) The vegetation removal is proposed on a steep slope (of fifteen (15) percent (15%) or greater) and ~~the~~ removal of vegetation may result in soil erosion or landslide, or other instability;
 - (c) The vegetation removal is located within or adjacent to an environmentally sensitive habitat, ~~or area, stream, wetland, coastal bluff, or beach;~~
 - (d) The vegetation removal may result in significant exposure of adjacent trees or other major vegetation to wind damage, ~~or;~~
 - (e) The vegetation removal may result in significant degradation of the viewshed, or public view shed from a public road, street, park, or open space area; or
 - (f) The removal of one (1) or more trees which measure twenty-four (24) inches or more in diameter at breast height and which four and one-half (4½) feet (54 inches) above natural grade that are visually or historically significant, exemplary of their species, or ecologically significant.
- (4) ~~Exempt~~ The following are excluded from this definition ~~would be one (1) or more of the following; and do not constitute removal of major vegetation or harvesting in the Town of Mendocino:~~
 - (a) Removal of trees and other vegetation that have been reviewed and approved in conjunction with an associated development which has been granted a coastal development permit; or
 - (b) Removal or harvesting of vegetation for legally established agricultural purposes in areas presently used for agriculture; or
 - (c) Harvesting of lawful agricultural products from lots on which light agriculture or community gardens are allowed by the Mendocino Town Local Coastal Program; or
 - (d) Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with California Public Resources Code Section 4511), ~~as amended.~~

(Ord. No. ~~37853915~~ (part), adopted ~~1991; 1995.~~)

~~(Ord. No. 4149 (part), adopted 2005)~~ No. 4395 , § 2, 11-17-2017)

With regards to the agenda item **Definition for Major Vegetation Removal in the Coastal Zone**, which was pulled from tonight's agenda:

I do think that clarification of definitions is important, however this particular definition requires thorough evaluation. Here are my concerns:

- 1) This definition was developed after an inquiry from a property owner on the Mill Site, yet applies to all property covered under the City's Coastal Land Use and Development Code (CLUDC). It is important to analyze the impact of this definition in that entire area, not just this one property on the Mill Site.
- 2) The property in question is not yet zoned for the type of development the current owner has indicated is under consideration. Both this policy and the change in zoning must be done in a way that is transparent and not unduly influenced by the owner. Otherwise the City could be charged with favoritism, cronyism, or worse. The precedent set here could signal potential developers that the City will do their bidding, perhaps with sufficient promises of kickbacks, threats of legal action, or other dubious schemes.
- 3) The policies of other governmental entities were considered, which is a good thing, but the items that were removed from the other policies shows a lack of vision. Trees, in and of themselves, are a visual resource, and can be ecologically significant, especially in congregate. In particular, focusing too closely on individual trees is a bad idea. Even dead trees serve an essential role in many environments, especially as nesting habitat for birds and bats. In the same vein, it is unwise to link tree removal to a secondary role of screening unsightly development or protecting other ecologically sensitive habitats (ESHAs). We need a policy that recognizes the intrinsic value of trees, and especially as part of a larger ecosystem.
- 4) Some 'individual' trees have multiple trunks, some or all of which might exceed the diameter/circumference dimension. Would removal of all the trunks be counted as one tree, or would each trunk be counted as an individual? This is especially true for redwoods. The definition needs to address this biological reality.
- 5) A big part of this policy is determining who gets to interpret it. Leaving that interpretation to the Community Development Director alone may not be in the best interest of the community or the property owner. Staff should consider and propose several ways in which the policy might be implemented. I would recommend a committee approach, one that includes a community member and a wildlife biologist, but there be other ways to approach this.
- 6) Because the Coastal Commission has a say in the course of coastal development, no trees should be removed in the coastal zone until a development plan has been approved by them. This doesn't automatically mean a Coastal Development Permit is required, but should prevent trees from being removed prematurely. This has already happened on the Mill Site and should not be allowed to occur again.

Thank you for your time and consideration,
Leslie Kashiwada

Gonzalez, Joanna

From: Annemarie <aweibel@mcn.org>
Sent: Wednesday, August 28, 2019 11:43 AM
To: CDD User
Cc: Miller, Tabatha; Lemos, June
Subject: meeting 8-28-19 item 5A: Major Vegetation Removal in the Coastal Zone
Attachments: T02980-00-1909.13.1MB.jpg

Dear Fort Bragg Planning Commissioners,

I urge you to require a Coastal Development Permit (CDP). It should be obtained for this major vegetation removal in the Coastal Zone.

Before this happens it seems crucial to have environmental studies done as there are wetlands on that property and also before heavy equipment (even if the equipment weighs less than 1 ton) destroys the area. Did this take place? Where are the studies? Where is the Mitigated Negative Declaration for this property?

Where is the signed letter from CalFire or the local fire department indicating that trees/vegetation needs to be removed for fire safety? If CalTrans has a problem with trees/vegetation where is their letter?

See photo with trees in Mendocino Beacon/Advocate news article (link below). How many trees and how much vegetation were considered by Tom Honer to be removed?

It is my understanding that this proposal is referring to the 15 acres of the Georgia-Pacific mill site along Highway 1 between Cypress and Hazel Streets that Tom Honer purchased. The major vegetation removal in the Coastal Zone would be roughly across the street from Starbucks.

Locals refer to it as the "Starbucks forest". It is important to know that the Mill Site property (320 acres) was mostly zoned to allow a lumber mill and parks. For the land to be used for any other purpose, it needed to be rezoned. Only 30% of the site is covered with vegetation or wetlands. It is therefore extremely important not to do a major vegetation removal, develop the area south of the "Starbucks forest" or at least obtain a Coastal Development Permit. The fact that the question whether a Coastal Development Permit is needed or not is even considered is incredibly serious and concerning to me. Money for permits and time issues should not be the deciding factor.

Tom Honer, owner of Harvest Market, explained during City Council meetings that he does not need 15 acres, but this parcel was the only legal parcel separate from the remainder of the mill property. He is or was still interested to sell/donate a portion of the property to a non profit group.

In addition to the examples listed in the staff report trees on the Hare Creek property have been removed as well. Trees serve also as habitat for various animals and the more trees are removed, the less we have animal life. The more trees that are removed the less wetlands there are. To illustrate the trees/wetlands I am including a map from 1909. You can enlarge this map (in a reduced file size of 13.1 MB) by 200% or 300% on your computer. As you can see there used to be many more trees and wetlands.

The local Audubon Society keeps track each year where in Fort Bragg they found what kind of birds (which includes the white-tailed kite). See map

here:

<https://www.google.com/maps/d/viewer?msa=0&ie=UTF8&t=p&vpsrc=6&ll=39.40065288814651%2C-123.77780867724607&spn=0.212238%2C0.274658&z=12&source=embed&mid=1klQG6bcyJ0aAfrV32n7w7-Dv-FA>
and see bird count (white-tailed kites) in areas 2 & 3 in 2018=7, in 2017=2, 12 in all the various areas in Fort Bragg in 2014, and from years 2011 to 2016=0.

https://www.mendocinocoastaudubon.org/mcas_xmas_fb.html

There is a "protective envelope," in addition to the protection that white-tailed kites receive. They get federal and state protection beyond that given to most species. This has so far not prevented the kites' "trajectory of decline." The envelope includes protection of all raptors under the Migratory Bird Protection Act and regional wetland mitigation policies of the Fish and Wildlife Service. Environmental reviews of kites are required by the Clean Water Act, the California Coastal Act, and the California Environmental Quality Act, but these analyses are seldom performed with necessary breadth or rigor.

In light of the disruptions to the connected open spaces which serve as corridors for small mammal populations it is understandable that survival in that environment gets harder. Kites are strongly associated with wetlands and they do not appreciate developments.

CEQA Guideline section 15378(a) in relevant part defines "project" to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In this case we do have an activity that would involve the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies to a land owner.

1 & 2 In my mind a CDP is needed regardless if 1 or 15 trees (or what circumference or the percentage of the total # or the size of the contiguous ground area) are considered.

3 It should not be up to the Community Development Director to determine if a proposal to remove vegetation constitutes a major vegetation removal or not.

a Using heavy equipment to remove major vegetation should warrant a CDP regardless of how heavy the equipment is.

c Any major vegetation removal next to an environmentally sensitive habitat warrants a CDP in my mind.

d These trees are a major wind break. As you have learned from past experiences planting any new trees in this harsh climate later on is next to impossible. These trees protect other trees from major wind damage. Why bother focusing on a wildlife corridor if there is no shade and protection for the wildlife?

e The vegetation removal may result in significant degradation of the view shed (e.g. removing vegetation which shields unsightly views from a public right of way or some other significant impact to a view shed), or in this case also would create the feeling of one continuous Highway Commercial zone along Hwy 1 turning Fort Bragg into Anywhere USA.

f In my mind a CDP is needed regardless if trees measure 12 or 24 in. or more in diameter at breast height (typo in staff report). These trees are visually, historically and ecologically significant. To eliminate the concepts visually and ecologically significant here should not be done as the concepts under c & e are explaining other angles.

3 There is a one-block portion from Cypress Street to Walnut Street (across from Safeway) that is mostly without trees and would be suitable for some kind of development. Why is Tom Honer not using that part of the property and leaves the forested part as is?

With this property we do not need to open up views towards the ocean as there are plenty of other areas on the mill site that facilitate ocean view.

In my mind the removal of trees does not result in a minor reduction in Greenhouse Gas Emissions as it is very hard for the trees on that property to grow even more so if more trees would be removed and the ground would be drier.

In the Mill Site Reuse Handout from 2017 it is listed that the city wants to "implement sustainable practices as part of future development, such as low impact development".

The Mill Site Reuse Handout from 2017 lists that the "Highway Commercial zoning allows commercial uses on large parcels fronting Main Street."

Why is the Highway Commercial zoning currently placed in the only area where there are some trees left?

Below are public comments listed in the Mill Site Reuse Plan Community Survey Analysis in support of preservation instead of decimation:

- * Please don't allow individuals looking to profit from this public domain to diminish an irreplaceable natural treasure. The natural beauty of this area is such that it should be restored, preserved, enhanced, and maintained for all to enjoy in perpetuity.
- * It is a gorgeous property that should be protected for its natural beauty in perpetuity.
- * Focus on gentle, efficient, prosperous growth without damage to our fragile coastal environment.
- * It should be a space that everyone can enjoy and utilize for recreation, not a space that is subdivided only for the pleasure of homeowners and business owners.
- * An overarching commitment to preserve and conserve the beauty of this area.
- * Please limit development, and regulate that any development is sustainable and eco friendly!
- * Treat this area as the GEM it is and PROTECT it!
- * While I am strongly for proactive and creative sustainable economic development, it's incredibly important that development be sustainable and progressive; maximizing the natural resources we have rather than further degrading them.
- * Keep it green and sustainable.
- * Please make use of this rare opportunity of our beautiful coastal land to shift to a more sustainable way of life and a model for other communities to follow for generations to come!
- * This is a unique opportunity to recover the land used as a mill. This choice will not be available again. Getting it right counts. The natural beauty of the land should guide decision-making and not be destroyed in the ultimate development.

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<https://www.advocate-news.com/2018/12/27/harvest-owners-buy-15-acres-on-millsite/>

Thank you for considering my comments.
Sincerely, Annemarie Weibel
member CACLU
citizens for appropriate coastal land use

Gonzalez, Joanna

From: Carrie Durkee <cdurkee@mcn.org>
Sent: Wednesday, August 28, 2019 9:57 AM
To: CDD User
Cc: Miller, Tabatha; Lemos, June
Subject: Vegetation removal

Please require a permit for this project.

This is an opportunity to do the best for the common good, the good of all the coming generation.

Yes it is private property, but look where it is..

Carrie Durkee

937-2554

Gonzalez, Joanna

From: Leslie Kashiwada <kashiwa@mcn.org>
Sent: Thursday, August 29, 2019 5:43 AM
To: Lemos, June; Miller, Tabatha; Jones, Marie; Lee, Will; Norvell, Bernie; Albin-Smith, Tess; Morsell-Haye, Jessica; Peters, Lindy; CDD User
Subject: Comments regarding proposed policy for major vegetation removal in the coastal zone
Attachments: MajorVegetationRemoval_CoastalZone.docx

Attached are the comments I read at last night's Planning Commission meeting. Although this item was pulled from the agenda, I still spoke about this issue during the public comment period. I look forward to seeing how this policy evolves.

Leslie Kashiwada

Gonzalez, Joanna

From: Jourdain, Brenda
Sent: Wednesday, August 28, 2019 3:22 PM
To: Gonzalez, Joanna
Cc: 'John Gallo'
Subject: FW: Vegetation Removal Agenda Item Tonight

Joanna,

Please forward public comment to planning Commissioners and place in packet.

Brenda Jourdain

Administrative Assistant
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437
bjourdain@fortbragg.com
Fax: 707-961-2802
Tel: 707-961-2823 ext. 100

From: John Gallo <john.gallo@consbio.org>
Sent: Wednesday, August 28, 2019 3:17 PM
To: Jourdain, Brenda <bjourdain@fortbragg.com>
Subject: Fwd: Vegetation Removal Agenda Item Tonight

Hello Brenda,

I just got an auto e-mail from June that she is on vacation. Will the below be forwarded to the Planning Commissioners?

I sent it to Fort Bragg Planning Commission <edd@fortbragg.com>

Thanks,

John



John Gallo, Ph.D.
Senior Scientist
[Conservation Biology Institute](http://www.consbiology.org)
136 SW Washington Avenue, Suite 202
Corvallis, OR 97333
Remote Office: Inglenook, CA
Phone: 707.962.9078
Twitter: [@johnagallo](https://twitter.com/johnagallo)
Updates: [Action Research Newsletter](#)

----- Forwarded message -----

From: John Gallo <john.gallo@consbio.org>
Date: Wed, Aug 28, 2019 at 3:06 PM

Subject: Vegetation Removal Agenda Item Tonight

To: Fort Bragg Planning Commission <edd@fortbragg.com>

Cc: Susan Kelley <susankelley2237@gmail.com>, Leslie Kashiwada <kashiwa@mcn.org>, Bill Lemos <blemos@mcn.org>, George Reinhardt <george@mcn.org>, Doug Kern <dougkern@sbcglobal.net>, David Jensen <djensen@mcn.org>, June Lemos <Jlemos@fortbragg.com>, Marie Jones <mjones@fortbragg.com>, Tabatha Miller <tmiller@fortbragg.com>

Dear Planning Commission,

This is in regards to the vegetation removal agenda item tonight. the summary of my comment is in bold below, with key points in italics, but I do hope you have time to read the full letter.

As you are aware, there are many people in the community who *want the forest across from Starbucks conserved. There as are many reasons for this*, one of which is that the forest provides a relative "island" of such habitat surrounded by non-treed land cover types, thereby serving as a refuge for forest dwelling organisms. These forest dwelling organisms drastically increase the number of species present on the headlands, which increases the size of its food web, its ecological integrity, resilience to impacts. It also improves wildlife viewing opportunities for locals and visitors alike, both now, and more importantly, into the future as such experiences become more and more rare in this world. This forest also provides an aesthetic appeal for people driving and walking along main street.

There has been some discussion of the area being managed as open space or park, possibly even by the city or a land trust, if not transferred in ownership as well. If such a great scenario does come to be, it is very important that the trees that are there now are still there then. At that point, a management plan can be determined, along with decisions about if there will be a boardwalk trail through the forest, and possibly even interpretive signs for all the different species and age classes present.

Of course, there are some in the community that *want the area developed.* If such an alternate scenario comes to be, then the management plan of that ownership/management scenario should then come to be. *But we should wait until that is resolved first before cutting trees there.* Cutting trees in that forest before a resolution can be attained is not only premature but also negatively affects the quality of the conservation scenario.

Please codify this into the new revision under discussion.

The simplest way to do this is to add a policy 3(g) that states this, something like "Any vegetation removal from the forest west of Main Street and north of Walnut before either the Local Coastal Plan Amendment process is completed or the land is designated a permanent open space or park and has a management plan in place."

Additionally, since the policy will not only apply to this forest but also other vegetation in town, I think it *is a mistake to remove "ecologically significant" from the policy* definition because it is "ambiguous" and is now instead defined as being within 100 feet of environmentally sensitive habitat.

Instead, "ecologically significant" should be left in, at the very least, and ideally further defined. *One aspect of ecologically significant vegetation can be "treed areas that provide a relative "island" of such habitat surrounded by non-treed land cover types, thereby serving as a refuge for forest dwelling organisms."*

Thank you,

John Gallo



John Gallo, Ph.D.

Senior Scientist

[Conservation Biology Institute](#)

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Remote Office: Inglenook, CA

Phone: 707.962.9078

Twitter: [@johnagallo](#)

Updates: [Action Research Newsletter](#)

Gonzalez, Joanna

From: Ali Van Zee <yourali747@gmail.com>
Sent: Wednesday, August 28, 2019 11:42 PM
To: CDD User
Cc: Lemos, June
Subject: Re: Subject: meeting 8-28-19 item 5A: Major Vegetation Removal in the Coastal Zone

Please accept my apologies. While I do endorse Annemarie Weibel's letter to you as indicated below, I confused the issue by including my opposition to much of what CalTrans is doing on our Coast rather than focusing on the vegetation/tree removal on the Old Mill Site which is of concern to me.

Thank you,

Ali Van Zee

~We survive together, or not at all~

On Aug 28, 2019, at 2:22 PM, Ali Van Zee <yourali747@gmail.com> wrote:

Dear Fort Bragg Commissioners,

I endorse the below letter from Annemarie Weibel. CalTrans has done much to destroy our fragile coast and they do it without permits or obeying permits they DO obtain.

“Dear Fort Bragg Planning Commissioners,

I urge you to require a Coastal Development Permit (CDP). It should be obtained for this major vegetation removal in the Coastal Zone.

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other purpose, it needed to be rezoned. Only 30% of the site is covered with vegetation or wetlands. It is therefore extremely important not to do a major vegetation removal, develop the area south of the "Starbucks forest" or at least obtain a Coastal Development Permit. The fact that the question whether a Coastal Development Permit is needed or not is even considered is incredibly serious and concerning to me. Money for permits and time issues should not be the deciding factor.

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heavy the equipment is.

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citizens for appropriate coastal land use”

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Gonzalez, Joanna

From: Jones, Marie
Sent: Wednesday, August 28, 2019 1:42 PM
To: Gonzalez, Joanna
Subject: FW: Planning Commission Agenda 5A; public comment
Attachments: Major Vegetation Removal Definition County Town diff.pdf

Here it is. Thanks!!!!

Marie Jones
Community Development Director
707-961-1807

From: Amy@WCPlan.com <Amy@WCPlan.com>
Sent: Friday, August 23, 2019 1:42 PM
To: Jones, Marie <mjones@fortbragg.com>
Subject: Planning Commission Agenda 5A; public comment

Hi Marie!

Can you please include the attached in your Public Comment posting for the Planning Commission? It's a PDF of the Mendocino Town Plan MVR definition, which has been tracked to show it's difference from the County of Mendocino MVR definition.

Thanks!
Amy

Amy Wynn, Principal Planner
Wynn Coastal Planning & Biology
703 North Main Street
Fort Bragg, CA 95437
ph: 707-964-2537
fax: 707-964-2622
www.WCPlan.com and on [FaceBook](https://www.facebook.com/WynnCoastalPlanning)



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