

@BLLA

Recommendation to County planning that the notification procedure for tree removal be expanded to include mailing to all property owners within a 300' radius, and that the MidCoast Community Council participate in the development of any new notification procedures.

Analysis: Multiple instances have been reported to the Council about tree removal permits that passed through the approval process where members of the community have felt there has been inadequate notification. The posting of individual trees, which may be back from the street, or blocked by traffic, parked vehicles, fences, construction or other activities, appears to be inadequate. Conversation with County Planning Management resulted in the suggestion that the MCC P&Z Committee forward a suggestion about improving the notification procedure to start the process of reviewing and reworking the notification process for these permits. 300' notification radius would be same as for new project applications.

Adopted by MCC P&Z 9/20/00

Recommendation to County Planning, Environmental Health, and Public Works Departments to conduct coordinated on-site inspections for well permit applications.

Background: Permitted well sites have been discovered where unpermitted grading, creek and drainage disruption, and tree removal have occurred as a result of the well installation. Current Environmental Health site inspection procedures do not coordinate between the departments to call attention to conditions on the site that would need further review and permits to allow installation of the well. The suggested recommendation is for a coordinated review of the site by the agencies involved, either separately or together, to identify potential impacts from equipment access and site selection for well drilling.

Adopted by MCC P&Z 10/18/00

Discussion and action on requesting County to require on-site public noticing for all permitted development activities.

Recommend to appropriate County departments that permitted development sites (grading, tree cutting, clearing, construction, or well drilling) be noticed upon approval of application, with notice remaining in place until project is finished. Notice should include description of extent of work, approximate start and end dates for activity, and expiration dates of permits.

Background: With increased residential activity, and the recent discovery of various unpermitted activities, there is a justifiable worry about whether development activity in neighborhoods is properly permitted and reviewed. Current construction sites are not noticed in any way that would allow neighbors to determine that activity is legal and has the proper permits, sometimes leading to unpleasant interactions between residents and builders. This proposal would at least show that activity at a site has the proper permits and is going through the proper process.

Adopted by MCC P&Z 10/18/00

Excerpts from 10/25/00 letter to Planning Commission from Chuck Kozak concerning
"after-the-fact" permit for tree removal on Birch Street in Montara

"... In the MidCoast Area, we are seeing a growing number of "after-the-fact" permit actions - for tree removal, grading, construction, etc. Certainly, some allowance for residents who are not aware of regulations concerning activities has to be given - but many of these actions are by developers who have no plan to live in the area; professionals who should know the regulations, and should be sensitive to the community in which they are proposing to build.

"What has to be considered here is the long term effects of these actions - the recent acceleration of residential development in Montara and throughout the MidCoast is bringing un-anticipated effects in flooding, erosion, increased traffic. The impacts associated with individual parcel development go beyond what happens next door; every tree removed, every lot cleared increases the amount and the rate of storm runoff and erosion. Wildlife habitat is lost, the existing balance is disturbed. Flooding is becoming more common and in a widening area. Current drainage capability is being over-burdened; our creeks, wetlands and the ocean are feeling the effects.

"There are many of these cases that are still waiting to come before you for consideration: you have already reviewed the tree cutting on 11th St. in Montara; you are reviewing this case today. There is a parcel over an acre in size in Montara that was recently clear cut of most of its trees without permits, and an area along Date St., also in Montara, where illegal grading, creek diversion and the filling in of wetlands occurred in the course of installing a well. You will be hearing the case of the Mirada Surf culvert within the next month, as well as the disking of the wetlands area and buffer zone on the Moss Beach Highlands property.

"For a long time, these were "just the way things are done." Even when the County would start enforcing the regulations, the fines levied and penalties assessed were minimal, and in light of the tremendous profit to be made in today's housing market, the risk of getting caught was just "the cost of doing business." These practices have to stop - these attitudes have to change. The price we are paying in community impact and environmental damage is too high for the County to take a lax approach to the enforcement of regulations and the consequences of not following them. ..."

"... What also needs to be considered here is what the County process is for these situations. Environmental Health inspected the well site, but did they approve the use and location of the pit? Did Planning inspect the site as part of its processing the Coastal Development Permit Exemption? Inadequacy of the process does not excuse those responsible, but I would ask that the Commission direct the appropriate agencies to reconsider their inspection and approval processes to help prevent future situations of this sort. ..."

"... I think the responsibility lies with the applicant - the responsibility to know what is being done on his property. Responsibility to find out what might happen under these conditions. The responsibility to the neighboring property owners, and the surrounding neighborhood, to be sensitive to what is valued in the community and what impacts his activities will have.

"The applicant came into an existing situation ... that required something a little more than the usual trench and dig and damn-anything-around-us development techniques. This is not an unreasonable request. I would expect it of any responsible person looking to work with his property.

"These practices of negligence and endangerment need to be stopped, and this Commission can help do that by instituting strong consequences for those who would put the safety, well being, and environmental health of our communities at risk. I would agree with the recommendation that no applications be accepted, or permits granted, for further development of this parcel (other than those necessary for remediation) until the condition of (the) property and that of the subject parcel is fully restored to an acceptable condition with the characteristics of how it was before this all began. ..."