



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: April 7, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Figs, Coastal Development Permit**
Application Number PLN-2019-15399
Assessor's Parcel Number (APN) 505-192-004
693 Janes Road, Arcata

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5
Maps	
Topo Map	8
Zoning Map	9
Aerial Map	10
Location Map	11
Accessors Parcel Map	12
Site Plans	13
Attachments	
Attachment 1: Recommended Conditions of Approval	14
Attachment 2: Applicant's Evidence in Support of the Required Findings	16
a Application	On file
b Site/Fencing Plan	On file
c Compliance Agreement	On file
d Cultural Resource Study, Historical Images, Wetland mapping	On file
Attachment 3: Referral Agency Comments and Recommendations	17
Attachment 4: Public Comments	19

Please contact Cliff Johnson at (707) 445-7541 or by email at cjohnson@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date April 7, 2022	Subject Coastal Development Permit	Contact Cliff Johnson
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Project Description: A Coastal Development Permit is being requested to authorize the installation of security fencing along the perimeter of an approximately 20-acre parcel. Though primarily vacant at this time, since at least 1955 eastern portions of the property have hosted a series of industrial uses following establishment of a lumber mill within this area. The western two-thirds of the property were excavated during the 1950's and then utilized as a mill pond. In 1991 a fire destroyed portions of the mill, and in 1994 the property was acquired by the current owner and transitioned to its current uses, which includes storage of general construction equipment and machinery, and storage of topsoil, concrete rubble, and similar materials salvaged from construction jobs performed elsewhere.

The property has had problems with unauthorized occupancy, trespass, and arson during past years, resulting in neighborhood complaints about garbage, drug use, and illegal camping. New six-foot-tall fencing is proposed to be installed along the southern and western perimeters of the property and existing fencing along the northern and eastern portions of the parcel would be raised to 6 feet in height using barbed wire. The proposed fencing is being requested to help curtail these activities and allow for ongoing monitoring and prevention. The proposal is also consistent with terms specified under a recently executed compliance agreement between the landowner and the County of Humboldt (dated April 5, 2019).

Project Location: This project is located in Humboldt County, in the Arcata area, on the southwest corner of the intersection of Lorelei Lane and Ariel Way, on the property historically known as 693 Janes Road, and further described as APN 505-192-004.

Present Plan Land Use Designations: Industrial, General (IG), Density: N/A; Natural Resources (NR), Density: N/A; Natural Resources (NR), Density: N/A; Humboldt Bay Area Plan (HBAP), 2017 General Plan, Slope Stability: Relatively Stable (0)

Present Zoning: (split-zoned) Industrial General (MG/A,F,W) / Natural Resources(NR/A,F,W) including the following combining zones: Archaeological Resource Area Outside Shelter Cove (A), Flood Hazard Areas (F), Coastal Wetland Area (W).

Record Number: PLN-2019-15399

Assessor's Parcel Number: 505-192-004

Applicant

Figas Construction
Bob Figas
115 Redmond Rd
Eureka, CA 95503

Owner

Figas Robert L & Kathryn J Co-Tr
115 Redmond Rd
Eureka, CA 95503

Agents

GHD
Misha Schwarz
3rd St C7181
Eureka, CA 95503

Environmental Review: Project is exempt from environmental review per Section 15303(e) – New Construction or Conversion of Small Structures, of the CEQA Guidelines.

State Appeal Status: Project is appealable to the California Coastal Commission

Major Issues: None

Figas Coastal Development Permit
Record Number: PLN-2019-15399
Assessor's Parcel Number: 505-192-004

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Adopt the Resolution 1) finding the project exempt from environmental review pursuant to Section 15303 of the State CEQA Guidelines, 2) making all of the required findings for approval of the Coastal Development Permit, 3) approving the Figas Coastal Development Permit subject to the recommended conditions.

Executive Summary: A Coastal Development Permit is being requested to authorize installation of security fencing along the perimeter of an approximately 20-acre parcel. Though primarily vacant at this time, since at least 1955 eastern portions of the property have hosted a series of industrial uses following establishment of a lumber mill within this area. The western two-thirds of the property were excavated during the 1950's and then utilized as a mill pond. In 1991 a fire destroyed portions of the mill, and in 1994 the property was acquired by the current owner and transitioned to its current uses, which includes storage of general construction equipment and machinery, and storage of topsoil, concrete rubble, and similar materials salvaged from construction jobs performed elsewhere.

The property has experienced unauthorized occupancy, trespass, and arson during past years, resulting in neighborhood complaints about garbage, drug use, and illegal camping. The Humboldt County Planning and Building Department – Code Enforcement Unit (Code Enforcement Unit) opened an enforcement case (19CEU-3) in response to complaints of the alleged nuisances and/or other violations that had occurred and/or existed on the project parcel on October 29, 2018. On February 21, 2019, the property owner was informed of their responsibility to abate the nuisance and served with a “Notice of Violation,” which required corrective action. On April 5, 2019, the property owners, Robert and Kathryn Figas, entered into a Compliance Agreement with the County in order to abate and remedy the violations.

As part of the corrective actions required by the County, the applicant agreed to install new six-foot-tall fencing along the southern and western perimeters of the property. In addition, existing fencing along the northern and eastern portions of the parcel will be extended to six feet in height. A condition of approval has been included which requires the applicant to work with Code Enforcement to determine the fence design and materials to be used. The proposed project is being requested to help curtail the problematic activities and allow for ongoing monitoring and prevention. The proposal is consistent with terms specified under the recently executed compliance agreement between the landowner and the County.

The Tribal Historic Preservation Officers for both the Blue Lake Rancheria and Wiyot Tribe asked for additional information regarding the depth and diameter of the holes to be dug for the fence posts in order to determine whether to recommend a Tribal Monitor during proposed ground disturbance for the fence. Planning staff was unable to obtain specific dimensions from the applicant and therefore is recommending a condition of approval which requires approval of the final fencing design by the Planning Director and for a Tribal Monitor to be present during digging of the footings.

The proposed fence is outside of the SMA but is located within the buffer of a coastal wetland. The proposed fence is consistent with the County's wetland protection policies, both in the Humboldt bay Area Plan and in the Coastal Zoning Ordinance because the fence does not adversely impact the

wetland habitat values and instead protects and enhances habitat values through the protection of the property and wetland areas from the adverse effects of unauthorized trespass and dumping.

RECOMMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Coastal Development Permit.

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-2019-15399

Assessor's Parcel Number: 505-192-004

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Figas Coastal Development Permit.

WHEREAS, on behalf of Robert Figas, Misha Schwarz of GHD submitted an application and evidence in support of approving a Coastal Development Permit for the installation of fencing on an approximately 20-acre parcel in the Arcata area (APN 505-192-004); and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is categorically exempt from environmental review pursuant to Section 15303 (e) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **April 7, 2022** and reviewed, considered, and discussed the application for a Coastal Development Permit and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

1. FINDING: **Project Description:** The application is a Coastal Development Permit to authorize the installation of 6 foot high security fencing along the perimeter of an approximately 20-acre parcel.

EVIDENCE: a) Project File: PLN-2019-15399

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with.

EVIDENCE: a) Project is exempt from environmental review per Section 15303(e) – New Construction or Conversion of Small Structures, of the CEQA Guidelines

FINDINGS FOR THE COASTAL DEVELOPMENT PERMIT

3. FINDING The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE a) This designation, MG, provides for general industrial and manufacturing uses, typically in urban areas, convenient access to transportation systems and full range of urban services are available. This designation may be accommodated in rural areas where full urban services are not required for the intended use. The parcel has been used for industrial uses since 1955. The current use includes storage of general construction equipment and machinery and storage of topsoil, concrete rubble and similar materials. The proposed fence development will allow for ongoing monitoring and

prevention of unauthorized occupancy, trespass, and arson. Therefore, the project is in conformance with the County General Plan.

4. FINDING

The proposed development is consistent with Humboldt Bay Area Plan (HBAP).

EVIDENCE

- a) The land use designation for the parcel within the HBAP conforms with the General Plan land use designation.
- b) HBAP Section 30250(a) states: New industrial development, except as may be otherwise provided in this plan, shall be located within, contiguous with, or in close proximity to, existing developed industrial areas Humboldt Bay Area Plan Certified: 10-14-82 (HBAP/Ch3) Chapter 3 Page 13 Rev: December 2014 able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The proposed fencing would support any potential future industrial uses as well as the existing industrial use on the site and is in the interest of preventing on-going trespass of the property which detracts from the intended industrial potential of the property.
- c) HBAP Section 3.30B.6(b) allows for new fencing to be constructed within coastal wetland buffers provided that the fencing does not impede the natural drainage and is sited to prevent adverse impacts on wetland habitat values. The fencing will be constructed in a manner to allow for drainage pass-through, and is proposed specifically to help prevent adverse impacts related to unauthorized trespass and dumping on the property.

5. FINDING

The proposed development is consistent with the purposes of the existing MG/NR, and A, W, F zones in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone.

EVIDENCE

- a) The parcel has been used for industrial uses since 1955. The current use includes storage of general construction equipment and machinery and storage of topsoil, concrete rubble and similar materials. The proposed development, the installation of fencing surrounding the project parcel, will allow for ongoing monitoring and prevention of unauthorized occupancy, trespass, and arson which have been problematic, causing concerns from the neighbors.
- b) The fencing is consistent with Section 313-125 of the Humboldt County Code because the reduced wetland buffer setback will not result in significant adverse impacts to the wetland habitat. The fencing will improve the habitat values by preventing adverse impacts associated with unlawful trespass of the property.
- c) The fencing is being installed to conform with the Compliance Agreement, dated April 5, 2019, between the County of Humboldt and the property owners.
- d) A condition of approval has been included to address the inadvertent discovery of cultural resources during construction of the proposed fencing through the requirement for a Tribal Monitor to be present during digging of

fence post holes.

6. FINDING

The installation of fencing around the project perimeter will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The property has had unauthorized occupancy, trespass, and arson during past years, resulting in neighborhood complaints about garbage, drug use, and illegal camping. New six-foot-tall fencing is proposed to be installed along the southern and western perimeters of the property, and existing fencing along the northern and eastern portions of the parcel will be extended to six feet in height using barbed wire. The proposed fencing is being requested to help curtail these activities and allow for ongoing monitoring and prevention. The proposal is also consistent with terms specified under a recently executed compliance agreement between the landowner and the County (dated April 5, 2019). The fencing will be beneficial to the public health, safety and welfare and will not be materially injurious to properties or improvements in the vicinity.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

- a) The parcel's General Plan land use designation (MG) and zoning (MG/NR) allow industrial use. The MG zoning only allows a caretaker residence upon approval of a Conditional Use Permit though no such housing is proposed as part of this project. The project will not negatively impact compliance with Housing Element law.

DECISION

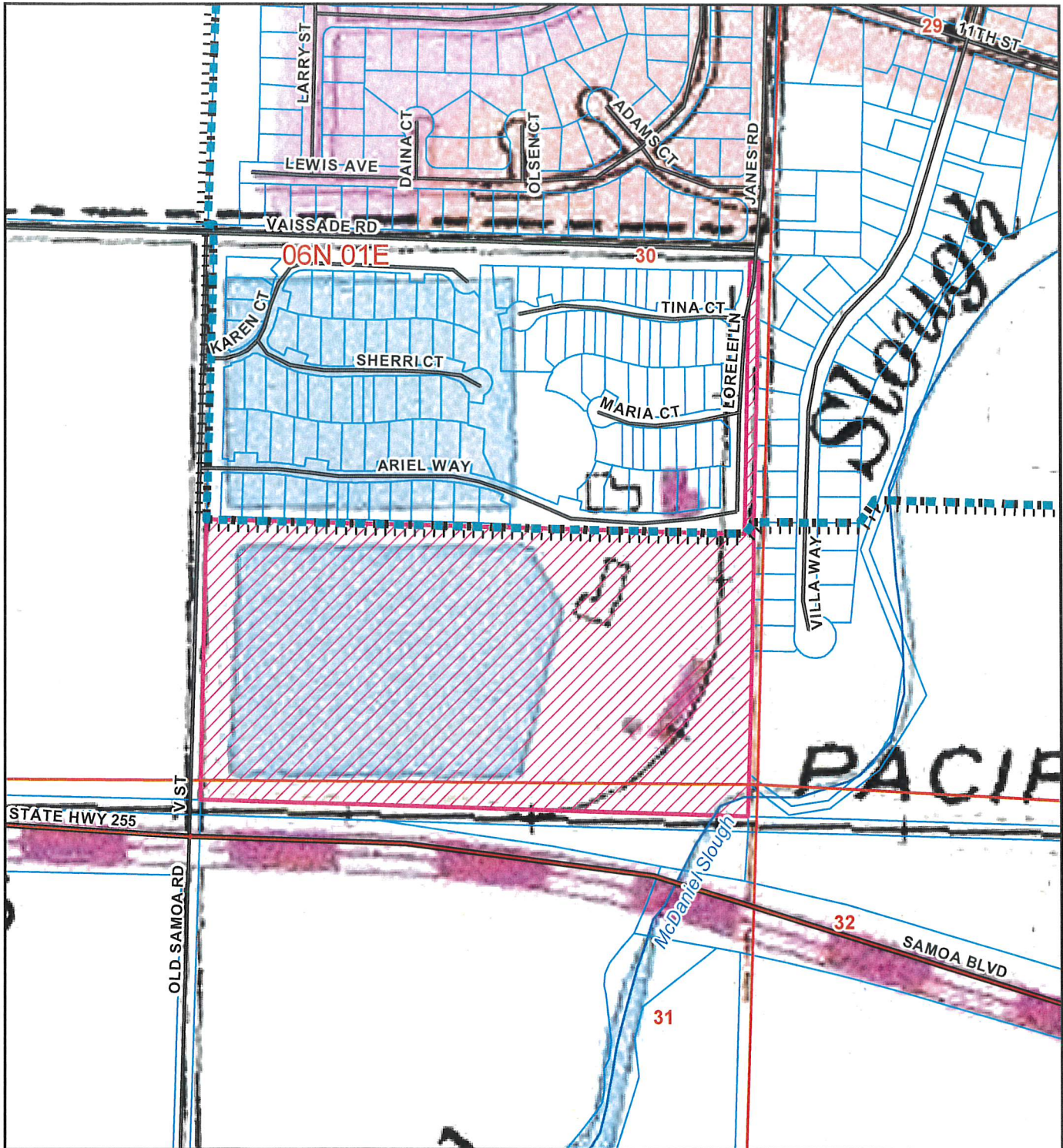
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Figas Coastal Development Permit, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **April 7, 2022.**

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department



TOPO MAP

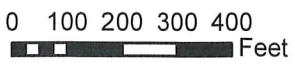
**PROPOSED FIGAS
 CONITIONAL USE PERMIT
 ARCATA AREA
 PLN-2019-15399
 APN: 505-192-004**

Project Area = 

Coastal Zone Boundary 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

T06N R01E S30 HB&M (Arcata South)





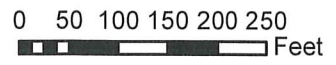
AERIAL MAP
PROPOSED FIGAS
CONITIONAL USE PERMIT
ARCATA AREA
PLN-2019-15399
APN: 505-192-004

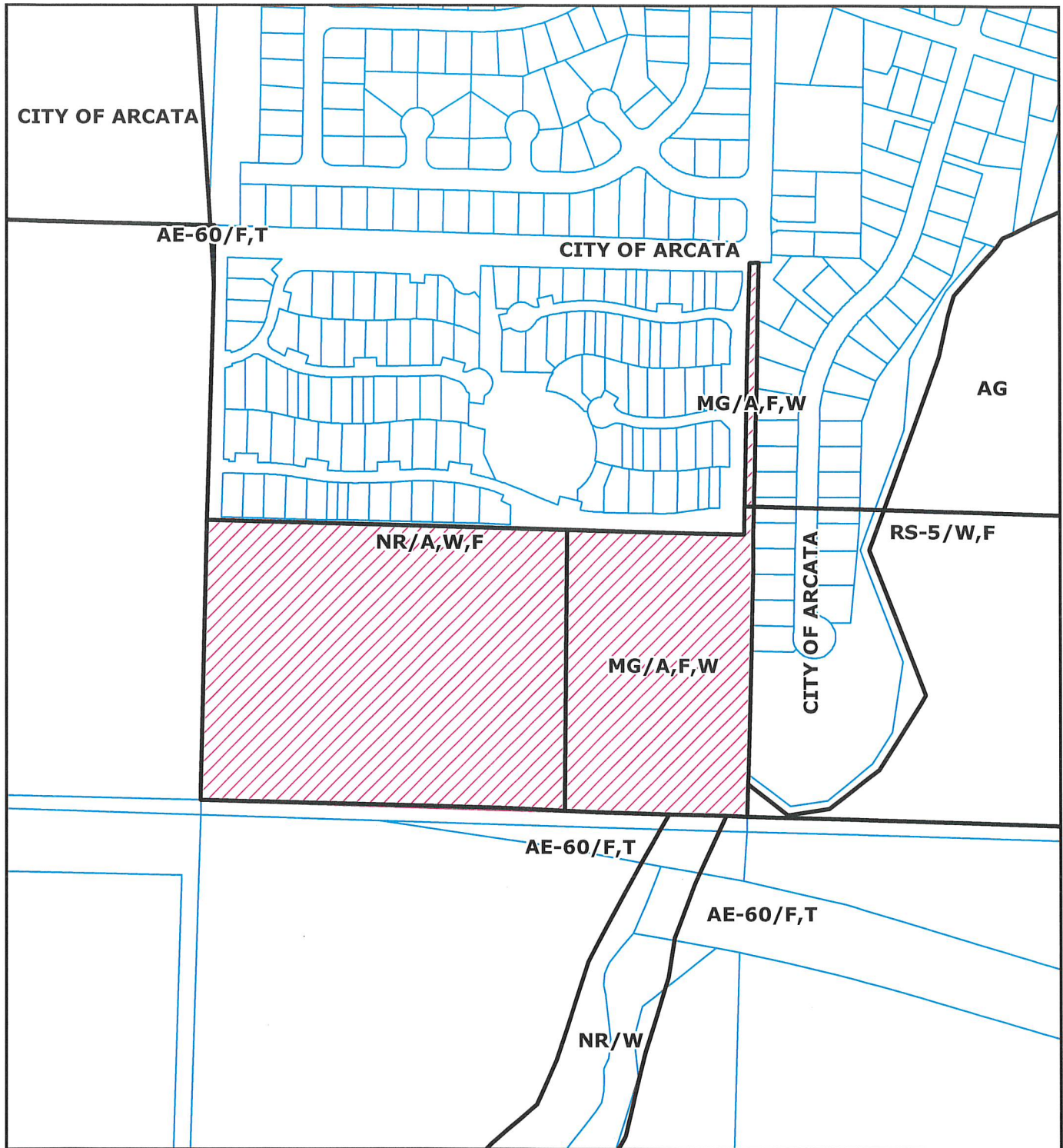
Project Area = 

Coastal Zone Boundary 

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T06N R01E S30 HB&M (Arcata South)





ZONING MAP

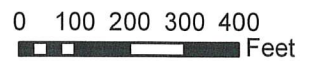
**PROPOSED FIGAS
 CONITIONAL USE PERMIT
 ARCATA AREA
 PLN-2019-15399
 APN: 505-192-004**

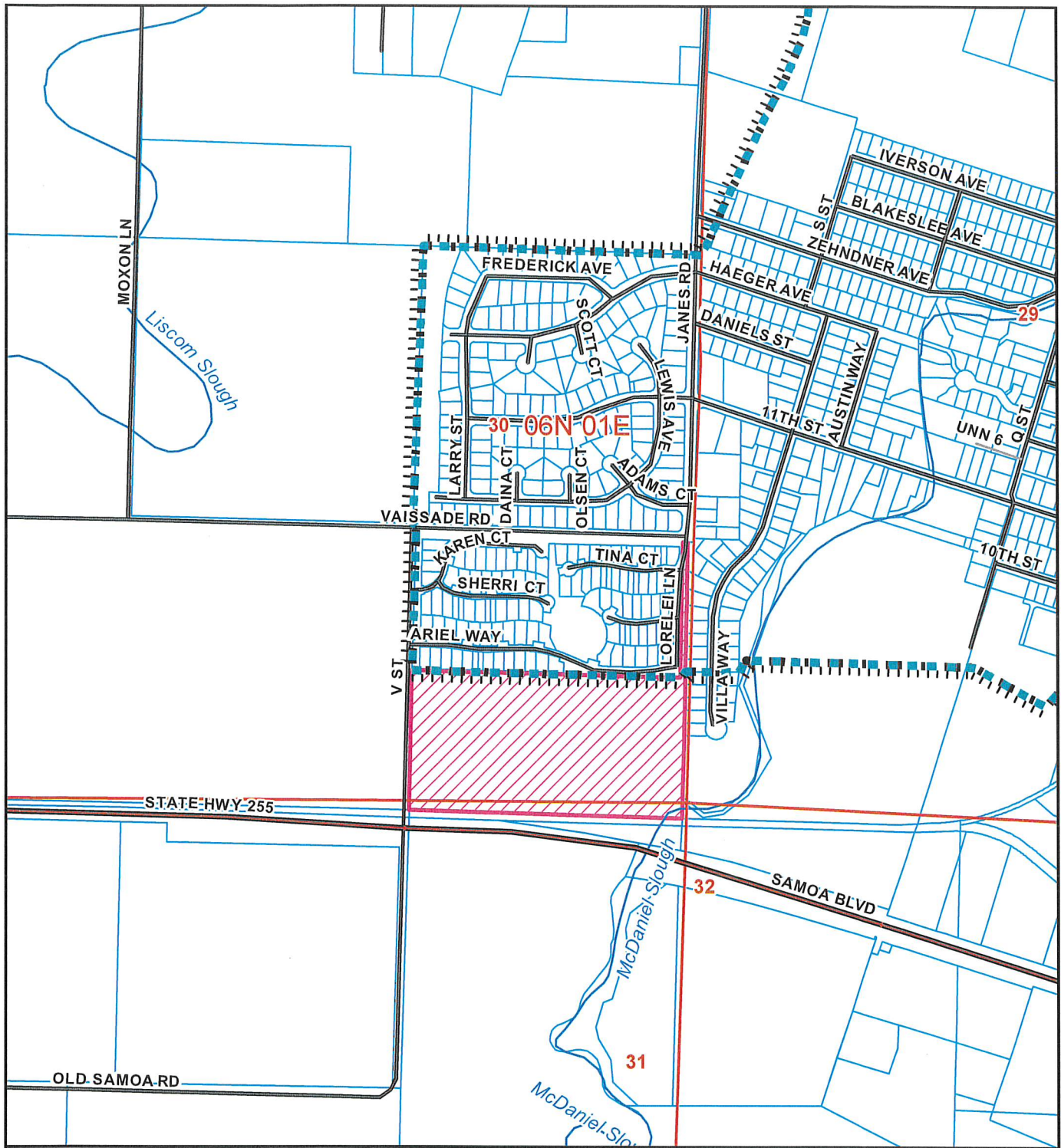
T06N R01E S30 HB&M (Arcata South)

Project Area = 

Coastal Zone Boundary 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





LOCATION MAP
PROPOSED FIGAS
CONITIONAL USE PERMIT
ARCATA AREA
PLN-2019-15399
APN: 505-192-004

T06N R01E S30 HB&M (Arcata South)

Project Area =

Coastal Zone Boundary

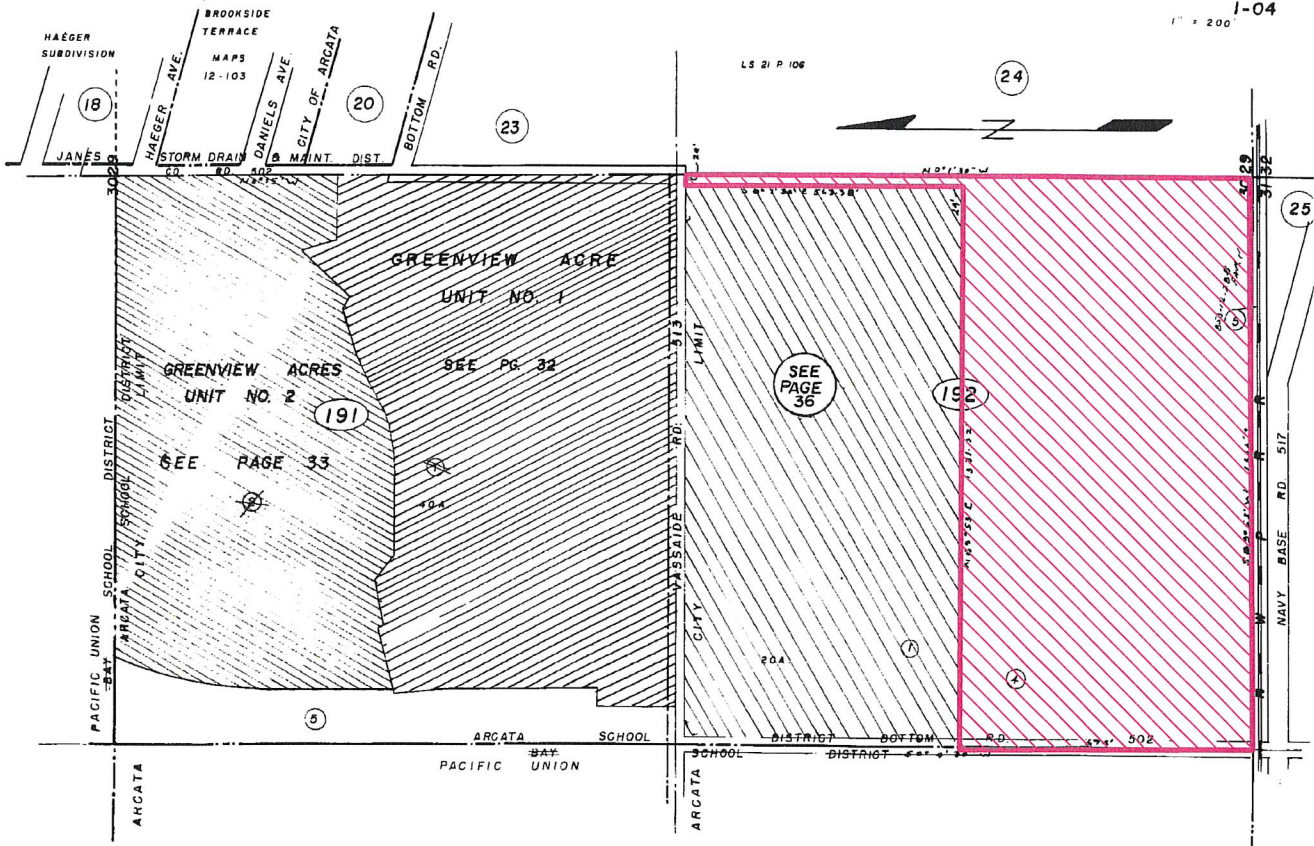
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



E 1/2 OF SE 1/4 SEC 30 6N 1E

505-19

T.C.A. 53-06
1-04
1" = 200'



ASSESSOR PARCEL MAP

PROPOSED FIGAS CONITIONAL USE PERMIT

ARCATA AREA
PLN-2019-15399
APN: 505-192-004

T06N R01E S30 HB&M (Arcata South)

Project Area = 

Coastal Zone Boundary 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



MAP NOT TO SCALE



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE COASTAL DEVELOPMENT PERMIT CAN BE FINALIZED.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. No fencing shall be erected without written authorization from the Director of the Planning & Building Department, or their designee. Following approval of the Coastal Development Permit, plans, photos, and similar information showing the selected fence materials and design shall be provided to the Department. During review and approval, the Department reserves the right to require substitution of materials or changes to the fence design.
4. Prior to any work on the proposed fence the applicant shall provide to the Planning Department an executed contract with a Tribal Monitor approved by the Tribal Historic Preservation Officers of the Blue Lake Rancheria and Wiyot Tribe for monitoring of the digging of the fence post holes. The monitor shall be on-site during construction of all fence post holes.
5. The applicant shall complete these conditions and complete construction of the fence within 180 days of the effective date of this permit or the case will be referred to Code Enforcement for further enforcement of the Compliance Agreement.
6. **Fences/Gates:** Pursuant to County Code Section 411-11 (j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed with the public right-of-way of County Maintained roads. Prior to constructing any fences along (or near) the right-of-way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of the public right-of-way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be set back further to comply with County Visibility Ordinance.

Fences and gates taller than six feet may require a building permit. The applicant is advised to consult with the Planning and Building Department – Building Division at 707.445.7245 prior to constructing any fences or gates.

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials

may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials.

If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

ATTACHMENT 2

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 2 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location of the proposed fencing.
3. Supplemental Application information letter dated May 13, 2019 from Misha Swartz. (On file)
4. Compliance Agreement between County of Humboldt and Robert and Kathryn Figas. (On file)

ATTACHMENT 3

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approval	On File
Division Environmental Health		No Response	
Public Works, Land Use Division	✓	Condition of Approval	Attached
US Fish and Wildlife Service		No Response	
California Department of Fish & Wildlife		No Response	
Arcata Code Enforcement		No Response	
County Counsel		No Response	
Humboldt County Sheriff Department		No Response	
Army Corps of Engineers		No Response	
FPD Arcata	✓	Approval	On File
North Coast Regional Water Quality Control Board		No Response	
California Coastal Commission		No Response	
California Department of Toxic Substances		No Response	
CalTrans District 1		No Response	
Bear River Band		No Response	
Blue Lake Rancheria		No Response	
Wiyot Tribe		No Response	
Arcata Chief of Police	✓	Approval	On File



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE
WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409


ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE	445-7205
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LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Steve Lazar, Senior Planner, Planning & Building Department

FROM: Kenneth Freed, Assistant Engineering 

DATE: 11/19/2020

RE: FIGAS; APN 505-192-004, APPS# PLN-2019-15399-CDP

ROAD: "V" Street (C3L010) is paved County maintained roadway with a centerline stripe. There are no developed shoulders or pedestrian facilities fronting the subject parcel. All fencing shall be installed outside the County road right of way. Visibility must be maintained at the intersection of "V" Street and State Hwy 255.

The following conditions are recommended: Our review of this project is limited to what is shown on the submitted plot plan. If other facilities not shown on the plot plan will be constructed, contact this Department immediately for approval **before** construction. This Department has regulations regarding facilities such as retaining walls, fence site visibility, drainage culverts, and parking lanes within the County right of way. This Department has included general statements for facilities that may not be included on the plot plan.

(1) **FENCES/GATES:** Pursuant to County Code Section 411-11 (j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of the public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance.

Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department – Building Division at 707.445.7245 prior to constructing any fences or gates.

// END //

ATTACHMENT 4
PUBLIC COMMENTS

From: [David Marshak](#)
To: [Planning Clerk](#)
Subject: Figas Coastal Development Permit PLN-2019-15399
Date: Tuesday, March 29, 2022 3:53:07 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

My house is at 2395 Ariel Way in Arcata. My backyard is adjacent to the northern perimeter of the Figas property at its edge on V Street.

There is a fence already in place, marking the boundary between my property and that of Mr Figas. The fence is already about 66 inches in height. Directly adjacent to the fence, on the Figas property, is a blackberry patch, at least 2-3 feet higher than the fence and at least 10 feet wide.

The fence is inaccessible from the south unless you want to crawl through 10 feet of blackberries. From my backyard you'd still have to crawl through the blackberries. Adding 5-6 inches of barbed wire to the fence would in no way add to the fence's capacity to keep people from accessing the Figas property from my backyard—the property is already inaccessible. Anyone who was motivated to climb the fence and crawl through the blackberries would certainly be just as motivated to climb over a few inches of barbed wire.

So, adding barbed wire is a waste of money. In addition I object to the visual pollution of fencing off my backyard with barbed wire. I don't want to live in a place that looks like a prison encampment.

David Marshak
2395 Ariel Way, Arcata CA 95521