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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT- CDP\_STANDARD**

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**JUNE 23, 2016  
CDP\_2015-0008**

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**SUMMARY**

**OWNER:** STEWART BURNS  
48 HOLBROOK STREET  
NORTH ADAMS, MA 01247

**AGENT:** CARL RITTIMAN  
PO BOX 590  
MENDOCINO, CA 95460

**REQUEST:** A Standard Coastal Development Permit for a replacement septic system, including trenching for a one hundred foot force line and placement of a leach field.

**DATE DEEMED COMPLETE:** March 30, 2016

**LOCATION:** In the Coastal Zone, approximately two miles north of the Town of Mendocino, lying south of Fern Drive (CR 410A), approximately 300 feet west of its intersection with Point Cabrillo Drive (CR 564) at 45115 Fern Drive, Mendocino (APN 118-230-60). MENDOCINO AREA

**TOTAL ACREAGE:** 0.84 acres

**GENERAL PLAN:** RR5(1):R

**ZONING:** RR:5

**SUPERVISORIAL DISTRICT:** 4

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt - Class 2(c) replacement or reconstruction of existing facilities.

**RECOMMENDATION:** Approve

**STAFF PLANNER:** JULIANA CHERRY

**BACKGROUND**

**PROJECT DESCRIPTION:** A Standard Coastal Development Permit for a replacement septic system, including trenching for a one hundred foot force line and placement of a new leach field. Project components will be located outside of an established 50-foot buffer for riparian areas. Wetland habitats will be sufficiently protected.

**APPLICANT'S STATEMENT:** A request for a Coastal Development Permit to construct a new on-site disposal system, per attached site plan, to correct winter surfacing of sewage effluent on adjacent property.

**RELATED APPLICATIONS:**

**On-Site** - Business license for a vacation home rental (BL118-94).

**SITE CHARACTERISTICS:** The project site is a parcel west of Highway 1, west of the Local Coastal Plan boundary, and located at 45115 Fern Drive, Mendocino. The site is flat to very gently sloped, having a five-foot rise over the 0.84-acre site and is about 50-feet in elevation. The subject parcel is one of approximately 150 residential lots that are typically 1-acre in area. The property contains Bishop Pine Forest, Red Alder Forest, Non-native grassland, and small-fruited Bulrush Marsh. The non-native grassland is present in the vicinity of the proposed septic replacement field. Two wetlands and a riparian area were observed in the project area and a 50-foot buffer is mapped to protect these resources. (Spade Natural Resources Consulting, Biological Scoping and Botanical Survey Report dated August 16, 2014).

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
<b>NORTH</b>	RR5(1)	RR5(1)	Less than 1 acre	Residential
<b>EAST</b>	RR5(1)	RR5(1)	Approximately 3 acres	Residential
<b>SOUTH</b>	RR5(1)	RR5(1)	Approximately 2.5 acres	Residential
<b>WEST</b>	RR5(1)	RR5(1)	Less than 1 acre	Residential

**PUBLIC SERVICES:**

Access:

Fire District: MENDOCINO

School District: MENDOCINO

**AGENCY COMMENTS:** On March 11, 2015 and April 1, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Agencies did not request special conditions for the proposed septic repair. Few agency comments were received and they are summarized below.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Planning Ukiah		Comment	4-19-2016
Environmental Health		Comment	4-23-2015
Building Inspection		No Comment	4-28-2016
County Water Agency		No Response	
US Fish and Wildlife Service		No Response	
CalFire		No Comment	4-30-2015
California Fish and Wildlife		No Response	
Coastal Commission		No Response	
RWQCB		No Response	
Army Corps of Engineers		No Response	
Mendocino Fire District		No Response	
County Addresser		No Comment	4-5-2016

Planning identified an existing business license for a vacation home rental. Environmental Health stated that an approved septic design was on file. While no specific conditions for the project's approval were received; details about agency responses are included in Appendix A: Coastal Permit Approval Checklist.

**KEY ISSUES**

**1. General Plan and Zoning Consistency:**

The general plan and zoning for the project site is Rural Residential. Within this designation, *Residential Single-Family* is a principally permitted land use. The existing home and vacation home rental business are permitted and consistent with the goals and policies of Mendocino County General Plan, Coastal Element, and the intent of the County Codes.

The proposal is to replace a failing septic system with a new leach field that is located outside the established boundaries of a 50-foot buffer protecting on-site riparian areas. No special land use conditions are recommended for project approval.

**2. Special Plans/Area Plans:**

The project site is situated within Mendocino County Local Coastal Plan boundaries. Established public access routes to the coast follow Point Cabrillo Drive, which is situated 320-feet easterly of the project site.

The proposed septic system design (leach field, force line, et al) avoids intrusion into wetland habitat and 50-foot buffers for existing Bishop Pines and Red Alder. The risk of affecting a special status plant is less than significant.

As proposed, the project complies with the goals and policies of Mendocino County's Local Coastal Plan.

**3. Environmental Protection:**

A Class 2 exemption from the California Environmental Quality Act, pursuant with Section 15302 of CEQA Guidelines, is appropriate given that lack of significant impacts and that the proposal is to repair on-site septic systems.

**RECOMMENDATION**

By resolution, grant a Coastal Development Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

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DATE

Signature on file

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JULIANA CHERRY  
PLANNER III

JC/at  
May 12, 2016

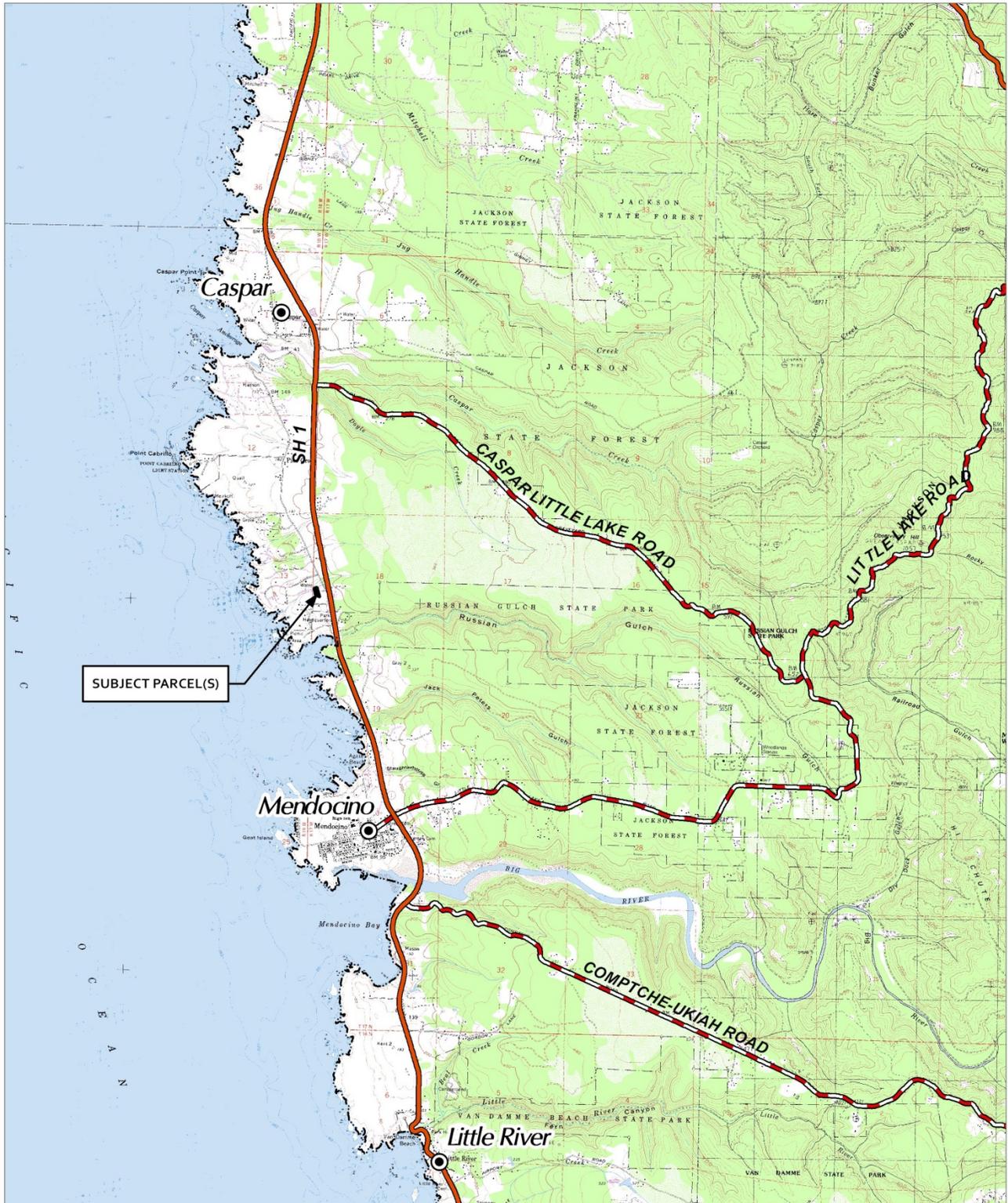
Appeal Period: 10 Days  
Appeal Fee: \$1100.00

**ATTACHMENTS:**

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Site/Tentative Map
- E. Adjacent Owner Map
- F. Zoning Map
- G. General Plan/LCP Map
- H. Fire Hazards Map
- I. Soils Map
- J. Ground Water Resource Area

**COASTAL CHECKLIST**

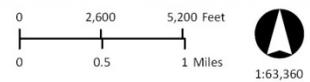
**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**



SUBJECT PARCEL(S)

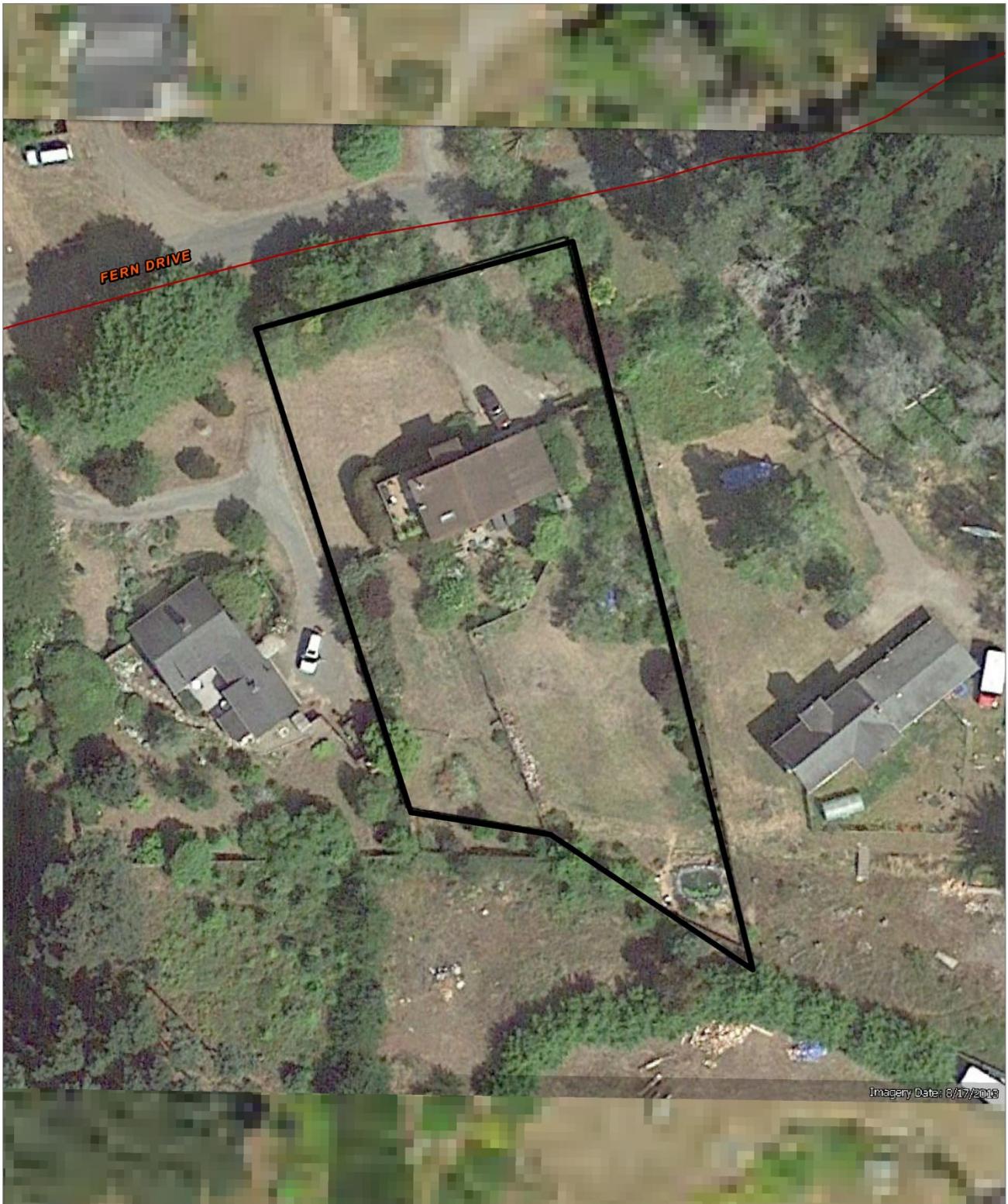
CASE: CDP 2015-0008  
OWNER: BURNS, Stewart  
APN: 118-230-60  
APLCT: Carl Rittiman & Assc.  
ADDRESS: 4515 Fern Dr., ME

- Highways
- Major Roads



LOCATION MAP

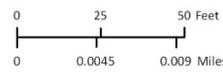
Map produced by the Mendocino County Planning & Building Services, April, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



Imagery Date: 6/17/2013

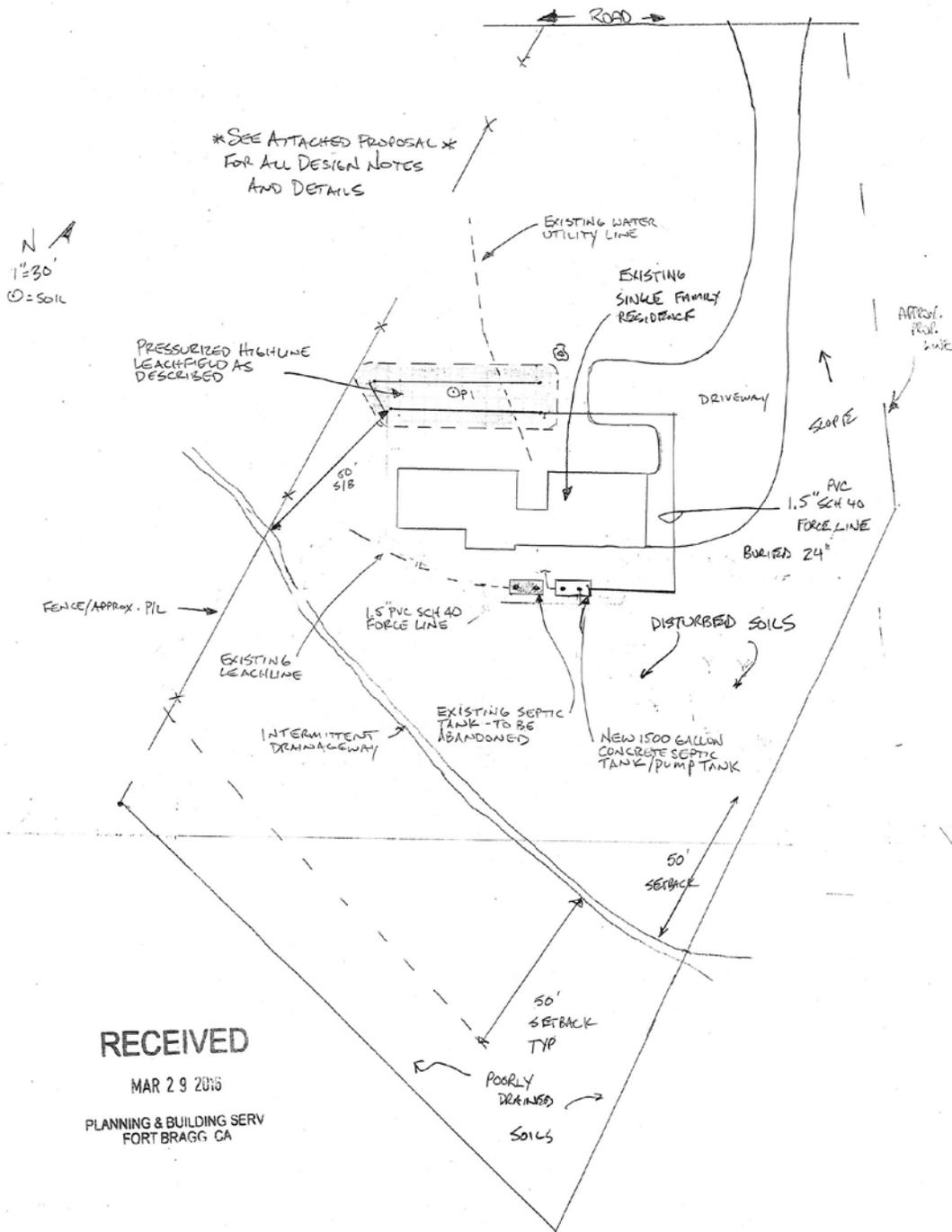
**CASE: CDP 2015-0008**  
**OWNER: BURNS, Stewart**  
**APN: 118-230-60**  
**APLCT: Carl Rittiman & Assc.**  
**ADDRESS: 4515 Fern Dr., ME**

— Public Roads



**GOOGLE EARTH IMAGERY**  
IMAGERY DATE: 8-17-2013

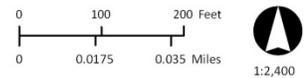
Map produced by the Mendocino County Planning & Building Services, April, 2015  
All spatial data is approximate. Map provided without warranty of any kind.



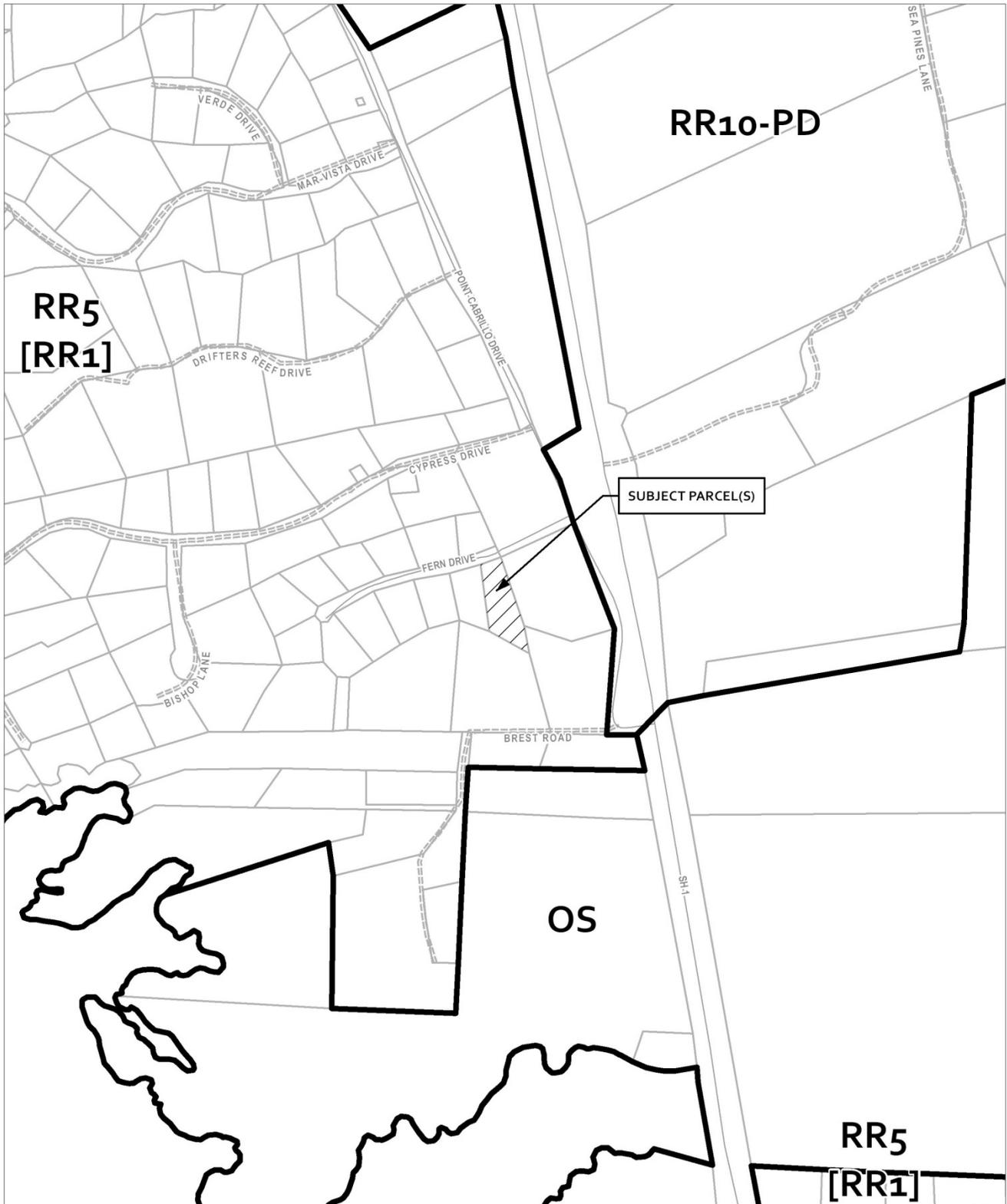
RECEIVED  
MAR 29 2015  
PLANNING & BUILDING SERV  
FORT BRAGG CA



CASE: CDP 2015-0008  
 OWNER: BURNS, Stewart  
 APN: 118-230-60  
 APLCT: Carl Rittiman & Assc.  
 ADDRESS: 45115 Fern Dr, ME



ADJACENT PARCELS

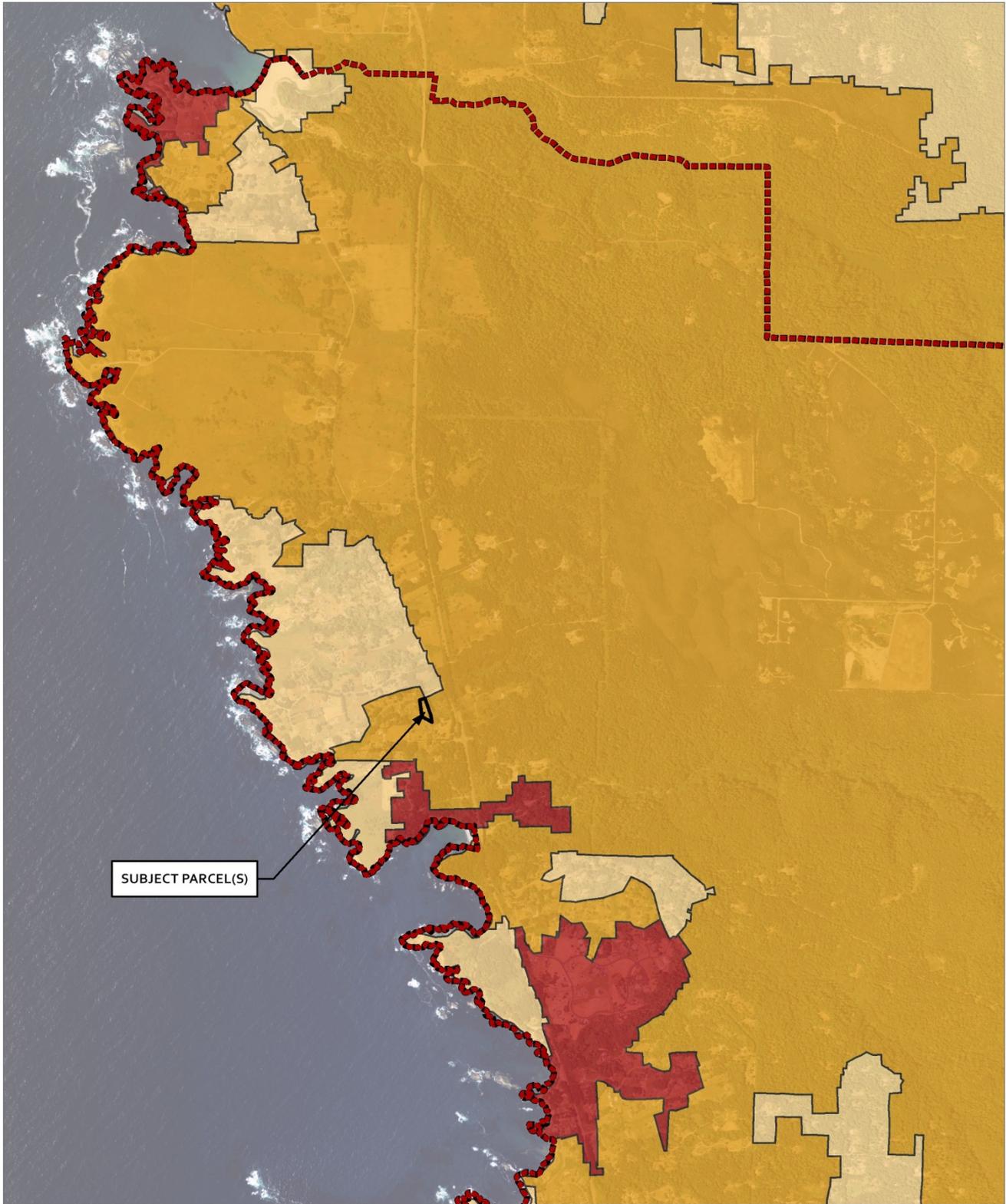


CASE: CDP 2015-0008  
OWNER: BURNS, Stewart  
APN: 118-230-60  
APLCT: Carl Rittiman & Assc.  
ADDRESS: 4515 Fern Dr., ME

 Zoning Master

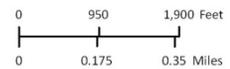


ZONING DISPLAY MAP



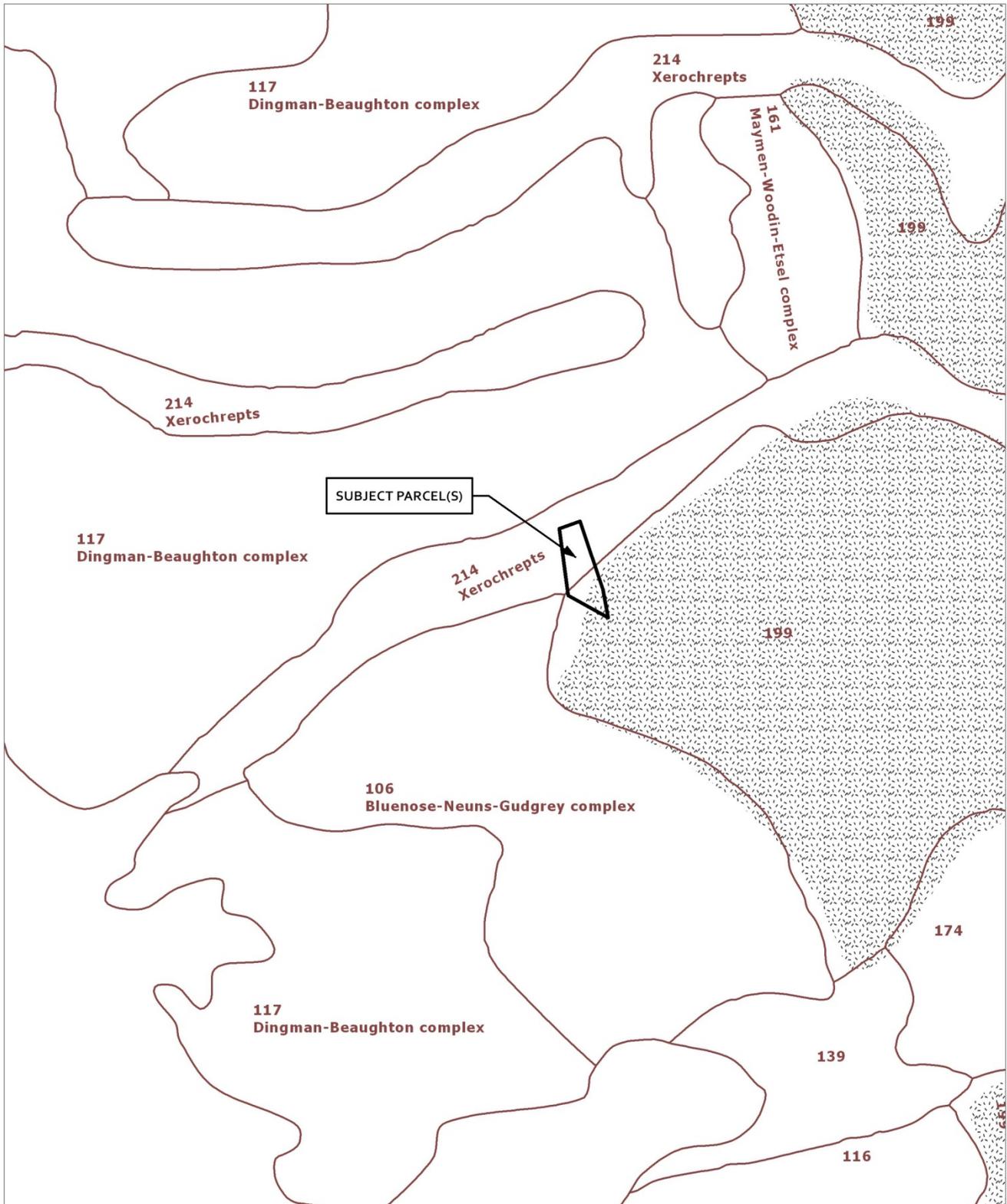
CASE: CDP 2015-0008  
OWNER: BURNS, Stewart  
APN: 118-230-60  
APLCT: Carl Rittiman & Assc.  
ADDRESS: 45115 Fern Dr., ME

-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard
-  Mendocino Fire District



FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, April, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

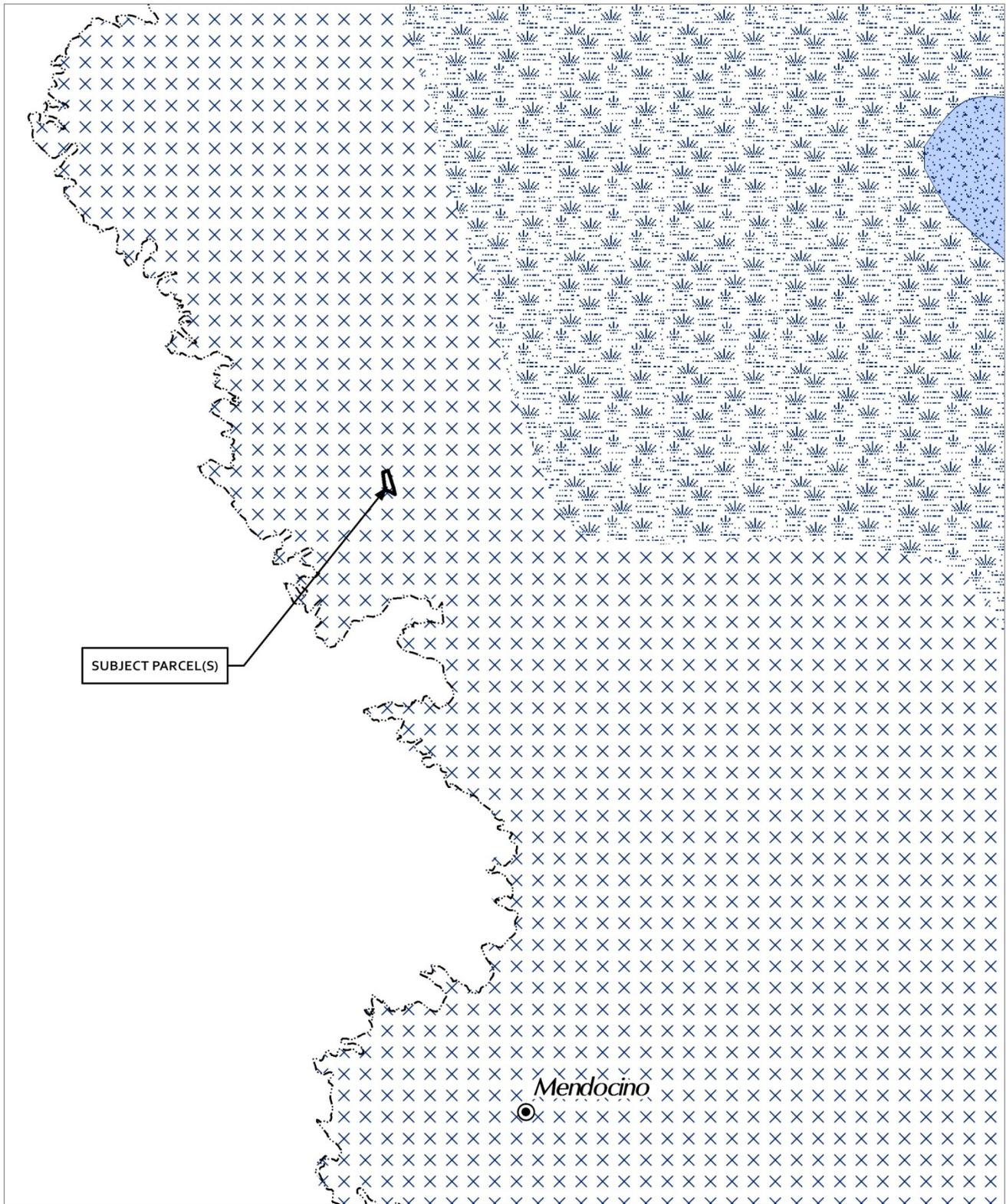


CASE: CDP 2015-0008  
OWNER: BURNS, Stewart  
APN: 118-230-60  
APLCT: Carl Rittiman & Assc.  
ADDRESS: 45115 Fern Dr., ME

 S-G Complex

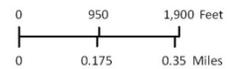


LOCAL SOILS



CASE: **CDP 2015-0008**  
OWNER: **BURNS, Stewart**  
APN: **118-230-60**  
APLCT: **Carl Rittiman & Assoc.**  
ADDRESS: **45115 Fern Dr., ME**

- Critical Water Areas
- Marginal Water Resources
- Critical Water Resources Bedrock



COASTAL GROUND WATER RESOURCES

Map produced by the Mendocino County Planning & Building Services, April, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

**COASTAL PERMIT APPROVAL CHECKLIST  
CDP\_2015-0008 (BURNS)  
JUNE 23, 2016**

**PROJECT TITLE:** CDP\_2015-0008

**PROJECT LOCATION:** 26800 North Highway 1  
Fort Bragg, California 95437  
APN: 069-060-07

**LEAD AGENCY NAME,  
ADDRESS AND CONTACT PERSON:** Juliana Cherry  
Mendocino County  
Planning and Building Services  
120 West Fir Street  
Fort Bragg, California 95437  
707-964-5379

**GENERAL PLAN DESIGNATION:** Mendocino County General Plan – Coastal Element  
RR5(1) Rural Residential, 5 acre min. lot sizes)

**ZONING DISTRICT** Mendocino County Code – Division II  
RR:5 Rural Residential, 5 acre min. lot sizes)

**DESCRIPTION OF PROJECT:** A Standard Coastal Development Permit for a replacement septic system, including trenching for a one hundred foot force line and placement of a leach field. Project components will be located outside of an established 50-foot buffer and wetland habitats will be sufficiently protected. The project is located in the Coastal Zone, approximately two miles north of the Town of Mendocino, lying south of Fern Drive (CR 410A), approximately 300 feet west of its intersection with Point Cabrillo Drive (CR 564) at 45115 Fern Drive, Mendocino (APN 118-230-60).

**SITE DESCRIPTION AND SETTING:** The project site is a parcel west of Highway 1, westerly of the Local Coastal Plan boundary, and located at 45115 Fern Drive, Mendocino. The site is flat to very gently sloped, having a five-foot rise over the 0.84-acre site and is about 50-feet in elevation. The subject parcel is one of approximately 150 residential lots that are often 1-acre in area. The property contains Bishop Pine Forest, Red Alder Forest, Non-native grassland, and small-fruited Bulrush Marsh. The non-native grassland is present in the vicinity of the proposed septic replacement field. Two wetlands and a riparian area were observed in the project area (Spade Natural Resources Consulting, Biological Scoping and Botanical Survey Report dated August 16, 2014).

**DETERMINATION:** The proposed project can satisfy all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

<b>20.532.095 Required Findings for All Coastal Development Permits</b>	<b>Inconsistent</b>	<b>Consistent (With Conditions of Approval)</b>	<b>Consistent (Without Conditions of Approval)</b>	<b>Not Applicable</b>
<b>(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:</b>				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:</b>				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

*Consistent (without conditions of approval)*

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The LCP addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluff tops; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes the Mendocino County Code (MCC), and its policies have been found consistent with the goals of the California Coastal Act.

Various aspects of the LCP are specifically addressed by separate *Required and Supplemental Findings* for Coastal Development Permits, including utilities, transportation, zoning, California Environmental Quality Act (CEQA) consistency, archaeological resources, public services, coastal access, and resource protection.

The following is a discussion of elements of the LCP *not* specifically addressed elsewhere in this checklist.

**General Plan Land Use – Rural Residential**

The subject parcel is classified as Rural Residential (RR) by the Coastal Element of the Mendocino County General Plan, which is intended “to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture...[and] is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.” The

principally permitted use designated for the RR land use classification is “residential and associated utilities, light agriculture, [and] home occupation.” The minimum parcel size for the RR land use classification is variable, as designated on the Land Use Map.<sup>1</sup> LCP Map 15 (*Caspar*) designates the minimum parcel size requirement as five acres.<sup>2</sup>

The existing parcel density is non-conforming; pursuant to Section 20.376.025(D) the allowable density is one dwelling unit per five acres. A permitted single-family residence is present on this 0.84 acre parcel. The proposed use is consistent with the RR classification of the Coastal Element of the Mendocino County General Plan.

### Hazards

Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, fire hazard or flood hazard.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.<sup>3</sup> The San Andreas fault is located approximately five (5) miles to the west of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

Flooding: There are no mapped 100-year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.<sup>4</sup>

Fire: The parcel is located in an area characterized by a high fire hazard severity rating.<sup>5</sup> The project application was referred to the California Department of Forestry and Fire Protection (CalFire) for input. California Department of Forestry and Fire Prevention responded that they had no comments at this time.

### Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan’s Coastal Element and implemented by Chapter 20.504 of the MCC. The subject parcel is not located within a mapped Highly Scenic Area (HSA).

- **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

*Consistent (without conditions of approval)*

### Utilities

The developed site currently includes a primary residence and an existing septic system that requires replacement. Environmental Health was invited to comment on the proposed sewage disposal system and leach field. Staff commented on April 23, 2015, that the site has an approved septic design on file with the Department of Environmental Health. No conditions were suggested for project approval.

<sup>1</sup> Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

<sup>2</sup> *Caspar* [map]. 1985. County of Mendocino Coastal Zone, Number 15 of 31. County of Mendocino Planning and Building.

<sup>3</sup> State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

<sup>4</sup> *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1200F, Number 06045C1200F. Federal Emergency Management Agency.

<sup>5</sup> *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

**Access Roads**

The parcel includes an existing driveway intersecting Fern Drive, 320 feet west of Point Cabrillo Drive. Since the applicant proposes to replace and repair an existing septic system, PBS did not request comments from California Department of Transportation or Mendocino County Department of Transportation.

- **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

*Consistent (without conditions of approval)*

Intent: The subject parcel is zoned Rural Residential (RR). The intent of the RR zoning district is “to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.”<sup>6</sup>

Use: The existing land use is consistent with the RR District principal permitted uses.

Yards: The location of the proposed leach field and force lines is outside of an established 50-foot buffer from sensitive habitat areas. Development conforms to required yard distances.

Height: The proposed work does not exceed district height limitations.

Lot Coverage: The proposed development does not increase existing lot coverage or exceed district requirements.

- **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

*Consistent (without conditions of approval)*

A Class 2(c) Categorical Exemption from CEQA, pursuant to Section 15301, for restoration or rehabilitation of existing facilities. The project design avoids impacts to existing Bishop pine forest, wetlands and riparian areas. Trenching and leach fields are designed outside of the recommended 50-foot buffer and on lands planted with non-native grass. There are no significant impacts to sensitive plants.

- **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

*Consistent (without conditions of approval)*

The Archaeological Commission was not contacted as the site has been previously developed. A standard condition will protect cultural resources if any are uncovered during the course of construction.

**Standard Condition:** 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.

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<sup>6</sup> Mendocino County Coastal Zoning Code, § II-20.376.005-20.380.065 (1991).

- **20.532.095(A)(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.**

*Not applicable*

Solid Waste: The Caspar Transfer Station is located approximately four miles from the project site, providing for the disposal of solid waste resulting from the residential use. Additionally, curbside pickup is available, should the owner choose to purchase the service. Solid waste disposal is adequate to serve the proposed development.

Roadway Capacity: The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located at 45115 Fern Drive, which is approximately 320-feet west of its intersection with Point Cabrillo Drive. Construction of a replacement septic system is unlikely to generate additional vehicle trips per day. The nearest vehicle trips data breakpoint in the study is located in Point Cabrillo Drive’s intersection with State Route 1. The existing level of service at peak hour conditions at this location is considered Level of Service B.<sup>7</sup> No change in service levels is anticipated.

- **20.532.095(B)(1) If the proposed Development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made: The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

*Consistent (without conditions of approval)*

The project site is located west of Highway 1, but is not designated as a potential public access trail location on the Caspar LCP Map 15. Coastal access is provided easterly of the project site and Point Cabrillo Drive. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast.

<b>20.532.100 (A) Resource Protection Impact Findings</b>	<b>Inconsistent</b>	<b>Consistent (With Conditions of Approval)</b>	<b>Consistent (Without Conditions of Approval)</b>	<b>Not Applicable</b>
<b>(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:</b>				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(2) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:</b>				
(a) The proposed use is compatible with the long-term protection of resource lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>7</sup> State Route 1 Corridor Study Update for the County of Mendocino. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Print and <http://www.mendocinocog.org/pdf/SR%201%20Corridor%20Study%20Update.9-18-08.pdf>

- **20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made...**

The Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

A biological scoping and botanical survey report was prepared on August 16, 2014 for the project site (Spade Natural Resources Consulting). An update to this report was submitted March 2, 2016. The update examined the location of the redesigned septic system and found that *all components of the proposed septic repair can be located outside of the 50-foot buffer zone protecting the wetland habitat.* The update includes a map showing the location of the 50-foot buffer and proposed area of work.

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
6/23/2016

CDP\_2015-0008 STEWART BURNS

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,  
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A  
CLASS 2(C) CATEGORICAL EXEMPTION FROM CEQA AND  
GRANTING A CDP\_STANDARD PERMIT TO REPLACE AND  
EXISTING SEPTIC SYSTEM AND LEACH FIELD.

WHEREAS, the property owner, STEWART BURNS, filed an application with the Mendocino County Department of Planning and Building Services to request a Standard Coastal Development Permit for a replacement septic system, including trenching for a one hundred foot force line and placement of a leach field. within Mendocino County Local Coastal Plan boundaries where the property is located In the Coastal Zone, approximately two miles north of the Town of Mendocino, lying south of Fern Drive (CR 410A), approximately 300 feet west of its intersection with Point Cabrillo Drive (CR 564) at 45115 Fern Drive, Mendocino (APN 118-230-60); General Plan RR5(1):R; Zoning RR:5; Supervisorial District 4; (the "Project"); and

Whereas, a Class 2(c) Categorical Exemption was prepared and noticed for the Project, and made available for agency and public review on May 23, 2016 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

Whereas, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on, 06/23/2016, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Class 2(c) Categorical Exemption from CEQA and the Project. All interested persons were given an opportunity to hear and be heard regarding the CATEGORICAL EXEMPTION and the Project; and

Whereas, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the BOARD OF SUPERVISORS regarding the Class 2(c) Categorical Exemption from CEQA and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings;

1. The repair and replacement of a septic system that is accessory to a Single-Family Residence located within the boundaries of Mendocino County Local Coastal Plan area and designated Rural Residential meets the goal of the general plan for residential development; and
2. The repair and replacement of a septic system that is accessory to an existing Single-Family Residence in the Rural Residential Zoning District satisfies the intention of that district; and
3. The proposed development is in conformity with the certified local coastal program, as residential uses are principally permitted land uses within the LCP Rural Residential Districts; and
4. The proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities; and
5. The proposed development is consistent with the purpose and intent of the Rural Residential District as well as the provisions of Division II and preserved the integrity of the zoning district; and

6. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act which is substantiated by a biological scoping survey and establishment of a 50-foot buffer; and
7. The proposed development will not have any adverse impacts on any known archaeological or paleontological resources; and
8. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development and staff found that no change in the level of service is anticipated.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Class 2(c) Categorical Exemption and sets forth in the Conditions of Approval. The Coastal Permit Administrator certifies that the exemption has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the CEQA guidelines allow for an exemption for replacement or reconstruction of existing facilities.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Coastal Development STANDARD Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Coastal Permit Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

*I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.*

ATTEST: ADRIENNE THOMPSON  
Commission Services Supervisor

By: \_\_\_\_\_

BY: STEVE DUNNICLIFF  
Director

ANDY GUSTAVSON  
Coastal Permit Administrator

## EXHIBIT A

### CONDITIONS OF APPROVAL CDP\_2015-0008 - BURNS JUNE 23, 2016

A Standard Coastal Development Permit for a replacement septic system, including trenching for a one hundred foot force line and placement of a leach Field.

**APPROVED PROJECT DESCRIPTION:** A Standard Coastal Development Permit for a replacement septic system, including trenching for a one hundred foot force line and placement of a new leach field, as shown on plans stamped received March 29, 2016.

#### **CONDITIONS OF APPROVAL:**

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 or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one 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. A fifty-foot buffer from riparian areas, as shown on Figure 1 of the Botanical Update for 45115 Fern Drive and stamped received March 2, 2016, shall be established.