



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- CDP_STANDARD**

**OCTOBER 27, 2016
CDP_2015-0033**

SUMMARY

OWNER/ APPLICANT: PATRICK ELLIS AND LISA LAUER
PO BOX 234
GUALALA, CA 95445

AGENT: CARL RITTIMAN
PO BOX 1700
MENDOCINO, CA 95460

REQUEST: A Coastal Development Standard Permit to repair and replace a leach field, pump tank, pump and control panel, and septic connecting lines. Minor trenching to bury the pump tank, connecting lines, and leach lines. Disturbed areas will be backfilled to original contours, seeded with native grasses, and or mulched.

DATE DEEMED COMPLETE: March 30, 2016

LOCATION: The site is located on the west side of Highway 1 approximately 0.2 miles north of its intersection with Collins Landing Road or 2.5 miles north of Gualala. 36000 SO HWY 1, GUALALA

TOTAL ACREAGE: 1.6 Acres

GENERAL PLAN: Rural Residential- 5 acre minimum (RR5:R [RR-1])

ZONING: Rural Residential- 5 acre minimum (RR:5)

SUPERVISORIAL DISTRICT: 5

APPEALABLE AREA: Yes (Blufftop and Highly Scenic Area)

ENVIRONMENTAL DETERMINATION: Categorically exempt pursuant with Section 15304(F), a Class 4 Categorical Exemption from CEQA for minor alterations of land, including minor trenching and backfilling where the surface is restored.

RECOMMENDATION: Approve with conditions

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION: A Coastal Development Permit to repair and replace a leach field, pump tank, pump and control panel, and septic connecting lines. Minor trenching to bury the pump tank, connecting lines, and leach lines. Disturbed areas will be backfilled to original contours, seeded with native grasses, and or mulched.

APPLICANT'S STATEMENT: Repair of an existing three-bedroom septic system, including replacement of leach field, pump tank, pump and control panel, and connecting lines. No portion of the repair will be closer than the existing system to the bluff slope or an ephemeral drainage gulch, and the leach field will be further away from these features than the existing system. Three 18-inch trees will be removed to prevent root intrusion into the new leach lines, and all or some of the hedge will be removed to install the new pump chamber. Digging to bury the pump tank, connecting lines, and leach lines will move 12-15 cubic yards during the project, which will be replaced and graded to match the existing topography, and the area will then be re-seeded with native grasses and/or mulched to prevent erosion. None of the areas impacted by this project are within public view from the highway, the shore, or any other public space. There is no well on the property.

RELATED ON SITE APPLICATIONS:

- BF 1997-0238 Roof repair
- BF 2015-0391 Roof repair
- BF 2015-0467 Solar panels mounted to the roof
- BF 2015-0498 Electrical panel change from 100 AMP to 200 AMP
- BL 2001-0163 Vacation Home Rental Business License

SITE CHARACTERISTICS: The 1.6-acre site is located between State Route 1 and Mendocino County coastal bluffs. Portions of the parcel are mapped within FEMA 100-year flood zones. The project area avoids development within the flood zone. Water runoffs from the roadway are directed across the property. The project area is south of the existing ditch (or culvert). The site was originally developed in 1864 with the construction of a barn. During the 1960-1970's, the Assessor's Office has documentation that the barn was converted to a residential use and two additions were completed. Despite the parcel size, the land is highly constrained for development. Constraints include high risk for fire hazards; critical water resources; and bluffs with natural risk for erosion and exposure to ocean-wave rush, tsunami, flooding, and earthquakes. The parcel is situated within a designated Highly Scenic Area.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR5	RR5	2 acres	Residential
EAST	RR10	RR10	2 acres	Residential
SOUTH	RR5	RR5	2 acres	Residential
WEST	Ocean	Ocean		

PUBLIC SERVICES:

Access: State Route 1 is adjacent to the easterly property line
Fire District: South Coast Fire District
Water District: North Gualala Water Company
School District: Arena Unified School District
MAC: Gualala MAC

AGENCY COMMENTS: On March 30, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
PBS Planning Ukiah		No response	
Department of Transportation		No response	
PBS Building Inspection FB		No comment	6-17-2016
Department of Environmental Health Assessor		No response	4-7-2016
Northwest Information Center		No response	
Archaeology Commission		Comment	7-13-2016
State Clearinghouse		Comment	
Caltrans		No response	
CalFire		No comment	4-6-2016
Department of Fish and Game		Comment	4-14-2016
Coastal Commission		No response	
Gualala Municipal Area Council		Comment	5-10-2016
North Gualala Water Company		Comment	4-6-2016
South Coast Fire District		No response	

KEY ISSUES

1. General Plan and Zoning Consistency:

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 proposed septic repairs (replacement leach field, pump tank, pump and control panel; and connecting lines) are consistent with the RR classification of the Coastal Element of the Mendocino County General Plan and Mendocino County Code (MCC) Chapters 20.376 Rural Residential District, 20.500 Hazard Areas, 20.528 Coastal Access Regulations and Open Space Easements, and Section 20.532.095 Required Findings for all Coastal Development Permits.

Since the parcel is adjacent to a coastal bluff, two conditions of project approval are recommended. One establishes that the landowner assume the risk associated with bluff development and the second condition is to ensure that soil disturbance and the septic repair be completed during the dry season. The two conditions are included in the recommended resolution and Appendix A.

2. Mendocino County Local Coastal Plan:

The subject parcel is located within a mapped Highly Scenic Area (HSA). It is a developed site and the proposed repairs do not include above grade changes to the land. No impact to visual resources is anticipated; therefore, the project conforms to the protection of visual resources as implemented by MCC Chapter 20.504.

The project site is located west of Highway 1. The Coastal Element of the General Plan designates this section of the highway as the public access route to the county’s coastline. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast; therefore, the proposed septic system repair and replacement is consistent with the public access and public recreation policies of the Coastal Element of the General Plan.

3. Department of Environmental Health:

The proposal is to replace a failed septic system on a narrow, 1.6-acre site that is situated between the highway and coastal bluffs. The applicant has filed an application with Mendocino County Department of Environmental Health and it has been found to be sufficient. The department would issue their permit following the approval CDP 2015-0033.

4. Environmental Protection:

Pursuant with Section 15304(F), a Class 4 Categorical Exemption from CEQA for minor alterations of land, including minor trenching and backfilling where the surface is restored.

The site was surveyed and no sensitive plant species were found within 100-feet of the project area. Removal of three trees during non-nesting season was recommended; and the trees situated within the project area were removed during the winter (2015-2016), as the quantity and size of the trees did not constitute major vegetation removal.

RECOMMENDATION

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

20 September 2016
DATE

Juliana Cherry
JULIANA CHERRY
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$1100.00

ATTACHMENTS:

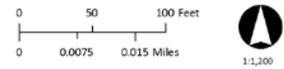
- A. Adjacent Parcels
- B. ESRI Imagery
- C. Estimate Slope
- D. FEMA Flood Zone
- E. Fire Hazard Zones & Responsibility Areas
- F. General Plan Classifications
- G. GMAC
- H. Groundwater Resources
- I. Highly Scenic & Tree Removal Areas
- J. LCP Land Capabilities & Natural Hazards
- K. Local Soils
- L. Location Map
- M. Site Plan
- N. Zoning Display Map

COASTAL CHECKLIST

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



CASE: CDP 2015 0033
OWNER: ELLIS, Patrick
APN: 144-100-04
APLCT: Patrick Ellis
ADDRESS: 36000 S. Hwy. 1, GU

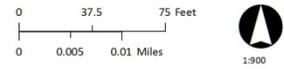


ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, February, 2016
All spatial data is approximate. Map provided without warranty of any kind.

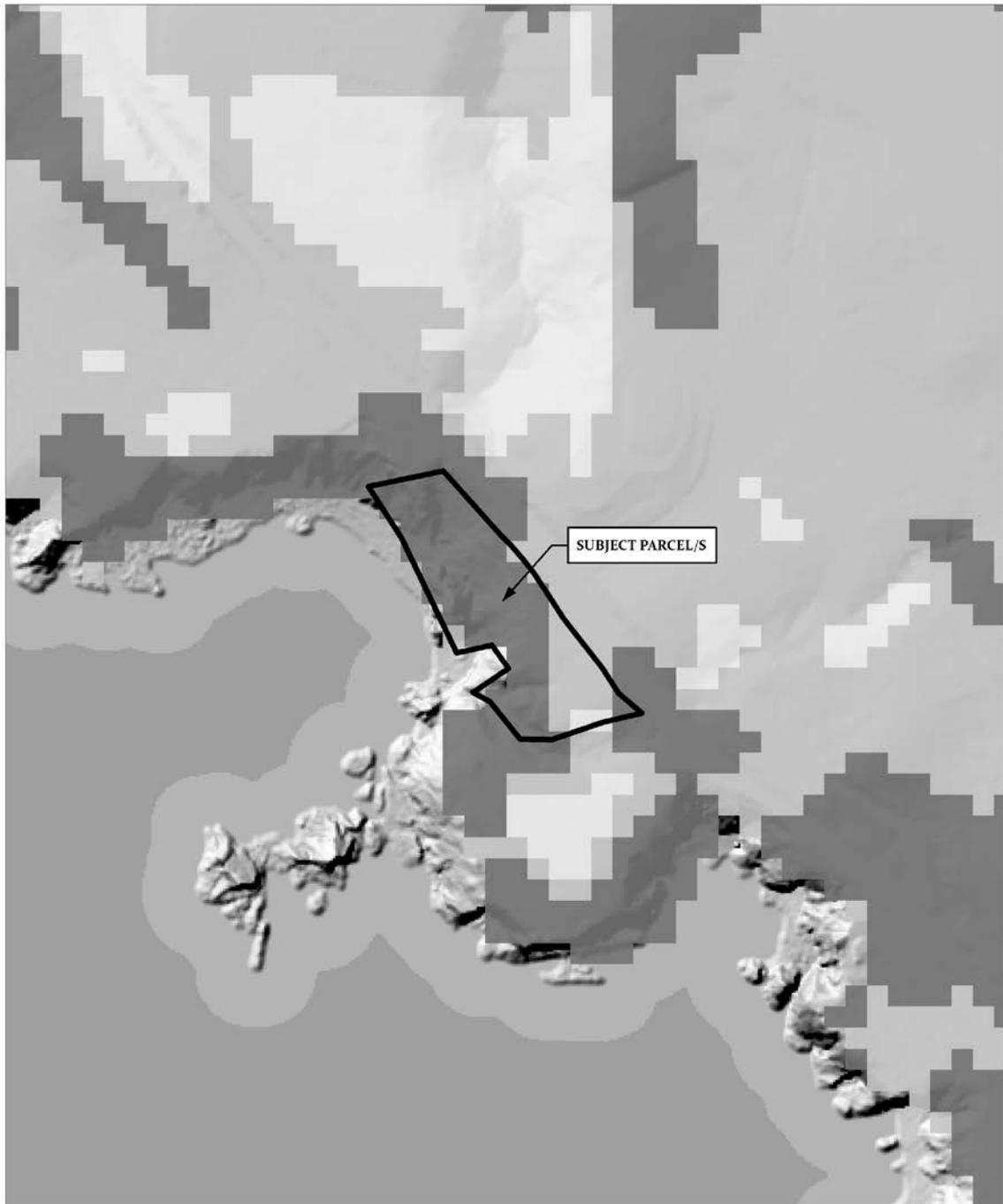


CASE: CDP 2015-0033
OWNER: ELLIS, Patrick
APN: 144-100-04
APLT: Patrick Ellis
ADDRESS: 36000 S. Hwy. 1, GU

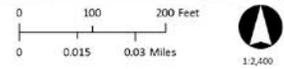
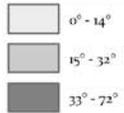


ESRI IMAGERY

Map produced by the Mendocino County Planning & Building Services, February, 2016
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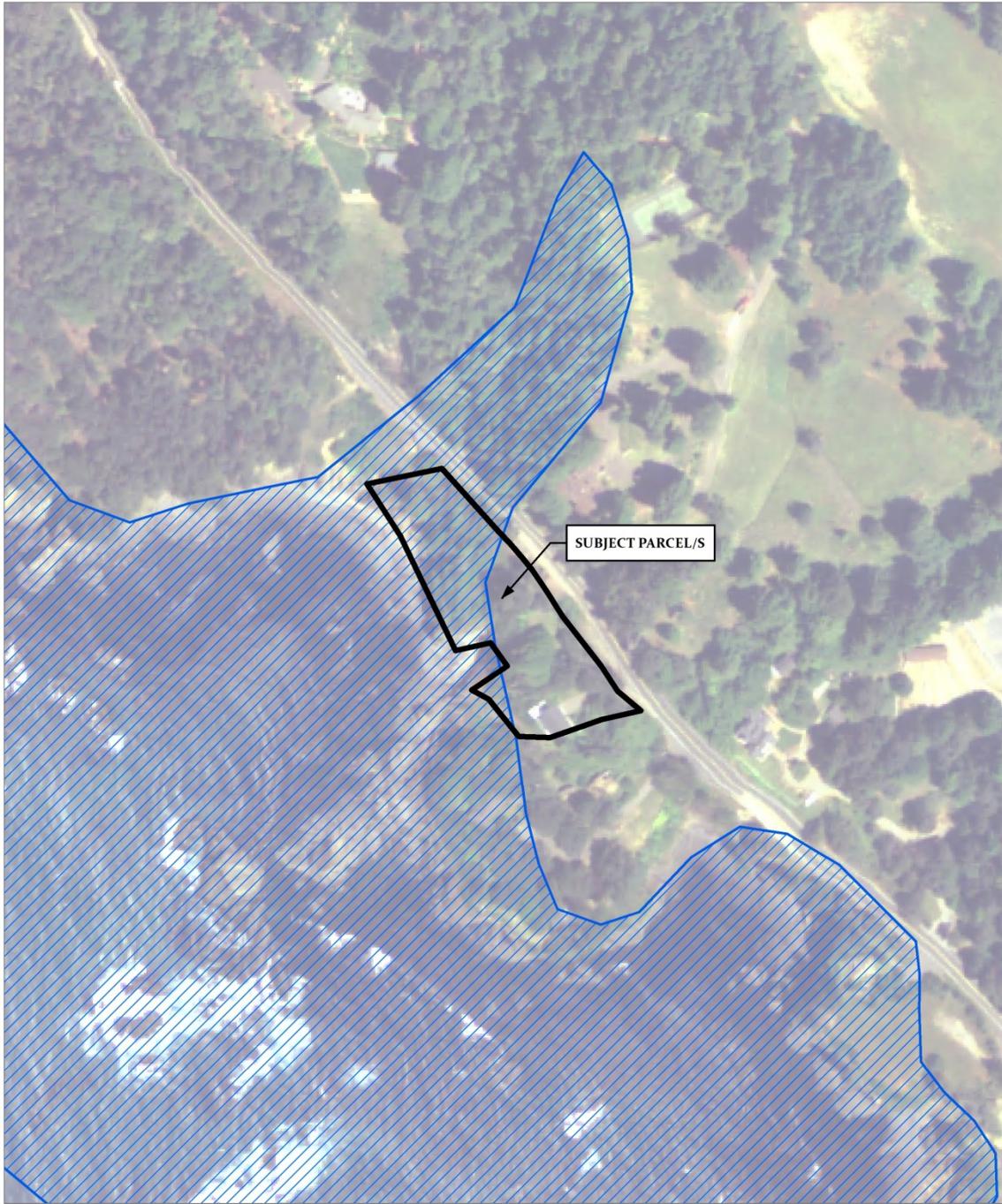


CASE: CDP 2015-0033
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ADDRESS: 36000 S. Hwy. 1, GU

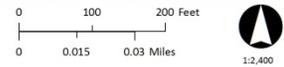


ESTIMATE SLOPE

Map produced by the Mendocino County Planning & Building Services, February, 2016.
All spatial data is approximate. Map provided without warranty of any kind.

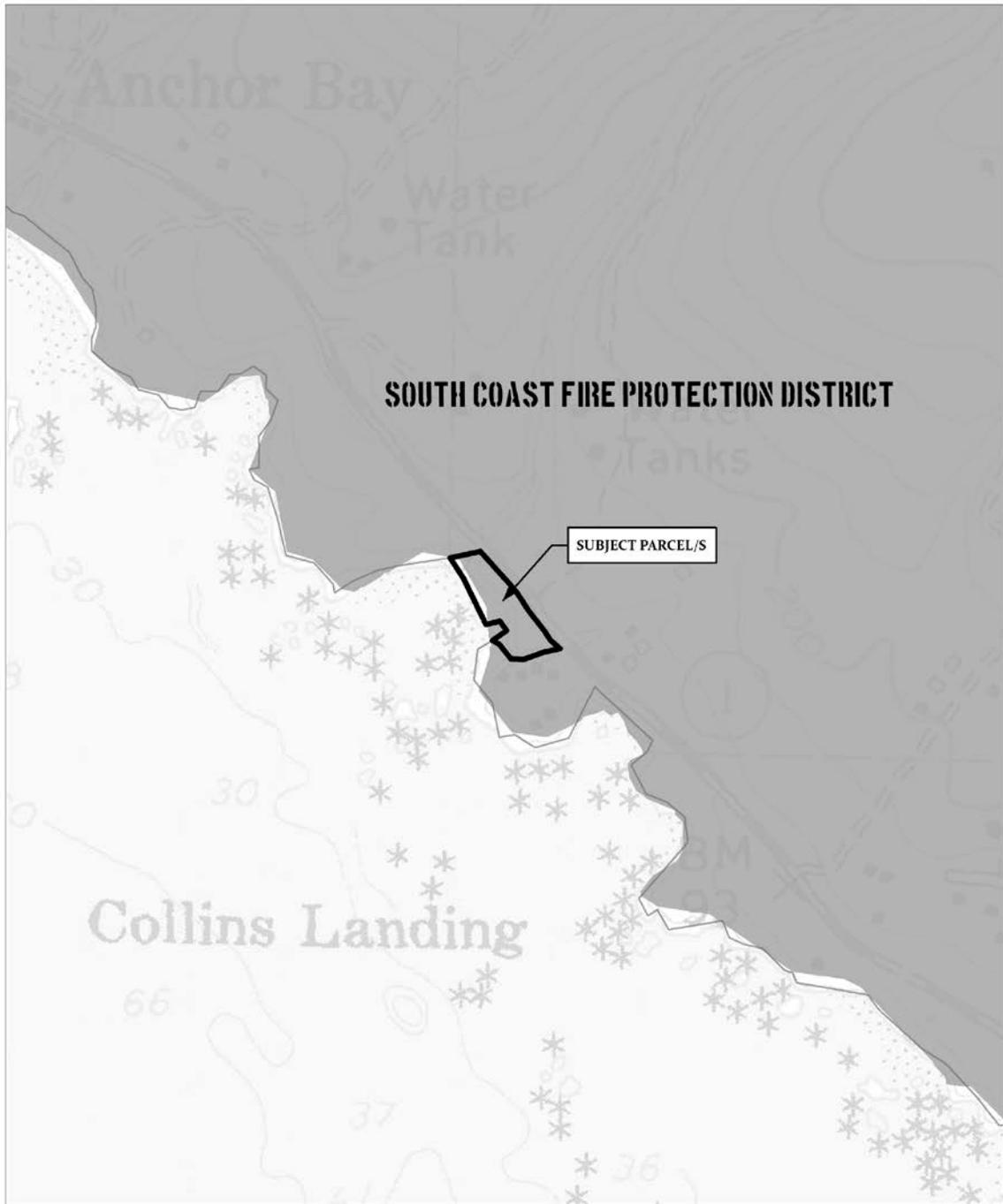


CASE: CDP 2015-0033
OWNER: ELLIS, Patrick
APN: 144-100-04
APLT: Patrick Ellis
ADDRESS: 36000 S. Hwy. 1, GU



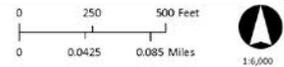
FEMA FLOOD ZONE
NFIP MAPS, JUNE 21st, 2011

Map produced by the Mendocino County Planning & Building Services, February, 2016
All spatial data is approximate. Map provided without warranty of any kind.



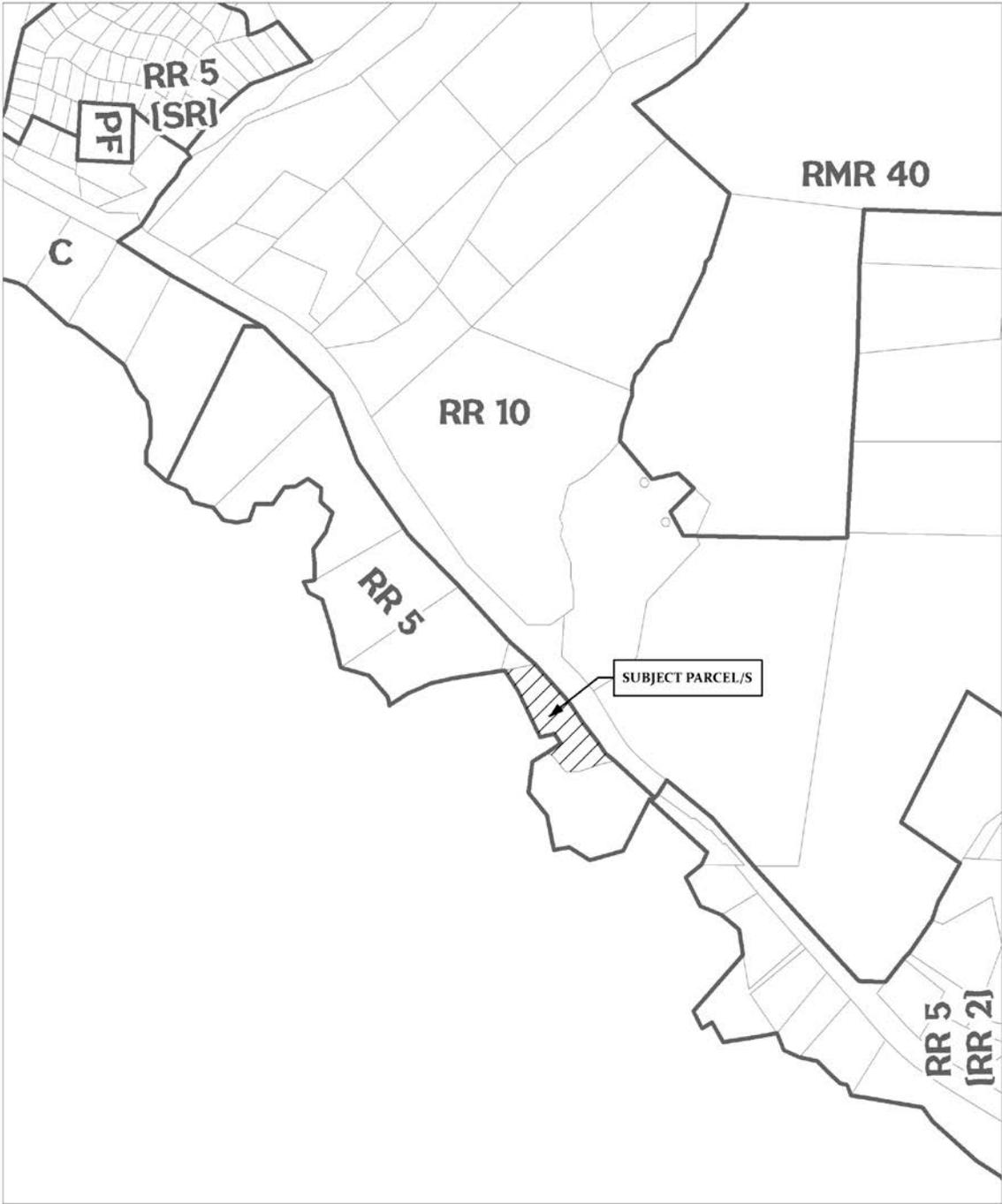
CASE: CDP 2015-0033
OWNER: ELLIS, Patrick
APN: 144-100-04
APLT: Patrick Ellis
ADDRESS: 36000 S. Hwy. 1, GU

 County Fire Districts
 High Fire Hazard



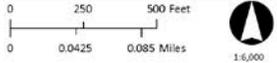
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, February, 2016.
All spatial data is approximate. Map provided without warranty of any kind.



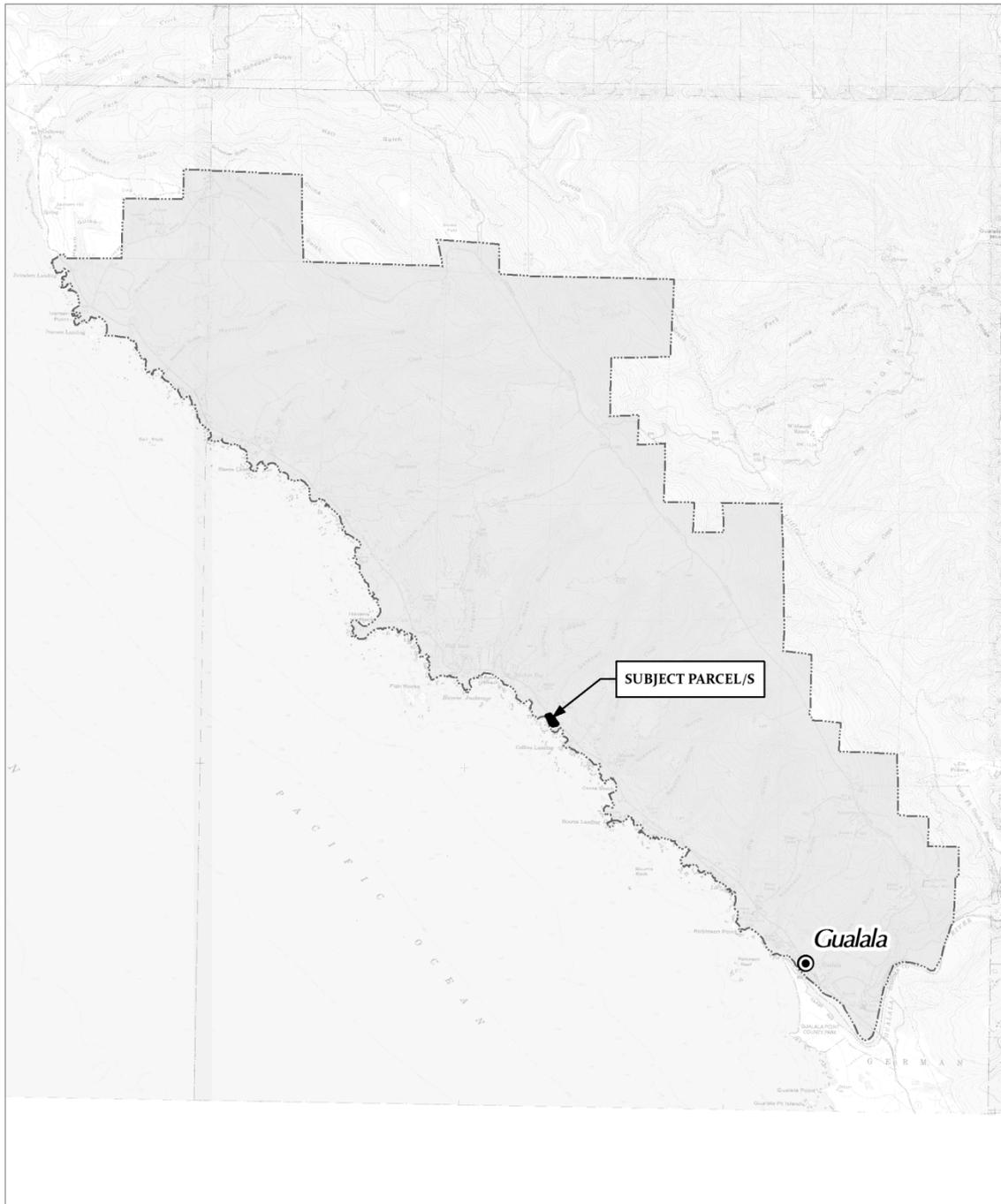
CASE: CDP 2015-0033
OWNER: ELLIS, Patrick
APN: 144-100-04
APLCT: Patrick Ellis
ADDRESS: 36000 S. Hwy. 1, GU

 General Plan Master



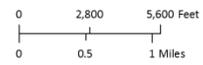
GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, February, 2016.
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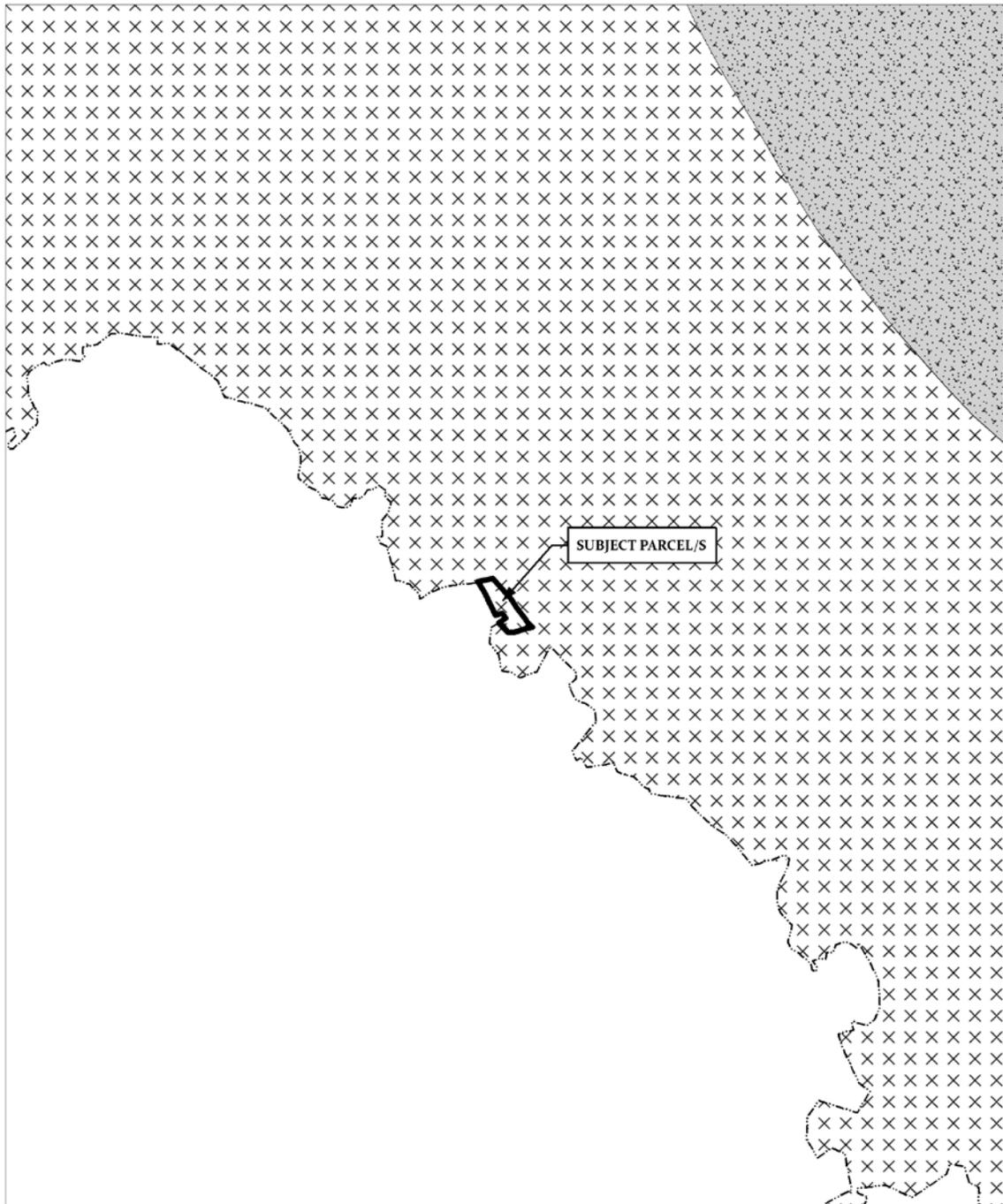
CASE: CDP 2015-0033
OWNER: ELLIS, Patrick
APN: 144-100-04
APLCT: Patrick Ellis
ADDRESS: 36000 S. Hwy. 1, GU

- Major Towns & Places
- GMAC Boundary



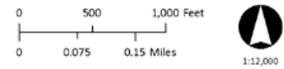
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GMAC

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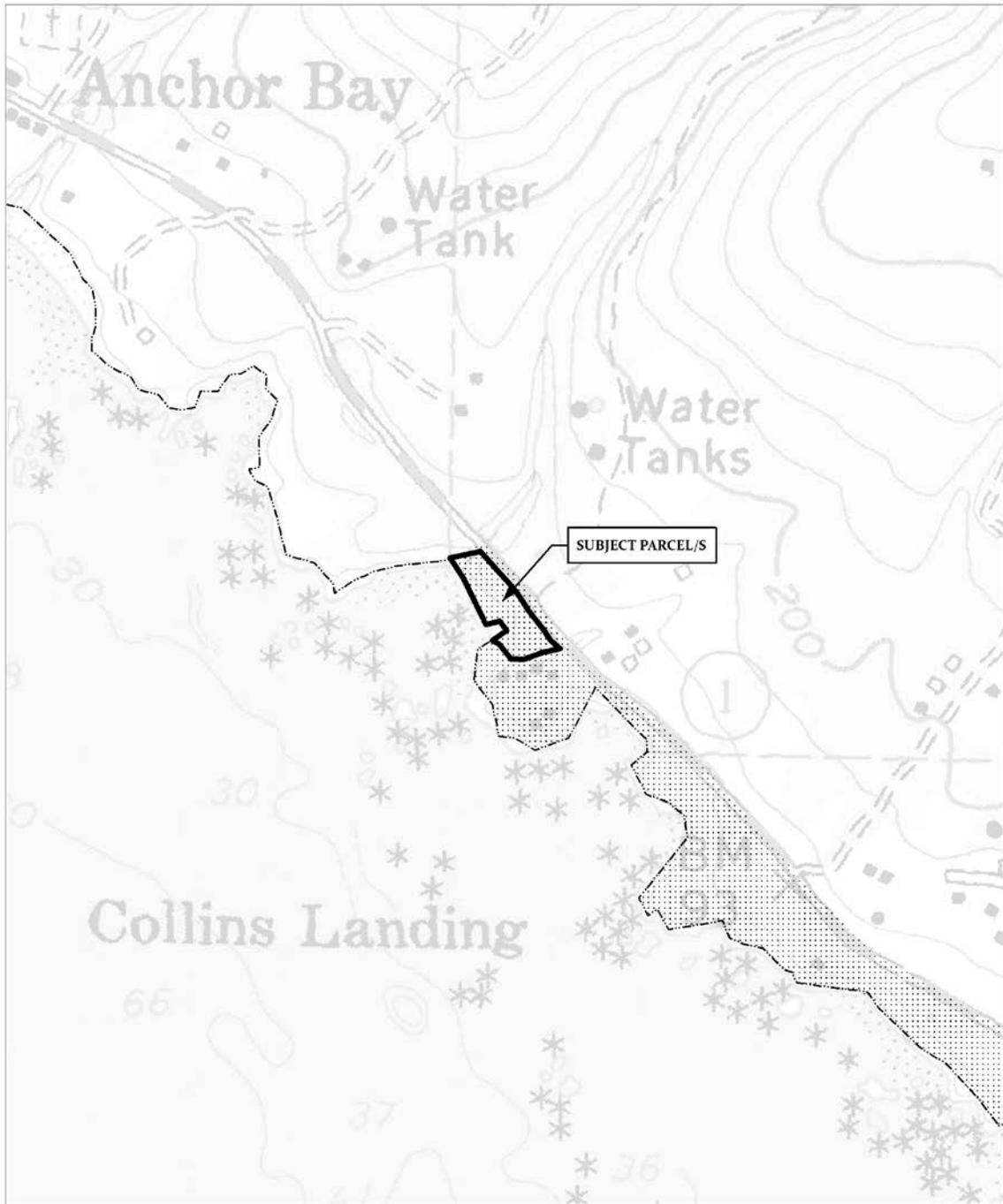
CASE: CDP 2015 0033
OWNER: ELLIS, Patrick
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APLCT: Patrick Ellis
ADDRESS: 36000 S. Hwy. 1, GU

× × Critical Water Areas
∨ ∨
Critical Water Resources Bedrock



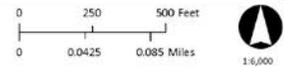
GROUND WATER RESOURCES

Map produced by the Mendocino County Planning & Building Services, February, 2016
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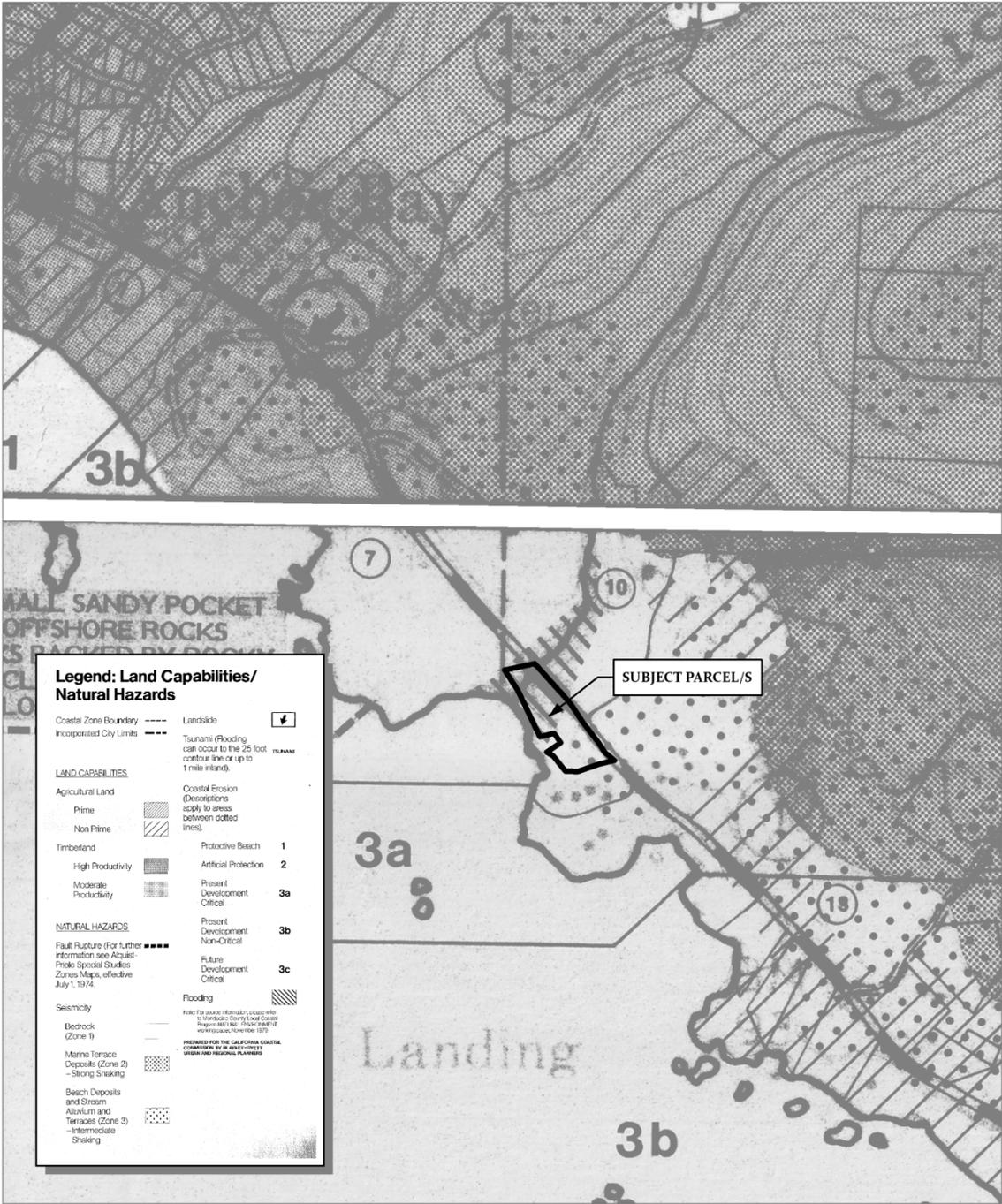
CASE: CDP 2015-0033
OWNER: ELLIS, Patrick
APN: 144-100-04
APLCT: Patrick Ellis
ADDRESS: 36000 S. Hwy. 1, GU

 Tree Removal Area



HIGHLY SCENIC & TREE REMOVAL AREAS

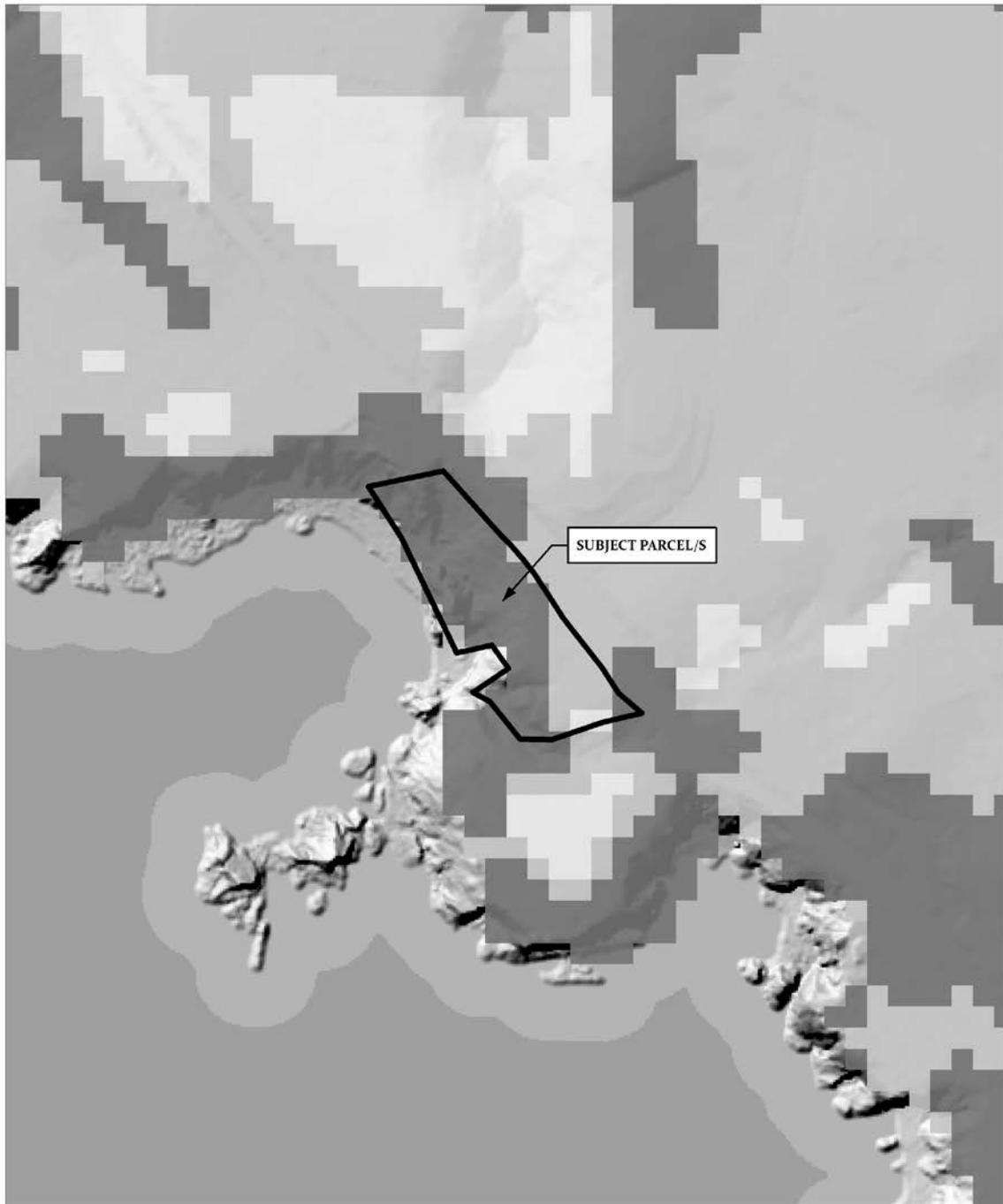
Map produced by the Mendocino County Planning & Building Services, February, 2016.
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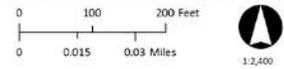
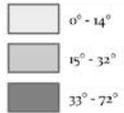
CASE: CDP 2015-0033
 OWNER: ELLIS, Patrick
 APN: 144-100-04
 APLCT: Patrick Ellis
 ADDRESS: 36000 S. Hwy. 1, GU

LCP LAND CAPABILITIES & NATURAL HAZARDS

Map produced by the Mendocino County Planning & Building Services, February, 2016
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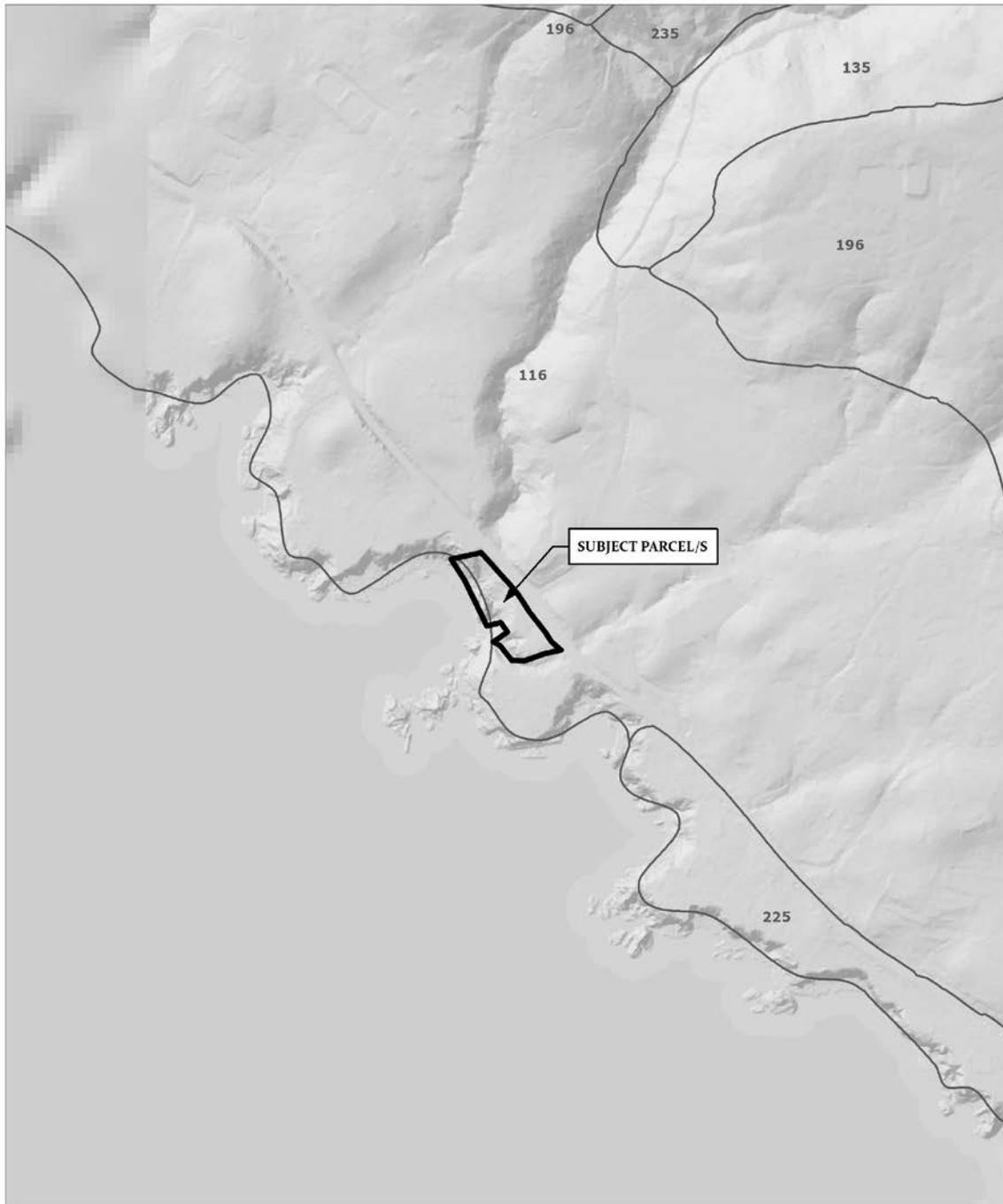


CASE: CDP 2015-0033
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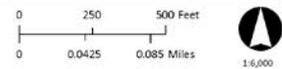
ESTIMATE SLOPE

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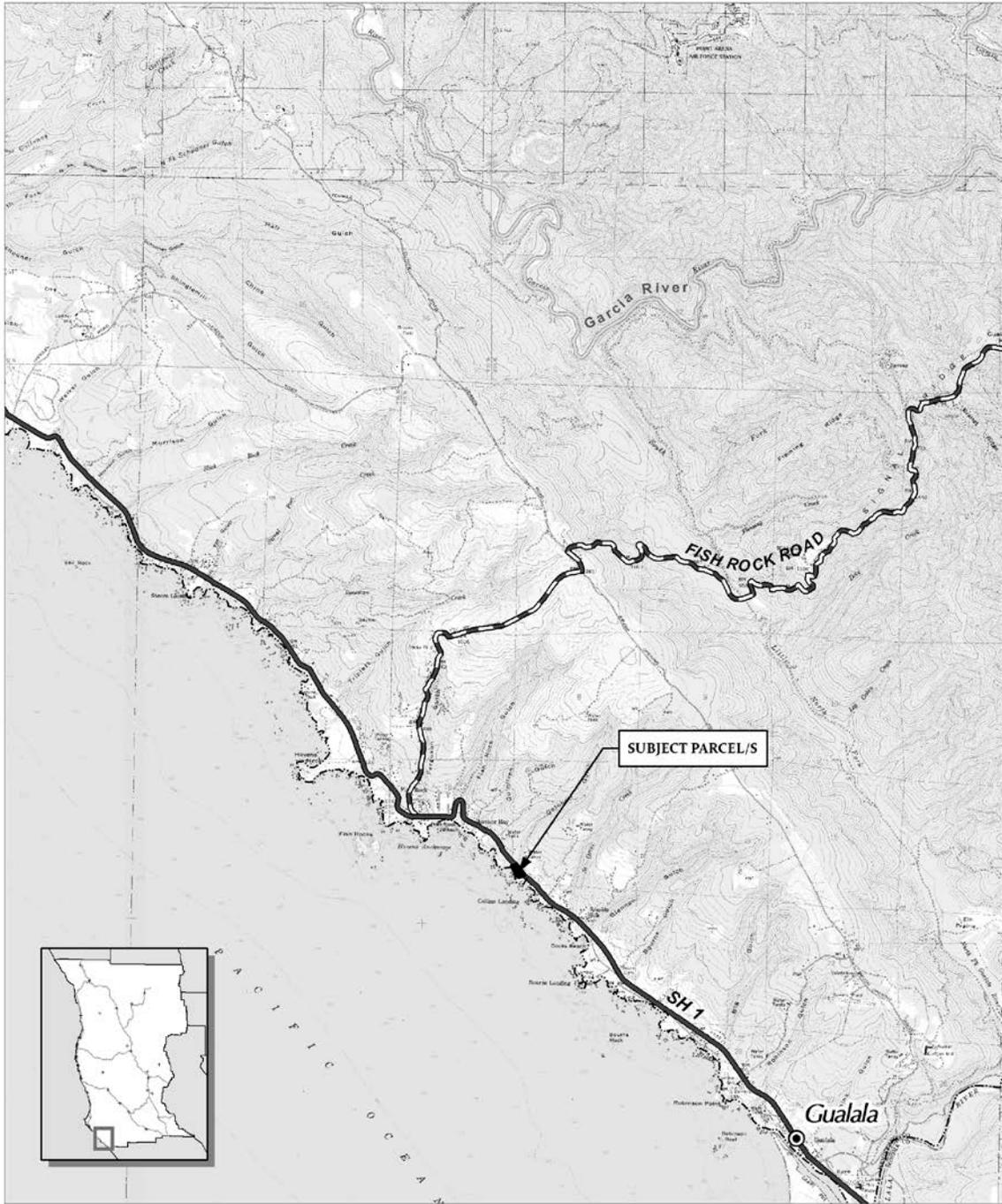
CASE: CDP 2015-0033
OWNER: ELLIS, Patrick
APN: 144-100-04
APLT: Patrick Ellis
ADDRESS: 36000 S. Hwy. 1, GU

 Western Soils



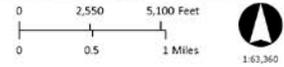
LOCAL SOILS

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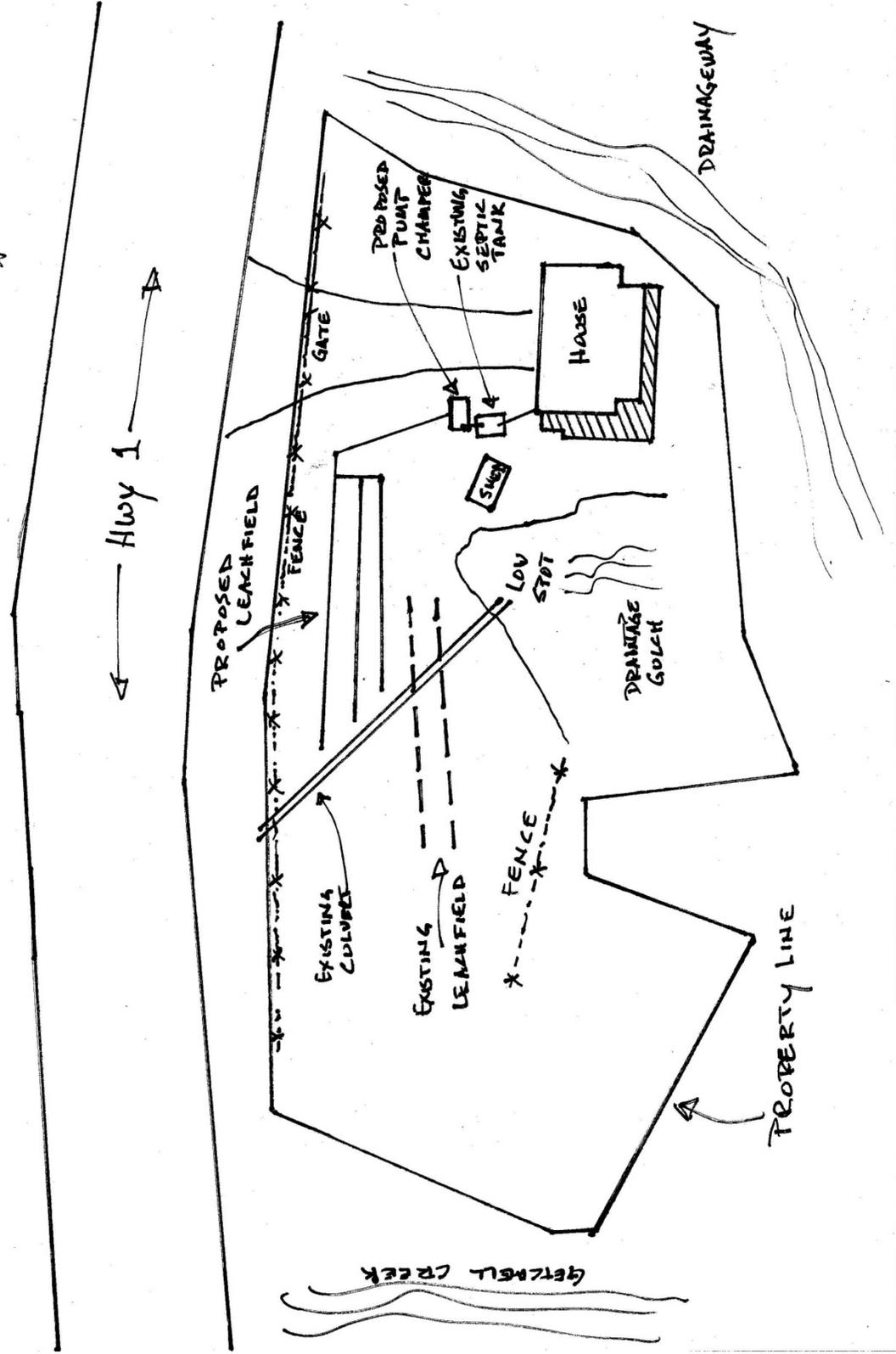
-  Major Towns & Places
-  Major Roads
-  Major Rivers
-  Highways

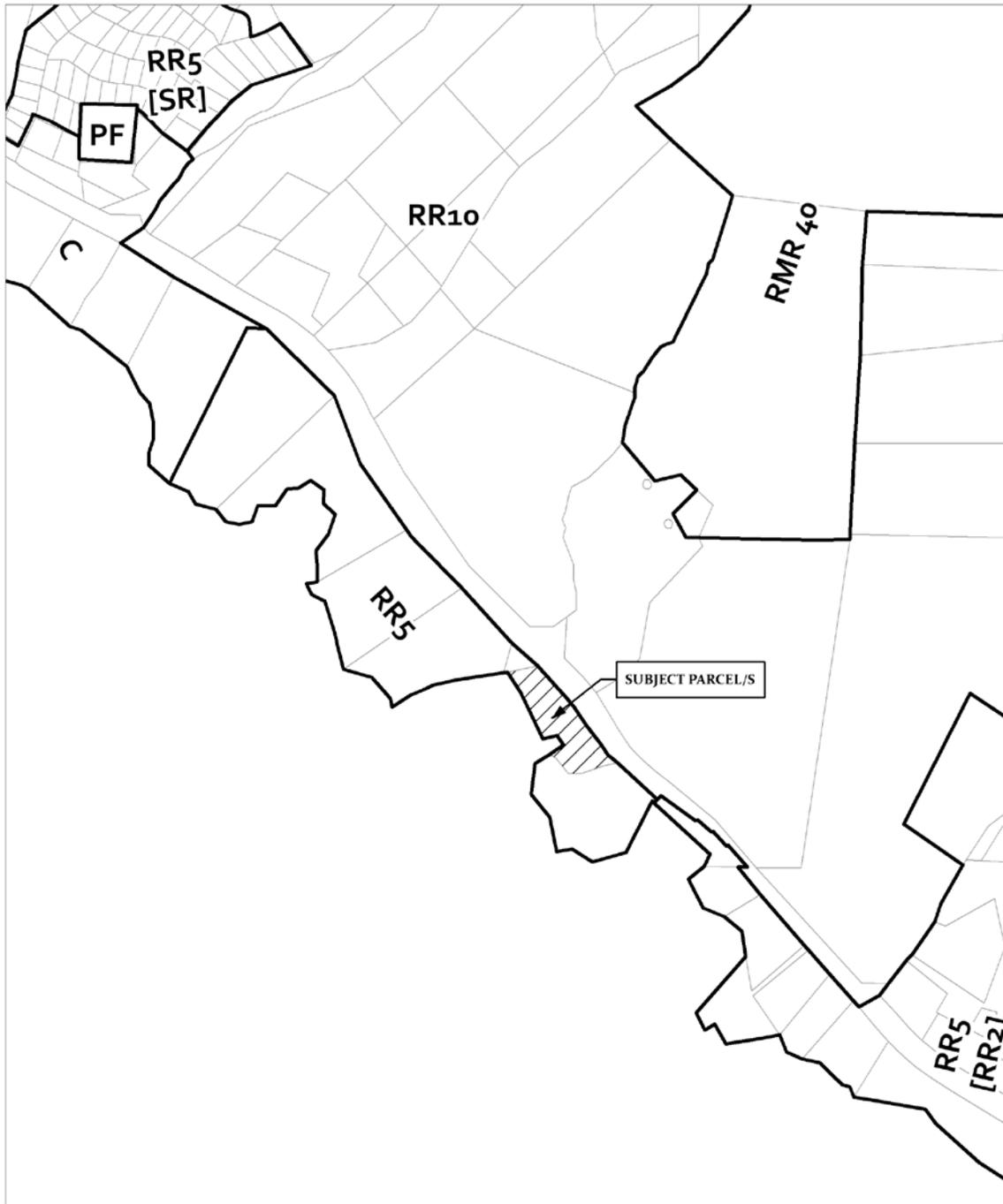


LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, February, 2016.
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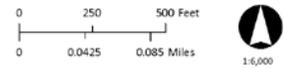
3600 S. HIGHWAY 1
APN: 144-100-04
SEPTIC PERMIT APPLICATION: ST26622





CASE: CDP 2015-0033
OWNER: ELLIS, Patrick
APN: 144-100-04
APLT: Patrick Ellis
ADDRESS: 36000 S. Hwy. 1, GU

 Zoning Master



ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, February, 2016
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**COASTAL PERMIT APPROVAL CHECKLIST
OCTOBER 27, 2016**

PROJECT TITLE: CDP_2015-0033 (Ellis/Lauer)

PROJECT LOCATION: 36000 S Hwy One
Gualala, California 95445
APN: 144-100-04

**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Juliana Cherry
Mendocino County
Planning and Building Services
120 West Fir Street
Fort Bragg, California 95437
707-234-6650

GENERAL PLAN DESIGNATION: Mendocino County General Plan – Coastal Element
Rural Residential, 1-acre min. lot sizes RR5:R [RR-1]

ZONING DISTRICT Mendocino County Coastal Zoning Code – Division II
Rural Residential, 1-acre min. lot sizes RR-5

DESCRIPTION OF PROJECT: A Coastal Development Standard Permit to repair and replace a leach field, pump tank, pump and control panel, and septic connecting lines. Minor trenching to bury the pump tank, connecting lines, and leach lines. Disturbed areas will be backfilled to original contours, seeded with native grasses, and or mulched.

SITE DESCRIPTION AND SETTING: This developed 1.6-acre site is located 0.2 miles north of Highway 1's intersection with Collins Landing Road, Gualala, California. At this site, a barn built in 1864 was converted to its current residential use during the 1960-1970's. The land is developed with a 1,090-square-foot single-family home (formerly a barn), shed, septic tank, pump basin, and leach field. The existing septic system has failed and the proposal is to repair the septic system. This is a bluff top parcel along Mendocino County's shoreline and is designated as a Highly Scenic Area. The site has been surveyed for environmentally sensitive habitat and other sensitive resources. Within 100-feet of the project area, no special status plants were identified.¹ Removal of trees during non-nesting season was recommended; and the trees situated within the project area were removed during the winter (2015-2016), as the quantity and size of the trees did not constitute major vegetation removal.² A narrow drainage ditch directs water away from Highway 1 and across the parcel. This manmade, nontidal ditch does not constitute a wetland and is located north of the project area.³

Local Coastal Plan Map 31 *Gualala* shows public access to the shore east of the subject site (a public access route is mapped along Highway 1). The project site falls within the appeal jurisdiction of the California Coastal Commission, because it is development along a coastal bluff. Mapping associates the following with the subject site: slope, High Fire Hazard Zone, Gualala Municipal Area Council, Critical Water Resources Bedrock, Highly Scenic Area, Western Soils #116, and FEMA flood zone.

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 Coastal Zoning Code, as individually enumerated in this Coastal Permit Approval Checklist.

¹ Letter from Spade Natural Resources Consulting, Fort Bragg. March 24, 2016.

² Letter from Spade Natural Resources Consulting, Fort Bragg. March 24, 2016.

³ Memorandum prepared by Bill Maslach. August 7, 2006. Citing Appendix 8, Statewide Interpretive Guidelines, County of Mendocino Coastal Element, an exception to the definition of wetlands is outlined under 1(A). "For the purposes of identifying wetlands using the technical criteria contained in this guideline, one limited exception will be made. That is, drainage ditches as defined herein will not be considered wetlands under the Coastal Act. A drainage ditch shall be defined as a narrow (usually less than 5-feet wide). Manmade nontidal ditch excavated from dry land."

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>
(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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
(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:				
(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 (with 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 Coastal Zoning Code (MCC), and its policies must be 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.⁴ LCP Map 31 (*Gualala*) designates the minimum parcel size requirement as one acre.⁵ The existing parcel density is conforming; pursuant to Section 20.376.025 (A), the allowable density is one dwelling unit per forty thousand square feet. The lot is developed with an existing home and shed. The proposed septic repair, replacement leach field, pump tank, pump and control panel; and connecting lines are consistent with the RR classification of the Coastal Element of the Mendocino County General Plan and Mendocino County Code (MCC) Chapters 20.376 *Rural Residential District*, 20.500 *Hazard Areas*, 20.528 *Coastal Access Regulations and Open Space Easements*, and Section 20.532.095 *Required Findings for all Coastal Development Permits*.

Hazards

Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone. MCC Chapter 20.500 *Hazard Areas* include geologic hazards, such as MCC 20.500.020(A) Faults, (B) Bluffs, (C) Tsunami, (D) Landslides, and (E) Erosion. Mapping associates the following hazards with the subject site: High Fire Hazard Zone and portions of the land are situated within the FEMA flood zone.

Seismic Activity and Faults: The San Andreas fault is a northwest trending, right lateral, strike-slip fault located 2.4 miles east of the project site, and is the closest recognized active fault to the site. The proposed project satisfies the siting and land use restrictions for faults, as delineated in MCC Section 20.500.020(A).

Bluffs: The parcel is situated between State Route 1 and Mendocino County shoreline with coastal bluffs. MCC 20.500.020(B) lists specific development requirements for structural setbacks from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during the economic life span of the buildings. The proposal is to repair existing septic system. The replacement leach field and septic system will be installed at a greater distance from the bluff than existing development. The proposed project complies with MCC Section 20.500.020(B), as the existing land use and the risk associated with bluff top development is already established. PBS recommends a standard condition for projects adjacent to bluffs.

Standard condition: Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (a) that the site may be subject to hazards from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion; (b) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (c) to unconditionally waive any claim of damage or inability against the County of Mendocino, its Coastal Permit Administrator, its officers, agents, and employees for injury or damage from such hazards; and (d) it indemnify and hold harmless the County of Mendocino, its officers, agents, and employees with respect to the Coastal Permit Administrator’s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

⁴ Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

⁵ *Gualala* [map]. 1985. County of Mendocino Coastal Zone, Number 31 of 31. County of Mendocino Planning and Building. URL http://www.co.mendocino.ca.us/planning/pdf/Map_31_Gualala.pdf

Flooding, Tsunami, and Erosion: The northerly portion of the lot, which is not proposed for development, is mapped within the FEMA flood zone.⁶ Wetlands were not observed within 100-feet of the project area.⁷ The proposed project complies with MCC Section 20.500.020(C) *Tsunami*, (D) *Flooding*, and (E) *Erosion*, as the land use is existing and the potential for tsunami damage is not changed by repairing on-site septic systems. The risk of flooding on this parcel is north of the project area. The potential for impacts from erosion was established when the barn was constructed and later converted to a residential use. The project does not propose altering natural shoreline processes.⁸ To ensure that soil erosion risk is limited, PBS recommends a standard condition that septic work to be conducted during the dry season.

Standard condition: To ensure erosion does not occur as a result of the proposed septic system replacement, soil disturbance shall be conducted during the dry season (typically April to October) and erosion mix seeding and hay mulch shall be applied to all exposed soil associated with the development prior to the onset of the rainy season. Straw mulching shall be with clean straw (such as rice, barley, wheat or weed-free straw). Annual ryegrass (*Festuca perennis*) shall not be used. If excess fill remains after installation is shall be removed from the site and disposed of at an approved location. Plants or seed for landscaping and/or erosion control shall be native plants, or if non-native, shall be non-invasive. No known invasive species shall be used; a list of invasive species is accessible at <http://www.cal-ipc.org/paf/>.

Fire: The parcel is located in an area characterized by a high fire-hazard severity rating.⁹ March 30, 2016, comments were requested from California Department of Forestry and Fire Prevention (CalFire) and the South Coast Fire District. CalFire replied on April 6, 2016 that they had no comments at this time. No response was received from the South Coast Fire District. The project complies with MCC Section 20.500.025 *Fire Hazard - Development Standards* as the new development (repair to on-site septic systems) is not anticipated to change the risk of fire at this location or surrounding lands.

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 MCC Chapter 20.504. The subject parcel is located within a mapped Highly Scenic Area (HSA).¹⁰ It is a developed site and the proposed repairs do not include above grade changes to the land. No impact to visual resources is anticipated.

Natural Resources

The site has been surveyed for environmentally sensitive habitat and other sensitive resources. Within 100-feet of the project area, no special status plants were identified.¹¹ Removal of trees during non-nesting season was recommended; and the trees situated within the project area were removed during the winter (2015-2016), as the quantity and size of the trees did not constitute major vegetation removal.¹² A narrow drainage ditch directs water away from Highway 1 and across the parcel. This manmade, nontidal ditch does not constitute a wetland and is located north of the project area.¹³ The

⁶ FEMA Flood Zone. NFIP Maps, June 2, 2011. See *Staff Report Attachment "FEMA Flood Zone."*

⁷ Letter from Spade Natural Resources Consulting to Patrick Ellis and Lisa Lauer. Fort Bragg, CA. March 24, 2016.

⁸ MCC Section 20.500.020(E) *Erosion*.

⁹ *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

¹⁰ Mendocino County Coastal Zoning Code, § II-20.504.045 (1991).

¹¹ Letter from Spade Natural Resources Consulting, Fort Bragg. March 24, 2016.

¹² Letter from Spade Natural Resources Consulting, Fort Bragg. March 24, 2016.

¹³ Memorandum prepared by Bill Maslach. August 7, 2006. Citing Appendix 8, Statewide Interpretive Guidelines, County of Mendocino Coastal Element, an exception to the definition of wetlands is outlined under 1(A). "For the purposes of identifying wetlands using the technical criteria contained in this guideline, one limited exception will be made. That is, drainage ditches as defined herein will not be considered wetlands under the Coastal Act. A drainage ditch shall be defined as a narrow (usually less than 5-foot wide). Manmade nontidal ditch excavated from dry land."

Department of Fish and Wildlife was contacted for comments on the project. They responded that trees should be removed outside of the nesting season.

- **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, shed, and driveway. The project requests approval to install a leach-field replacement area, which would be situated between the house and Highway 1. On May 30, 2016, PBS requested comments from the Department of Environmental Health. A response was received on April 7, 2016 that the staff recommended project approval. The leach-field replacement area would be subject to an Environmental Health Permit, which has been filed with the department and is awaiting concurrent approval of CDP 2015-0033.

Drainage

A narrow drainage ditch directs water away from Highway 1 and across the parcel. This manmade, nontidal ditch does not constitute a wetland.¹⁴ The proposed location for the leach field is south of a drainage-ditch and its contours roughly follow the adjacent roadway.

Access Roads

The parcel includes an existing driveway adjoining Highway 1. The proposed development is provided with adequate access roads.

- **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.”¹⁵ The proposed replacement leach field and associated septic system repairs are consistent with supporting a residential land use at this site.¹⁶

Use: The existing parcel is developed with a single-family residence and accessory structure, which is a principally permitted use in Mendocino County LCP Rural Residential Districts.

Yards: The minimum required front, rear and side yards in the RR-5(1) zoning district are twenty, twenty, and six-feet, respectively.¹⁷ The proposed site improvements meet or exceed building setback regulations.

Height: The proposed development will occur at grade and would not exceed the height limitations of designated highly scenic areas.

¹⁴ Memorandum prepared by Bill Maslach. August 7, 2006. Citing Appendix 8, Statewide Interpretive Guidelines, County of Mendocino Coastal Element, an exception to the definition of wetlands is outlined under 1(A). “For the purposes of identifying wetlands using the technical criteria contained in this guideline, one limited exception will be made. That is, drainage ditches as defined herein will not be considered wetlands under the Coastal Act. A drainage ditch shall be defined as a narrow (usually less than 5-feet wide). Manmade nontidal ditch excavated from dry land.”

¹⁵ Mendocino County Coastal Zoning Code, § II-20.376.005-20.380.065 (1991).

¹⁶ Mendocino County Coastal Zoning Code, § II-20.376.005-20.380.065 (1991).

¹⁷ Mendocino County Coastal Zoning Code, § II-20.376.040 (1991).

Lot Coverage: The maximum permitted lot coverage in the RR zoning district for parcels less than two acres in size is twenty percent. The parcel is 1.6 acres, permitting maximum lot coverage of approximately 13,939 square feet. The sum of the proposed and existing development area on the parcel is approximately 1-percent of the lot area. The proposed development does not exceed the permitted lot coverage maximum for the Rural Residential District.

Water: The project location is mapped as a Critical Water Resource Area. North Gualala Water Company provides sufficient potable water to the existing residence. No increase in water demand is associated with the proposal to repair on-site septic systems.

- **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 (CEQA).**

Consistent (without conditions of approval)

PBS recommends a Class 4 Categorical Exemption from CEQA, pursuant with Guidelines Section 15304(F), for minor alterations of land, including minor trenching and backfilling where the surface is restored.

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

Consistent (with conditions of approval)

The project site was referred to the Archaeological Commission for consideration on May 11, 2016. A site survey was requested and submitted on June 2, 2016. The Archaeological Commission considered the survey report at its July 13, 2016 meeting and accepted its findings that no cultural, historical or archaeological sites were observed. PBS recommends inclusion of a standard condition of project approval:

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.

- **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.**

Consistent (without conditions of approval)

Solid Waste: The project site is located 5.8 miles south and west the South Coast Transfer Station (40855 Fish Rock Rd., Gualala) and if, the property owner chooses, they can participate in curbside pick-up of recyclables, waste, yard waste, and food and organic waste. Solid waste services are adequate.

Roadway Capacity: The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located approximately 1.2-miles south of the intersection of Highway 1 and Fish Rock Road, which is the nearest data point in the corridor study. Intersection Level of Service is considered Level of Service B.¹⁸ The proposed septic system repair and replacement leach-field area will generate few additional vehicle trips per day. No change in service levels is anticipated.

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

- **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. The Coastal Element of the General Plan designates this section of the highway as the public access route to the county's coastline. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast.

Resolution Number _____

County of Mendocino
Ukiah, California
October 27, 2016

CDP_2015-0033 - ELLIS

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A
CATEGORICAL EXEMPTION FROM CEQA AND GRANTING A
COASTAL DEVELOPMENT STANDARD PERMIT FOR A
REPLACEMENT LEACH FIELD AREA AND OTHERS

WHEREAS, the applicant, Patrick Ellis and Lisa Lauer, filed an application for a Coastal Development Standard Permit with the Mendocino County Department of Planning and Building Services to repair and replace a leach field, pump tank, pump and control panel, and septic connecting lines; remove three 18-inch diameter trees; and trench and bury the pump tank, connect lines, and leach lines; and backfill disturbed areas to original contours, seed with native grasses or mulch. The site is located on the west side of Highway 1 approximately 0.2 miles north of its intersection with Collins Landing Road or 2.5 miles north of Gualala. 36000 South Highway 1, Gualala; APN 144-100-04; General Plan RR5:R; Zoning RR:5; Supervisorial District 5; (the "Project"); and

WHEREAS, a categorical exemption was prepared for the Project and noticed and made available for agency and public review on August 22, 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, October 27, 2016, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the categorical exemption from CEQA and the Project. All interested persons were given an opportunity to hear and be heard regarding the categorical exemption from CEQA 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 Coastal Permit Administrator regarding the categorical exemption from CEQA and the Project.

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

1. The existing single-family home is a permitted use within the RR land use classification and the proposed septic repairs (replacement leach field, pump tank, pump and control panel, and connecting lines) are commonly associated with residential accessory uses.
2. The parcel has demonstrated sufficient access to utilities, access roads, drainage, and other necessary facilities.
3. The proposed project complies with the development standards of Mendocino County Codes and the Rural Residential District, including standards for development in Highly Scenic Areas and lands subject to geologic, fire, and flood hazards.
4. The project area has been surveyed for special status plants and no significant impact to environmentally sensitive areas or other resources is anticipated. The project is suited to a Categorical Exemption from CEQA.
5. The property has been surveyed for archaeological resources and none has been found. Mendocino County Archaeological Commission has accepted the application and survey.

6. No change in the Level of Service at the intersection of Fish Rock Road and State Route 1 is anticipated and disposal of solid waste is available within three miles of the project location.
7. Coastal access is provided for along State Route 1. The proposed septic system repair does not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts a Class 4 Categorical Exemption from CEQA, for minor alterations of land, including minor trenching and backfilling where the surface is restored. The Coastal Permit Administrator certifies that the categorical exemption from CEQA 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 pursuant with Section 15304(F), a Class 4 Categorical Exemption from CEQA reflects the independent judgment and analysis of the Coastal Permit Administrator.

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 that 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 11th 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_2015-0033 OCTOBER 27, 2016

A Coastal Development Permit to repair and replace a leach field, pump tank, pump and control panel, and septic connecting lines. Minor trenching to bury the pump tank, connecting lines, and leach lines. Disturbed areas will be backfilled to original contours, seeded with native grasses, and or mulched.

APPROVED PROJECT DESCRIPTION: A Coastal Development Permit to repair and replace a leach field, pump tank, pump and control panel, and septic connecting line. Minor trenching to bury the pump tank, connecting lines, and leach lines. Disturbed areas will be backfilled to original contours, seeded with native grasses, and or mulched.

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. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (a) that the site may be subject to hazards from bluff and slope instability, sea level rise, erosion, landslides and wave uprush or other tidal induced erosion; (b) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (c) to unconditionally waive any claim of damage or inability against the County of Mendocino, its Coastal Permit Administrator, its officers, agents, and employees for injury or damage from such hazards; and (d) it indemnify and hold harmless the County of Mendocino, its officers, agents, and employees with respect to the Coastal Permit Administrator's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
10. To ensure erosion does not occur as a result of the proposed septic system replacement, soil disturbance shall be conducted during the dry season (typically April to October) and erosion mix seeding and hay mulch shall be applied to all exposed soil associated with the development prior to the onset of the rainy season. Straw mulching shall be with clean straw (such as rice, barley, wheat or weed-free straw). Annual ryegrass (*Festuca perennis*) shall not be used. If excess fill remains after installation is shall be removed from the site and disposed of at an approved location. Plants or seed for landscaping and/or erosion control shall be native plants, or if non-native, shall be non-invasive. No known invasive species shall be used; a list of invasive species is accessible at <http://www.cal-ipc.org/paf/>.