

**ATTACHMENT A: COASTAL PERMIT APPROVAL CHECKLIST
JUNE 25, 2015**

PROJECT TITLE: CDP_2007-0036 (BUEHLER)

PROJECT LOCATION: 36120 SO HWY 1
GUALALA, CA 95445
APN: 144-100-24

**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Julia Acker
Mendocino County Planning and Building Services
120 West Fir Street, Fort Bragg, California 95437
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GENERAL PLAN DESIGNATION: RR5(2)

ZONING DISTRICT RR5(2)[FP]

DESCRIPTION OF PROJECT: The project consists of replacement of the existing septic system, which includes a septic tank, pump tank and treatment tank. Minor grading would occur and grass would be replaced once construction is complete.

SITE DESCRIPTION AND SETTING: The 1.5 acre subject parcel is situated near the town of Anchor Bay, on the west side of Highway 1, approximately 0.5 miles south of the Anchor Bay Store. The site is surrounded to the north and south by residential development, to the east a visitor serving facility and to the west the Pacific Ocean. The subject parcel is currently developed with a 760 square-foot single family residence with a business license to operate as a vacation home rental. The existing house is approximately 30 feet from the bluff edge with the existing septic components to the north of the house. The site has approximately 0.5 acres of usable space, with the rest consisting of steep bluff and rocky intertidal areas. The site has been determined, in the septic proposal for permit ST#25044, to have a minimum area with soils that can meet current county regulations regarding soil depth, texture, and ground slope restrictions for the installation of a septic system.

Portions of the subject parcel are designated as being located within a floodplain (a combining district of FP). All proposed improvements are located outside of the floodplain portions of the parcel.

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

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 checked="" type="checkbox"/>	<input 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"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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 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 Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal blufftops; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The Local Coastal Program serves as an element of the General Plan and includes the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the Local Coastal Program are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, CEQA, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Local Coastal Program not specifically addressed elsewhere in this checklist.

General Plan Land Use – Rural Residential

The subject parcel is classified as Rural Residential by the Coastal Element of the Mendocino County General Plan, which is intended “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” (Section 20.376.05 of the MCC). The principally permitted use designated for the Rural Residential land use classification is “one dwelling unit per existing parcel and associated utilities, light agriculture and home occupation” (Chapter 2.2 of the County of Mendocino General Plan).

The parcel is currently developed with a single family residence, a principally permitted use, and is therefore consistent with the Rural Residential classification of the Coastal Element of the Mendocino County General Plan.

Hazards

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone. The proposed replacement septic system is located in a relatively flat area with the coastal bluff approximately 30 feet from the proposed improvements. The proposed septic replacement will not encroach any further upon the bluff edge than existing development, therefore a geotechnical investigation was not required. The proposed septic system replacement will be located further from the bluff edge than the existing system.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone (Department of Conservation, Division of Mines and Geology 2015). The San Andreas fault is located approximately two miles to the northeast of the project site and is the nearest active fault. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

Landslides: There are no translational/rotational or debris slides mapped on the subject parcel (Department of Conservation, Division of Mines and Geology 1984).

Erosion: The proposed replacement septic system is located in a relatively flat area with the coastal bluff approximately 30 feet from the proposed improvements. Best Management Practices shall be implemented during construction to prevent delivery of sediment over the bluff edge. The Environmentally Sensitive Habitat Area Study and California Department of Fish and Wildlife staff provided mitigations during ground disturbance, which staff recommends as **Condition 9 (f)**, which states:

Condition 9 (f): 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/>.

Flooding: There is a mapped floodplain (V Zone) on the subject parcel; however, all improvements will be located outside of the floodplain designated portions of the parcel and no conditions are necessary to ensure consistency with flood policy (Federal Emergency Management Agency 2011).

Fire: The project is located in an area that has a high fire hazard severity rating, as shown on the Fire Hazard Zones and Responsibility Areas map in Attachment B. The project application is exempt from the need to obtain California Department of Forestry and Fire Protection (CalFire) clearance.

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 project is not located in an area that is designated Highly Scenic by the Local Coastal Program. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. The project site is designated as a tree removal area, where tree removal is encouraged in order to enhance public views of the ocean; however, due to the sensitive nature of the forest community (Bishop Pine forest and Pygmy Cypress) present on this parcel, tree removal will not be included as a condition of approval on this permit.

MCC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel.

There is no exterior lighting proposed as part of this application, the project is therefore consistent with the exterior lighting regulations set forth in Section 20.504.025 of the MCC.

Natural Resources

Protection of natural resources is addressed in Chapter 3.1 of the Mendocino County Coastal Element and implemented by Chapter 20.496 of the MCC.

An Environmentally Sensitive Habitat Area Study was completed by North Coast Resource Management (NCRM) in June 2007. An Addendum to ESHA Study was submitted by NCRM in August of 2007. At that time the project was placed on hold at the request of the applicants. The applicants requested to continue working on the application in October of 2014 and therefore an updated study was requested. An Update to the Environmentally

Sensitive Habitat Area Study was submitted by NCRM in December of 2014. The proposed improvements would be located in an existing lawn, which is characterized by landscaping of non-native species. Three sensitive habitats were identified in the vicinity of the project components: a small wetland, a coastal riparian area, and several special status plants.

A small wetland (approximately twenty (20) feet by twenty-five (25) feet) was observed within the disturbed lawn area, extending from the existing house path to near the existing parking area gate and adjacent fence. Less than one (1) inch of water was observed in the wetland area and the dominant plant species includes low bulrush (*Isolepis cernua*), tall flatsedge (*Cyperus eragrostis*), and California wax myrtle (*Morella californica*). It should be noted that this site was observed during the winter rainy season and had not been previously observed in the surveys completed by NCRM in 2007.

A coastal riparian area was located to the east of the proposed septic system components, across Highway 1; however, it falls within the one hundred (100) foot buffer of the proposed improvements. The riparian area was observed by NCRM to be biologically rich and supportive of a diverse assemblage of coastal wetland and riparian plant species. NCRM noted that the riparian habitat area is hydrologically connected to the small drainage that flows through the study area and then into the Pacific Ocean. With regards to the small drainage within the study area, NCRM makes the following determination:

Within the property, riparian vegetation was located within the drainage but not of a sufficient dominance to qualify it as a coastal riparian vegetation or as an ESHA. Due to the lack of habitat connection between the ESHA across the highway (off property) and the proposed septic development, no adverse impacts are anticipated as a result of the project. (NCRM 2014)

The Northern Bishop Pine Forest Series (NBPF) and several special status plant communities were observed by NCRM to be present on the property, adjacent to the existing house. Within the NBPF, smaller areas of Coastal Terrace Prairie (comprised of the Pacific Reedgrass Alliance) were identified as well as areas of disturbed habitat and rock bluff. Along the bluff edge and near the house are shrub and grass species associated with the NBPF series.

A Reduced Buffer Analysis was completed as part of the updated Environmentally Sensitive Habitat Area Study, submitted by NCRM in December of 2014, to propose a reduced buffer of fifty (50) feet between the proposed improvements and identified ESHA. Due to the various constraints of the site a reduced buffer of fifty (50) feet cannot be complied with because the proposed improvements must be located as close as fifteen (15) feet from the wetland and special plant community ESHAs. Despite the proximity to the ESHAs, NCRM states that the proposed development will constitute an overall site improvement for the following reasons:

- The enhanced design of the proposed system to that of the existing septic.
- The improved location of the septic leach lines, which will be located further from the bluff edge than the existing leach lines, reducing the potential for erosion of the bluff and providing greater protection to the resources in the event of a system failure.
- The location is confined to already disturbed ground, the lawn area.

The California Department of Fish and Wildlife (CDFW) provided comments on the proposed septic system replacement. CDFW staff stated that "the proposed replacement site is situated almost completely within an existing lawn and former driveway. Due to the constraints of the parcel, it appears that the proposed location is the least environmentally-damaging feasible alternative." CDFW staff recommended some revisions to the recommended mitigation measures from NCRM.

Mitigation and protection measures have been recommended by NCRM and CDFW to ensure that the proposed short term construction activities have a less than significant impact on the identified ESHAs. These mitigation and protection measures are included as **Condition 9**.

Condition 9: To provide for the protection of natural resources the following mitigation and protection measures shall be required for the duration of the proposed project:

- a. Prior to initiation of construction activities, exclusionary fencing shall be placed at the boundary of the 15-foot minimum buffer, to prevent potential impacts to ESHA, the exclusionary fencing shall be placed on the site by a qualified biologist.
- b. The proposed septic system tanks shall be located as close as possible to the existing septic tank location. Tanks shall not be placed within fifteen (15) feet of the ESHAs.
- c. The edge of the proposed leach lines shall be aligned, as close as possible, on their southern side, to the existing home on the parcel.
- d. Contractors shall avoid the wetland ESHA. During construction and soil disturbance, the contractors shall maintain a minimum of a fifteen (15) foot buffer between the environmentally sensitive plant communities and construction materials shall be stored outside the fifteen (15) foot buffer. Solid materials, including the removed septic tank, the new septic tank, dirt fill, or other materials shall not be stored or placed within a five (5) foot buffer of the ESHA.
- e. Fluid materials, including fuels, lubricants, or other construction-related fluids shall be stored in the driveway and disposed of offsite. If spillage of toxic materials occurs, on the parcel, Mendocino County Planning and Building and Environmental Health Divisions shall be contacted and the affected area shall be cleaned and restored to its natural condition. If disposed offsite, the identified materials shall be deposited at an approved location. Additionally, any spillage of toxic materials shall be reported as necessary following the California Office of Emergency Services spill/release notification guidance.
- f. 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/>.
- g. To ensure soil compaction does not occur within and adjacent to the wetland area, construction activities shall not occur during saturated soil conditions. Saturated soil conditions means that soil and or surface material pore spaces are filled with water, causing a loss of bearing strength, potentially resulting in the deflection of soil or road surface under a load, such as to create wheel ruts.
- h. No trees or shrubs shall be removed as a result of the septic system installation. If it is determined that trees or shrubs must be removed, Mendocino County Planning and Building Services shall be contacted prior to removal to provide appropriate mitigation measures. Mitigation measures would consist of replanting at a 1:1 ratio, with a 100% survival rate for five (5) years, and any damaged or dead plants shall be replaced, at minimum, on an annual basis.
- i. The owner of the property shall avoid the pruning of the live limbs of the existing Bishop pine trees and restrict planting of non-native plants outside of the garden beds along the house in perpetuity.

With the inclusion of the recommended conditions and findings made later in this document, the project is found consistent with Chapter 20.496 of the Mendocino County Code.

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

Consistent (with conditions of approval)

Utilities: The existing residence is served with water, provided by the North Gualala Water Company. The proposed improvements will not increase water service demand from North Gualala Water Company as the proposed improvements consist of a replacement septic system for the same use and sized structure.

The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. In a response dated December 29, 2014 (on file), the Division stated that there is an approved Site Evaluation Report on file (ST#25044) and therefore DEH can clear this project at this time.

Access Roads: The parcel is currently accessed by a private driveway off Highway 1, and no additional access is proposed. Mendocino Department of Transportation reviewed the application and did not state concerns relating to access. California Department of Transportation (Caltrans) reviewed the application and in a response dated December 4, 2014 (on file) they stated that "any work within the State right of way will require an encroachment permit. From what was submitted there appears to be no work requested within the State right of way." The applicant is advised on **Condition 4**, which requires compliance with State, Federal and Local regulations.

Condition 4: This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

Drainage: Drainage is subject to Section 20.492.025 of MCC, and provides regulations mitigating the impact of stormwater runoff and erosion. **Condition 10** is recommended to reduce impacts from altering land forms (grading) and redirecting stormwater flows, and to ensure the development is provided with adequate drainage, which states:

Condition 10: Best Management Practices shall be utilized during construction related activities to prevent delivery of sediment into identified ESHA.

In addition, the Environmentally Sensitive Habitat Area Study and CDFW staff provided mitigations during ground disturbance, which staff recommends as **Condition 9 (f)**, which states:

Condition 9 (f): 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/>.

- **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 as shown on the Zoning Display Map. The intent of the Rural Residential 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" (Section 20.376.05 of the MCC). This application to allow the development of a replacement septic system shall allow for the continuance of the residential and vacation home rental use of the property. The existing residential use and proposed improvements are consistent with the intent of the Rural Residential zoning district.

Use: The applicant proposes a replacement septic system. The replacement septic system is necessary for the continuance of the residential use of the property and is a required development in order to allow residential use of the property. A single family residence and associated improvements are consistent with the allowable uses within the zoning district.

Density: The maximum dwelling density in the Rural Residential zoning district is one single family dwelling per five (5) acres. The parcel is designated with a variable density zoning classification therefore allowing an increase in dwelling density to one single family dwelling per two (2) acres.

The proposed development does not conflict with the dwelling density standards of the Rural Residential zoning district.

Yards: The minimum required front, side, and rear yards in the Rural Residential zoning district for a parcel of this size are twenty (20) feet from the front and rear yards and six (6) feet in the side yard (Section 20.376.030 through Section 20.376.035 of the MCC).

The proposed development is consistent with the yard setback requirements of the Rural Residential zoning district.

Height: The maximum permitted building height for uninhabited accessory structures in the Rural Residential zoning district is thirty-five (35) feet (Section 20.376.045 of the MCC). The proposed improvements are located underground and are therefore compliant with the requirements for the zoning district.

Lot Coverage: The maximum permitted lot coverage in the Rural Residential zoning district is twenty (20) percent for a parcel of this size (Section 20.376.065 of the MCC). The parcel is approximately 65,340 square feet, allowing for a maximum permitted lot coverage of approximately 13,068 square feet. Including the existing driveway, existing residence and accessory structures, the lot coverage on the parcel would be less than 3,000 square feet for a lot coverage percentage of approximately four and a half (4.5) percent. The proposed development is therefore consistent with the lot coverage requirements of the Rural Residential zoning district.

- **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)

The proposed project is Categorically Exempt from the provisions of CEQA, pursuant to Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 (d) exemption finds that “restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment”, meeting the criteria of Section 15301, has “been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.”

The proposed development meets the criteria of Section 15301, and therefore will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

- **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)

For projects located on parcels that do not contain geographic features that are characteristic of archaeological sites Mendocino County Department of Planning and Building Services (PBS) procedure is to not refer these types of projects to either California Historic Resource Information System (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and was determined to be an appropriate guidance document for what projects should require archaeological review. The proposed project consists of a replacement septic system. County staff determined that due to the small scale of the proposed development and lack of geographic features characteristic of archaeological sites, no archaeological review would be required.

The applicant is still advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the “Discovery Clause.” Recommended **Condition 8** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

Condition 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 resource(s) 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 South Coast Transfer Station is located approximately six (6) miles from the project site, providing for the disposal of solid waste resulting from the existing residential uses on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. The development of a replacement septic system will not generate any additional solid waste at the site. Solid waste disposal is adequate to serve the proposed and existing development.

Roadway Capacity: The increase in traffic volume associated with the development proposed in the application will be negligible. Mendocino Department of Transportation reviewed the application and did not state concerns relating to access. California Department of Transportation (Caltrans) reviewed the application and in a response dated December 4, 2014 they stated that “any work within the State right of way will require an encroachment permit. From what was submitted there appears to be no work requested within the State right of way.” The applicant is advised on **Condition 4**, which requires compliance with State, Federal and Local regulations. The existing roadways and private access are adequate to serve the proposed development.

- **20.532.095(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.**

Consistent (without conditions of approval)

The proposed development is located west of Highway 1 as shown on the Location Map in Attachment B. The parcel is not designated as a potential public access trail on the certified Local Coastal Program map (Map# 31-Gualala). The project would have no effect on public access to the coast as it is not designated as a potential coastal access point and there is existing coastal access to the north and south of the parcel. In addition, the site would not be suitable for a public access point as the site is heavily constrained by its size and presence of sensitive habitats along the bluff edge. Therefore, the proposed development is in conformity with the public access and public recreation policies of the Coastal Act and the Coastal Element of the General Plan.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion of Findings

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

Consistent (with conditions of approval)

An Environmentally Sensitive Habitat Area Study was completed by North Coast Resource Management (NCRM) in June 2007. An Addendum to ESHA Study was submitted by NCRM in August of 2007. At that time the project was placed on hold at the request of the applicants. The applicants requested to continue working on the application in October of 2014 and therefore an updated study was requested. An Update to the Environmentally

Sensitive Habitat Area Study was submitted by NCRM in December of 2014. The proposed improvements would be located in an existing lawn, which is characterized by landscaping of non-native species. Three sensitive habitats were identified in the vicinity of the project components: a small wetland, a coastal riparian area, and several special status plants as described previously in the report.

A Reduced Buffer Analysis was completed as part of the updated Environmentally Sensitive Habitat Area Study, submitted by NCRM in December of 2014, to propose a reduced buffer of fifty (50) feet between the proposed improvements and identified ESHA. Due to the various constraints of the site a reduced buffer of fifty (50) feet cannot be complied with because the proposed improvements must be located as close as fifteen (15) feet from the wetland and special plant community ESHAs. Despite the proximity to the ESHAs, NCRM states that the proposed development will constitute an overall site improvement for the following reasons:

- The enhanced design of the proposed system to that of the existing septic.
- The improved location of the septic leach lines, which will be located further from the bluff edge than the existing leach lines, reducing the potential for erosion of the bluff and providing greater protection to the resources in the event of a system failure.
- The location is confined to already disturbed ground, the lawn area.

As part of the Reduced Buffer Analysis the biologist outlined the requirements of Section 20.496.020 of the Mendocino County Code as demonstrated through **Table 1**. NCRM makes the findings that the ESHAs will not be significantly degraded, the proposed replacement is the least environmentally damaging alternative, and that all feasible mitigation measures are adopted.

The California Department of Fish and Wildlife (CDFW) provided comments on the proposed septic system replacement. CDFW staff stated that “the proposed replacement site is situated almost completely within an existing lawn and former driveway. Due to the constraints of the parcel, it appears that the proposed location is the least environmentally-damaging feasible alternative.” CDFW staff recommended some revisions to the recommended mitigation measures from NCRM.

Based on the findings of the Environmentally Sensitive Habitat Area Study and comments provided by CDFW staff, it can be concluded that the proposed improvements are consistent with the requirements for development within an environmentally sensitive habitat area buffer. **Condition 9** is recommended which provides mitigation measures to be implemented to reduce any potential impacts to the existing natural resources present on the parcel and to ensure that no development occurs within the ESHA or associated buffer. Therefore, with the inclusion of the required mitigation and protection measures by **Condition 9**, Resource Protection Impact Findings, enumerated in Section 20.532.100(A), can be made.

Table 1. Buffer Analysis (Section 20.496.020 (A)(4)(a) of the Mendocino County Code) prepared by NCRM in December 2014.

<p><i>4(a) Permitted Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.</i></p>	<p>The proposed septic system will not alter the functional capacity or the environmentally sensitive habitat, its species or their ability to be self sustaining. The development is proposed on the landscaped and mowed lawn area, portions of which are currently an existing septic and portions of which were formerly the property's driveway.</p>
<p><i>(b) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.</i></p>	<p>There is no other feasible site on this restricted parcel.</p>
<p><i>(c) Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection</i></p>	<p>The chosen development location will have the least impact on the maintenance of the biological and physical integrity of the buffer strip and on maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.</p> <p>Access to septic site shall be limited to dry, rainless</p>

<p><i>area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.</i></p>	<p>periods. Equipment shall not enter the site when soil saturation is present.</p>
<p><i>(d) Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.</i></p>	<p>In the long term the environmentally sensitive habitats will not be impacted by this proposed development. Their functional capacity will be maintained, as well as their ability to be self sustaining.</p>
<p><i>(e) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.</i></p>	<p>There is no other feasible location for this development.</p> <p>Upgrading the current septic system and moving it further from the bluffs edge will prevent potential contingent environmental impacts to the environmentally sensitive habitat associated with a no-project alternative. This development will result in no loss to the protective values within the buffer area.</p> <p>Vegetation removal will likely be unnecessary. If there is impacted vegetation, it will be landscaped shrubs that were planted after the driveway was relocated. In the unlikely event that shrubs must be removed they will be replaced at a 1:1 ratio with native trees or shrubs, such as California wax myrtle.</p>
<p><i>(f) Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.</i></p>	<p>Mitigation measures in this report address bare soil and vegetation removal.</p>
<p><i>(g) Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of one to one (1:1) to restore the protective values of the buffer area.</i></p>	<p>No riparian vegetation will be lost due to the proposed development.</p>
<p><i>(h) Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.</i></p>	<p>The proposed development does not include structures above ground that will impede flow.</p>
<p><i>(i) Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.</i></p>	<p>Under current regulations, and due to shallow soils and high water table on the parcel, installation of a new, in-ground leaching system is not feasible. By moving the residence's septic drainage to the surface away from the bluff edge, the proposed septic installation will have an improved effect on the hydrological processes within the study area.</p> <p>The three-tank aerobic treatment system that is pressurized to drain into drip tubing 12" under imported fill is proposed. This aerobic treatment will be an improvement to the ground water impacts associated with the existing system.</p>
<p><i>(j) Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist, in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system wherever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted</i></p>	<p>The parcel's drainage conveyance will not be inhibited by the orientation of the proposed septic system. Proposed system drainage will be of a similar quantity to the existing system.</p>

<p><i>impermeable vertical surfaces oriented parallel to the groundwater flow direction. Piers may be allowed on a case by case basis.</i></p>	
<p><i>(k) If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.</i></p>	<p>The proposed development will not have long term significant environmental impacts to the identified ESHAs. In recognition of the potential short term construction related impacts, mitigation measures have been developed and are listed below.</p>

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