



## MEMORANDUM

**DATE:** MAY 26, 2022  
**TO:** COASTAL PERMIT ADMINISTRATOR  
**FROM:** MARK CLISER, PLANNER II  
**SUBJECT:** CDP 2021-0050 STAFF REPORT – UPDATE MEMO 2

After publication of the previous memo, Staff received comments from the California Coastal Commission (CCC) regarding the project. These comments specifically addressed the potential for post-construction noise generated by the daily operations of the proposed Waste Water Treatment System (see Attachment 1). The Applicant's agent proposed a condition to address CCC's concern. This proposed condition was forwarded to the CCC for comment and has been incorporated into Staff's Conditions of Approval as COA number 36.

The changes to the Project, including those made in the previous memo, are captured below.

- Local Coastal Program Consistency item number 4, Habitats and Natural Resources (page 5).
  - Line 5 and 6 have been revised as follows:
    - *Reporting Plan, dated March 31, 2022. The survey found the presence of special status ~~plants and species~~ plant communities, stream, ponds and riparian areas in the area proposed for septic upgrades.*
  - Mitigation Measure BIO-15 (page 6) has been revised as follows:
    - Sentence 1 now reads: *A Mitigation, Management, Monitoring, and Reporting Plan (Attachment Z) for areas where development has occurred within 50 feet of the mapped Bishop Pine Forest shall be implemented in order to facilitate natural regeneration through a performance based adaptive management process to meet performance goals for restoration. The restoration area shall be at least as large as the portion of the Bishop pine forest that will be directly impacted by the project (see Presumed ESHAs & Proposed Development Map, page 4 Biological Scoping & Botanical Survey Report). Performance goals within this restoration ~~are~~ shall include:*
    - Bullet Point number 6 has been revised and now reads: *Monitoring for a minimum of 5 (five) years. If recruitment rate does not succeed, a new 3 (three) year monitoring period shall be implemented.*
- As the Project Site is not in a Tree Removal Area, Local Coastal Program Consistency item number 6, Visual Resources, has been corrected to:
  - *The project site is mapped as a "Highly Scenic Area" and ~~"Tree Removal Area"~~ (See attachment Highly Scenic & Tree Removal Areas) and is visible from Highway 1.*

- Local Coastal Program Consistency item number 9, Public Access (page 8), has been corrected to:
  - *Public access is available adjacent to the subject property at from Highway 1, south of and its intersection with Frog Pond Road per Policy 4.7-10. This location shall be preserved as an existing bluff top access. The project would be consistent with Chapter 20.528 Coastal Access Regulations and Open Space Easements and Coastal Element Policy 4.8-411-19.*
- Finding item number 1 has been corrected to reflect the land use classification includes Visitor Accommodations (\*5)
- Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas, which is specifically addressed by the Supplemental Findings below. A resort is a permitted use within the Rural Residential / Visitor Accommodations (\*5) land use classification and is consistent with the intent of the Rural Residential classification and all associated development criteria Finding item number 7 has been correct to reflect the correct Coastal Element Policy, 4.8-4
  - Pursuant with MCC Section 20.532.095(B)(1), the land is in conformity with public access policies, including Chapter 20.528 *Coastal Access Regulations and Open Space Easements* and Coastal Element Policy 4.7-408-4. Public access near the intersection of Frog Pond Road and Highway One shall be preserved as an existing bluff top access. The proposed development will not interfere with protected views.
- Condition of Approval number 10 has been revised to limit development to areas not capable of supporting Pygmy Forest
  - In accordance with MCC Section 20.496.045, development is limited to ~~uses that do not interfere with the adjacent Pygmy Forest and Bishop Pine~~ areas on subject property that not identified with soils capable of supporting Pygmy Forest.
- Condition of Approval number 12 has been revised and now requires the property owner execute and record a deed restriction within two years, not one
  - Within ~~two~~ one years of the effective date associated with CDP\_2021-0050, the property owner shall execute and record a deed restriction, or amend existing deed, in a form and content acceptable to the Coastal Permit Administrator and County Counsel. The deed restriction, or amendment, will include the following statements and, or exhibits
- As the Project Site is not designated for tree thinning or removal, Condition of Approval number 13 has been removed
- Condition of Approval number 14 (now COA 13) has been revised as follows:
  - *The Applicant shall relocate the laundry facilities to an area at minimum 100 feet from an identified ESHA inspect the laundry facility for any plumbing leaks that are discharging greywater into the downslope meadow. Any plumbing leaks shall be fixed. Life of project BMPs shall be incorporated to prevent contaminants from being delivered to the wetland adjacent to the laundry facility.*
- Condition of Approval number 15 (now COA 14) has been corrected as follows:
  - *The freshwater pond adjacent to the proposed development laundry facility shall be monitored during construction to protect any sensitive hydrophytes.*

- Condition of Approval number 16 (now COA 15) has been revised as follows:
  - Irrigation of the lawn area within 100 feet of the bluff edge is prohibited. The owners shall maintain drought-tolerant native vegetation within this area. All new landscaping on the subject parcels shall be limited to drought-tolerant native vegetation. and remove any plants or ground coverings that are not drought-tolerant native vegetation.
- A new Condition of Approval (number 16) has been added
  - Leach field design shall allow for infiltration of normal precipitation, i.e., effluent shall not saturate the near surface soils and thereby increase surface runoff during the rainy season. The bluff edge shall not be irrigated. Steep bank areas where terrace deposits are exposed and/or eroding shall not be irrigated. Surface flow of runoff along the bluff edge shall be prohibited. Wastewater drip fields shall conform to the 48' geotechnical setback from the bluff edge
- Condition of Approval number 31 has been revised and no longer requires the Applicant to remove non-native species of plants.
  - ~~Non-native vegetation shall not be planted. Non-native vegetation shall be removed.~~ On-site vegetation may include shrubs, grass, and perennial herbs. Appropriate plants include *Ceanothus thyrsiflorus* ssp. *griseus*, *Gaultheria shallon*, *Frangula purshiana*, *Arctostaphylos uva-ursi*, *Vaccinium ovatum*, *Ribes sanguineum*, *Morella californica*, *Calamagrostis nutkaensis*, *Polystichum munitum*, *Carex harfordii*, *Lonicera hispidula*, *Monardella villosa*, *Stachys ridida*, *Diplacus aurantiacus*, *Maianthemum dilatatum*, *Piperia elongata*, *Scrophularia californica*, and *Clinopodium douglasii*.
  - Minor grammatical fixes to 31c
  - COA 31f has been revised as follows:
    - Monitoring for a minimum of 5 (five) years. If recruitment rate does not succeed, a new 3 (three) year monitoring period shall be implemented.
- Three new Conditions of Approval have been added:
  - Condition of Approval number 34 requires all ground disturbance to occur during the dry season
    - Ground disturbing activities will only occur during the dry season. If a rain event occurs during the ground disturbance period, all ground disturbing activities will cease for a period of 48 hours, starting after the rain stops.
  - Condition of Approval number 35 requires all development to occur as far from riparian areas as possible
    - Proposed development shall occur as far from the Stream, Freshwater Ponds and Riparian Areas as feasible. Straw wattles shall be installed adjacent to the freshwater ponds and riparian areas to separate ESHA from the construction related impact area. No materials storage, heavy equipment use or other impacts shall occur within the fenced off wetlands area. Straw wattles shall be properly installed to intercept liquids leaving the construction area. Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and

disturbed soil areas shall be stabilized as soon as feasible. Areas of bare soil should be seeded with native erosion control seed mix and/or covered with biodegradable erosion control materials (e.g. coconut fiber, jute, weed free straw).

- Condition of Approval number 36 addresses the day-to-day operation of the Waste Water Treatment Plant
  - To avoid and reduce potential noise impacts to Sonoma Tree Vole, following installation of the wastewater treatment plant, the applicant shall perform noise measurement test of the system as it is operating. Should noise levels exceed the existing ambient noise, applicant shall either 1) install acoustic barriers around the noisiest components of the wastewater treatment plant, 2) enclose the entire wastewater treatment plant in a shed-like structure that incorporates acoustic absorption technology that reduces reflection off of the inner surfaces of the floors, walls and ceilings, and prevents noise from escaping the enclosure, or 3) other appropriate methods approved by the Coastal Planning Department.

It should be noted that revisions made to Mitigation Measures or Conditions of Approval in no way effect the Environmental Determination of the Mitigated Negative Declaration. Likewise, the above noted revisions to not change the Project's consistency with the goals and policies of the Local Coastal Program.

#### Attachments

1. CCC Comments
2. CCC Approval of COA 36
3. Mendocino County Exterior Noise Limit Standards

**From:** [Garcia, Tatiana@Coastal](mailto:Garcia.Tatiana@Coastal)  
**To:** [Mark Cliser](mailto:Mark.Cliser)  
**Cc:** [Kraemer, Melissa@Coastal](mailto:Kraemer.Melissa@Coastal); [Wynn, Amy@Wynn Coastal Planning](mailto:Wynn.Amy@WynnCoastalPlanning)  
**Subject:** Comments CDP\_2021-0050 (Heritage House )  
**Date:** Wednesday, May 25, 2022 4:00:06 PM

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Hello,

Please consider the following comment regarding CDP\_2021-0050:

Noise Impacts to ESHA. The proposed location (preferred alternative) for the upgraded WWTP is in and adjacent to Bishop pine forests that are mapped as potential habitat of local Sonoma tree voles. The upgraded WWTP entails changing a near-silent dispersed septic leach field system to a multi-stage treatment process consisting of an “equalization tank, and anaerobic baffled reactor, a three-stage trickling filter system, a deep bed media filter system, and ultra violet and chlorine disinfection.” These treatment methods and associated machinery (pumps and motors) will likely produce more noise than the current ambient conditions at the site. Anthropogenic noise can drown out ecological noises used for reproduction, territorial marking, predator warnings, and other important social cues. Thus, noise generation should be considered over the life of the project, rather than just at the construction phase of the project. The County may consider gathering additional information from the project’s applicants/agents or requiring additional mitigation measures to reduce noise impacts to ensure development complies with MCC 20.496. Mitigation measures might include 1.) requiring acoustic barriers around the noisiest components of the WWTP 2.) requiring the entire WWTP be enclosed in a shed-like structure which incorporates acoustic absorption technology that reduces noise reflection off of the inner surfaces of the floors, walls, and ceilings, and prevents noise from escaping the enclosure, or 3.) other appropriate methods determined by the County.

Thank you,  
Tatiana

*Tatiana Garcia*

**Coastal Program Analyst**

CA Coastal Commission- North Coast District

1385 8<sup>th</sup> Street Arcata, CA 95521

707-826-8950

**From:** [Garcia, Tatiana@Coastal](mailto:Garcia_Tatiana@Coastal)  
**To:** [Wynn, Amy@Wynn Coastal Planning](mailto:Wynn.Amy@WynnCoastalPlanning); [Mark Cliser](mailto:Mark.Cliser); [Kraemer, Melissa@Coastal](mailto:Kraemer.Melissa@Coastal)  
**Cc:** [Adrienne Thompson](mailto:Adrienne.Thompson); [Nash Gonzalez](mailto:Nash.Gonzalez)  
**Subject:** RE: Heritage House 3; WWTP - noise levels at plant - proposed COA #36 - please respond ASAP  
**Date:** Thursday, May 26, 2022 10:37:25 AM

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Hi,

Yes, I think the special condition covers any potential issue with noise. Thank you.

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**From:** Amy@WCPlan.com <Amy@WCPlan.com>  
**Sent:** Thursday, May 26, 2022 10:35 AM  
**To:** Garcia, Tatiana@Coastal <tatiana.garcia@coastal.ca.gov>; Cliser Mark <cliserm@mendocinocounty.org>; Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>  
**Cc:** Thompson Adrienne <thompsa@mendocinocounty.org>; Gonzalez Nash <gonzalezn@co.mendocino.ca.us>  
**Subject:** Re: Heritage House 3; WWTP - noise levels at plant - proposed COA #36 - please respond ASAP

Tatiana,

Can you please let us know if you support this condition as addressing your concerns? ASAP

Amy

On May 26, 2022, at 9:36 AM, [Amy@wcplan.com](mailto:Amy@wcplan.com) <[Amy@WCPlan.com](mailto:Amy@WCPlan.com)> wrote:

Mark,

Here's my proposed addition of Condition of Approval #36:

**COA 36:** To avoid and reduce potential noise impacts to Sonoma Tree Vole, following installation of the wastewater treatment plant, the applicant shall perform noise measurement test of the system as it is operating. Should noise levels exceed the existing ambient noise, applicant shall either 1) install acoustic barriers around the noisiest components of the wastewater treatment plant, 2) enclose the entire wastewater treatment plant in a shed-like structure that incorporates acoustic absorption technology that reduces reflection off of the inner surfaces of the floors, walls and ceilings, and prevents noise from escaping the enclosure, or 3) other appropriate methods approved by the Coastal Planning Department.

Best,

Amy

On May 26, 2022, at 8:23 AM, [Amy@WCPlan.com](mailto:Amy@WCPlan.com) <[Amy@wcplan.com](mailto:Amy@wcplan.com)> wrote:

FYI.

Sent from my iPhone

Begin forwarded message:

**From:** [amy@wcplan.com](mailto:amy@wcplan.com)  
**Date:** May 26, 2022 at 8:19:45 AM PDT  
**To:** [Ciro Milazzo <cmilazzo@sherwoodengineers.com>](mailto:cmilazzo@sherwoodengineers.com)  
**Cc:** [Chen Carina <cchen@sherwoodengineers.com>](mailto:cchen@sherwoodengineers.com)  
**Subject: Re: Heritage House 3; WWTP - noise levels at plant (need by end of day today)**

Ciro,

Thanks so much for running that down!

I'm sure that when the system is installed, we can perform noise measurements and then enclose anything that may be a noise irritant, if any.

Thank you!

Amy

Sent from my iPhone

On May 26, 2022, at 8:14 AM, [Ciro Milazzo <cmilazzo@sherwoodengineers.com>](mailto:Ciro Milazzo <cmilazzo@sherwoodengineers.com) wrote:

Hi Amy,

The pump manufacturer got back to me, " We do not have any test data for noise levels/impacts".

- MENDOCINO COUNTY CODE  
 Title 20 - ZONING ORDINANCE  
 DIVISION I - MENDOCINO COUNTY ZONING CODE  
 APPENDIX C EXTERIOR NOISE LIMIT STANDARDS

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**Exterior Noise Limit Standards**

(Levels not to be exceeded more than thirty (30) minutes in any hour)

Receiving Land Use Category <sup>3,4</sup>	Time Period	Noise Level Standards (dBA) <sup>1,2</sup>	
		Rural/Suburban	Urban/Highways <sup>5</sup>
One and Two Family	10:00 p.m.—7:00 a.m.	40	50
Residential	7:00 a.m.—10:00 p.m.	50	60
>Multifamily	10:00 p.m.—7:00 a.m.	45	55
Public Spaces	7:00 a.m.—7:00 p.m.	50	60
Limited Commercial	10:00 p.m.—7:00 a.m.	55	
Some Multifamily	7:00 a.m.—10:00 p.m.	60	
Commercial	10:00 p.m.—7:00 a.m.	60	
	7:00 a.m.—10:00 p.m.	65	
Light Industrial	Any time	70	
>Heavy Industrial	Any time	75	
<b>Adjustments to Noise Level Standard</b>			
<b>Duration</b>			
L <sub>50</sub>	30 minutes per hour	Standard	
L <sub>25</sub>	15 minutes per hour	Standard + 5 dB	
L <sub>0</sub>	Maximum permissible level	Standard + 20 dB	
<b>Character</b>	Tone, whine, screech, hum, or impulsive, hammering, riveting, or music or speech	Standard + 5 dB	
<b>Ambient Level<sup>1</sup></b>	Existing ambient L <sub>50</sub> , L <sub>25</sub>	Standard + 5 dB	
	Existing ambient L <sub>0</sub>	Existing maximum	

**Interpretive Footnotes**

1. When an acoustical study demonstrates that ambient levels exceed the noise standard, then the ambient levels become the standard.
2. Higher noise levels may be permitted for temporary, short-term or intermittent activities when no sensitive or residential uses will be affected.
3. County staff shall recommend which receiving land use category applies to a particular project, based on the mix of uses and community noise levels. Industrial noise limits intended to be applied at the boundary of industrial zones, rather than within industrial areas.
4. The "rural/suburban" standard should be applied adjacent to noise sensitive uses such as hospitals or convalescence homes.
5. "Highways" apply to roads and highways where average daily traffic (ADT) exceeds ten thousand (10,000).



- MENDOCINO COUNTY CODE  
Title 20 - ZONING ORDINANCE  
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APPENDIX C EXTERIOR NOISE LIMIT STANDARDS

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(Ord. No. 4017 (part), adopted 1998)

**MENDOCINO COUNTY**

**ZONING ORDINANCE**

**Title 20—Division II  
of The Mendocino County Code**

- MENDOCINO COUNTY CODE  
Title 20 - ZONING ORDINANCE  
DIVISION I - MENDOCINO COUNTY ZONING CODE  
APPENDIX C EXTERIOR NOISE LIMIT STANDARDS

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