



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: JANUARY 23, 2023
TO: COASTAL PERMIT ADMINISTRATOR
FROM: ROB FITZSIMMONS, PLANNER II
SUBJECT: CORRECTIONS AND CLARIFICATIONS FOR CDP_2022-0002 STAFF REPORT

SUMMARY:

The Staff Report for CDP_2022-0002 contains a few minor errata. Staff feels that the Report need not be recirculated/renoticed, but have produced this memo for clarification. Changes have been provided below with existing language to be removed noted with strikethrough, and new language to be added in underlined.

SEPTAGE:

The Groundwater Resources section of the Staff Report (page 5) includes the following passage:

~~**MCC Section 20.516.015(A) Septage and Leach Field.** The proposed project includes installation of an on site septic tank with connection to a leach field. On December 17, 2021, Division of Environmental Health staff responded that there is a septic permit 1966 F for a two bedroom residence. As a two bedroom residence is proposed; the project would not exceed the capacity of the existing septic system. On January 17, 2022, Coastal Commission responded with the following:~~

~~*"The onsite sewage disposal system was approved by the Mendocino Department of Environmental Health (DEH) in 1988. We recommend that County staff verify prior to acting on the CDP application that the proposed sewage disposal system design conforms to current standards to make the necessary findings that the proposed use will be served by an adequate onsite sewage system capable of treating wastewater consistent with County and Regional Water Board standards."*~~

This passage was erroneously transposed from another project's staff report. The section should be amended as follows:

MCC Section 20.516.015(A) Septage and Leach Field. The subject parcel has an existing septic system onsite, permitted under Septic Permit #5569. The proposed project will tie into the onsite septic system; no expansion of the septic system is proposed. On March 31, 2022, Division of Environmental Health staff responded, stating that the existing septic can support "4 BRs (bedrooms) MAX". The proposed project does not exceed this maximum.

To date, no correspondence from the Coastal Commission has been received regarding this project.

The corresponding Finding #2 can still be made, but for clarity staff recommends the last line be amended as follows:

"...including all related permits such as a SepticWell Permit from Environmental Health."

Please note this does not actually change the meaning of the finding, only providing a more relevant example of a related permit.

CDFW FEES:

This project shall be required to submit a CDFW filing fee prior to performing any work on the project. For clarity, staff recommends that this requirement be added as a Condition of Approval for CDP_2022-0002, as follows:

31. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,814.00 or current fee shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any public hearing action. Any waiver of the fee shall be on a form issued by the California Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The property owner has the sole responsibility to ensure timely compliance with this condition.

Please note that this project would be subject to the CDFW filing fee regardless of whether this condition is included; the condition only serves to highlight the requirement, it does not impose it.

COASTAL COMMISSION APPEAL STATUS:

The maps initially prepared to support the referral for this project reflect the County cartographer's determination that a portion of the subject parcel lied within the in the Coastal Commission's appeal jurisdiction, though the project itself was always presumed to have been entirely sited outside of it and was thus unappealable.

Subsequent to the agency referral being sent out, the agent for the applicant requested that this interpretation be reexamined. Upon review, Staff revised their interpretation of the appeal boundary, and agree that the parcel is in fact *entirely* located outside the appealable area. The determination that the project was not appealable remained unchanged, so new maps were not produced.

The issue was clouded further when the final Notice of Public Hearing, Availability of Draft Mitigated Negative Declaration For Public Review, And Notice of Intent To Adopt a Mitigated Negative Declaration was posted, indicating that the project was subject to Coastal Commission appeal. This was a clerical error.

No changes to the staff report or recommended action are necessary, but it should be made clear in the hearing that action on this item is **not** appealable to the Coastal Commission.