



Mendocino County

Legislation Text

File #: 17-1186, **Version:** 1

To: Board of Supervisors

From: Environmental Health

Meeting Date: December 19, 2017

Department Contact: Trey Strickland

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Department Contact: Matthew Kiedrowski

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Item Type: Regular Agenda

Time Allocated for Item: 30 min.

Agenda Title:

Discussion and Possible Action Including Introduction and Waive First Reading of an Ordinance Amending Section 16.08.015 of Chapter 16.08 - On-Site Sewage Systems to Exempt Certain Structures from the Sewage System Requirement
(Environmental Health)

Recommended Action/Motion:

Introduce and waive first reading of an Ordinance amending Section 16.08.015 of Chapter 16.08 - On-Site Sewage Systems to exempt certain structures from the sewage system requirement.

Previous Board/Board Committee Actions:

On August 8, 2017, the Board of Supervisors expressed support in revising County Code to allow portable toilets at agricultural sites with structures, where traditionally an onsite wastewater treatment system or sewer connection is required.

Summary of Request:

At the direction of the Board of Supervisors, County staff has prepared a County Code revision that allows for the use of portable toilets on parcels with structures that are used for the seasonal commercial cultivation or processing of plants.

Mendocino County lies within the northern coastal ranges and valley of California, and its unique geological characteristics have a direct impact on the construction of on-site sewage systems. The unique geology has resulted in limited areas which are suitable for installation of on-site sewage systems using the criteria delineated in the North Coast Regional Water Quality Control Board Basin Plan; the isolation and limited density of development in many of Mendocino County's rural area makes sizing and installation of on-site sewage systems difficult. Mendocino County is rugged, mountainous, and sparsely populated. The area is divided into inland and coastal valleys, separated by coastal ranges. The topography, with tree-covered slopes and intermountain valleys, is not easily served by conventional on-site sewage technology.

Many proposed and existing cultivation sites fall into this category of difficult-to-develop sites. Also, once a

septic system is installed on a property, it impacts the potential placement of water wells on that and neighboring parcels due to setback requirements. In an effort to minimize the long-term impact to a property for a potentially short-term endeavor, the use of portable toilets in lieu of a septic system or sewer connection is reasonable, and by using Best Management Practices to govern their use, should minimize the potential for impacts to public health or the environment.

The adoption of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*; "CEQA") pursuant to Sections 15308 and 15311 of the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 *et seq.*). Section 15311 exempts the construction or replacement of minor structures that are accessory or appurtenant to existing commercial, industrial or institutional facilities, including the placement of seasonal or temporary use items like portable restrooms for certain situations. This ordinance would allow the siting of portable restrooms accessory to commercial uses on a seasonal basis under specific conditions. Section 15308 exempts actions taken by regulatory agencies to assure the maintenance or protection of the environment where the regulatory process involves procedures for protection of the environment. This ordinance would allow for certain qualifying uses to use portable toilets (or nearby permanent bathrooms) instead of permanently installing bathrooms and a septic system for each cultivation or processing facility. This provision protects the environment by allowing for less additional development and ground disturbance on a property in order for qualifying seasonal cultivation and processing facilities to operate. In addition, certain cultivation and/or processing facilities may not continue to operate on a permanent basis, which would likely create unmaintained systems that could harm groundwater.

Alternative Action/Motion:

Do not adopt the proposed ordinance; refer the matter to staff for additional research and alternatives.

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: N/A

Current F/Y Cost: N/A

Budgeted in Current F/Y: N/A

Annual Recurring Cost: N/A

Supervisory District: All

Vote Requirement: Majority

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Chamise Cubbison, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Karla Van Hagen

Final Status: **Approved with Modification**

Date: December 21, 2017

Executed Item No.: *Item Number:*

Note to Department:

Executed Documents Returned to

Department: Originals _____ Copies

_____ Hand Delivered _____ Interoffice

Mail _____ Executed Agreement Sent to

Auditor? Y/N

