

#### **Section I Description Of Project.**

**DATE:** 09/29/2021

**CASE#:** CDP\_2020-0022

**DATE FILED:** 8/19/2020

**OWNER/ APPLICANT/AGENT:** WILLIAM & AUDREY IRWIN

**REQUEST:** Standard Coastal Development Permit to develop a vacant parcel with a single-family residence, a detached garage, ground mount solar array, establishment of an on-site well with a pump house and water storage tank, an on-site septic system and driveway, including tree removal at the building site. Also included in the request is the installation of one (1) 5,000 gallon water storage tank and one (1) 2 ½" NHT fire hydrant.

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**LOCATION:** In the Coastal Zone, 3± miles south of Albion town center, 0.5± miles east of the intersection of Cameron Road (CR 516) and State Route 1 (SR 1), on the south side of Cameron Road, at the end of a private road, located at 1656 Cameron Road, Elk (APN: 126-110-12).

**STAFF PLANNER:** JESSIE WALDMAN

#### **Section II Environmental Checklist.**

*"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).*

Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology /Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials
<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off site as well as on-site; cumulative as well as project level; indirect as well as direct; and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the checklist the following definitions are used:

**"Potentially Significant Impact"** means there is substantial evidence that an effect may be significant.

**"Potentially Significant Unless Mitigation Incorporated"** means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

**"Less Than Significant Impact"** means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

**"No Impact"** means that the effect does not apply to the Project, or clearly will not impact nor be impacted by the Project.

**INITIAL STUDY/ENVIRONMENTAL REVIEW:** This section assesses the potential environmental impacts which may result from the project. Questions in the Initial Study Checklist are stated and answers are provided based on analysis undertaken.

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less than significant impact:** A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view. Although there are scenic resources throughout Mendocino County that are visible from roads, and highways; only one roadway in Mendocino County, State Route 128, has been designated as a State Scenic Highway by California State Assembly Bill 998, approved on July 12, 2019.<sup>1</sup> The site of the proposed project is near, but not adjacent to nor takes access from, a major "visually interesting" roadway of the state, State Route 1. State Route 1 is part of the California Freeway and Expressway System, and through the Los Angeles metro area, Monterey, Santa Cruz, San Francisco metro area, and Leggett, is part of the National Highway System, a network of highways that are considered essential to the country's economy, defense, and mobility by the Federal Highway Administration. State Route 1 is eligible to be included in the State Scenic Highway System; however, only a few stretches between Los Angeles and San Francisco have officially been designated as a "scenic highway", meaning that there are substantial sections of highway passing through a "memorable landscape" with no "visual intrusions".

The subject parcel lies east of State Route 1 and is accessed via a Private Road. The subject parcel is located in a residential area where homes are interspersed with trees and other natural vegetation. The proposed project will be in character with the surrounding environment, and nestled in the eastern portion of the parcel such that natural vegetation will still remain around it. While the addition of any development will change the current visual character of the site, the addition of a residence that is similar in size, and scale to those on adjacent properties will be a less than significant impact to the visual character.

MCC Sections 20.504.020(C), and 20.504.035 provides exterior lighting, and finish regulations intended to protect coastal visual resources in Highly Scenic Areas, Special Treatment Areas, and Special Communities of the Coastal Zone. 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. Building materials and exterior colors shall be compatible with those of existing structures. With adherence to the zoning code standards, the project will have a less than significant impact in terms of creating a new source of light or glare which could adversely affect day or nighttime views in the surrounding area.

<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB998](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB998)

<b><u>II. AGRICULTURE AND FORESTRY RESOURCES.</u></b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a - e) **No impact:** The project site is located in an area designated as "Grazing Land" by the State of California Department of Conservation. The parcel is zoned Rural Residential, as are surrounding parcels, and while limited agricultural uses are permitted in the Rural Residential zoning district, approval of this application would not convert any agriculturally zoned lands to non-agricultural uses. The project would not convert any land designated "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance" to non-agricultural uses.

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a ten year agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses. The subject site is not under, yet is adjacent to parcels currently under Williamson Act contract.<sup>2</sup>

The Timberland Production Zone (TPZ) was established in 1976 in the California Government Code as a designation for lands for which the Assessor's records as of 1976 demonstrated that the "highest, and best use" would be timber production, and accessory uses. Public improvements and urban services are prohibited on TPZ lands except where necessary, and compatible with ongoing timber production. The original purpose of TPZ Zoning District was to preserve and protect timberland from conversion to other more profitable uses, and ensure that timber producing areas not be subject to use conflicts with neighboring lands. The current proposal does not impact existing or potential TPZ lands.

Given the lack of farmland or forest land on the project site, and the land use designations for the surrounding areas incentivizing desired uses that would be inherently incompatible with both farmland and timber lands, the proposal would have no potential to convert farmland to non-agricultural use, or forest land to non-forest use.

<sup>2</sup> County of Mendocino GIS

<b>III. AIR QUALITY.</b> <b>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a - b) **No impact:** The project is located within the North Coast Air Basin consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. The Project Site is located within the Mendocino County Air Quality Management District (MCAQMD) which is responsible for enforcing the state and federal Clean Air Acts, as well as local air quality protection regulations. Any new emission point source is subject to an air quality permit, consistent with the District's air quality plan, prior to project construction. The MCAQMD also enforces standards requiring new construction, including houses, to use energy efficient, low-emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions. The proposed project does not propose any activities that would conflict with the District's air quality plan, and the project is subject to any requirements of the MCAQMD; therefore, there will be no impact.

c) **Less than significant impact:** MCAQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. Based on the results of monitoring, the entire County has been determined to be in attainment for all Federal criteria air pollutants, and in attainment for all State standards except Particulate Matter less than 10 microns in size (PM10). In January of 2005, MCAQMD adopted a Particulate Matter Attainment Plan establishing a policy framework for the reduction of PM10 emissions, and has adopted Rule 1-430 which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly-dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions; and
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals, or oils, shall have a posted speed limit of 10 miles per hour; and
- 3) Earth, or other material that has been transported by trucking, or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed; and
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to airborne dusts; and
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour; and

- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and
- 7) The operator shall keep a daily log of activities to control fugitive dust. In December of 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards, and use of wood burning appliances to reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors, and outdoors for residential, and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites, and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM), and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading, or road development must be registered in the Air Resources Board DOORS program, and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets, and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous, and solid material which contributes to PM2.5. All stationary, and portable diesel engines over 50 horse power need a permit through the MCAQMD.

While the project will not include a new point source, it may contribute to area source emissions by generating wood smoke from residential stoves, or fireplaces. The County's building permit plan check process ensures that this, and similar combustion source requirements are fulfilled before construction is permitted to begin, consistent with the current air quality plan. Therefore, the County's building permit approval process will help to ensure new development, including this project, is consistent with and will not obstruct the implementation of the air quality plan.

The generation of dust during grading activities, another type of area-source emission, will be limited by the County's standard grading, and erosion control requirements contained in MCC Sections 20.492.010; -020. These policies limit ground disturbance, and require immediate revegetation after the disturbance. These existing County requirements will help to ensure PM10 generated by the project will not be significant, and that the project will not conflict with nor obstruct attainment of the air quality plan PM10 reduction goals.

The project will establish a single-family residence in a low-density rural residential coastal setting where residential development exists on adjacent parcels. Residential uses are consistent with the County's land use plan. Approval of this project will not permit large-scale development that may result in a cumulatively considerable net increase in air pollution, including PM10.

- d - e) **No impact:** There are no sensitive receptors located within the vicinity of the project, nor will the project generate substantial pollutant concentrations as the project proposes residential development in a residential neighborhood. There are no short-term or long-term activities, or processes associated with the single-family residence, that will create objectionable odors. Nor are there any uses in the surrounding area that are commonly associated with a substantial number of people (i.e., churches, schools, etc.) that could be affected by any odor generated by the project. Therefore, the project will have no impact in terms of exposure of sensitive receptors to pollutant concentrations, or creation of objectionable odors affecting a substantial number of people.

<u>IV. BIOLOGICAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a-f) **Less Than Significant with Mitigation Incorporated:** A *Rare Plant Assessment & Botanical Survey*, a *50 foot Reduced Buffer and Wetlands Delineation* was prepared by Jacobszoon & Associates, Inc. (Jacobszoon), in July 2020 and updated in February 2021, where avoidance measures are recommended to avoid impacts to Environmentally Sensitive Habitat Areas (ESHA). Jacobszoon's survey's identified habitat on the parcel consists of multiple types of Special Natural Communities and Other ESHA, which included *Northern Bishop Pine Forest Community*, *Wetlands*, *Special Status Plant Species* and *Special Status Wildlife Species*.

The proposed project is considered the most feasible, least environmentally damaging location to avoid impacts to Environmentally Sensitive Habitat Areas (ESHA), and related ESHA buffer requirements, as specified within the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon). The habitat observed within the study area on the parcel consists of two types of presumed ESHAs (Jacobszoon), consists of Special-status plants and Special status species.

The *Rare Plant Assessment & Botanical Survey* (Jacobszoon, 6.5, pg. 28) describes the extent of proposed tree removal and recommends 5-year restoration and monitoring plan as:

*There is no proposed buffer for this ESHA as the entire Project Area (1.5 acres) is located within the ESHA.*

*Within the 1.5 acre Study Area, a total of forty-seven (47) Grand fir trees and sixty-eight (68) Bishop pine trees that are 7-inch DBH (diameter at breast height) and greater are proposed to be removed for the development of the homesite. Approximately twenty (20) of the sixty-eight (68) Bishop pine trees are either dead or dying. The trees are approximately 80-100 years old, at the age which Bishop pine trees start dying.*

*The development is proposed to be located within an environmentally sensitive habitat (Bishop pine forest) and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through the project review.*

*It is recommended to replace Bishop pine and Grand fir trees at a mitigation ratio of 1:1 and not at a 3:1 mitigation ratio, due to the limited growing space and sunlight available on this 5.09 [acre] parcel. Sufficient planting areas are not present to accommodate a 3:1 mitigation ratio and successful forest replacement would be unlikely due to forest overcrowding. A 1:1 mitigation ration would most likely result in a more successful forest replacement. Listed below is a five year restoration and monitoring plan be prepared with review and concurrence by CDFW and Mendocino County.*

The 50 feet Reduced Buffer Analysis of the *Rare Plant Assessment & Botanical Survey* (Jacobszoon, 6.5, Appendix D) describes the extent of the wetland and its relation to the proposed project:

**CCC Wetland ESHA**—*Approximately 0.09 acres of CCC wetland is present within the 5.09-acre parcel. The proposed Project Area is located approximately 53 feet from the CCC wetland, which is less than the recommended 100 feet.*

The proposed project will not interfere substantially with the movement of any native resident, or migratory fish or wildlife species, or with established native resident, or migratory wildlife corridors with incorporated mitigation measures. Since the parcel is presently undeveloped, it may be host to several nesting birds and act as a wildlife corridor for animals traveling to the coast. In addition, protection of the southern portion of the property in its natural state will continue to provide potential nesting habitat on the property. Therefore, with incorporation of mitigation measures related to a minimum buffer between the proposed development and the identified wetland, and the general location of the proposed development, impacts are considered less than significant.

To prevent impact to ESHA's, **Condition 14 through Condition 24** are recommended to ensure Mitigation and Avoidance Measures of the *Rare Plant Assessment & Botanical Survey* (Jacobszoon, 2021) are followed to prevent disturbance to all ESHA's, within 100 feet, but further than 50 feet, of the proposed project.

In summary, the proposed project cannot be found consistent with LCP policies relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation measures required by **Conditions 14 through 24** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development, restore and enhance ESHA located on the parcel.

**Mitigation Measures (Conditions of Approval 14 through 24 of project):**

14. \*\* Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021. In order to provide for the protection of the portion of the parcel subject to Development Limitation Combining District, the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:

- a. Vegetation removal, especially along the western and southern portions of the parcel, particularly the portion of the parcel subject to Development Limitation Combining District, with the exception of that requires for the construction of the single-family residence, garage and ground mount solar, including the installation of the on-site septic system and driveway access, in its approved building location, is not permitted with this Coastal Development Permit; and
- b. Request for additional vegetation removal on the subject parcel will require a separate Coastal Development Permit and will be reviewed on its own merits; and
- c. Future development of the subject parcel, including additional development and accessory development, not limited to vegetation removal, shall maintain a 50 foot buffer to all identified ESHA or require a separate Coastal Development Permit and will be reviewed on its own merits.

15. \*\* Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021. In order to provide for the **protection of Bishop pine and Grand fir trees**, Section 6 Assessment Summary and Recommendations/Mitigations and Appendix D: Reduced Buffer Analysis of the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon, 6.5), the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:

- a. The regeneration of the Bishop pine trees is low within the Study Area (3 trees under 6" DBH), most likely due to the lack of sunlight and that Bishop pinecones are serotinous (need fire to open and germinate) Typically, the lack of fire resulting in excessively thick understory vegetation and duff layers inhibits seed germination and recruitment. The regeneration of the Grand fir trees is high with 93 trees under 6" DBH; and
- b. It is recommended that there is sufficient regeneration to replace the Grand fir trees that are proposed for removal and to not replant due to the available space and sunlight on the rest of the 5.09-acre parcel; and
- c. It is recommended that the remediation of the removed 68 Bishop pine trees over 7" DBH be a 1:1 replacement based on available space and sunlight on the remainder of the parcel. Placement of Bishop pine saplings shall be where there is sufficient sunlight to aid in growth over 5 years; and
- d. Bishop pine individuals shall be replaced with saplings obtained from local stock in the area. Planted Bishop pine saplings should be planted by hand, with workers using hand tools and/or digging through the soil with a portable augur without the usage of heavy construction machinery that could trample and/or compact ground layer plants and underlying soil. Newly planted Bishop pine individuals should be protected by "protective tubes"; and
- e. An 80% survival rate for the newly planted replacement Bishop pine trees shall occur and be monitored for five consecutive years annually in October by a qualified biologist. Results of restoration activities shall be submitted to CDFW, the County and the California Coastal Commission on an annual basis no later than December 31 for each of the five monitoring years (2021 through 2025, for example, if construction begins and this Plan's mitigation measure actions are initiated by spring 2021). CDFW may provide comments on each annual summary letter and require planting of new Bishop pine trees based on results noted in each of the annual summary letter. For example, in the event that an 80% survival rate of the Bishop pine trees is not achieved in the first five years, the monitoring period will be extended until compliance is demonstrated; and
- f. Supplemental watering will be conducted if necessary, as well as thinning if necessary, to release crowded individuals for more rapid tree growth. During the monitoring visit, the qualified biologist will remove any non-native species that may have encroached within the Project Area.

16. \*\* Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021). In order to provide for the protection of **wetlands**, Section 6 Assessment Summary and Recommendations/Mitigations, Appendix D: Reduced Buffer Analysis and Wetlands Delineation of the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon, 6.1), the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:

- a. Straw wattles be placed along the 50 foot ESHA buffer boundary around the proposed 1.5-acre conversion for the homesite and associated development to protect the CCC wetland south of the Project Area and the Bishop pine forest to prevent sediment caused from ground disturbance activities from entering the Bishop pine forest ESHA or the CCC wetland. Upland habitat in the 50 ft buffer, within the Bishop pine forest habitat has >90% vegetation cover, mostly composed of trees and shrubs, which will provide additional protection for the Bishop pine forest; and
- b. A minimum 50 foot buffer shall be maintained from the upland edge of riparian vegetation along all watercourses to the edge of any development activity, including grading, paving, trenching or other;

and

- c. Ground disturbance and exposed soil will be limited to the 1.5 acres.
17. \*\* Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021). In order to provide for the protection of **special status frogs**, Section 6 Assessment Summary and Recommendations/Mitigations of the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon, 6.2.2), the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
- a. Within one (1) week prior to construction activities, a qualified biologist shall conduct a survey of the construction area for migrating California red-legged frogs and shall conduct a training for the construction crew on identification of California red-legged frogs, as well as the protocols they must follow per this condition:
    - i. Prior to the onset of construction, and every morning before moving heavy equipment and/or stockpiles, the construction crew shall perform a visual search around all stacked or stored material, and under parked equipment to detect the presence of frogs. If a California red-legged frog is detected, construction crews will stop all ground disturbing work in the vicinity and contact the United States Fish and Wildlife Service or a qualified biologist to address the issue and provide clearance to re-initiate work; and
    - ii. If a rain event occurs during the construction period, all ground disturbing construction-related activities will cease until at least 48 hours after the rain stops. Prior to resuming ground disturbing construction activities, trained construction crew member will examine the site for the presence of frogs. If no special status frogs are found, construction activities may resume.
18. \*\* Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021). In order to provide for the protection of **special status birds**, as described in Section 6 Assessment Summary and Recommendations/Mitigations of the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon, 6.2.2), the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
- a. Any vegetation/tree removal should occur during non-nesting season (August 16 to January 31), outside of the general bird nesting season, to the greatest extent feasible. If tree/vegetation removal during this time is not feasible, a pre-construction survey shall be performed by a qualified biologist no more than 14 days prior to the initiation of tree removal or ground disturbance. The survey shall cover the Project Area (including tree removal areas) and surrounding areas within 500 feet; and
  - b. If active nesting activity is detected within the project footprint or within 500 feet of construction activities, an appropriate no-disturbance buffer shall be established by the qualified biologist. Once it is determined that the young have fledged (left the nest) or the nest has otherwise become inactive (e.g., due to predation), the buffer may be lifted, and work may be initiated within the buffer.
19. \*\* Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021). In order to provide for the protection of **Northern Spotted Owl and Marbled murrelet**, as described in Section 6 Assessment Summary and Recommendations/Mitigations of the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon, 6.2.2), the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
- a. Suitable habitat may be present within 0.25 miles of the Study Area, it is recommended that all mechanical work shall be conducted August 1 through September 16 to avoid northern spotted owl and marbled murrelet breeding season; and
  - b. If this is not feasible, surveys shall be conducted for suitable habitat within 0.25 miles of the proposed

- work area; and
- c. If suitable nesting trees are identified, surveys should be conducted to determine if birds are present and may be impacted by the proposed project. Surveys and avoidance measures shall follow USFWS protocols.
20. \*\* Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021). In order to provide for the protection of **Sonoma Tree Vole**, as described in Section 6 Assessment Summary and Recommendations/Mitigations of the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon, 6.2.2), the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
- a. Prior to any tree removal or ground disturbance, Sonoma tree vole (STV) surveys are recommended. A survey consists of walking the proposed project area characterizing potential trees which have adequate needle accumulation in the branches which may act as a nesting site. Additional evidence surveyed for includes fallen nests, indicated by clumps of needle resin ducts on the ground. Removal of trees and other vegetation could destroy active nests, harm individual STV or cause nest abandonment if they occurred during the nesting season. Pre-construction surveys will be conducted by a qualified biologist, in a manner such as follows:
    - i. Be conducted no more than two weeks before tree removal activities begin, a biologist will assess what portions, if any, of the tree removal area and areas within 50 feet of tree removal, is potential tree vole habitat, based on species composition; and
    - ii. If STV habitat is located on portions of the property within 50 feet of tree removal areas, a qualified biologist shall conduct a survey for presence of the species on the property in areas within 50 feet of tree removal and construction footprint; and
    - iii. A standard survey methodology shall include at least two trained observers conducting visual searches for tree vole nests while walking along transects spaced 25 meters apart. When either fecal pellets, resin ducts or potential nests are observed, vole nests must be confirmed by climbing trees and estimating all potential nests to see if they contain evidence of occupancy by tree voles (fecal pellets, resin ducts and conifer branch cuttings), and
    - iv. If occupied habitat is identified during pre-construction surveys, the biologist shall consult with CDFW to determine how to avoid disruption to breeding activity or if individual relocation is possible.
21. \*\* Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021). In order to provide for the protection of **special status bats**, as described Section 6 Assessment Summary and Recommendations/Mitigations of the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon, 6.2.2), the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
- a. A small shed located within the proposed project area may provide suitable roosting for bat species. The shed is proposed to be deconstructed and removed. A survey shall be conducted by a qualified biologist three to six months prior to construction, focused survey for bats and potential roosting sites on the structure; and
  - b. If no bats are observed, a pre-construction survey is recommended with 14 days of the onset of construction to ensure that no roosts will be disturbed during development. If no bats are observed after the second survey, no further study is warranted; and
  - c. If bats are observed, avoidance or exclusion of bats should be conducted as described below:
    - i. If bats are found September through March, then they shall be humanely evicted as

described under (ii) below. If bats are found April through August (bat maternity season), then they should be monitored to determine if a maternal roost. If determined to not be a maternal roost, then the bats should be evicted as described in (ii) below. If determined to be a maternal roost, the structure should have a no-disturbance buffer of 500-feet established and no work should be conducted until the end of maternity season (approximately August).

- ii. Eviction of bats should be conducted using humane bat exclusion techniques, developed in consultation with CDFW. Humane eviction windows typically occur March 1 through April 15 or September 1 through October 15 to avoid winter torpor and maternity season; and
  - iii. Each roost lost should be replaced prior to deconstruction of the structure, with consultation with CDFW. Once replacement roosts are constructed and its confirmed that bats are not present in the structure then the structure may be deconstructed.
22. \*\* Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021). In order to provide for the protection of **presumed ESHA**, as described Section 6 Assessment Summary and Recommendations/Mitigations of the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon, 6.6), the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
- a. Young bishop pine and grand fir trees should be allowed to become re-established wherever they are present outside the construction site; and
  - b. Erosion control fencing should be installed 50 feet outside of the proposed 1.5 acres of construction area prior to construction; and
  - c. Invasive Scotch broom (*Cytisus scoparius*) and all other invasive non-native species will be removed from all portions of the property to the greatest extent practical; and
  - d. During construction, any stockpiled materials should be checked around and moved carefully in order to avoid potential nesting bird habitat, if stockpiling takes place between February and August; and
  - e. Landscaping on the parcel should not include any invasive plants and should ideally consist of native plants compatible with the adjacent plant communities. No plants listed on California Invasive Plant Council (Cal-IPC) Inventory should be included in landscaping. Native plants used for landscaping should be native to coastal Mendocino County. Additionally, any trees proposed for planting should be pest free to reduce introduction of potentially devastating pest to bishop pine and grand fir.
23. \*\* Mitigation and Avoidance Measures proposed in the *Rare Plant Assessment & Botanical Survey*, prepared by Alicia Ives Ringstad of Jacobszoon & Associates, Inc. updated on February 19, 2021). In order to provide for the protection of **presumed ESHA and Grading, Erosion and Run-Off**, Section 6 Assessment Summary and Recommendations/Mitigations, Appendix D: Reduced Buffer Analysis and Wetlands Delineation of the *Rare Plant Assessment & Botanical Survey*, prepared by Jacobszoon & Associates (Jacobszoon), Standard Best Management Practices (BMPs) shall be employed to ensure 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.
24. \*\* 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 (CDFW) 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 \$2,589.00 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 appeal period. Any waiver of the fee shall be on a form issued by the 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 applicant has the sole responsibility to insure timely compliance with this condition.

<u>V. CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a - d) **Less Than Significant Impact:** Archeological resources are governed by MCC Sec. 22.12.090, which echoes state law regarding discovery of artifacts, and states, in part, "*It shall be unlawful, prohibited, and a misdemeanor for any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archaeological site without complying with the provisions of this section*". Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), "*If an archeological resource is neither a unique archeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.*" No cultural resources have been identified as being directly or indirectly impacted as a result of the proposed project. Identification of any unique resources or features with the potential to be affected would trigger the application of California Code of Regulations, Title 14, Division 6, Chapter 3; California Environmental Quality Act Section 21083.2; and Mendocino County Code, Division IV, governing discovery, or identification of potential resources, or features. No component of the proposed intends to allow for, or facilitate disturbance of sites that contain human remains, or internment locations. MCC Section 22.12.090 governs discovery, and treatment of archeological resources, while Section 22.12.100 speaks directly to the discovery of human remains, and codifies the procedures by which said discovery shall be handled. An Archaeological Survey Report was conducted in March 2021 by Samantha Beck of Alta Archaeological Consulting (ALTA), where determination was made that no cultural resources were identified within the project area, and is not anticipated to have an adverse effect on significant historical resources. The project was reviewed by the Mendocino County Archaeological Commission on June 9, 2021, where the survey was accepted. Though the Archaeological Commission believes there is a low possibility of historical resources within the vicinity of the project, a Standard Condition advises the applicants of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or tribal cultural materials are unearthed during site preparation or construction activities. This is recommended as **Condition 9**. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

<u>VI. ENERGY</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction, or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with, or obstruct a state or local plan for renewable energy, or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a - b) **Less Than Significant Impact:** On October 7, 2015, Governor Edmund G. Brown, Jr. signed into law Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015 (De León, Chapter 547, Statutes of 2015), which sets ambitious annual targets for energy efficiency, and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy efficiency savings, and demand reductions in electricity, and natural gas final end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The proposed SB 350 doubling target for electricity increases from 7,286 gigawatt hours (GWh) in 2015 up to 82,870 GWh in 2029. For natural gas, the proposed SB 350 doubling target increases from 42 million of therms (MM) in 2015 up to 1,174 MM in 2029 (CEC, 2017).

Permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The 2019 Building Energy Efficiency Standards are designed to reduce wasteful, uneconomic, inefficient, or unnecessary consumption of energy, and enhance outdoor, and indoor environmental quality. It is estimated that single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards (CEC, 2016).

The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction, or operation, nor would the project conflict with, or obstruct a state or local plan for renewable energy, or energy efficiency. As noted above, permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The proposed project is not anticipated to use or waste significant amounts of energy, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. A less than significant impact would occur.

<b>VII. GEOLOGY AND SOILS.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people, or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion, or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit, or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks, or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource, or site for unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a, c) **No Impact:** The proposed project will not expose people, or structures to substantial adverse effects including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides. The nearest active fault is the San Andreas Fault which is located approximately 3.5 miles inland, east from the project site. As with all parcels within Mendocino County, the site would experience some seismic ground shaking as a result of an earthquake occurring. The Local Coastal Plan Map for Land Capabilities and Natural Hazards designates the site as "Beach Deposits and Stream Alluvium and Terraces (Zone 3) – Intermediate Shaking". The subject parcel is not mapped as an area with potential liquefaction. The soil unit upon which the parcel is located is not known to have a potential of liquefaction. Mapping does not show any landslides within close proximity to the project site. Additionally, the project site is relatively level therefore concerns regarding landslide potential are minimal. Due to the fact that the project site could experience some risk involving earthquake hazards, but not significant risks, no impact would occur.

b) **Less Than Significant Impact:** As with any development within Mendocino County, the proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, fiber rolls, and/or silt fencing structures. This is to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. And would be required to stabilize disturbed soils, and vegetate bare soil created by the construction phase of the project with native vegetation, and/or native seed mixes for soil stabilization as soon as feasible. As a result, the proposed project would not result in substantial soil erosion, or the loss of topsoil, and a less than significant impact would occur.

d) **Less Than Significant Impact:** Expansive soils generally comprise cohesive, fine-grained clay soils, and represent a significant structural hazard to buildings erected on them, especially where seasonal fluctuations in soil moisture occur at the foundation-bearing depth. The subsurface soils at the property are mapped as soil units 139 – Dystropepts with 30 to 75 percent slopes and 144—Flumeville clay loam, 0 to 5 percent slopes by the Soil Survey of Mendocino County, California, Western Part.

The Soil Survey notes that 139 – Dystropepts “*Included in mapping are small areas of Abalobadiah and Vizcaino soils, areas of Rock outcrop, and areas of mass wasting along ocean bluffs. Also included are small areas that have slopes of 15 to 30 percent or 75 to 99 percent. Included areas make up about 25 percent of the total acreage of the unit. The percentage varies from one area to another.*

*Dystropepts are shallow, or moderately deep to bedrock, and are well drained. A representative profile has a surface layer of dark grayish brown loam about 11 inches thick. The next layer is dark grayish brown very gravelly clay loam about 8 inches thick. Hard, and soft, fractured shale is at a depth of about 19 inches. Permeability and available water capacity are extremely variable in the Dystropepts. The effective rooting depth is limited by bedrock at a depth of 10 to 40 inches. Surface runoff is rapid or very rapid, and the hazard of water erosion is severe or very severe.*

The Soil Survey notes that 144—Flumeville clay loam, 0 to 5 percent slopes “*... very deep, poorly drained soil is on marine terraces. It formed in alluvium derived from mixed rock sources. The vegetation is mainly perennial grasses and forbs. Typically, the surface layer is dark gray clay loam about 11 inches thick. The upper 15 inches of the subsoil is grayish brown clay loam and clay that have reddish brown and strong brown mottles. The lower 36 inches is light gray and white clay that has strong brown mottles. In some areas the surface layer is loam. Included with this soil in mapping are small areas of Windyhollow and Cabrillo soils and Tropaquepts. Also included are small areas that have slopes of 5 to 9 percent. Included*

areas make up about 15 percent of the total acreage of the unit. The percentage varies from one area to another.

*Permeability is very slow in the Flumeville soil. Available water capacity is high. The effective rooting depth is limited by saturation for long periods following episodes of heavy rain from December through April. The saturated zone starts between the depths of 12 and 30 inches and extends to a depth of more than 60 inches. Surface runoff is very slow or slow, and the hazard of water erosion is slight if the surface is left bare."*

Due to the fact that the primary soil characteristic is clay loam, impacts are considered less than significant.

- e) **No Impact:** The subject property has soils that are capable of supporting a septic system. A septic system design has been approved by the Mendocino County Division of Environmental Health, septic permit number ST27463. Therefore, there will be no impact.
- f) **Less Than Significant Impact:** The potential exists for unique paleontological resources, or site for unique geological features to be encountered within the project area, as ground-disturbing construction activities, including grading, and excavation, would be required for the proposed project. However, in the event that any archaeological or paleontological resources are discovered during site preparation, grading or construction activities, notification would be required, pursuant to County Code Chapter 22.12 – Archaeological Resources. As such, a less than significant impact would occur.

<b>VII. GREENHOUSE GAS EMISSIONS. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a - b) **No Impact:** Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHG) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission, which includes criteria air pollutants (regional), and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (AQMD) adopted CEQA thresholds of significance for criteria air pollutants, and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same as those, which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO<sub>2</sub>e (CO<sub>2</sub> equivalent) of operation emission on an annual basis. This project as proposed, creating one additional single-family residence, will have no impact and be below the threshold for project significance of 1,100 metric tons CO<sub>2</sub>e.

Additionally, Mendocino County's building code requires new construction to include energy efficient materials and fixtures. Given the limited scale of the new house, the GHG generated by the project will not have a significant impact on the environment.

<u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a - b) **Less Than Significant Impact:** The project will establish a residential use involving the routine transport, use, and disposal of hazardous materials in small or limited quantities. These materials include construction materials, household cleaning supplies, and other materials including but not limited to fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. Storage of these materials in the open may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean.

This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site, and then disposed at an approved collection facility such as the nearby South Coast Transfer Station. Cleaning supplies and other household hazardous materials are less of a concern as they are routinely collected with the household waste and transported by waste haulers to approved disposal facilities. Consequently, potential impacts involving the transport, use, or disposal of hazardous materials is less than significant.

c) **No Impact:** The proposed project will not emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The

nearest school to the project site is several miles away. Due to the project location, and residential nature, there will be no impact.

- d) **No Impact:** The proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the development of a single-family residence, and associated improvements on the subject parcel would not create a significant hazard to the public, or the environment.
- e - f) **No Impact:** The project site is not subject to any airport land use plan, nor is the project site located within the vicinity of a private airstrip. As a result of the project's location outside of any airport influence area, or private airstrip, there will be no impact in terms of safety hazards for people residing or working in the project area.
- g) **No Impact:** The project will not result in any physical change to the existing roadway that would impair its use as an evacuation route. Staff is not aware of an adopted emergency response or emergency evacuation plan for the area. Evacuation from this residential neighborhood would likely be via the existing County roads which the project will not interfere with. Therefore, there will be no impact as a result of the project.
- h) **Less Than Significant Impact:** The proposed project will not increase any existing wildland fire hazard in the area. Residential development is located on surrounding properties, and the addition of one new single-family residence will not substantially increase the existing hazard in the area. The parcel is located in an area classified with a "Very High Fire Hazard" severity rating.<sup>3</sup> Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Elk Community Services District (Elk CSD). The proposed project was referred to both fire protection agencies, where CalFire made no response at this time.

Elk CSD recommended additional conditions of approval regarding fire protection provisions include that Elk CSD conduct a field inspection to confirm the installation and locations of the proposed vehicle turnouts and driveway design, one (1) 5,000 gallon water storage tank and one (1) 2 ½" NHT fire hydrant. Elk CSD also recommended that the land owners establish a road maintenance agreement for the shared private road that services this and other properties. **Condition 25** is recommended to ensure the proposed project has access and to ensure Elk CSD conducts a field inspection of the installation and locations of the vehicle turnouts, driveway design, water storage tank and fire hydrant and that these have been installed to the satisfaction of Elk CSD.

A State Fire Safe Regulations Application Form, CalFire File Number 336-20, was issued for the project, which recommended conditions of approval for address standards, driveway standards, and defensible space standards. With adherence to the CalFire and Elk CSD recommendations the project will have a less than significant impact in terms of exposure of people to risks related to wildland fires.

X. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards, or waste discharge requirements, or otherwise substantially degrade surface, or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies, or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site, or area including through the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>3</sup> Mendocino County Department of Planning & Building Services. No Date. *Fire Hazard Zones & Responsibility Areas [map]*

<b>X. HYDROLOGY AND WATER QUALITY.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
alteration of the course of a stream, or river, or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion, or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate, or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing, or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with, or obstruct implementation of a water quality control plan, or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less Than Significant Impact:** The proposed project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. The permanent structures proposed on-site would be constructed in accordance with the most recent standards set by all regulatory agencies, including but not limited to the County, state, and local water quality control boards [State Water Resources Control Board (SWRCB), and the North Coast Regional Quality Control Board (NCRWQCB)]. Since the majority of the site would remain undeveloped, stormwater runoff would continue to flow naturally and infiltrate into the soil. In addition, the preservation of existing vegetation, to the extent feasible, will help to filter potential pollutants from stormwater flows. In addition, the project's proposed septic system would be installed in compliance with all standards and regulations. As a result, the proposed project would have a less than significant impact.
- b) **Less Than Significant Impact:** The project site is located within a mapped "Critical Water Resource" area by the Mendocino County Coastal Groundwater Study. The proposed project would not substantially deplete groundwater supplies, or interfere substantially with groundwater recharge, as significant water use is not anticipated under the project. Additionally, since the majority of the site would remain undeveloped, stormwater would continue to infiltrate the ground. Under the project, potable water would be provided by a proposed on-site well as the site is not located within a water district. The proposed water system will be permitted through the Mendocino County Division of Environmental Health (DEH). The new well will be required to be constructed in accordance with DEH Standards and will comply with all relevant local and state regulations. DEH commented that no well permit has been applied for at this time. The original subdivision for this parcel, CDMS 27-72, was approved with conditions in May of 1972, where a soils percolation test, water quantity and a water quality test be approved by the Department of Environmental Health was required and satisfied in May 1972. The second subdivision for this parcel, CDMD 172-73, was approved with conditions in October of 1973, where soils percolation test, water quantity evaluation and a standard mineral analysis be approved by the Department of Environmental Health was required and satisfied in July 1973. A less than significant impact would occur.
- c) **Less Than Significant Impact:** Although the existing drainage patterns of the site may be slightly altered through the addition of impervious surfaces associated with the permanent structures proposed on the site, the project would not result in substantial erosion or siltation on- or off-site as the project would be subject to Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.). Chapter 16.30 requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools, and

equipment from entering the storm drainage system (off-site). In addition, due to the small development footprint of the project, infiltration into the site's soils would continue, reducing the potential for increased peak runoff flow and removing potential pollutants from stormwater flow. As a result, the introduction of limited impervious surfaces, and the slight modification to existing topography resulting from the development and driveway, construction would not result in substantial erosion or siltation, and a less than significant would occur.

The project would not substantially increase the rate, or amount of surface runoff in a manner which would result in flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. Storm drainage infrastructure within the vicinity of the site is limited. Although development is proposed on-site, due to the proposed development footprint, site drainage would continue follow a natural flow pattern and infiltrate into the ground. A less than significant impact would occur.

The project site is not located in a mapped flood zone area by FEMA. As a result, the project would not impede or redirect flood flows, and no impact would occur.

- d) **No Impact:** The project site is not located in a mapped flood zone area by FEMA. The parcel is not a blufftop parcel but is located one parcel away from the bluff. The project site is not mapped as a tsunami inundation zone nor is there any large bodies of water that may result in a seiche affecting the parcel. As a result, the project would not risk the release of pollutants due to inundation, and no impact would occur.
- e) **Less Than Significant Impact:** As discussed above, the project would be required to comply with Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.), which requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools, and equipment from entering the storm drainage system (off-site). Compliance with these regulations would facilitate the implementation of water quality control efforts at the local and state levels. Therefore, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. A less than significant impact would occur.

<b>X. LAND USE AND PLANNING. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact:** The project site is situated in a long established rural residential area and proposed adjacent to existing residential development. The low-density development will be consistent with the established community. Therefore, there will no division of an established community as a result of the project.
- b) **Less Than Significant with Mitigation Incorporated:** The proposed project is consistent with all policies of the Local Coastal Program of the General Plan and the MCC, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas; however, denial of the project based on this policy would constitute a regulatory taking, as described in the Staff Report. The Findings included with the project Staff Report address the analysis of alternatives, the mitigation measures proposed to

offset impacts, and evidence supporting the investment backed expectation of the applicant to develop the parcel with a single-family residence.

- c) **No Impact:** The proposed development is not located in an area subject to a habitat conservation plan or natural community conservation plan. Therefore, there will be no impact as a result of the project.

<u>XI. MINERAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a - b) **No Impact:** The project is not located in an area of known mineral resources. No impact is expected and no mitigation is required.

<u>XIII. NOISE.</u> Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a - d) **Less Than Significant Impact:** Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary over time, from the lowest background, or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular use with its noise environment. Mendocino County relies principally on standards in its Noise Element, its Zoning Ordinance, and other County ordinances, and the Mendocino County Airport Comprehensive Land Use Plan to evaluate noise-related impacts of development.

Generally speaking, land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise-sensitive. With the exception of short-term construction related noise, the proposed development will not create a new source of noise that will impact the community. Noise created by the single-family residence is not anticipated to be significant, and no mitigation is required. The permanent residence proposed under the project, and associated improvements, are similar to and compatible with the uses that already exist in the area.

Construction of the residence and associated improvements, and use of construction equipment, would cause temporary increases in noise; however, these impacts would only be associated with construction, and would be temporary in nature. In addition, given the small size of the project, it is anticipated that the effects of construction noise levels and vibration would be less than significant through the implementation of standard permit conditions and would be temporary in nature. Standard permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas.

Upon build-out of the project, operational noise would be associated with use of the site for residential purposes. Due to the location of the project is a residential neighborhood, and since a single-family residence is all that is proposed at the site under this project, it is determined that a less than significant impact would occur.

- e - f) **No Impact:** The proposed project is not located within an airport zone or within the vicinity of a private airstrip; therefore, there is no possible exposure of people to excessive noise due to project location.

<b>XIV. POPULATION AND HOUSING. Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes, and businesses), or indirectly (for example, through extension of roads, or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a - c) **No Impact:** The project would permit a new single-family residence in a zoning district and General Plan land use designation intended for residential development. The project would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. The project will not require the displacement of any person living or working the area. No impacts are expected and no mitigation is required.

<b>XV. PUBLIC SERVICES.</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Would the project result in substantial adverse physical impacts associated with the provision of new, or physically altered governmental facilities, need for new, or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Medical Services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less Than Significant Impact:** There are no elements of the proposed project that would impact the ability of the County, or other local services providers, to provide public services to the site or local community.

The site is located within the State Responsibility Area (SRA) and is served by the California Department of Forestry and Fire Protection (CalFire). The site is mapped as located within a "Very High" fire hazard severity zone (Mendocino County Maps - Fire Hazard Severity Map, 2007).

Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Elk Community Services District (Elk CSD).

Elk CSD recommended additional conditions of approval regarding fire protection provisions include that Elk CSD conduct a field inspection to confirm the installation and locations of the proposed vehicle turnouts and driveway design, one (1) 5,000 gallon water storage tank and one (1) 2 ½" NHT fire hydrant. Elk CSD also recommended that the land owners establish a road maintenance agreement for the shared private road that services this and other properties. **Condition 25** is recommended to ensure the proposed project has access and to ensure Elk CSD conducts a field inspection of the installation and locations of the vehicle turnouts, driveway design, water storage tank and fire hydrant and that these have been installed to the satisfaction of Elk CSD.

A State Fire Safe Regulations Application Form, CalFire File Number 336-20, was issued for the project, which recommended conditions of approval for address standards, driveway standards, and defensible space standards. Compliance with CalFire and Elk CSD conditions would ensure a less than significant impact would occur.

Police protection services within the unincorporated area of the County, including the site, is provided by the Mendocino County Sheriff's Office. Due to the fact that the parcel is already served by Mendocino County Sheriff's Office and the additional population anticipated to be served as a result of the project is not significant, a less than significant impact would occur.

Since the proposed project is solely for a single-family residence, the project is not anticipated to substantially increase the usage of local schools, local parks, or recreational facilities such that new facilities would be needed. In addition, the usage of other public facilities, such as regional hospitals, or libraries, would also not be anticipated to substantially increase. A less than significant impact would occur.

<u>XVI. RECREATION.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

a) Increase the use of existing neighborhood, and regional parks, or other recreational facilities such that substantial physical deterioration of the facility would occur, or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities, or require the construction, or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a - b) **No Impact:** The project will not result in any impact to recreation in the area as the proposed project includes the establishment of one additional parcel. This small increase in residential parcels will not increase use of recreational facilities such that substantial physical deterioration nor required expansion of recreational facilities will be a result, and therefore no impact will occur.

XVII. TRANSPORTATION/TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit, and non-motorized travel, and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian, and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards, and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections), or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance, or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **Less Than Significant Impact:** The State Route 1 Corridor Study Update provides traffic volume data for State Route 1 (SR 1). The subject property is located east of State Route 1 (SR 1). The nearest data breakpoint in the study is located approximately one-eighth mile west of the property at the intersection of Cameron Road (CR 516) and State Route 1. The existing level of service at peak hour conditions at this location is Level of Service B. Since the site is currently undeveloped, there will be an increase in traffic to, and from the site under both construction, and operation of the project. It is expected that construction of the project will result in a slight increase in traffic to and from the site, as construction workers arrive, and leave the site at the beginning, and end of the day, in addition to minor interruption of traffic on adjacent streets, when heavy equipment necessary for project construction is brought to, and removed

from the site. Once construction is complete, these workers would no longer be required at the site. While the project would contribute incrementally to traffic volumes on local, and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site. The development proposed on-site is not be expected to significantly impact the capacity of the street system, level of service standards established by the County, or the overall effectiveness of the circulation system, nor substantially impact alternative transportation facilities, such as transit, bicycle, or pedestrian facilities, as a substantial increase in traffic trips, or use of alternative transportation facilities is not anticipated. A less than significant impact would occur.

- c) **No Impact:** The proposed project is for a single-family residence with no tall structures that could potentially result in a change in air traffic patterns, including either an increase in traffic levels, or a change in location that results in substantial safety risks. No airport is located in close proximity to the proposed project; therefore, there will be no impact.
- d) **No Impact:** The proposed project is for a single-family residence, and does not propose any activities, or development that would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections), or incompatible uses (e.g., farm equipment). Therefore, there will be no impact.
- e) **Less Than Significant Impact:** CalFire has submitted recommended conditions of approval (CDF 339-20) for address standards, driveway standards, and defensible space standards. **Condition 25** is recommended to ensure the proposed project has access and to ensure Elk CSD conducts a field inspection of the installation and locations of the vehicle turnouts, driveway design, water storage tank and fire hydrant and to the satisfaction of Elk CSD. **Condition 26** is recommended to ensure the proposed project has access and is consistent with Department of Transportation (DOT) regulations. With adherence to the CalFire, Elk CSD and DOT recommendations the project will have a less than significant impact in terms of emergency access. A less than significant impact would occur.
- f) **No Impact:** The proposed project will not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The proposed project proposes a new single-family residence in a residential neighborhood, and access to the parcel is provided via existing County roads. There is no adopted policy, or plan applicable to the project site that would be violated. Therefore, there will be no impact.

<u>XVIII. TRIBAL CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size, and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed, or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size, and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				
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a - b) **Less Than Significant Impact:** Per Chapter 3 (Development Element) of the Mendocino County General Plan (2009), the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the County concentrated mainly along the coast, and along major rivers and streams. Mountainous areas and the County's redwood groves were occupied seasonally by some tribes. Ten Native American tribes had territory in what is now Mendocino County. The entire southern third of Mendocino County was the home of groups of Central Pomo. To the north of the Central Pomo groups were the Northern Pomo, who controlled a strip of land extending from the coast to Clear Lake. The Coast Yuki claimed a portion of the coast from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.

An Archaeological Survey Report was conducted in March 2021 by Samantha Beck of Alta Archaeological Consulting (ALTA), where determination was made that no cultural resources were identified within the project area, and is not anticipated to have an adverse effect on significant historical resources. As discussed under Section V (Cultural Resources) above, the project was reviewed by the Mendocino County Archaeological Commission on June 9, 2021, where the survey was accepted. Though the Archaeological Commission believes there is a low possibility of historical resources within the vicinity of the project, a Standard Condition advises the applicants of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or tribal cultural materials are unearthed during site preparation or construction activities. This is recommended as **Condition 9**. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

The project was referred to three local tribes for review and comment, including the Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria. As of this date, no response has been received from the three local tribes. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

<b>XVIX. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require, or result in the relocation, or construction of new, or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction, or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project, and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves, or may serve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
d) Generate solid waste in excess of state, or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management, and reduction statutes, and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less Than Significant Impact:** The infrastructure necessary for electrical, telecommunications, on-site water supply, and wastewater collection connections will be installed as part of the proposed project; however, in order to ensure significant environmental effects would not occur, the respective utility providers and installers would implement applicable Best Management Practices (BMPs) to reduce the potential for impacts, including, but not limited to, erosion during construction to occur. A less than significant impact would occur.
- b) **Less Than Significant Impact:** Under the project, potable water would be provided by a proposed on-site well as the site is not located within a water district. The proposed water system will be permitted through the Mendocino County Division of Environmental Health (DEH). The new well will be required to be constructed in accordance with DEH Standards, and will comply with all relevant local and state regulations. DEH reviewed the project and commented on the proposed development, where comments pointed to the septic system with no reference for water sources, or wells. A less than significant impact would occur.
- c) **No Impact:** The proposed project would be served by an on-site septic system. A septic system design has been approved by the Mendocino County Division of Environmental Health, septic permit number ST27463. DEH noted the project is proposing a three-bedroom residence and a septic system for a three-bedroom has been approved. Since the project would be served by an on-site system, no impact would occur.
- d - e) **Less Than Significant Impact:** A significant amount of solid waste is not anticipated under the project, and all solid waste generated under the project would be disposed of in accordance to all federal, state, and local statutes and regulations related to solid waste including waste diversion requirements. A local service provider for solid waste service, which will likely consist of curbside pick-up, will serve the proposed project. As noted in Chapter 3 (Development Element) of the Mendocino County General Plan (2009), there are no remaining operating landfills in Mendocino County, and as a result, solid waste generated within the County is exported for disposal to the Potrero Hills Landfill in Solano County. Based on information provided on CalRecycle's website, the Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and a remaining capacity of 13.872 million cubic yards, and is estimated to remain in operation until February 2048 (2019). As such, the proposed would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. A less than significant impact would occur.

<b>XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan, or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire, or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation, or maintenance of associated infrastructure (such as roads, fuel	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk, or that may result in temporary, or ongoing impacts to the environment?				
d) Expose people, or structures to significant risks, including downslope, or downstream flooding, or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less Than Significant Impact:** The County of Mendocino County adopted a *Mendocino County Operational Area Emergency Operations Plan* (County EOP) on September 13, 2016, under Resolution Number 16-119. As noted on the County's website, the County EOP, which complies with local ordinances, state law and federal emergency planning guidance, serves as the primary guide for coordinating and responding to all emergencies and disasters within the County. The purpose of the County EOP is to "facilitate multi-agency and multi-jurisdictional coordination during emergency operations, particularly between Mendocino County, local and tribal governments, and special districts, as well as state and Federal agencies" (County of Mendocino – Plans and Publications, 2019).

As discussed under Section IX, Hazards and Hazardous Materials, above, there are no components of the project that would impair an adopted emergency response plan or emergency evaluation plan, including the adopted County EOP.

Elk CSD recommended additional conditions of approval regarding fire protection provisions include that Elk CSD conduct a field inspection to confirm the installation and locations of the proposed vehicle turnouts and driveway design, one (1) 5,000 gallon water storage tank and one (1) 2 ½" NHT fire hydrant. Elk CSD did also recommend that the land owners establish a road maintenance agreement for the shared private road that services this and other properties. **Condition 25** is recommended to ensure the proposed project has access and to ensure Elk CSD conducts a field inspection of the installation and locations of the vehicle turnouts, driveway design, water storage tank and fire hydrant and that these have been installed to the satisfaction of Elk CSD.

A State Fire Safe Regulations Application Form, CalFire File Number 336-20, was issued for the project, which recommended conditions of approval for address standards, driveway standards, and defensible space standards. With adherence to the CalFire and Elk CSD recommendations the project will have a less than significant impact in terms of exposure of people to risks related to wildland fires.

- b) **Less Than Significant Impact:** Under the proposed project, it is not anticipated that wildfire risks would be exacerbated due to slope, prevailing winds, and other factors. The site is relatively level and forested with Shore Pine forest and understory of various plants. The project would require compliance with CalFire's Fire Safe Regulations to ensure adequate fire protection measures and access. As a result, a less than significant impact would occur.
- c) **Less Than Significant Impact:** The site is currently vacant and undeveloped, and the proposed project would require the installation and maintenance of associated infrastructure including internal access roads, and underground utility line (electricity, water, and on-site septic) installation and connections. However, the developed footprint is not significant in size, and during infrastructure installation and associated maintenance, appropriate Best Management Practices (BMPs) would be implemented. A less than significant impact would occur.
- d) **Less Than Significant Impact:** The proposed project would not expose people or structures to significant risks including downslope or downstream flooding, landslides, as a result of runoff, post-fire slope instability, or drainage challenges, as the site is relatively level and located in a rural area with similar residential development on surrounding parcels. A less than significant impact would occur.

<u>XVIV. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) **Less than Significant with Mitigation Incorporated:** Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed, and it has been determined that it would not:

- Substantially degrade environmental quality;
- Substantially reduce fish or wildlife habitat;
- Cause a fish or wildlife population to fall below self-sustaining levels;
- Threaten to eliminate a plant or animal community;
- Reduce the numbers or range of a rare, threatened, or endangered species;
- Eliminate important examples of the major periods of California history or pre-history;
- Achieve short term goals to the disadvantage of long term goals;
- Have environmental effects that will directly, or indirectly cause substantial adverse effects on human beings; or
- Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.

Potential environmental impacts from the approval of a Coastal Development Permit to construct a residence, and associated improvements, have been analyzed in this document and mitigation measures have been included in the document to ensure impacts would be held to a less than significant level.

Primary concerns center around the fact that the project may result in impacts associated with biological resources that would be significant if left unmitigated. However, implementation of mitigation measures,

and conditions recommended by Staff, and consulting agencies would fully mitigate all potential impacts on these resources to levels that are less than significant.

- b) **Less Than Significant Impact:** No cumulative impacts have been identified as a result of the proposed project. Individual impacts from the project would not significantly contribute to cumulative impacts in the area. A less than significant impact would occur.
- c) **Less than Significant with Mitigation Incorporated:** Based on the findings in this Initial Study, and as mitigated and conditioned, the proposed project would not have environmental effects that would cause substantial adverse effects on human beings either directly or indirectly. Potential environmental impacts associated with approval of the project have been analyzed, and as mitigated, all potential impacts can be reduced to a less-than-significant level.

**DETERMINATION:** On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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1/5/2022

DATE

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*Julia Krog* for  
JESSIE WALDMAN  
PLANNER II