

<b>Section I</b>	<b>Description Of Project.</b>
<p><b>DATE:</b> MAY 18, 2022  <b>CASE#:</b> AP_2022-0002  <b>DATE FILED:</b> 1/6/2022  <b>OWNER:</b> KEITH &amp; KIM SHUSTER  <b>APPLICANT:</b> HEALING HERB FARMS, INC.  <b>AGENT:</b> TAI HAKE  <b>REQUEST:</b> Administrative Permit for use of an existing 4,800 square foot F1 commercial warehouse for cannabis processing operations. Distribution activities would also take place in a portion of the warehouse.  <b>ENVIRONMENTAL DETERMINATION:</b> Categorically Exempt  <b>LOCATION:</b> 3.6± miles southeast of Willits city center, on the west side of Ridgewood Road (CR 304A), 300± feet south of its intersection with East Side Road (CR 304), located at 21000 East Side Road; APNs: 104-240-20 and 104-250-06.  <b>STAFF PLANNER:</b> LIAM CROWLEY</p>	
<b>Section II</b>	<b>Environmental Checklist.</b>
<p><i>“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).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of “no” responses.</i></p>	

**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"/> 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"/> 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.

<b><u>I. AESTHETICS.</u></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) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

**Thresholds of Significance:** The project would have a significant effect on aesthetics if it would have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; substantially degrade the existing visual character or quality of public views of the site and its surroundings (if the project is in a non-urbanized area) or conflict with applicable zoning and other regulations governing scenic quality (if the project is in an urbanized area); or create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

**Discussion:** A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view. One roadway in Mendocino County, State Route (SR) 128, was officially designated as a route in the State Scenic Highway system by California State Assembly Bill 998 on July 12, 2019. According to CalTrans, SR 1 and SR 20 are “eligible” for designation as scenic highways, but have not been officially designated as such.

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.”

Additionally, the County has two roadway segments designated as “heritage corridors” by California Public Resources Code Section 5077.5. The North Coast Heritage Corridor includes the entire segment of SR 1 in Mendocino County, as well as the segment of U.S. Highway 101 from the junction with SR 1 in Leggett, north to the Humboldt County line. The Tahoe-Pacific Heritage Corridor extends from Lake Tahoe to the Mendocino County coast. It includes the entire segment of SR 20 within the county and the segment of US 101 from the SR 20 junction north of Calpella to the SR 20 highway exit south of Willits. Mendocino County’s General Plan Resource

Management Goal RM-14 (Visual Character) aspires toward “*protection of the visual quality of the county’s natural and rural landscapes, scenic resources, and areas of significant natural beauty*”

The main source of daytime glare in the unincorporated portions of Mendocino County is from sunlight reflecting from structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by “light pollution.” Two elements of light pollution may affect county residents: sky glow (a result of light fixtures that emit a portion of their light directly upward in the sky), and light trespass (poorly shielded or poorly aimed fixtures which cast light into unwanted areas, such as neighboring properties and homes). Different lighting standards are set by classifying areas by lighting zones (LZ). The 2000 Census classified the majority of Mendocino County as LZ2 (rural), which requires stricter lighting standards in order to protect these areas from new sources of light pollution and light trespass. Mendocino County’s General Plan Resources Management Goal RM-14 (Dark Sky) aspires toward “*protection of the qualities of the county’s nighttime sky and reduced energy use.*”

**Would the Project:**

- a) *Have a substantial adverse effect on a scenic vista?*

**No Impact:** The project involves making use of an existing commercial structure, for which a building permit has been issued, as a cannabis facility where processing and distributing activities will take place. The scope of the project involves a change in use, and little to no exterior modifications to the existing building would take place. As such, there would be little to no visual impacts beyond those which have already occurred outside the scope of the project. In addition, the site does not appear to qualify as a scenic vista. The site contains grassland and woodland areas which are typical of the surroundings. The site does not appear to offer views which are any more high quality, harmonious, or visually interesting than those of surrounding lots.

- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

**No Impact:** The project is not in the vicinity of SR 128, SR 20, or SR 1. The project is not expected to result in visual impacts beyond the immediate vicinity of the site.

- c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

**No Impact:** The project site is in a non-urbanized area. The site is in an unincorporated part of the County and is not part of a Census Designated Place. The site is accessed by a private road and sits approximately 2,500 feet south of its intersection with Eastside/Ridgewood Road (County Roads 304 and 304A). Views of the site from the road are shielded by vegetation along Davis Creek and topography. The only publicly available vantage points in the vicinity of the project include those from County roads. In addition, the project is not expected to result in exterior changes to the existing building. Therefore, there would be no impact to public views of the site.

- d) *Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*

**Less Than Significant Impact:** The project would utilize exterior lighting, but the impacts of this are expected to be minimal. The application states that outdoor lighting will be downcast and shielded to prevent light pollution. Shielded and downcast exterior lighting is sufficient to minimize lighting impacts. Materials used in the construction of the existing structure may contribute to daytime glare, but these impacts are outside the scope of this project. The change in use and operation of a cannabis processing and distribution facility would not expand or intensify any existing glare.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Aesthetics.

<b>II. AGRICULTURE AND FORESTRY RESOURCES.</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"/>

**Thresholds of Significance:** The project would have a significant effect on agriculture and forestry resources if it would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (hereafter “Farmland”), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)); Result in the loss of forest land or conversion of forest land to non-forest use; or 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 forestland to non-forest use.

**Discussion:** The State of California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) which produces maps and statistical data used for analyzing impacts on California’s agricultural resources. The FMMP mapping survey covers roughly 98% of privately owned land in the state and updates each map approximately every two years to provide an archive of land use change over time. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called “Prime Farmland”, with other critical designations including “Unique Farmland”, or “Farmland of Statewide Importance.”

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 Timberland Production Zone (TPZ) was established in 1976 in the California Government Code as a designation for lands in 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 the TPZ 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.

**Would the Project:**

- 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?*

**No Impact:** According to 2018 maps prepared pursuant to the Farmland Mapping and Monitoring Program, the project site is located on Grazing Land. The project would not convert agricultural land beyond the boundaries of the project site. Therefore, there would be no impact to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**No Impact:** The project site is within the Rangeland (RL) zoning district. Use of the existing structure for cannabis processing and distribution is considered an accessory use per Mendocino County Code (MCC) Section 20.243.040(A)(2) and 20.243.040(E)(4). Accessory uses are permitted in the RL district per MCC Section 20.060.010(E). Agricultural land suitable for grazing was converted to non-agricultural use when the commercial structure was constructed. This impact has already occurred and is outside the scope of environmental review for this project. Nevertheless, there remains substantial portions of the lot which may remain in agricultural use. The commercial structure occupies 4,800± square feet on the 67± acre lot.

- 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))?*

**No Impact:** The project site is not zoned for forest land, timberland, or Timber Production. The project would not cause any conflicts with or rezoning of lands classified as such off-site.

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

**No Impact:** The project is not located on forest land. The subject parcel is mostly grazing land with some wooded areas likely dominated by oaks. Therefore, there would be no loss or conversion of forest land on site. Operation of the cannabis facility is not expected to cause the loss or conversion of any forest land off-site.

- 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?*

**No Impact:** Environmental effects of the project are expected to be localized around the project site. The entirety of the subject parcel is classified under the Farmland Mapping and Monitoring Program as Grazing Land. Changes in the existing environment as a result of use of the structure as a cannabis processing and distribution facility would be upon Grazing Land. Operation of the facility is not expected to cause conversion of Farmland or forest land off-site.

**Mitigation Measures:** None.

**Findings:** The proposed project would have No Impact on Agriculture and Forestry Resources.

<p align="center"><b>III. AIR QUALITY.</b></p> <p>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:</p>	<p align="center"><b>Potentially Significant Impact</b></p>	<p align="center"><b>Less Than Significant with Mitigation Incorporated</b></p>	<p align="center"><b>Less Than Significant Impact</b></p>	<p align="center"><b>No Impact</b></p>
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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) 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"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on air quality if it would conflict with or obstruct implementation of applicable air quality plans; result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under and applicable federal or state ambient air quality standard; expose sensitive receptors to substantial pollutant concentrations; or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

**Discussion:** Mendocino County is located within the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. Additionally, the Mendocino County Air Quality Management District (MCAQMD) 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.

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). The primary sources of PM10 are wood combustion emissions, fugitive dust from construction projects, automobile emissions and industry. 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;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- 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;
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- 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, 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 are 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 a Toxic Air Contaminant, 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 horsepower need a permit through the MCAQMD.

Receptors include sensitive receptors and worker receptors. Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (these sensitive land uses may also be referred to as sensitive receptors). Worker receptors refer to employees and locations where people work.

### Would the Project:

- a) *Conflict with or obstruct implementation of any applicable air quality plan?*

**No Impact:** The most applicable air quality plan for the proposed project is the MCAQMD Rules and Regulations. A project may conflict with or obstruct implementation of this plan if it would conflict with rules contained within Chapter IV – Prohibitions, or be carried out such that the procedures, enforcement, or permitting done by MCAQMD is obstructed. The project could involve emission of air contaminants in the form of dust from driving on dirt roads, vehicular exhaust, or the drying of cannabis. These operations may require a permit from MCAQMD, but are not expected to obstruct the procedures necessary to obtain a permit. The project would involve issuance of an Administrative Permit from the County of Mendocino. Standard Conditions of Approval applied to these permits require applicants to obtain any necessary permits from County, State, or Federal agencies having jurisdiction. This includes MCAQMD.

MCAQMD Rules and Regulations Chapter IV – Prohibitions contains several rules limiting the discharge of certain air contaminants. A violation of these prohibitions would constitute a conflict or obstruction of the District Rules and Regulations. Rule 1-400 limits emissions that constitute a public nuisance and circumvention of regulations. Any emissions from the project are expected to be localized, and would only affect those working or residing on the site (including an estimated 8 employees). This is not a considerable number of people, and would not constitute a public nuisance as outlined in Rule 1-400(a). A building permit was issued prior to the construction of the commercial structure, indicating that the structure meets building code requirements, and therefore would not contain any equipment that conceals emissions as outlined in Rule 1-400(b). Drying of cannabis may result in visible emissions if smoke or vapor would be produced. However, this would likely occur at an aggregate period and shade less than the threshold identified in Rule 1-410. The project is not expected to emit any particulate matter as outlined in Rule 1-420. Fugitive dust emissions may result from driving on unpaved roads, but Rule 1-430 requires airborne dust control measures during construction operations, grading of roads, or clearing of land. The proposed project does not include these activities. The proposed project does not involve transport of materials which may create fugitive dust emission. Other rules contained in Chapter IV do not apply to the project either because they involve contaminants that would not be emitted by the project, or involve rules for stationary sources of Hazardous Air Pollutants, of which the project is not expected to generate.<sup>1</sup> Therefore, the project would not conflict with or obstruct implementation of MCAQMD Rules and Regulations.

- b) *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)?*

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<sup>1</sup> Mendocino County Air Quality Management District. (2011). *Regulation 1 Air Pollution Control Rules*. <http://www.co.mendocino.ca.us/aqmd/district-regulation-1.html>

**Less Than Significant Impact:** Mendocino County is currently in non-attainment for Particulate Matter with a diameter of 10 microns or less (PM10). The primary sources of PM10 are wood combustion emissions, fugitive dust from construction projects, automobile emissions and industry. The project may emit PM10 from vehicle emissions and dust stirred from driving on unpaved roads. The processing of cannabis can involve smoke emissions during the drying process. However, these emissions are minimal, and it is unclear if smoke generated by the drying of cannabis contains PM10. Overall, the project would not contribute to a cumulatively considerable net increase in PM10 because construction of the structure has been completed. Any emissions from construction or grading of the structure or roads have already occurred and are outside the scope of this project. Continued use of unpaved roads are not cumulatively considerable, as many such roads are used throughout the county daily. In addition, unpaved roads serving the project site were likely subject to dust control measures at the time of permitting.

c) *Expose sensitive receptors to substantial pollutant concentrations?*

**No Impact:** Sensitive receptors can include, schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. A single-family residence is located on site. The site is in a rural area surrounded by grazing land with scattered residential development. Apart from residential dwellings, the nearest sensitive receptors are either located within or in the immediate vicinity of the City of Willits, approximately 2.5± miles to the northwest. Regardless, the project is not expected to produce substantial pollutant concentrations as discussed in the response to question (a) and (b) above.

d) *Create objectionable odors affecting a substantial number of people?*

**Less Than Significant Impact:** Use of the structure to process and distribute cannabis may create objectionable odors, but these odors would not affect a substantial number of people. The structure is located on an existing cannabis cultivation site, and therefore would not substantially increase the intensity or range of cannabis-related odors. The existing structure is more than 300 feet from the nearest property line, indicating that odors are not likely to travel beyond the site.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Air Quality.

<p><b><u>IV. BIOLOGICAL RESOURCES.</u></b> <b>Would the project:</b></p>	<p><b>Potentially Significant Impact</b></p>	<p><b>Less Than Significant with Mitigation Incorporated</b></p>	<p><b>Less Than Significant Impact</b></p>	<p><b>No Impact</b></p>
<p>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?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>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?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>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?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>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?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

**Thresholds of Significance:** The project would have a significant effect on biological resources if it would 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 Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife service; have a substantial adverse effect on federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; 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; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

**Discussion:** Mendocino County's Biology and Ecology Resources Policy RM-28 states: *"all discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction."*

The California Natural Diversity Database (CNDDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, other agencies, and conservation organizations. The data helps drive conservation decisions, aid in the environmental review of projects and land use changes, and provide baseline data helpful in recovering endangered species and for research projects. Currently, the CNDDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Threatened to Endangered.

Many species of plants and animals within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. A sizable number of native species and animals have been formally designated as threatened or endangered under State and Federal endangered species legislation. Others have been designated as “Candidates” for such listing and the California Department of Fish and Wildlife (CDFW) have designated others as “Species of Special Concern”. The California Native Plant Society (CNPS) has developed its own lists of native plants considered rare, threatened, or endangered. Collectively, these plants and animals are referred to as “special status species.”

Section 404 of the Clean Water Act defines wetlands as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.”

Mendocino County currently has one active Habitat Conservation Plan (HCP) with the California Department of Fish and Wildlife which provides protections for the Point Arena Mountain Beaver. The Fisher Family HCP (Permit #TE170629-0) covers 24 acres of coastal scrub and was adopted December 3, 2007 for a period of 50 years. The Fisher Family HCP applies to parcel APN 027-211-02 located at 43400 Hathaway Crossing, Point Arena. Additionally, since 2003, the Mendocino Redwood Company (MRC) has managed the County’s only Natural Community Conservation Plan which covers all lands owned by the MRC to preserve regionally important habitat.

#### **Would the Project:**

- 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?*

**No Impact:** The project involves minimal physical changes to the environment. The structure in which the cannabis facility will be operated has been issued a building permit, and the effects of its construction are outside the scope of this project. The nearest mapped CNDDDB occurrence is 1.2± miles to the west of the project site, on the west side of U.S. Highway 101 (*Silene bolanderi* – Bolander’s catchfly). This indicates that no special status species are present on the project site. Use of the existing structure for cannabis processing and distribution would not modify any nearby habitat, as almost all associated operations would occur within the structure. Existing private roads may receive more traffic as employees move in and out of the project site, but the extent of these activities are not expected to result in any adverse effects on special status species. The project is not within the known range of bishop pine (*Pinus muricata*) or Point Arena Mountain Beaver (*Apolodontia rufa nigra*).

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?*

**No Impact:** Davis Creek is a riparian area that runs along the eastern boundary of the subject parcel. Processing and distribution activities would occur within the existing structure, and no additional alteration of the nearby creek is expected because of the project. CDFW BIOS vegetation mapping is limited in Mendocino County and does not cover the project site. Though some sensitive natural communities identified by CDFW may occur on site (such as oak woodlands and forest), use of the existing structure is not expected to have any adverse effect because operations would mostly occur within the structure, and no additional construction is proposed.

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?*

**No Impact:** Davis Creek is a wetland mapped by U.S. Fish and Wildlife’s National Wetlands Inventory, which occurs along the eastern boundary of the subject parcel. The project is not likely to have any effect on this wetland because cannabis processing and distribution will occur within the structure, and the operations do not require removal, filling, or interruption of the creek.

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?*

**No Impact:** Due to the minimal physical impacts on habitat discussed in questions (a)-(c) above, the project is not expected to have any impact on migratory fish or wildlife species. Any obstruction of pathways for wildlife due to construction of the commercial structure are outside the scope of this project.

e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**No Impact:** Division I of Chapter 20 of the Mendocino County Code contains the zoning code for the inland areas of the County. There are no relevant ordinances within the inland zoning code related to protection of biological resources. The project would not conflict with Mendocino County General Plan Biology and Ecology Resources Policy RM-28 because no special-status species have been identified on the project site. Therefore, there would be no conflict with local policies or ordinances protecting biological resources.

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?*

**No Impact:** The project is not within the boundaries of the Fisher Family HCP or on lands owned by MRC. None of the provisions of these plans apply to the project.

**Mitigation Measures:** None.

**Findings:** The proposed project would have No Impact on Biological Resources.

<b><u>V. CULTURAL RESOURCES.</u></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) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on cultural resources if it would cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

**Discussion:** Archaeological resources are governed by MCC Section 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”. MCC Section 22.12.090 governs discovery and treatment of archaeological 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. Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), "if an archaeological resource is neither a unique archaeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment."

**Would the Project:**

- a-c) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5; or disturb any human remains, including those interred outside of formal cemeteries?

**No Impact:** The proposed project does not involve any ground disturbance, and therefore would not result in any change to historical or archaeological resources that may exist on site. The lack of ground disturbance also indicates that the project would not disturb any human remains.

**Mitigation Measures:** None.

**Findings:** The project would not have No Impact on Cultural Resources.

<b>VI. ENERGY. 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) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption 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"/>

**Thresholds of Significance:** The project would have a significant effect on energy if it would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

**Discussion:** 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 therms (MM) in 2015 up to 1,174 MM in 2029.<sup>2</sup>

Permanent structures 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.<sup>3</sup>

<sup>2</sup> California Energy Commission. (2017). *Senate Bill 350: Doubling Energy Efficiency Savings by 2030*. <https://efiling.energy.ca.gov/getdocument.aspx?tn=221631>

<sup>3</sup> California Energy Commission. (2018). *2019 Building Energy Efficiency Standards Frequently Asked Questions*. [https://www.energy.ca.gov/sites/default/files/2020-03/Title\\_24\\_2019\\_Building\\_Standards\\_FAQ\\_ada.pdf](https://www.energy.ca.gov/sites/default/files/2020-03/Title_24_2019_Building_Standards_FAQ_ada.pdf).

**Would the Project:**

a-b) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

**Less Than Significant Impact:** The commercial structure in which cannabis processing and distribution would take place has been issued a building permit, indicating that the structure conforms to the California Energy Code. Compliance with the California Energy Code limits wasteful, inefficient, or unnecessary consumption of energy resources. No other significant use of energy is expected as part of the project. Compliance with the California Energy Code also indicates that the project would not conflict with or obstruct any state or local plan for renewable energy or energy efficiency.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Energy.

<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) Directly or indirectly cause 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 type="checkbox"/>	<input checked="" 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 or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on geology and soils if it would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: 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, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; 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; 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; 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; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Discussion:** Of the five known faults, the Maacama Fault is the closest active fault to the subject parcel, located approximately 1.5± miles west.

Historically, the Maacama fault has generated only a few moderate earthquakes. However, an abundance of smaller earthquakes (less than magnitude 3) are clearly associated with the fault. A magnitude 5.6 earthquake was reported to have occurred in the Ukiah area in 1869. Additionally, several earthquakes in the magnitude range of 4, with the strongest at M 4.9, were recorded in the Ukiah area in 1977-78. Surface fault creep (very slow movements across known fault locations) has been documented along the Maacama fault at locations east of Willits and Ukiah.

The vast majority of Mendocino County is underlain by bedrock of the Franciscan Formation. Thick soil development and landslides very commonly cover the underlying bedrock throughout the county. Due to the weak and deformed nature of the Franciscan rocks, they are prone to deep weathering and development of thick overlying soils. Soil deposits in swales and on the flanks of slopes commonly contain substantial amounts of clay and weathered rock fragments up to boulder size. These soils can be unstable when wet and are prone to slides. Landslides on such soils are widespread in Mendocino County, particularly in the eastern belt of the Franciscan Formation beneath the eastern portion of the county. Human activities that affect vegetation, slope gradients, and drainage processes can also contribute to landslides and erosion.

Areas susceptible to erosion occur throughout Mendocino County where surface soils possess low-density and/or low-strength properties. Slopes are another factor in soil erosion – the greater the slope, the greater the erosion hazard, especially if the soil is bare. Soils on 9 percent slopes and greater have a moderate erosion hazard, and soils on slopes greater than 15 percent have a high erosion hazard. Elevations at the subject parcel range from 1,423 feet in the northern portion of the lot to 1,575 feet at the southern boundary.

According to the 1991 Soil Conservation Service Soil Survey of Mendocino County (Eastern Part), the specific soil type underlying the site is Gielow sandy loam (0 to 5 percent slopes). Gielow sandy loam consists of very deep, somewhat poorly drained soil on alluvial plains and fans. The permeability of this soil is moderate. Runoff is very slow to slow, and the hazard of erosion is slight. A seasonal high water table fluctuates between depths of 18 and 36 inches from November through March. Most areas of this soil type are used for vineyards, orchards, hay and pasture, and wildlife habitat. A few areas are used for home site development. Construction of the facility was subject to the latest version of the California Building Code (CBC) to reduce any potential geologic risks.

**Would the Project:**

- a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
  - 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.*
  - ii. *Strong seismic ground shaking?*
  - iii. *Seismic-related ground failure, including liquefaction?*
  - iv. *Landslides?*

**Less Than Significant Impact:** The California Building Code contains structural design standards that relate to earthquake risk. The commercial structure in which cannabis processing and distribution would take place has been issued a building permit, indicating that it conforms to necessary earthquake-related standards. In addition, the site is located 1.5± miles southeast of the Maacama fault, which has a history of producing only moderate earthquakes. Therefore, the risk associated with rupture of the fault and associated ground shaking or liquefaction is not significant. The project site is relatively flat, and the soil underlying the site has a slight hazard of erosion. In addition, runoff is considered slow to very slow on these soils. Therefore, the risk of landslide is also less than significant.

- b) *Result in substantial soil erosion or the loss of topsoil?*

**Less Than Significant Impact:** The site is relatively flat (0 to 5 percent slopes), and the soil underlying the site has a slight hazard of erosion. Operation of the existing facility is not expected to result in increased impervious surfaces which may increase erosion. This indicates that any potential erosion would be minimal and less than significant.

- 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?*

**Less Than Significant Impact:** The soil underlying the site is not known to be unstable. Use of the existing structure is not expected to cause the soil to become unstable, as there is no significant construction associated with the project. The minimal slope of the site and slow rate of runoff indicates that the potential for landslide is similarly minimal. Poorly drained, fine-grained soils are most susceptible to liquefaction. Gielow sandy loam is described as 'somewhat poorly drained' and is formed in alluvium derived dominantly from sedimentary rock. This soil type may have the potential for liquefaction or lateral spreading. However, most recorded earthquakes in the vicinity have had a magnitude less than 5. This indicates that potential earthquakes would not cause significant liquefaction or lateral spreading. Soils high in clay content are most susceptible to subsidence. Large withdrawal of groundwater, earthquakes, and other natural events can also cause subsidence. Processing and distribution of cannabis is not expected to contribute significantly to risk of subsidence, as these activities are not associated with extraction of large amounts of groundwater.

- 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?*

**No Impact:** The existing commercial structure in which the project will take place has been issued a building permit, indicating that the soil and foundation has been reviewed so as to conform to standards regarding expansive soils. The proposed use of the structure would not include any substantial construction, and therefore the project would not be located on soil or foundations not already conforming to Chapter 18 of the Uniform Building Code.

- 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?*

**No Impact:** The existing commercial structure in which the project will take place has been issued a building permit, which included review and approval by the Mendocino County Division of Environmental Health for the septic system for employee bathrooms. This indicates that the soil is capable of supporting a septic system serving the project, and no impact is anticipated.

- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**No Impact:** An archaeological study was performed in 1980 on the project site which identified several cultural resources. This includes a historic ranch and house site and a Native American tool processing and habitation site. No known paleontological resources or unique geological features occur on the site. Use of the existing structure is not expected to result in significant changes to the physical environment, including any lands which potentially contain these resources or features.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Geology and Soils.

<u>VIII. GREENHOUSE GAS EMISSIONS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input 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"/>

**Thresholds of Significance:** The project would have a significant effect on greenhouse gas emissions if it would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

**Discussion:** 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. AQMD also 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. Additionally, Mendocino County’s building code requires new construction to include energy efficient materials and fixtures.

**Would the Project:**

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

**Less Than Significant Impact:** Direct emissions may occur due to vehicle exhaust from employees and clients traveling to and from the project site. Indirect emission may occur due to electricity use inside the facility, which may be sourced from emission-producing power plants. The project is not expected to generate enough vehicle trips which would create significant increases in Vehicle Miles Traveled (VMT). This indicates that emissions due to vehicle exhaust are less than significant. In addition, the existing structure’s compliance with the California Building Energy Efficiency Standards (Title 24) indicates that indirect emissions due to electricity use would also be less than significant.

- b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

**No Impact:** Mendocino AQMD has not adopted a GHG or Risk Reduction Plan. Therefore, the project is not expected to conflict with an applicable plan, policy, or regulation.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Greenhouse Gas Emissions.

<b>IX. HAZARDS AND HAZARDOUS MATERIALS.</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) 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 checked="" 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 checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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) 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"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on hazards and hazardous materials if it would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; 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; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; 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 create a significant hazard to the public or the environment; result in a safety hazard for people residing or working in the project area 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; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

**Discussion:** California Health and Safety Code defines “hazardous material” as “any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment”. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any materials that a handler or the unified program agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment (Health and Safety Code section 25501(m)).

Mendocino County has adopted a Hazardous Waste Management Plan to guide future decisions by the County and the incorporated cities about hazardous waste management. Policies in this General Plan emphasize source

reduction and recycling of hazardous wastes and express a preference for onsite hazardous waste treatment over offsite treatment. The Hazardous Waste Management Plan proposed several hazardous waste programs and set forth criteria to guide the siting of new offsite hazardous waste facilities. However, to date, no facilities have been cited in the county. In 1997, the County Division of Environmental Health assumed responsibility for administering hazardous waste generation and treatment regulations. Solid Waste and Hazardous Waste and Materials Management Policy DE-203 states: *All development projects shall include plans and facilities to store and manage solid waste and hazardous materials and wastes in a safe and environmentally sound manner.*

The California Air Resources Board classifies asbestos as a known human carcinogen. Asbestos of any type is considered hazardous and may cause asbestosis and lung cancer if inhaled, becoming permanently lodged in body tissues. Exposure to asbestos has also been shown to cause stomach and other cancers. Asbestos is the general name for a group of rock-forming minerals that consist of extremely strong and durable fibers. When asbestos fibers are disturbed, such as by grading and construction activities, they are released into the air where they remain for a long period of time. Naturally occurring asbestos is an issue of concern in Mendocino County, which contains areas where asbestos-containing rocks are found. The presence of ultramafic rocks indicates the possible existence of asbestos mineral groups. Ultramafic rocks contain 90 percent or more of dark-colored, iron-magnesium-silicate minerals. Ultramafic rocks may be partially or completely altered to a rock known as serpentinite, more commonly called serpentine.

The Mendocino County Air Quality Management District enforces state regulations to reduce the effects of development projects involving construction sites and unpaved roads in areas tested and determined by a state-registered geologist to contain naturally occurring asbestos. Serpentine and ultramafic rocks are common in the eastern belt of the Franciscan Formation in Mendocino County. Small, localized areas of serpentine do occur in the coastal belt of the Franciscan Formation, but they are significantly less abundant.

Mendocino County's aviation system is composed of airports, privately owned aircraft of various types, privately operated aircraft service facilities, and publicly and privately operated airport service facilities. Most aircraft are privately owned, small single or twin-engine planes flown primarily for personal business. Six public use airports in Mendocino County provide for regional and interregional needs of commercial and general aviation. Actions involving areas around airports will continue to be evaluated for consistency with the County's Airport Comprehensive Land Use Plan and applicable federal regulations. Mendocino County's Airport Policy DE-167 states: *"Land use decisions and development should be carried out in a manner that will reduce aviation-related hazards (including hazards to aircraft, and hazards posed by aircraft)"*.

The California Department of Forestry and Fire Protection (CALFIRE) designates areas of the County into fire severity zones. These maps are used to develop recommendations for local land use agencies and for general planning purposes.

Any project that would require the transport, use, storage, and disposal of small quantities of hazardous materials common for equipment and facility maintenance and operation, such as gasoline, diesel fuel, hydraulic fluids, oils, and lubricants which will be used for any facility operation or maintenance must be utilized and disposed of in accordance with all applicable federal and state regulations.

#### **Would the Project:**

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

**No Impact:** The project is not expected to make use of any hazardous materials. Cannabis processing typically involves drying, curing, grading, trimming, and/or packaging products. The processes typically do not involve hazardous materials. The project would make use of existing electricity and gas service via utility company. Therefore, generators are not likely to be used as part of the project, and there would be no impacts related to oil or diesel fuel.

- 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?*

**No Impact:** The project is not expected to make use of any hazardous materials. Therefore, upset and accident conditions would not occur.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

**No Impact:** The project is not expected to make use of any hazardous materials. The project site is not within one-quarter mile of an existing or any known proposed school.

- 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?*

**No Impact:** The most current list of hazardous materials sites prepared pursuant to Government Code Section 65962.5 is known as the "EnviroStor" database maintained by the Department of Toxic Substances Control. The project is not located on any site currently on the EnviroStor database.

- 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?*

**No Impact:** The project site is not within the boundaries of the Mendocino County Airport Comprehensive Land Use Plan and is not within two miles of any airports.

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**No Impact:** The Mendocino County Office of Emergency Services (OES) is responsible for coordinating the emergency planning process and maintaining the county's emergency plans, including the Mendocino County Operational Area Emergency Operations Plan and Mendocino County Multi-Hazard Mitigation Plan. The project involves minimal physical change to the existing environment, and therefore is not expected to impair implementation of or physically interfere with these emergency plans. The project site is accessed via private road directly from Ridgewood Road (County Road 304A) and is not expected to interfere with existing evacuation routes, and is not located on property identified for use as part of an emergency response plan.

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

**Less Than Significant Impact:** Use of the existing structure for cannabis processing and distribution activities is not expected to expose people or structures to significant risk involving wildland fires. Project activities would mostly occur within the existing commercial structure, which has been issued a building permit, indicating that fire risk related to the structure and its occupancy has been previously addressed. The project site is in an area classified with a "Moderate Fire Hazard" severity rating. Fire protection services for wildland areas are provided by the California Department of Forestry and Fire Protection (CalFire). The project site is also within the jurisdiction of the Little Lake Fire Protection District. The project application was referred to both agencies for input. Both agencies responded with no comments on the project.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Hazards and Hazardous Materials.

<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>
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 deplete 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 alteration of the course of a stream or river, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 type="checkbox"/>	<input checked="" 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; or	<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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on hydrology and water quality if it would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would: result in substantial erosion or siltation on- or off-site, 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 planner storm water drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flood flows; risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

**Discussion:** Regulatory agencies include the State Water Resources Control Board (SWRCB) and the North Coast Regional Water Quality Control Board (NCRWQCB). The State Water Resources Control Board is responsible for implementing water quality standards in California. Water Code Section 13050(d) states: “*Waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.*” Typical activities and uses that affect water quality include, but are not limited to, discharge of process wastewater from factories, confined animal facilities, construction sites, sewage treatment facilities, and material handling areas which drain into storm drains.

Water Code Section 1005.1 defines groundwater as “*water beneath the surface of the ground, whether or not flowing through known and definite channels.*” Both surface water and groundwater define a watershed, as they move from higher to lower elevations. In Mendocino County, groundwater is the main source for municipal and individual domestic water systems outside of the Ukiah Valley and contributes significantly to irrigation. Wells throughout Mendocino County support a variety of uses, including domestic, commercial, industrial, agricultural

needs, and fire protection. The County's groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. Mountainous areas are underlain by consolidated rocks of the Franciscan Complex, which are commonly dry and generally supply less than 5 gallons per minute of water to wells. Interior valleys are underlain by relatively thick deposits of valley fill, in which yields vary from less than 50 gallons per minute to 1,000 gallons per minute. There are six identified major groundwater basins in Mendocino County. Groundwater recharge is the replacement of water in the groundwater aquifer. Recharge occurs in the form of precipitation, surface runoff that later enters the ground, irrigation, and in some parts of California (but not in Mendocino County) by imported water. Specific information regarding recharge areas for Mendocino County's groundwater basins is not generally available, but recharge for inland groundwater basins comes primarily from infiltration of precipitation and intercepted runoff in stream channels, and from permeable soils along the margins of valleys. Recharge for coastal groundwater basins takes place in fractured and weathered bedrock and coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification - such as paving, building and gravel removal - it is anticipated that continued recharge will re-supply groundwater reservoirs.

The basic source of all water in Mendocino County is precipitation in the form of rain or snow. Average annual rainfall in Mendocino County ranges from slightly less than 35 inches in the Ukiah area to more than 80 inches near Branscomb. Most of the precipitation falls during the winter, and substantial snowfall is limited to higher elevations. Rainfall is often from storms which move in from the northwest. Virtually no rainfall occurs during the summer months.

#### Would the Project:

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

**Less Than Significant Impact:** The project is not expected to violate any water quality standards or waste discharge requirements. The domestic source of water is a pond on the site. The structure in which project activities take place may make use of this surface water for bathrooms and sinks, but this is not expected to significantly degrade water quality. Cannabis processing and distribution would not discharge waste into groundwater or the onsite pond.

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**Less Than Significant Impact:** Impacts to groundwater due to construction of the commercial structure have been previously addressed and are not within the scope of this project. Use of the existing structure for cannabis processing and distribution may impact groundwater if water will be used in sinks, bathrooms, hoses, or other plumbing systems. The applicant identified that the onsite pond is the primary domestic water source. This pond serves existing cannabis cultivation activities on the site. The onsite pond may impact groundwater by diverting natural stream flows. However, the project would not result in increased diversion, and the amount of water used for operation of the commercial facility is not substantial.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would:*

- i. *result in substantial erosion or siltation on- or off-site;*
- ii. *substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;*
- 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; or*
- iv. *impede or redirect flood flows?*

**Less Than Significant Impact:** Cannabis processing and distribution activities would occur within the existing commercial structure, and therefore would not alter the existing drainage pattern or alter the course of a stream or river on site. Transportation to and from the project site on private roads may impact drainage patterns or stream flows, but these impacts are expected to be less than significant. Impacts to drainage patterns due to construction of the commercial structure have been addressed previously and are not within

the scope of this project. Increased use of unpaved roads may weather the roads in such a way as to alter natural surface runoff or other stream flows. In addition, vehicles traveling to and from the site may deposit materials or substances which can pollute runoff or other water flows on the site. The project is expected to generate fewer than 50 vehicle trips per day, and there is no proposed increase in impervious surface area. Therefore, any impacts due to road travel and vehicle emissions would be less than significant.

d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

**No Impact:** The project is not located in any flood hazard, tsunami, or seiche zone. Therefore, there would be minimal or no potential for risk of release of pollutants due to inundation.

e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

**No Impact:** The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The application was referred to the Mendocino County Division of Environmental Health and no concerns were identified with potential impacts to any applicable groundwater management plan.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Hydrology and Water Quality.

<u>XI. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on land use and planning if it would physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

**Discussion:** All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance, with regards to land use, as well as a number of more locally derived specific plans, such as the Gualala Town Plan, or Ukiah Valley Area Plan. The proposed Project does is not within a specific plan. The project was also referred to several agencies with jurisdiction over the project.

Mendocino County currently has one active Habitat Conservation Plan (HCP) with the California Department of Fish and Wildlife which provides protections for the Point Arena Mountain Beaver. The Fisher Family HCP (Permit #TE170629-0) covers 24 acres of coastal scrub and was adopted December 3, 2007, for a period of 50 years. The Fisher Family HCP applies to parcel APN 027-211-02 located at 43400 Hathaway Crossing, Point Arena. Additionally, since 2003, the Mendocino Redwood Company (MRC) has managed the County's only Natural Community Conservation Plan which covers all lands owned by the MRC to preserve regionally important habitat.

**Would the Project:**

a) *Physically divide an established community?*

**No Impact:** The existing commercial structure in which the project would take place is located on private property in a primarily agricultural and low-density residential area. No aspect of the project would physically divide an established community.

- b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

**No Impact:** The project is consistent with applicable General Plan, zoning ordinance, archaeological resource, and environmental protection regulations. The integrity of the land use classification within the General Plan and zoning district would be maintained, as there is sufficient additional land available on the subject parcel for future agricultural or grazing uses. The project complies with Mendocino County Code Chapter 22.12 regarding Archaeological Resources, and no other environmental regulations would apply to the project beyond the requirements of CEQA.

**Mitigation Measures:** None.

**Findings:** The proposed project would have No Impact on Land Use and Planning.

<u><b>XII. MINERAL RESOURCES.</b></u> <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) 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"/>

**Thresholds of Significance:** The project would have a significant impact on mineral resources if it would 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; or 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.

**Discussion:** The Surface Mining and Reclamation Act (SMARA) of 1975 provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized, and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state’s mineral resources. SMARA requires the State Mining and Geology Board to adopt State policy for the reclamation of mined lands and the conservation of mineral resources.

The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits. The demand for aggregate is typically related to the size of the population, and construction activities, with demand fluctuating from year to year in response to major construction projects, large development activity, and overall economic conditions. After the completion of U.S. 101 in the late 1960s, the bulk of aggregate production and use shifted primarily to residential and related construction. However, since 1990, use has begun to shift back toward highway construction.

**Would the Project:**

- a-b) *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; or 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?*

**No Impact:** There are no known mineral resources within the project area. There are no delineated locally-important mineral resources within the project boundaries. Therefore, there will be no loss of availability of known mineral resources or locally-important mineral resource recovery sites.

**Mitigation Measures:** None.

**Findings:** The proposed project would have No Impact on Mineral Resources.

<p align="center"><b>XIII. NOISE.</b> Would the project result in:</p>	<p align="center"><b>Potentially Significant Impact</b></p>	<p align="center"><b>Less Than Significant with Mitigation Incorporated</b></p>	<p align="center"><b>Less Than Significant Impact</b></p>	<p align="center"><b>No Impact</b></p>
<p>a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Generation of excessive groundborne vibration or groundborne noise levels?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) For a project located within the vicinity of a private airstrip or 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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on noise if it would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; generate excessive groundborne vibration or groundborne noise levels; or for projects located in the vicinity of a private airstrip or 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, expose people residing or working in the project area to excessive noise levels.

**Discussion:** 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. 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 sensitive to noise.

**Would the Project:**

a-b) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generation of excessive groundborne vibration or groundborne noise levels?*

**Less Than Significant Impact:** According to the Mendocino County General Plan, “noise policies are intended to protect county communities from excessive noise generation from stationary and non-stationary sources. Land uses would be controlled to reduce potential for incompatible uses relative to noise. Residential and urban uses will be restricted near agriculture lands to prevent incompatible uses being placed near inherently noisy agricultural operations. Noise-sensitive environments, including schools, hospitals, and passive recreational use areas, would be protected from noise-generating uses. Structural development would be required to include noise insulation and other methods of construction to reduce the extent of excessive noise.”<sup>4</sup> Noise impacts from construction of the commercial structure are not within the scope of this project. Processing and distribution of cannabis could create intermittent and temporary noise

<sup>4</sup> Mendocino County General Plan, Page 3-10

during working hours due to vehicular traffic or activities within the structure. However, noise or groundborne vibration resulting from the project would not violate a local general plan or noise ordinance as all development within the inland areas of Mendocino County is subject to Exterior Noise Limit Standards specified in Appendix C of Title 20, Division I of the Mendocino County Code. Therefore, potential impacts are less than significant.

- c) *For a project located within the vicinity of a private airstrip or 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?*

**No Impact:** The project site is not within the boundaries of the Mendocino County Airport Comprehensive Land Use Plan and is not within two miles of any airports or private airstrips.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Noise.

<b><u>XIV. POPULATION AND HOUSING.</u></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) Induce substantial unplanned 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on population and housing if it would induce substantial unplanned population growth in an area, either directly or indirectly, or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

**Discussion:** The most recent census for Mendocino County was in 2020, with an estimated population of 87,497. The county has undergone cycles of population boom followed by periods of slower growth. For example, the county population increased by approximately 25 percent between 1950 and 1960, but barely grew from 1960 to 1970. Between 1990 and 2000, the population of Mendocino County increased 7.4 percent, a much slower rate of growth than the 20 percent increase from 1980 to 1990. Population growth slowed further from 2000 to 2007, increasing only 4.6 percent.

Mendocino County’s Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The Mendocino Council of Government’s (MCOG) Regional Housing Needs Plan assigned the County a production goal of 1,349 housing unit for the unincorporated area between 2018 and 2027. Goals and policies were set forth to facilitate the development of these housing units at a range of sizes and types to address this need.

**Would the Project:**

- a) *Induce substantial unplanned 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)?*

**Less Than Significant Impact:** The project is commercial in nature and may induce population growth if employees or others would move to the area for work. No extension of roads or other infrastructure are proposed. However, this potential population growth is not considered substantial, as the project would have an estimated 8 employees. If every employee would represent a new member of the population, the project would result in a 0.009% increase in population for the County as a whole. According to the 2020 American Community Survey 5-year estimates, the total population of the Census Tract in which the project

site is located is 2,428. The project would therefore result in a 0.3% increase in population for the Census Tract area. Neither of these percent increases in population is considered significant.

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

**No Impact:** The proposed project would not displace any existing people or housing, and therefore would not necessitate construction of replacement housing elsewhere. Therefore, there will be no impact.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Population and Housing.

<b><u>XV. PUBLIC SERVICES.</u></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) 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 following public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on public services if it would 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 would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities.

**Discussion:** The Mendocino County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and government operations in the Mendocino County Operational Area. The subject parcel is located within the jurisdiction of the Little Lake Fire Protection District and the California Department of Forestry and Fire Protection (CALFIRE) State Responsibility Area (SRA). CALFIRE is the primary provider for wildland fire protection service in this area, while the Little Lake Fire Protection District responds mostly to threats to life and property resulting from fire, as well as accidents or medical emergencies. The Mendocino County Sheriff's Office is the primary police protection provider for the unincorporated areas of the County. The project is located within the jurisdiction of the Willits Unified School District. The closest medical services are in the vicinity of the City of Willits 2.5± miles northwest of the project site. The nearest public parks are also located in the vicinity of the City of Willits.

**Would the Project:**

- a) *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:*

- i. *Fire protection?*

- ii. Police protection?
- iii. Schools?
- iv. Parks?
- v. Other public facilities?

**No Impact:** The project does not involve the provision of new or physically altered governmental facilities and would not result in the need for these facilities. As mentioned in the response to section XIV Population and Housing, question (a) above, the project may result in minimal population growth. This indicates that existing governmental facilities are adequate to provide service both to the project site and elsewhere within respective service areas.

**Mitigation Measures:** None.

**Findings:** The proposed project would have No Impact on Public Services.

<u><b>XVI. RECREATION.</b></u>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the project 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project 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"/>

**Thresholds of Significance:** The project would have a significant effect on recreation if it would 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; or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

**Discussion:** The County of Mendocino manages a variety of public recreation areas including the Low Gap Park in Ukiah, Bower Park in Gualala, Mill Creek Park in Talmage, Faulkner Park in Boonville, Indian Creek Park and Campground in Philo, and the Lion’s Club Park in Redwood Valley, all of which are operated by the Mendocino County Cultural Services Agency. Additionally, the County is host to a variety of state parks, reserves, and other state protected areas used for the purpose of recreation, with 13 located along the coast and 8 located throughout inland Mendocino County. The closest state protected area to the proposed project is the Jackson Demonstration State Forest, located approximately 10 miles west of the subject parcel.

**Would the Project:**

- a) *Would the project 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?*

**Less Than Significant Impact:** The project may induce minimal population growth, which may increase use of nearby recreational facilities. However, the increased use is likewise expected to be minimal, and would not cause or accelerate substantial physical deterioration of these facilities.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

**No Impact:** The project does not include construction of recreational facilities, and any population growth caused by the project would not require expansion or construction of new recreational facilities.

**Mitigation Measures:** None.

**Findings:** The project would have No Impact on Recreation.

<b><u>XVII. TRANSPORTATION/TRAFFIC.</u></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) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric 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"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on transportation/traffic if it would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b); substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment); or result in inadequate emergency access.

**Discussion:** The unincorporated areas of Mendocino County are served by state highways, county roads, and private roads. State highways that pass through or are within Mendocino County include U.S. Highway 101 and State Routes (SR) 1, 20, 128, 162, 175, 222, 253, 271. The County-maintained road system is primarily a network of two-lane roads for vehicular movement of goods and people and to provide facilities for non-motorized traffic. Roads in the County Road system include prescriptive rights or property offered to the County for public road purposes. Not all public roads are in the County-maintained road system. An extensive private road network serves a wide variety of uses within the County, including areas that are not served by a publicly maintained system. Development has increased traffic on roads with uncoordinated improvements and maintenance, and limited circulation patterns. Conflicting road names, ambiguous or unmapped road locations, and excessive grades hamper emergency services in some areas.

The Mendocino Transit Authority (MTA) provides public transportation services to residents of Mendocino County, both within unincorporated areas and cities. As of 2007, the MTA operated 12 fixed routes serving areas along SR 128 from SR 1 to Ukiah, the Ukiah Valley area, the U.S. 101 corridor between Hopland and Laytonville, and along SR 1 between SR 128 and Fort Bragg, as well as limited connections on the South Coast from SR 128 to Gualala. Other routes extend from SR 1 and U.S. 101 to Bodega Bay and Santa Rosa in Sonoma County.

The Mendocino County General Plan Development Element contains policies related to transportation, road systems, pedestrian and bicycle systems, and transit systems. The Mendocino County Department of Transportation is responsible for the maintenance and operation of County maintained transportation infrastructure. Title 15 of the Mendocino County Code (MCC) regulates vehicles and traffic.

A Technical Advisory on Evaluating Transportation Impacts in CEQA was published in 2018 by the California Office of Planning and Research. The advisory states that “absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.”<sup>5</sup>

**Would the Project:**

<sup>5</sup> State of California. Governor’s Office of Planning and Research. (2018). *Technical Advisory on Evaluating Transportation Impacts in CEQA*. [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

- a) *Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

**No Impact:** The project site is an existing developed property accessed via private road, which in turn is accessed via Ridgewood Road (County Road 304A). The Mendocino County Department of Transportation provided no comment on the proposed project. The project would not conflict with any other program, plans, ordinances, or policies regarding transportation.

- b) *Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?*

**Less Than Significant Impact:** The proposed project is commercial in nature. In 2010, the Mendocino Council of Governments (MCOG) published the MCOG Travel Demand Forecasting Model, which includes estimates for trip generation rates based on land use types. This model includes trip generation rates for low-, medium-, and high-generating commercial uses based on number of jobs. High-generating commercial uses would generate approximately 40 trips per day.<sup>6</sup> This is below the 110 trips per day threshold outlined in the OPR technical advisory on VMT impacts. Therefore, the project would have a less than significant impact on VMT.

- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

**No Impact:** Some light commercial vehicles may be used to transport materials to and from the site, but these are not expected to be incompatible with access roads on the site, or approaches from the County Road. No alterations to the existing circulation system are proposed as part of the project. Therefore, there would be no impacts due to geometric design features.

- d) *Result in inadequate emergency access?*

**No Impact:** The project would not change the existing circulation system on the site or on a County Road. Though more vehicle trips may be generated to and from the site because of the project, this is not expected to result in inadequate emergency access. The commercial structure is accessed by a private road which also serves the existing cannabis cultivation site. The commercial structure and parking areas do not obstruct access to and from the site, and therefore emergency access to the site would remain the same as existing service.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Transportation/Traffic.

<b><u>XVIII. TRIBAL CULTURAL RESOURCES.</u></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) 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>6</sup> Mendocino Council of Governments. (2010). *Final Model Development Report: MCOG Travel Demand Forecasting Model*. <https://www.mendocinocog.org/files/f49cda98a/2010+MCOG+Travel+Model+Dev+Report.pdf>

register of historical resources as defined by Public Resources Code section 5020.1(k), or				
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on tribal cultural resources if it would 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 by Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1.

**Discussion:** Public Resources Code Section 21074 defines Tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

According to 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 occupied 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 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.

**Would the Project:**

- 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:*
  - i. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined by Public Resources Code section 5020.1(k), or*
  - ii. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

**No Impact:** On February 12, 2022, the project was referred to the Northwest Information Center at Sonoma State University (NWIC) for comments related to archaeological or paleontological resources relating to the project. NWIC responded on March 4, 2022, with comments. NWIC noted that the project area is adjacent to or contains portions of two archaeological sites and recommended that a qualified professional archaeologist update the conditions of the sites, assess potential impacts of the proposed project on the resources, and provide project-specific recommendations. In addition, NWIC noted that a previous archaeological survey was conducted for the site in 1980. Due to the passage of time and changes in archaeological theory and method since the previous survey, NWIC recommended that a qualified archaeologist conduct further archival and field study for the project area to identify cultural resources.

The project and recommendations from NWIC were presented to the Mendocino County Archaeological Commission on April 14, 2022, to determine if an additional survey should be conducted for the site. The project is sited in an existing commercial structure which was not built near either of the archaeological sites identified in the previous archaeological survey. The Commission determined that no further survey shall be required for the project, but that the 'Discovery Clause' shall apply. The Discovery Clause requires that upon discovery of cultural resources during construction or other project activities, those activities shall cease, and notification of the discovery shall be made to the Director of Planning and Building Services. Therefore, the project is not expected to have any impact on any historical, archaeological, or cultural resources.

**Mitigation Measures:** None.

**Findings:** The proposed project would have No Impact on Tribal Cultural Resources.

<b><u>XIX. UTILITIES AND SERVICE SYSTEMS.</u></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) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste 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"/>

**Thresholds of Significance:** The project would have a significant effect on utilities and service systems if it would require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects; have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; generate solid waste in excess of the capacity

of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

**Discussion:** Public sewer systems in Mendocino County are provided by cities, special districts, and some private water purveyors. There are 13 major wastewater systems in the county, four of which primarily serve the incorporated cities, but also serve some unincorporated areas. Sewage collected by the Brooktrails Township Community Services District and Meadowbrook Manor Sanitation District is treated at the City of Willits Wastewater Treatment Plant. The City of Ukiah's Wastewater Treatment Plant also processes wastewater collected by the Ukiah Valley Sanitation District. Sewage disposal in the remainder of the county is generally handled by private onsite facilities, primarily septic tank and leach field systems, although alternative engineered wastewater systems may be used.

Solid waste management in Mendocino County has undergone a significant transformation from waste disposal in landfills supplemented by transfer stations to a focus on transfer stations and waste stream diversion. These changes have responded to rigorous water quality and environmental laws, particularly the California Integrated Waste Management Act of 1989 (AB 939). The Act required each city and county to divert 50 percent of its waste stream from landfill disposal by the year 2000 through source reduction, recycling, composting, and other programs. Chapter 3 (Development Element) of the Mendocino County General Plan (2009) notes 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. 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.

Mendocino County's Development Goal DE-21 (Solid Waste) states: *Reduce solid waste sent to landfills by reducing waste, reusing materials, and recycling waste.* Solid Waste and Hazardous Waste and Material Management Policy DE-201 states the County's waste management plan *shall include programs to increase recycling and reuse of materials to reduce landfilled waste.* Mendocino County's Environmental Health Division regulates and inspects more than 50 solid waste facilities in Mendocino County, including: 5 closed/inactive municipal landfills, 3 wood-waste disposal sites, 2 composting facilities, and 11 transfer stations.

#### **Would the Project:**

- a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?*

**No Impact:** Impacts due to construction of the commercial structure are not within the scope of this project. Use of the existing structure for cannabis processing and distribution would not result in any impacts. Existing utility company electricity and gas service is adequate to serve the new use, and the project is served by a septic system on site. Therefore, no additional facilities would need to be constructed or expanded, and no environmental impact would result.

- b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?*

**No Impact:** Impacts to water supply were reviewed by the Mendocino County Division of Environmental Health (EH) as part of issuance of the building permit for the commercial structure and are not within the scope of this project. However, the project was referred to EH, who did not respond with any comments or concerns.

- c) *Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

**No Impact:** The project utilizes an onsite septic system. There is no service to the parcel from a local waste water treatment provider. Therefore, there would be no impact to capacity.

d-e) *Generate solid waste in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

**Less Than Significant Impact:** The project is likely to generate some solid waste, but this is not expected to be significant. Existing capacity at the Potrero Hills Landfill is adequate to support the new land use, and the proposed project complies with federal, state, and local statutes for solid waste disposal.

**Mitigation Measures:** None.

**Findings:** The proposed project will have a Less Than Significant Impact on Utilities and Service Systems.

<b><u>XX. WILDFIRE.</u></b> <b>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, 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) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on wildfire if it would substantially impair an adopted emergency response plan or emergency evacuation plan; expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors; require the installation or maintenance of associated infrastructure (such as roads, fuel 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; or 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 changes.

**Discussion:** California law requires the California Department of Forestry and Fire Protection to designate areas, or make recommendations for local agency designation of areas, that are at risk from significant fire hazards based on fuels, terrain, weather, and other relevant factors (California Department of Forestry and Fire Protection, 2013). These areas at risk of interface fire losses are referred to by law as "Fire Hazard Severity Zones" (FHSZ). The law requires different zones to be identified (Moderate to Very High). But with limited exception, the same wildfire protection building construction and defensible space regulations apply to all "State Responsibility Areas" and any "Fire Hazard Severity Zone" designation.

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 stated 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, special districts as well as state and Federal agencies*” (County of Mendocino – Plans and Publications, 2019).

**Would the Project:**

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

**No Impact:** The Mendocino County Office of Emergency Services (OES) is responsible for coordinating the emergency planning process and maintaining the county’s emergency plans, including the Mendocino County Operational Area Emergency Operations Plan and Mendocino County Multi-Hazard Mitigation Plan. The project involves minimal physical change to the existing environment, and therefore is not expected to impair either of these emergency plans. The project site is accessed via private road directly from Ridgewood Road (County Road 304A) and is not expected to interfere with existing evacuation routes and is not located on property identified for use as part of an emergency response plan.

- b-d) *Due to slope, prevailing winds, and other factors, exacerbate wildlife risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (such as roads, fuel 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; or 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 changes?*

**No Impact:** Impacts due to construction of the commercial structure are not within the scope of this project. The project involves minimal physical change to the environment and is not expected to have any impact on wildfire risk. Use of the structure for cannabis processing and operations would not change the existing slope or prevailing winds that occur on the site. No infrastructure is proposed to be installed as part of the project, and risks from flooding, landslides, runoff, or other drainage changes have been addressed previously as part of the building permit process. The project was referred to CALFIRE and the Little Lake Fire Protection District, who responded with no comments on the project.

**Mitigation Measures:** None.

**Findings:** The proposed project would have No Impact on Wildfire.

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

**Thresholds of Significance:** The project would have a significant effect on mandatory findings of significance if it would 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; have impacts that are individually limited, but cumulatively considerable; or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

**Discussion:** Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and 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.

**Would the Project:**

- 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?*

**Less Than Significant Impact:** Based on discussion throughout the report, particularly in Section IV Biological Resources and XVIII Tribal Cultural Resources, there is some potential for impacts. However, there is no evidence to support a finding that the project would result in significant impacts regarding the quality of the environment, habitat of fish or wildlife species, fish or wildlife populations, plant or animal communities, rare or endangered species, or important examples of major periods of California history or prehistory.

- 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)?*

**No Impact:** There are no impacts associated with the current project that would become significant when considered in connection to existing or planned projects in the vicinity. The project site is already developed with a cannabis cultivation site and residence, and the proposed use is permissible in the zoning district upon granting an Administrative Permit. Based on discussion throughout the report, use of the existing structure for cannabis processing and distribution is not expected to have a significant impact on the environment. Therefore, in addition to existing uses, the project is not expected to exacerbate or alter existing uses in a way which would cause activities on the site to become cumulatively significant. There are no known facilities near the project site that would result in cumulative impacts.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

**No Impact:** Based on discussion throughout the report, potential adverse effects on human beings, both directly and indirectly, have been considered and found to be less than significant.

**Mitigation Measures:** None.

**Findings:** The proposed project would have a Less Than Significant Impact on Mandatory Findings of Significance.

**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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DATE

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LIAM CROWLEY