



# **COUNTY OF MENDOCINO**

## Planning and Building Services

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[www.mendocinocounty.org/government/planning-building-services](http://www.mendocinocounty.org/government/planning-building-services)

CEQA Initial Study for CDP\_2022-0002 (Petersen)  
Mitigated Negative Declaration  
November 22, 2022

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Mendocino County

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## 1.0 INTRODUCTION

### 1.1 Purpose of the Initial Study Checklist

The purpose of this Initial Study (IS) is to determine the environmental impacts associated with the proposed project and to determine if the project will have a significant adverse effect on the environment. As such, only one option—the proposed project—need be evaluated. If the IS reveals that the project will have a significant adverse effect on the environment, an Environmental Impact Report (EIR) will be required. This will necessitate the consideration of a range of reasonable alternatives that would achieve most of the basic objectives of the project but would also avoid or substantially lessen any of the significant effects of the project.

### 1.2 Initial Study Checklist Document

This document in its entirety is an Initial Study Checklist prepared in accordance with the California Environmental Quality Act (CEQA), including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.).

The following list identifies the environmental issues that, pursuant to the findings of this Initial Study Checklist, have been determined to pose no potentially significant environmental impacts.

### 1.3 Environmental Effects Not Found to be Potentially Significant

- Agriculture and Forestry Resources
- Mineral Resources
- Population and Housing
- Public Services Recreation
- Wildfire
- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Geology and Soils (Paleontological Resources)
- Greenhouse Gas Emission
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

The analysis presented in this Initial Study Checklist indicates that the Project does not result in or cause potentially significant effects related to the above-mentioned sections.

### 1.4 Potentially Significant Environmental Effects

- **None**

Consistent with the conclusion and findings of this Initial Study Checklist, an EIR will not be prepared for the Project. At a minimum, this Initial Study will evaluate the Project's potential environmental impacts under the topical areas identified above. Additional issues or concerns that may be raised pursuant to the Initial Study's Notice of Preparation (NOP) process and/or scoping meeting(s) conducted for the Project will also be evaluated and addressed in the Staff Report that will be prepared for this project.

## 2.0 PROJECT BACKGROUND

### 2.1 Project Location

In the Coastal Zone, 5.5± miles north-northeast of Fort Bragg city center, on the east side of State Route 1 (SR1), north of its intersection with Little Valley Road, located at 26260 Omar Drive, Fort Bragg.

The Project site includes the following Assessor Parcel Numbers (APNs):

- 069-101-10

### 2.2 Project Description

Coastal Development Permit that provides (once finale) long term vested rights to develop residential buildings on the Project site and provide community benefit to the County and the Housing Element. Proposed development includes a 1,293 square foot Single-Family Residence, with a 646 square foot detached workshop and 850 square foot detached garage. Also proposed is the addition of a driveway to the residence, installation of a production well, and the movement of an existing 150 square foot non-conforming shed to comply with setbacks.

The Project's application materials are on file with the Mendocino County Department of Planning and Building Services, located at 860 North Bush Street, Ukiah, CA 95482 and are hereby incorporated by reference.

### 2.3 Existing Site Conditions/Environmental Setting

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced..." (CEQA Guidelines §15125[a]).

In the case of the proposed Project, with using the Initial Study Checklist, it has been determined that a Mitigated Negative Declaration (MND) is the appropriate form of CEQA compliance document, which requires mitigation measures to be imposed to ensure appropriate compliance is carried out.

#### i. Table 1. Existing and Surrounding Land Uses

Location	Existing Use
Site	Vacant
North	Residential
South	Residential
East	Residential
West	Public Lands

*Source: Field Inspection, May 2022 and Mapping*

#### ii. Table 2. Existing General Plan Designations and Zoning Classifications

Location	General Plan Designation	Zoning Classification
Site	Rural Residential	Rural Residential
North	Rural Residential	Rural Residential
South	Rural Residential	Rural Residential
East	Rural Residential	Rural Residential
West	Range Lands	Range Lands

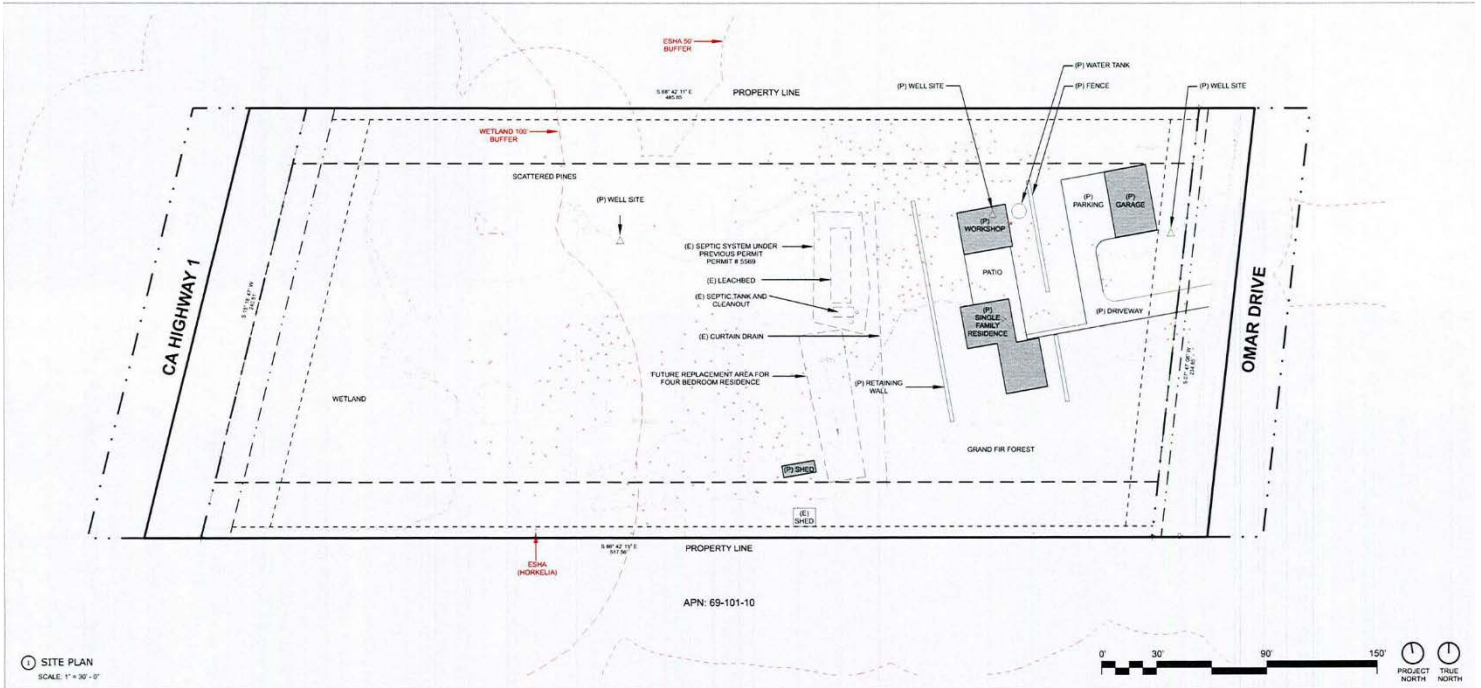
*Sources: Mendocino County General Plan Land Use Plan and Zoning Maps*

**EXHIBIT 1: PROJECT LOCATION MAP/AERIAL PHOTO**

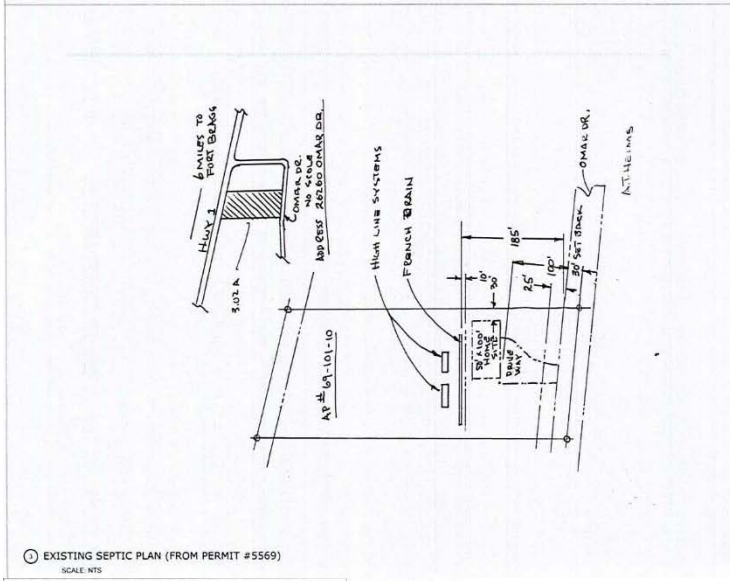
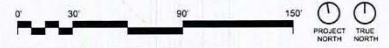




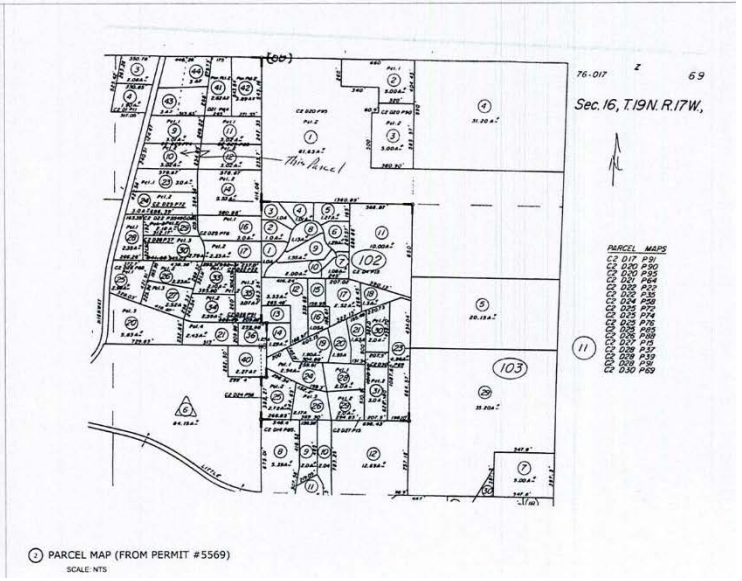
## EXHIBIT 2: SITE PLAN



1 SITE PLAN  
SCALE: 1" = 30' - 0"



2 EXISTING SEPTIC PLAN (FROM PERMIT #5569)  
SCALE: NTS



3 PARCEL MAP (FROM PERMIT #5569)  
SCALE: NTS

LEGEND	
	PROPERTY LINE
	UTILITY EASEMENTS 30 HWY 1 - 30' OMAR DR.
	CAL FIRE 30' ALL SIDES
	CORRIDOR PRESERVATION 65' HWY 1 - 20' OMAR DR.
	COUNTY SETBACKS FRONT 20' FROM CORRIDOR PRESERVATION REAR 20' FROM CORRIDOR PRESERVATION SIDES 6' FROM PROPERTY LINE



3.0 INITIAL STUDY/ENVIRONMENTAL CHECKLIST

This Initial Study Checklist has been prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. The Project is evaluated based on its potential effect on twenty (20) environmental factors categorized as follows, as well as Mandatory Findings of Significance:

- |                                     |                                   |
|-------------------------------------|-----------------------------------|
| 1. Aesthetics                       | 11. Land Use & Planning           |
| 2. Agriculture & Forestry Resources | 12. Mineral Resources             |
| 3. Air Quality                      | 13. Noise                         |
| 4. Biological Resources             | 14. Population & Housing          |
| 5. Cultural Resources               | 15. Public Services               |
| 6. Energy                           | 16. Recreation                    |
| 7. Geology & Soils                  | 17. Transportation                |
| 8. Greenhouse Gas Emissions         | 18. Tribal Cultural Resources     |
| 9. Hazards & Hazardous Materials    | 19. Utilities and Service Systems |
| 10. Hydrology & Water Quality       | 20. Wildfire                      |

Each factor is analyzed by responding to a series of questions pertaining to the impact of the Project on said factor in the form of a checklist. This Initial Study Checklist provides a manner to analyze the impacts of the Project on each factor in order to determine the severity of the impact and determine if mitigation measures can be implemented to reduce the impact to less than significant without having to prepare an Environmental Impact Report.

CEQA also requires Lead Agencies to evaluate potential environmental effects based to the fullest extent possible on scientific and factual data (CEQA Guidelines §15064[b]). A determination of whether or not a particular environmental impact will be significant must be based on substantial evidence, which includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines §15064f[5]).

The effects of the Project are then placed in the following four categories, which are each followed by a summary to substantiate why the Project does not impact the factor with or without mitigation. If “Potentially Significant Impacts” that cannot be mitigated are found, then the Project does not qualify for a Mitigated Negative Declaration and an Environmental Impact Report must be prepared.

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

**No Impact:** No impact(s) identified or anticipated. Therefore, no mitigation is necessary.

**Less than Significant Impact:** No significant impact(s) identified or anticipated. Therefore, no mitigation is necessary and no mitigation measures are required.

**Less than Significant Impact with Mitigation Incorporated:** Potentially significant impact(s) have been identified or anticipated, but mitigation is possible to reduce impact(s) to a less than significant category. Mitigation measures must then be identified.

**Potentially Significant Impact:** Potentially significant impact(s) have been identified or anticipated that cannot be mitigated to a level of insignificance. An Environmental Impact Report must therefore be prepared.

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

**DETERMINATION:** Based on this initial evaluation, the following finding is made:

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall 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 shall be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.

**INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors



as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

- 2) All answers must take account of 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.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporate", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question, and;  
The mitigation measure identified, if any, to reduce the impact to less than significant.

### 3.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. 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 point). 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 added to the eligibility list of State Scenic Highways 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 the 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’s (Visual Character) objective is: *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 the 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 Resource Management Goal RM-15’s (Dark Sky) objective is: *Protection of the qualities of the county’s nighttime sky and reduced energy use.*

**a. Have a substantial adverse effect on a scenic vista?**

**Less Than Significant Impact:** The Project is located immediately east of an area designated “highly scenic”, though it is itself not designated as such. The proposed building site is separated by a copse of willows and other high vegetation at the westernmost portion of the parcel, corresponding with the identified wetland. This vegetation will not be removed as part of this project, and will render the project not visible to the scenic area. Light from the project could potentially be seen from the scenic area, however construction is only to occur during daylight hours (Mitigation measure **BIO-7**) and proposed external lighting will be shielded and downcast.

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

**Less Than Significant Impact:** State Route 1 (SR1), which is the nearest State Highway to the project location, is not designated as a state scenic highway. Some Monterey Pine and grand fir trees will need to be removed to accommodate the project (see Bio impact discussion), but according to the Biological Report, “the least amount of trees as necessary will be removed to accommodate the proposed development” (p15). Given this, the aesthetic character of the fir forest onsite will remain and the impact will be less than significant.

**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 point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Less Than Significant Impact:** The Project as proposed would remove some potentially scenic trees (see above). However, the proposed development would be in keeping with the existing residential community of the surrounding parcels east of SR1 and much of the existing natural vegetation and open space will be maintained, so the impact on the aesthetic character of the area can only be considered less than significant.

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

**Less Than Significant Impact:** Exterior lighting is proposed for the project. Per the application, the proposed lights will be shielded and downcast. The aluminum roof and stainless-steel fixtures may result in an additional source of glare, but the limited development and significant tree cover of the surrounding residential community substantially limits the potential impact.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

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

DRAFT

### 3.2 AGRICULTURE AND FORESTRY RESOURCES

<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California. Would the Project:</i></p>	<p><b>Potentially Significant Impact</b></p>	<p><b>Less Than Significant Impact with Mitigation Incorporated</b></p>	<p><b>Less Than Significant Impact</b></p>	<p><b>No Impact</b></p>
<p>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?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>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 PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>f. 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?</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 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 by PRC 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 for which the Assessor's records as of 1976 demonstrated that the "highest and best use" would be timber production and accessory uses. Public improvements and urban services are prohibited on TPZ lands except where necessary and compatible with ongoing timber production. The original purpose of TPZ Zoning District was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands.

#### ***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:** The proposed project is not sited on land designated as Prime or Unique Farmland. According to the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation, Division of Land Resource Protection, the site is designated as Rural Residential & Rural Commercial (R) and Grazing Land (G), with the proposed project sited entirely on the former. This designation is for residential areas of 1 to 5 structures per 10 acres ('ranchettes'), and for farmsteads, agricultural storage and packing sheds, unpaved parking areas, composting facilities, equine facilities, firewood lots, and campgrounds. The project is not sited on, and so would not convert the use of, mapped Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

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

**Less Than Significant Impact:** The project site is zoned Rural Residential, which is intended "to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture," and "residential uses should be located as to create minimal impact on the agricultural viability" (MCC section 20.376.005). While the proposed mitigation measures would preclude the development of agricultural structures (Mitigation Measure **BIO-1**), environmental constraints render the site to be of limited agricultural viability regardless, and so the project does not significantly conflict with the existing zoning. The proposed Project will

not conflict with any existing zoning or policies protecting agricultural resources. The project site is not under a Williamson Act contract, nor does it share any borders with parcels under Williamson Act.

**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 PRC 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 Timberland Production, nor does it share any borders with parcels zoned for any of the above. No rezoning is needed or proposed as part of this Project.

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

**Less Than Significant Impact:** Some of the trees currently on the subject parcel would be removed to support the residential development, but this would primarily affect the nonnative Monterey Pine on the property and reduction of the grand fir forest would be minimal. The site character would not change. The project site is not zoned for the production of timber resources.

**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 forestland to non-forest use?**

**No Impact:** No effects on Farmland or forestland other than those discussed above would occur.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

The proposed project would have a **Less Than Significant Impact** on Agricultural and Forestry Resources.

### 3.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the 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?	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely 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 non-attainment under an 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). 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 applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading or road development must be registered in the Air Resources Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM2.5. All stationary and portable diesel engines over 50 horse power need a permit through the MCAQMD.

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.

**a. Conflict with or obstruct implementation of the applicable air quality plan?**

**No Impact:** The project is located within the North Coast Air Basin consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. The Project Site is located within the Mendocino County Air Quality Management District (MCAQMD) which is responsible for enforcing California 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, incorporating combustion devices to use energy efficient, low-emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions. The project will not conflict with or obstruct implementation of any air quality plan as there are no components of the project that would conflict with any existing air quality plans.

**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?**

**Less Than Significant Impact:** AQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. Based on the results of monitoring, the entire County is in attainment for all State standards with the exception of particulate matter less than 10 microns in size (PM10). The most common source of PM10 is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. A PM10 attainment plan was finalized in 2005 that provides regulations for construction and grading activities and unpaved roads. Omar Drive along the eastern property line. The proposed

project includes a gravel driveway from Omar Drive to the parking area west of the garage. Local impacts to the area during construction would be less than significant using standard dust control measures.

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

**Less Than Significant Impact:** Sensitive receptors can include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. The project is located in a residential area. During construction, the project has the potential to create pollutants and generate objectionable odors, but such impacts will be limited in duration. Once constructed, the project will not utilize products with substantial pollutant concentrations.

**d. *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?***

**Less Than Significant Impact:** Aside from the neighboring State Route 1, the proposed project's surrounding environs harbors limited development and low traffic. Travelers on State Route 1 would typically not spend a significant amount of time in the immediate area of the subject parcel. Any incidental emissions relating to the project would not significantly affect a substantial amount of people.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

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



### 3.4 BIOLOGICAL RESOURCES

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

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 Wildlife 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 state or 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 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 circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog 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.

CDFW also requested that all occurrences of rare plant species found on the parcel be submitted to California Natural Diversity Database (CNDDDB). In Wynn Coastal's response to CDFW comments, dated 7/18/2022, and in particular Nicole DB Herrera's 7/6/2022 letter included in the same, Wynn Coastal clarified that their biologists "submit all CNDDDB observations from client projects on an annual basis".

**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?**

**Less Than Significant Impact With Mitigation Incorporated:** Various direct and indirect impacts to biological resources may result from the project, including the loss and/or alteration of existing undeveloped open space that may serve as habitat. Increased vehicle trips to and from the project site can result in wildlife mortality and disruption of movement patterns within and through the project vicinity. Disturbances such as predation by pets (e.g., cats and dogs) and human residents may also occur at the human/open space interface, while conversion of land from lower to higher density residential use can lead to a predominance of various urban-adapted wildlife species (e.g., coyotes, raccoons, ravens and blackbirds) that have been observed to displace more sensitive species.

Per staff review, the project site has been identified as a potential habitat for species noted in the California Natural Diversity Database. The applicant's biological assessment and survey, conducted and prepared by Wynn Coastal Planning & Biology, identified several species of concern. Although the survey conducted on May 27, 2021 only identified a single special-status species onsite, Point Reyes horkelia (*horkelia marinensis*), the site was found to have the potential to harbor several other sensitive species as well.

**Potential Impacts to Point Reyes Horkelia** - Wynn Coastal Planning & Biology's Biological Report found that

*Construction will occur within and adjacent to the Point Reyes horkelia habitat and has the potential to negatively impact these plant(s) by directly killing them and/or reducing the extent of their habitat on the site. There is a potential for ground compaction and vegetation disturbance from materials and vehicles to occur during staging and construction.*

...

*The original topsoil in this area was likely dug away or covered during the construction of the mound septic system and the native topsoil may provide better growing conditions for the Point Reyes horkelia. Point Reyes horkelia plants are present between the proposed building envelope and the Scotch broom area. Care must be taken not to impact these plants when relocating the topsoil. Care must also be taken not to impact the existing mound septic system.*

...

*Heavy machinery such as and not limited to excavators and skid steers that may be used onsite have the potential to spread invasive plant material from use on other sites.*

This species covers a large portion of the subject parcel, which, combined with the special status communities discussed below, means that moving forward with the project while avoiding any displacement would not be viable. This necessitates Mitigation Measures **BIO-1**, **BIO-4**, and **BIO-14** through **BIO-19**. **BIO-14** requires transplanting of Point Reyes horkelia to be displaced by the project. In Wynn Coastal's response to CDFW comments, dated 7/18/2022, evidence was provided to support the viability of this measure. Plant removal to from the transplant destination sites shall focus on invasive plant species, particularly Scotch broom. **BIO-15** requires a second round of transplanting, post-construction, where Point Reyes horkelia will be replanted in the then-vacated staging area. The concerns related to topsoil are addressed via **BIO-16**, requiring that topsoil movement avoid impacts on Point Reyes horkelia, and **BIO-19**, requiring stabilization of disturbed soil as soon as feasible. The potential for the project to spread invasive plant species will further be mitigated by **BIO-17**, requiring offsite cleaning of heavy machinery to eliminate seeds and other propagules. **BIO-18** requires physical separation of construction equipment and materials from Point Reyes horkelia by limiting the staging area to the eastern side of the parcel and requiring a construction fence. Continued protection of this area from future development will be reinforced by **BIO-1**, requiring a deed restriction establishing that the remainder of the parcel outside the project's footprint will remain free of development. **BIO-4** will require a Monitoring and Restoration Plan track the success of these efforts for at least five years following completion of the project.

**Potential Impact to Bats** - Wynn Coastal Planning & Biology's Biological Report found that

*Construction in the study area has the potential to impact special status bat species. Bats are vulnerable when roosting for reproduction when young are not yet able to fly, and during hibernation because they can die of cold or malnutrition if hibernation is disturbed. No special features such as hollow trees, abandoned buildings, or other cave analogs, which could serve as roosting or hibernation refugium, are present; therefore, the potential for negative impacts to bats is minimal. Temperatures on the Mendocino Coast usually do not drop low enough to necessitate bat hibernation.*

These potential impacts can be mitigated via Mitigation Measures **BIO-7** and **BIO-8**. The former ensures all construction activities will be limited to daylight hours to limit disturbing construction noise and minimize artificial lights, and the latter requires pre-construction surveys if construction activities are to occur during the hibernation period, and mandates a 50 foot buffer around any bat roosts found in said survey. These measures are sufficient to reduce the potential impact of the project on bats to a less than significant level.

**Potential Impact to Special Status Amphibians** - Wynn Coastal Planning & Biology's Biological Report found that

*Construction activities will involve walking across areas where amphibians may be traveling. Staging of materials and removal of construction debris could also disturb special status amphibians that may be hiding underneath these materials.*

These potential impacts can be mitigated via Mitigation Measures **BIO-10**, **BIO-11**, **BIO-12**, and **BIO-13**. **BIO-10** ensures project contractors will have the training necessary to identify special frogs and salamanders that may be encountered onsite, and what communications are required if special status species are found during construction activities. This training ensures the efficacy of **BIO-11**, which requires a daily visual inspection of the project site for special status amphibians before starting work. **BIO-12** requires additional care be taken, including moving wood stockpiles by hand, in order to avoid accidental crushing and other damage to amphibians. **BIO-13** secures a heightened level of caution in the event of a rain event, requiring a full cessation of ground-disturbing activities during and for 48 hours following the rain event, further examination of the site prior to construction activities being resumed, and consultation with and clearance from CDFW should special status amphibians be found.

**Potential Impacts to Sonoma Tree Vole** - Wynn Coastal Planning & Biology's Biological Report found that

*Sonoma tree voles have the potential to inhabit the grand fir forest and Monterey pine stand onsite and there is a potential for incidental take if trees are removed or if the project changes the microclimate of the tree canopies they are living in. Although no evidence of Sonoma tree voles was observed during the field surveys, Sonoma tree voles have the potential to move between trees and may move into the project site prior to major vegetation removal.*

The risk to Sonoma tree voles can be mitigated via the implementation of Mitigation Measure **BIO-9**, requiring a Sonoma tree vole survey be performed by a qualified biologist 14 days prior to the onset of tree removal activities. Should any Sonoma tree voles be found in trees planned for removal, CDFW will be consulted on how best to proceed.

- 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 U.S. Fish and Wildlife Service?**

**Less Than Significant Impact With Mitigation Incorporated:** Two sensitive natural communities have been identified on site, which could potentially be impacted by the project: grand fir forest (*abies grandes*) and wax myrtle scrub (*morella californica*).

**Potential Impacts to Grand Fir Forest** - Wynn Coastal Planning & Biology's Biological Report found that

*A few grand fir trees and understory vegetation may need to be removed to accommodate the proposed single-family residence and retaining wall.*

The project would encroach upon the Grand Fir Forest community; no buffer would be maintained. CDFW acknowledged that the mitigation measures for these impacts have been proposed in the Biological Report (said mitigations have been incorporated into this document), and additionally recommended that the buffer reduction be accompanied with habitat enhancement (**BIO-5** and **BIO-21**).

**Mitigation Measure BIO-20** limits any such removal of native coniferous trees should only be removed if strictly necessary to make room for the proposed development or if their continued presence results in a safety hazard. The impact on the community will be further mitigated via **BIO-9**, requiring a Sonoma tree vole survey 14 days before tree removal activities and CDFW consultation if any Sonoma tree voles are found in any trees planned for removal.

The remaining habitat will be enhanced via **BIO-5**, requiring the removal of any existing "legacy" trash/debris on the parcel. Any such removal will be done in conformance with **BIO-12**. The remaining habitat will be further enhanced via **BIO-21**, requiring replacement of the existing non-native Monterey pine with grand fir and the establishment of a grand fir understory. Continued protection of this area from future development will be reinforced by **BIO-1**, requiring a deed restriction establishing that the remainder of the parcel outside the project's footprint will remain free of development.

**Potential Impacts to Wax Myrtle – Labrador Tea Scrub** - Wynn Coastal Planning & Biology's Biological Report found that

*There is a potential for rain to carry sediment from construction areas into the Coastal Act wetland habitat. There is a potential for construction adjacent to the Coastal Act (wetland) and wax myrtle – Labrador tea scrub to negatively impact these ESHAs.*

These impacts will be mitigated by the imposition of a 100 foot buffer from the wax myrtle – Labrador tea scrub, **BIO-2**. Continued protection of this area from future development will be reinforced by **BIO-1**, requiring a deed restriction establishing that the remainder of the parcel outside the project's footprint will remain free of development.

**c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**Less Than Significant Impact With Mitigation Incorporated:** Waters of the United States (U.S.), including wetlands, are broadly defined to include navigable waterways, and tributaries of navigable waterways, and adjacent wetlands. Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface water or groundwater, supporting vegetation adapted to life in saturated soil. Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the U.S. Army Corps of Engineers (USACE). The USACE holds sole authority to determine the jurisdictional status of waters of the U.S., including wetlands. Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetland and waters of the U.S. provide critical habitat components, such as nest sites and reliable source of water for a wide variety of wildlife species.

The USFWS National Wetlands Inventory (NWI) shows a freshwater emergent wetland and freshwater forested/shrub wetland on the western portion of the subject parcel. Field surveys confirmed the presence of the freshwater forested/shrub wetland; however, according to the Biological Survey, the freshwater emergent wetland does not go as far east into the property as



depicted in the NWI map (Appendix B). This wetland corresponds to the wax myrtle scrub community discussed under impact 3.4b, above. Wetland areas reported and mapped in the Biological Study are Coastal Act wetlands and may or may not be Army Corps wetlands. A full wetland delineation study including soil examination was not conducted since proposed development will be greater than 100ft away from any presumed areas of Coastal Act wetland, under mitigation measure **BIO-2**. Given that this buffer will be maintained, the impact of the project on the wetlands on the parcel will be less than significant.

**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?**

**Less Than Significant Impact With Mitigation Incorporated:** Wildlife movement corridors are routes frequently utilized by wildlife that provide shelter and sufficient food supplies to support wildlife species during migration. Movement corridors generally consist of riparian, woodlands, or forested habitats that span contiguous acres of undisturbed habitat. Wildlife movement corridors are an important element of resident species home ranges, including deer and coyote. The project site may provide nesting habitat for migratory birds which could be disturbed by construction activities, and so Mitigation Measure **BIO-6** is required to mitigate this potential impact.

**Potential Impacts to Birds** - Wynn Coastal Planning & Biology's Biological Report found that

*Construction in the study area has the potential to disturb birds during the nesting season. Removal of vegetation and construction activity near trees and vegetated areas has the potential to disturb birds' nesting process.*

The intent is for construction to occur between September 1<sup>st</sup> and October 31<sup>st</sup>. However, should development activities occur during the breeding season of nesting birds (February to August), **BIO-6** will be required, necessitating a survey for active nests no more than 14 days prior to the start of activities. If active special status bird nests are observed, no ground activities shall occur within a 100-foot exclusion zone until all young are no longer dependent upon the nest. Active nests will be subject to weekly monitoring by a biologist. Impacts on nesting birds shall be further mitigated by **BIO-7**, which requires that all construction activities will be limited to daylight hours to limit disturbing construction noise and minimize artificial lights.

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

**No Impact:** Some tree removal is proposed as part of this project, but the proposed project does not conflict with any local policies or ordinances protecting biological resources or tree preservation policies.

**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:** No such local habitat conservation plan affects the subject parcel. It is out of range for the Point Arena Mountain Beaver.

**MITIGATION MEASURES**

**BIO-1** A deed restriction shall be recorded protecting the remainder of the parcel from further development post-project. Further development on the parcel, such as the creation of an Accessory Dwelling Unit, must occur within the project's currently-proposed footprint.

**BIO-2** All proposed development shall be greater than 100 feet from Coastal Act wetland presumed ESHA. No construction or materials staging shall occur within 100 feet of the Coastal Act wetland identified and mapped as presumed ESHA.

- BIO-3** A wildlife-friendly physical demarcation of the reduced ESHA buffer shall be installed, such as a wooden split rail fence.
- BIO-4** The Mitigation, Monitoring, and Reporting Plan included as Appendix H of Wynn Coastal's Biological Report shall be implemented, ensuring the ongoing maintenance of the Horkelia relocation referenced in **BIO-14** and **BIO-15**.
- BIO-5** Any legacy trash/debris currently occurring on the parcel shall be removed, in conformance with **BIO-12**.
- BIO-6** If development activities occur during the breeding season of nesting birds (February to August), a survey for active nests shall be conducted by a qualified biologist no more than 14 days prior to start of activities. If active special status bird nests are observed, no ground activities shall occur within a 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
- BIO-7** Construction shall only occur during daylight hours.
- BIO-8** If development activities occur during November 1-August 31, a bat survey will be conducted by a qualified biologist no more than 14 days prior to start of activities. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to construction for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If active bat roosts are observed, no ground disturbance activities shall occur within a minimum 50-foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active roost until all young are no longer dependent upon the roost.
- BIO-9** A pre-construction Sonoma tree vole survey should be performed by a qualified biologist 14 days prior to the onset of tree removal activities. Protocols per the direction of CDFW shall be followed if Sonoma tree vole nests are identified in trees to be removed.
- BIO-10** Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers will be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted if special status amphibians are observed during construction.
- BIO-11** During ground-disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians.
- BIO-12** During construction and debris removal, any wood stockpiles shall be moved carefully by hand to avoid accidental crushing or other damage to amphibians.
- BIO-13** If a rain event occurs during the ground disturbance period, all ground-disturbing activities shall immediately cease. Ground-disturbing activities shall not resume until 48 hours after the rain stops and trained construction crew member(s) have examined the site for the presence of special status amphibians and found none. If a special status amphibian is detected, construction crews shall cease/not resume all ground-disturbing work and will contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. In this instance, clearance from CDFW will then be needed prior to reinitiating work. CDFW shall be consulted and will need to be in agreement with protective measures needed for any potential special status amphibians.

- BIO-14** Prior to construction, Point Reyes horkelia clumps within the footprint of development and staging area will be transplanted to other areas of grassland on the parcel where Point Reyes horkelia is sparse and/or where trees and shrubs have been removed to create new potential habitat. Point Reyes horkelia replanting shall only occur in conformance with the Mitigation Monitoring and Reporting Plan included in Wynn Coastal's 1/12/2022 Biological Report, and the following:
- Point Reyes horkelia habitat shall be improved and expanded by targeting invasive plant species with a Cal-IPC rating of HIGH with a focus on Scotch broom (*Cytisus scoparius*). Scotch broom shall be dug out or removed with a weed wrench, removing as much of the root as possible. The best time for the removal is from July through September when the plants are drought-stressed. Seedling and resprouting Scotch broom, as well as Monterey pine seedlings, shall be targeted for removal to prevent the shading out of grassland habitat.
- BIO-15** Once the staging area is no longer needed post-construction, Point Reyes horkelia shall be planted back into the portion of the staging area not developed with driveway or well infrastructure. Point Reyes horkelia planted into this area shall be obtained by making divisions off larger clumps of horkelia in areas where it is well established and growing densely.
- BIO-16** Soil scraped away to level the ground for construction shall be saved and placed over the Scotch broom patch area after the Scotch broom has been removed. Any extra topsoil shall be stockpiled and moved by hand with a wheelbarrow; soil shall not be pushed over with heavy equipment. Care shall be taken during topsoil relocation so as not to impact existing Point Reyes horkelia and the existing mound septic system.
- BIO-17** Heavy machinery that is used in dirt shall be power washed offsite to eliminate seeds and other propagules.
- BIO-18** Building materials and construction vehicles shall only be staged on the eastern edge of the parcel, after Point Reyes horkelia has been transplanted away from this area. Construction fencing shall be installed between the staging area and areas of grand fir forest and Point Reyes horkelia habitat that remain on the eastern side of the parcel so that the staging area does not expand into these areas.
- BIO-19** Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Areas of bare soil shall be seeded with native erosion control seed mix and/or covered with biodegradable erosion control materials (e.g. coconut fiber, jute, weed-free straw).
- BIO-20** Native coniferous trees should only be removed if strictly necessary to make room for the proposed development or if their continued presence results in a safety hazard.
- BIO-21** Non-native Monterey pine trees on the subject parcel shall be removed and replaced by introducing grand fir seeds and/or seedlings from on site, in conformance with the Mitigation, Monitoring, and Reporting Plan. Areas of bare mineral soil where grand fir seeds can germinate shall be created. Natural recruitment of grand fir seedlings through reproduction of existing adult seed trees on site shall be encouraged. A native grand fir forest understory shall be established.

## **FINDINGS**

The proposed project would have a **Less Than Significant Impact With Mitigation Incorporated** on Biological Resources.

### 3.5 CULTURAL RESOURCES

<i>Would the Project:</i>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact 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 pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 pursuant to Cal. Code Regs tit. 14 §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to Cal. Code Regs tit. 14 §15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

**Discussion:** Archeological resources are governed by MCC Sec. 22.12.090, which echoes state law regarding discovery of artifacts and states, in part, *“It shall be unlawful, prohibited, and a misdemeanor for any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archaeological site without complying with the provisions of this section”*. MCC § 22.12.090 governs discovery and treatment of archeological resources, while § 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. Pursuant to Cal. Code Regs tit. 14 §15064.5(c)(4), *“If an archeological resource is neither a unique archeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.”*

***a-b. Cause a substantial adverse change in the significance of a historical and/or archeological resource pursuant to §15064.5?***

**Less Than Significant Impact:** Per California Code of Regulations, Title 14, §15064.5(b)(1), a *“substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”* An Archaeological Survey of the project site was prepared by Heather Warner, dated June 4, 2021, which concluded that no archaeological or other types of historical resources were observed on the subject parcel. During the Archaeological Commission hearing held on April 13, 2022, the submitted Archaeological Survey was reviewed by the Archaeological Commission and accepted. A Standard Condition advises the property owner of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. Pursuant to California Code of Regulations, Title 14, §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.”* No unique paleontological resources or geologic features have been identified as being directly or indirectly impacted as a result of the proposed project.

**c. Disturb any human remains, including those interred outside of formal cemeteries?**

**Less Than Significant Impact:** The proposed project will not disturb any known human remains as no remains or cemeteries have been documented on the project site. Any ground disturbance associated with this project would be subject to MCC §22.12.100, which states in part. *"Any person who, while excavating or otherwise disturbing earth, discovers any bones or other human remains, whether or not as part of an archaeological site, shall immediately cease and desist from all further excavation and disturbance and shall immediately telephone or otherwise notify the Sheriff-Coroner of Mendocino County. If an archaeological site is involved, the Sheriff-Coroner shall thereupon notify a designated representative of the Commission and if the remains are considered to be those of a Native American Indian, the Sheriff-Coroner shall also make notification as required by Section 7050.5 of the California Health and Safety Code."* Should any such remains be found, the above-referenced code section ensures that any impacts will be less than significant.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

The proposed project would have a **Less Than Significant Impact** on Cultural Resources.

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### 3.6 ENERGY

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

**Thresholds of Significance:** The project would have a significant effect on energy if it would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation.

**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 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 (CEC, 2017).

Permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The 2019 Building Energy Efficiency Standards are designed to reduce wasteful, uneconomic, inefficient or unnecessary consumption of energy, and enhance outdoor and indoor environmental quality. It is estimated that single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards (CEC, 2018).

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

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

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

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

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### 3.7 GEOLOGY AND SOILS

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
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**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; result in substantial soil erosion or the loss of topsoil; 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 direct or indirect risks to life or property; have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; 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 17.5 miles east.

The Maacama Fault crosses a significant amount of the County, from approximately 1.5 miles north of the southern border to Laytonville, running roughly along Highway 101, and is capable of generating strong earthquakes.

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. Landsliding of such soils is 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 178 feet above mean sea level (amsl) at the edge of Baywood Drive to this 116 amsl at the southern edge of the parcel down Jack Peters Gulch, with an average slope of approximately 51 percent.

The specific soil type underlying most of the subject parcel, including the entirety of the proposed building footprint, is Sidrak loamy sand. Sidrak consists of very deep, somewhat excessively drained soils that formed in eolian sand. Permeability is rapid. This type of soil is used for grazing, hay production, recreation, and wildlife habitat. Construction of the single-family residence and appurtenant structures and infrastructure would be subject to the latest version of the California Building Code (CBC) to reduce any potential geological risks.

**a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i-iv. 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and/or landslides?**

**Less Than Significant Impact:** The proposed project is located in a State Geologist unevaluated area for seismic hazard, according to the most recent Alquist-Priolo Earthquake Fault Zoning Map.

There are no known active faults closer than the Maacama Fault 17.5 miles to the east. The proposed project is located in a State Geologist unevaluated area for seismic hazard, according to the most recent Alquist-Priolo Earthquake Fault Zoning Map. There are no known active faults closer than the Maacama Fault 17.5 miles to the east. The proposed project is not exposed to any major geological concerns such as ground shaking, ground failure, landslides, or soil erosion as it is not located on any fault zone or near any heavily sloped terrain. Design and construction of the permanent structures proposed under the project would be subject to the rules and regulations contained in the latest version of the California Building Code, which would reduce the potential for risk of loss, injury, or death involving landslides at the Site. Furthermore, the subject parcel is not located on soils that would be considered unstable or expansive, per the *Attachment R Soils Map*, thus these concerns do not apply to the project site. However, the proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, fiber rolls, and/or silt fencing structures, to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas, and would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project with native vegetation and/or native seed mixes for soil stabilization as soon as feasible.

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

**Less Than Significant Impact:** The project is sited on a relatively flat slope and grading in excess of what is typically required for similar residential developments is not anticipated. The majority of the subject parcel, including the entirety of the proposed development site, is made up of Sirdrak loamy sand. The Mendocino Soil Survey states that "Excavations for roads and buildings increase the hazard of erosion," but that "Revegetating disturbed areas around construction sites as soon as possible helps to control erosion." Revegetation will be incorporated into the project (see BIO-15).

**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?**

**No Impact:** The majority of the subject parcel, including the entirety of the proposed development site, is made up of Sirdrak loamy sand. This soil is generally stable, particularly on flat topography such as that found at the project site.

**d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

**Less Than Significant Impact:** The 1994 Uniform Building Code (UBC) has not been in effect since 1997, and the referenced table was removed entirely when the UBC was superseded by the International Building Code in 2000. The 1994 and 1997 editions of the UBC are now obscure, no longer published or easily publicly accessible and so cannot be considered an appropriate reference point for defining expansive soils. The majority of the subject parcel, including the entirety of the proposed development site, is made up of Sirdrak loamy sand. As this soil type includes relatively little clay content, it is not considered an expansive soil and does not carry the concomitant risks.

**e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?**

**No Impact:** The subject parcel already has an existing septic system, large enough to support four bedrooms. As the project only proposes three bedrooms, no expansion of the septic system is required. As part of the project, the applicant will need to finalize the permit for the existing septic system (ST 27723).

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

**Less Than Significant Impact:** As noted above, the proposed project was heard by the Archeological Commission on January 12, 2022. The Commission accepted the Applicant's archaeological survey and recommended no further studies. However, the potential exists for unique paleontological resources or site or unique geological features to be encountered within the project area, as ground-disturbing construction activities, including grading and excavation, would be required for the proposed project. In the event that any archaeological or paleontological resources are discovered during site preparation, grading or construction activities, notification would be required, pursuant to County Code Chapter 22.12 – Archaeological Resources.

#### **NO MITIGATION MEASURES REQUIRED**

#### **FINDINGS**

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

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### 3.8 GREENHOUSE GAS EMISSIONS

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions (GHG), 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 (GHG), 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, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project’s individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO<sub>2</sub>e (CO<sub>2</sub> equivalent) of operation emission on an annual basis. Additionally, Mendocino County’s building code requires new construction to include energy efficient materials and fixtures.

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

**Less Than Significant Impact:** The long-term electricity usage of the project would be comparable to that of contemporary single-family residences (being required to meet current CalGreen standards) and will be tied into the state power grid. As the State has not completed its planned shift to zero-carbon energy, the project’s ongoing power usage will contribute to the intensification of the global greenhouse effect and thus climate change. Given the State’s timeline for eliminating greenhouse gas emissions from the power grid and the efficiency measures required by CalGreen building standards, this contribution cannot be considered significant. Given the relatively small scale of the project, neither construction nor operation of the proposed project would have a considerable contribution to the cumulative GHG impact at the local, regional, or state level. Construction activities associated with the construction of a single-family residence, garage, workshop, and ancillary development, such as a driveway and utility improvements, are not anticipated to generate significant greenhouse gas emissions or conflict with an applicable plan, policy or regulation. Residential uses commonly have accessory construction, and residential land use types are principally permitted at this location. These activities are limited in scope and duration and would not contribute significantly to greenhouse gas

emissions. The proposed project also includes installation of a propane gas tank. Given the relatively small scale of the project and the lack of adopted thresholds of significance for this impact area, the proposed project's contribution to the cumulative GHG impact at the local, regional, or state level cannot be considered significant. There are no adopted local plans for reducing the emission of greenhouse gases. A less than significant impact would occur

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

**No Impact:** Although Action Item RM-50.2 in Chapter 4 of the Mendocino County General Plan (2009) requires the County to “create a greenhouse gas reduction plan for the unincorporated areas of the county that sets specific reduction strategies and targets to meet”, such a plan has not yet been drafted or adopted by the County. Since there are no adopted local plans for reducing GHG emissions, no conflict would occur.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

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

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### 3.9 HAZARDS AND HAZARDOUS MATERIALS

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 or excessive noise 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 checked="" type="checkbox"/>	<input 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 were to 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 complied 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 or excessive noise for people residing or working in the project area if 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; or impair the 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: The 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. (CA Health and Safety Code §25501(n)).

In 1997, the County Public Health Department's Environmental Health Division assumed responsibility for administering hazardous waste generation and treatment regulations. The Mendocino County General Plan includes Solid Waste and Hazardous Waste and Materials Management Policy DE-203, which 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 toxic air contaminant and 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 will need to be utilized and disposed of in accordance with all applicable federal and state regulations.

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

**Less Than Significant Impact:** The proposed project, the construction of a single family dwelling and appurtenant structures, would not transport, use, emit, or dispose of significant amounts of hazardous materials.

- 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?**

**Less Than Significant Impact:** The proposed project, the construction of a single family dwelling and appurtenant structures, would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment.

- 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:** No existing or proposed schools are located within one-quarter mile of the project site. The project site is located within the Fort Bragg Unified School District. It is not anticipated that hazardous materials to be utilized on-site would be used or stored at the project site in any quantity or application that could impact any schools in the area.

- 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:** Review of the State Water Resources Control Board's GeoTracker (2015) and Department of Toxic Substances Control's EnviroStor (2019) databases indicates the Site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

- 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 or excessive noise for people residing or working in the project area?**

**No Impact:** The project site is not located within an airport land use plan or within two miles of a public or public use airport. The nearest airport, Fort Bragg Airport, is located approximately three and a half (3.5) miles south of the project site, in Fort Bragg. Therefore, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the proposed project area and no impact would occur.

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

**Less Than Significant Impact:** The project site is located within an existing residential community. The surrounding area contains limited existing development, with existing residences located to the east, north, and south of the project site. The site, which is mapped as a Moderate Fire Hazard, is located within a State Responsibility Area and within the Fort Bragg Rural Fire Protection District.

- 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:** The project will be required to comply with all relevant State Fire Safe Regulations and so cannot be considered to significantly increase exposure of people or structures to risk of loss, injury or death involving wildland fires.

## **NO MITIGATION MEASURES REQUIRED**

## **FINDINGS**

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

### 3.10 HYDROLOGY AND WATER QUALITY

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, 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 checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 decrease 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 or through the addition of impervious surfaces, 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 planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flows; in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Discussion: Regulatory agencies include the state and regional water quality control boards; State Water Resources Control Board (SWRCB) and the North Coast Regional 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.

Mendocino County uses the same definition of groundwater as is found in Water Code §1005.1, which is *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.

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

**No Impact:** The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The project application was referred to pertinent agencies for comment and no response was received expressing concerns with violation of water quality or waste discharge requirements.

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

**Less Than Significant Impact:** The proposed project would allow for residential occupation of the subject parcel, with the water required to support this use being drawn from the proposed well. The well will draw from groundwater beneath the project site, which is located in an area identified in the Coastal Groundwater Study as having Sufficient Water Resources (SWR). No concern was expressed by the Mendocino County Division of Environmental Health as to potential for interference or depletion of groundwater supplies. All necessary permits for the on-site well would be obtained from DEH.

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

**Less Than Significant Impact:** See below.

**i. Result in substantial erosion or siltation on- or off-site?**

**Less Than Significant Impact:** No streams or rivers are located on-site. The proposed project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site. The introduction of limited impervious surfaces and the slight modification to existing topography resulting from the development would not result in substantial erosion or siltation.

**ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

**Less Than Significant Impact:** The project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Although development is proposed on-site, due to the proposed development footprint, site drainage would continue to follow a natural flow pattern and infiltrate into the ground.

**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?**

**Less Than Significant Impact:** The project would not substantially increase the rate or amount of surface runoff in a manner which would 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. There is limited storm drainage infrastructure within the vicinity of the site. Although development is proposed on-site, due to the proposed development footprint, site drainage would continue to follow a natural flow pattern and infiltrate into the ground.

**iv. Impede or redirect flood flows?**

**No Impact:** The project is not located in either a FEMA flood zone or floodway. The project would not impede or redirect flood flows.

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

**No Impact:** The project is not located in either a FEMA flood zone or floodway, tsunami, or seiche zone. As such, there is no risk of pollutants being released due to these types of events.

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

**Less Than Significant Impact:** The project would utilize Best Management Practices (BMPs) to minimize the amount of sediments and other pollutants from being discharged in stormwater runoff. Additionally, Mendocino County Code Chapter 16.30, the Stormwater Runoff Pollution Prevent Procedure (SPPP), requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of

construction waste, debris or contaminants from construction materials, tools and equipment from entering the storm drainage system (off-site). Compliance with these regulations would facilitate the implementation of water quality control efforts at the local and state levels. The proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

#### **NO MITIGATION MEASURES REQUIRED**

#### **FINDINGS**

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

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### 3.11 LAND USE AND PLANNING

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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.

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 is not within a specific plan. The project was also referred to a number of 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.

**a. Physically divide an established community?**

**No Impact:** The proposed development will be located on an existing parcel in a low density residential area and will not 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 proposed single-family residence would be similar in size (total square feet) to the average residence on the surrounding properties. The proposed use (single-family residential) is a principally permitted use within the RR Classification and District, and so would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. No impact would occur.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

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



### 3.12 MINERAL RESOURCES

<i>Would the Project:</i>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact 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 effect 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.

**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?**

**No Impact:** There are no known mineral resources of value with the project area, nor are there delineated locally-important mineral resources within the project boundaries.

**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?**

**No Impact:** The County is the administrator of the California Surface Mining and Reclamation Act (SMARA). Therefore, all activities undertaken regarding essentially non-renewable resources are subject to review and approval from the local jurisdiction. Mendocino County has many aggregate mineral resources, the demand for which varies. However, any negative impacts to either active mining activities or mining reclamation efforts would be required to be reviewed and approved by the County. As stated above, there are no known mineral resources with the project area, nor are there delineated locally-important mineral resources within the project boundaries. Therefore, there will be no loss of availability of a known mineral resource or loss in locally-important mineral resource recovery sites. No impact would occur.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

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

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### 3.13 NOISE

<i>Would the Project result in:</i>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of 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?	<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 result in the 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; or expose people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport or an airport land use plan, or where such as plan has not been adopted, within two miles of a public airport or public use airport).

**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 noise-sensitive.

**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?**

**Less Than Significant Impact:** Per the County General Plan (page 3-10), "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.” The proposed development may expose people to noise during construction and other preparatory work. Any noise or ground-borne vibration resulting from the project would not violate a local general plan or noise ordinance as all development within the Mendocino County Coastal Zone is subject to Exterior Noise Limit Standards specified in Appendix B of Title 20, Division II of Mendocino County Code. Therefore, potential impacts will be less than significant.

**b. Generation of excessive groundborne vibration or groundborne noise levels?**

**Less Than Significant Impact:** See discussion for item 3.13(a), above.

**c. For a project located within the vicinity of 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 site is not located within an airport zone. Though the proposed project is approximately three (3) miles northeast of Fort Bragg Airport, it is outside of the airport’s 55 dB CNEL noise contour. The project would not be exposed to excessive noise levels from aircraft, and consequently neither would people residing or working in the project area. No impact would occur.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

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

### 3.14 POPULATION AND HOUSING

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing 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 (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure); 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 91,305. 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 further slowed from 2000 to 2010, increasing by only 1.8 percent. The growth rate rebounded somewhat between 2010 and 2020, during which the population increased by 4.3 percent.

Mendocino County’s Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The State of California has determined that housing demand in the region exceeds supply and that further housing development is necessary, designating a Regional Needs Housing Allocation target of 1,845 new housing units between 2019 and 2027. The Mendocino Council of Government’s (MCOG) Regional Housing Needs Plan divided this target into separate production goals for each jurisdiction in the County, assigning 1,349 units to the unincorporated area. Goals and policies were set forth in order to facilitate the development of these housing units at a range of sizes and types to address this need.

**a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?**

**No Impact:** The proposed project would increase the local housing stock with the creation of one new single family dwelling. This would be in line with the parcel’s zoning district and general plan designation and the current Regional Housing Needs Plan for the county. The proposed project would not fully develop the subject parcel’s maximum number of dwelling units, as the Rural Residential zoning allows for a maximum of three units in the form of a primary single-family dwelling, an Accessory Dwelling Unit (ADU), and a Junior Accessory Dwelling Unit (JADU). Completion of the proposed project would not necessarily preclude further development of an ADU and JADU on-site, within the proposed project’s footprint. While the project would result in an increase in the local housing stock, accommodating population growth, this would not constitute unplanned growth. No adverse impact would occur.

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

**No Impact:** Since the proposed project involves the construction of a single-family residence and associated infrastructure, the project would not result in the displacement of people or housing. The project would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. No impact would occur.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

The proposed project would have **No Impact** on Population and Housing.

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### 3.15 PUBLIC SERVICES

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, or result in the 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 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 serviced by the Mendocino Unified School District, Mendocino Coast District Hospital, and the Mendocino Fire Protection District. The parcel is not served by local water or sewer districts.

**a-f. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire**

***Protection, Police Protection, Schools, Parks, and/or Other Public Facilities?***

**Less Than Significant Impact:** The proposed project will not result in adverse impacts associated with provision of governmental facilities or need for new or physically altered governmental facilities that may result in environmental impacts in order to maintain acceptable service ratios and response times for public services. The Project will be required to secure Building Permits for the proposed work, These Building Permits are subject to review by local agencies, who may impose impact fees to offset impacts to local infrastructure. The development of a single-family residence would not create significant additional service demands or result in adverse physical impacts associated with the delivery of fire, police, parks or other public services.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

The proposed project would have a **Less Than Significant Impact** on Public Services.

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### 3.16 RECREATION

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 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 Ten Mile Beach, immediately west of the project site, across SR1.

**a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**Less Than Significant Impact:** The demand for regional recreational facilities is not anticipated to significantly change with the implementation of the proposed project, due to the small scale of the project. A less than significant impact would occur.

**b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**No Impact:** No recreational facilities are proposed as part of the project, nor will expansion of existing facilities be required.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

The proposed project would have a **Less Than Significant Impact** on Recreation.

### 3.17 TRANSPORTATION

<i>Would the Project:</i>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on transportation 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 section 15064.3, subdivision (b); substantially increase hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.

**Discussion:** The Mendocino Council of Governments (MCOG) developed a screening tool to determine if a project's Vehicle Miles Traveled (VMT) will create an environmental impact. The screening tool uses data from the MCOG traveling forecast model to compare the VMT to similar projects for the sub-region in which a project is located. In 2017, the California Air Resources Board (CARB) identified VMT reductions relationship to State Climate Goals including the VMT reductions needed to meet the State's Greenhouse Gas emission reduction targets by 2050. This document identifies two specific thresholds to meet these targets, a 14.3-percent reduction in total VMT per capita, and a 16.8-percent reduction in light-duty vehicle VMT per capita. The development proposed on-site is not expected to significantly impact the capacity of the street system, VMT standards established by the County, or the overall effectiveness of the circulation system, nor substantially impact alternative transportation facilities, such as transit, bicycle, or pedestrian facilities, as a substantial increase in traffic trips or use of alternative transportation facilities is not anticipated.

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

**Less Than Significant Impact:** While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site. The development proposed on-site is not be expected to significantly impact the capacity of the street system, level of service standards established by the County, or the overall effectiveness of the circulation system, nor substantially impact alternative transportation facilities, such as transit, bicycle, or pedestrian facilities, as a substantial

increase in traffic trips or use of alternative transportation facilities is not anticipated. A less than significant impact would occur.

**b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?**

**Less Than Significant Impact:** The Governor's Office of Planning and Budget has published a Technical Advisory on Evaluating Transportation Impacts in CEQA, which states in part "projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact," and that "(t)ypical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract an additional 110-124 trips per 10,000 square feet," and finally that "absent substantial evidence otherwise, it is reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a significant impact." Furthermore, the project is within a "low VMT generating Traffic Analysis Zone" per MCOG's VMT Screening Tool and so passes that metric as well. The project comprises significantly less than 10,000 square feet, and so the increase in Vehicle Miles Traveled to/from the site cannot be considered significant.

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

**Less Than Significant Impact:** Omar Drive traverses straight along the subject parcel's eastern boundary, as does State Route 1 on the west. The proposed development is set back from the parcel boundaries and will not appreciably increase the risk of either road. The driveway encroachment onto Omar Drive would not pose a significant hazard.

**d. Result in inadequate emergency access?**

**Less Than Significant Impact:** The subject parcel offers near-immediate access to State Route 1, a minor arterial road, via Omar Drive. All project components would be required to be designed in accordance to state and local standards, including safety and emergency access requirements and CalFire's Fire Safe Regulations. The project was referred to CalFire for input on 3/16/2022; to date, no comments of concern have been received.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

The proposed project would have **No Impact** on Transportation.

### 3.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §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 checked="" type="checkbox"/>	<input type="checkbox"/>
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 Resources 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 checked="" type="checkbox"/>	<input 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 cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §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 Places or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or is 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 Mendocino County's General Plan Development Element (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 of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkiyone, the Eel River, and the Pitch Wailaki.

**a-c. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §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? In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

**Less Than Significant Impact:** The Mendocino County Archaeological Commission accepted the submitted Archaeological Survey Report prepared by Heather Warner dated June 4, 2021 at its April 13, 2022 meeting; no tribal cultural resources were identified as a result of the survey. A Standard Condition advises the property owner of the Discovery Clause of MCC §22.12.90, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. This ensures that any impacts to as-yet undiscovered cultural resources will be less than significant.

The project was referred to the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians, three local tribes that requested consultation on planning projects under Assembly Bill (AB) 52; to date, no response related to cultural resources has been received.

## **NO MITIGATION MEASURES REQUIRED**

### **FINDINGS**

The proposed project would have a **Less Than Significant Impact** on Tribal Cultural Resources.

### 3.19 UTILITIES AND SERVICE SYSTEMS

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve 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 state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; not 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 wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; 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. Mendocino County's General Plan Development Element (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.

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

**Less Than Significant Impact:** The existing septic system can support a four-bedroom home. The proposed project includes a three-bedroom residence, along with other structures, one of which could potentially be converted to an ADU in the future. The proposed well will serve as the project's water source. No additional utility facilities are anticipated to be required by the project.

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

**Less Than Significant Impact:** A well is proposed as part of this project, to serve as the water supply for the development. The area is mapped as having Sufficient Water Resources (SWR) in the Coastal Groundwater Survey. Given this, the added draw to support the proposed development cannot be considered a significant impact.

**c. *Result in a determination by the wastewater 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 site is not served by a wastewater treatment provider and there is no district nearby that would feasibly be extending service to the parcel in the future. The project will instead rely on the existing septic system on the subject parcel.

**d. *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

**Less Than Significant Impact:** Waste Management, located 5.6 miles north of the project site, can accommodate the solid waste disposal needs of the site. No projected significant long-term increase in solid waste generation is anticipated as a result of the project (aside from the less than

significant waste generation commonly associated with single-family residences), but there will be short-term increases associated with construction materials during construction of the proposed new development. Construction debris will be properly disposed of after completion of the proposed development. There will be a less than significant impact to capacity as a result of the project.

***e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

**No Impact:** The proposed project is in compliance with federal, state, and local statutes for solid waste disposal.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

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

DRAFT



### 3.20 WILDFIRE

<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:</i>	<b>Potentially Significant Impact</b>	<b>Less Than Significant Impact with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a. 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 checked="" type="checkbox"/>	<input 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 challenges?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Thresholds of Significance:** The project would have a significant effect on wildfire if it would impair an adopted emergency response plan or emergency evacuation plan; 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; 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 challenges.

**Discussion:** California law requires CALFIRE 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). 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). 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,

**a. Impair an adopted emergency response plan or emergency evacuation plan?**

**No Impact:** There are no components of the project that would impair an adopted emergency response plan or emergency evaluation plan, including the adopted County EOP. The Site is located with the SRA and within a "Moderate Fire Hazard" severity zone. All project components would be required to be designed in accordance to state and local standards, including safety and emergency access requirements and CalFire's Fire Safe Regulations. No comments of concern were received.

**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?**

**Less Than Significant Impact:** As stated above, the Site is located with the SRA and within a "Moderate Fire Hazard" severity zone. The project was referred to CalFire for input on 3/16/2022; to date, no response has been received.

**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?**

**No Impact:** No additional infrastructure to accommodate for increased fire risk is proposed as part of the project or was requested by CalFire.

**d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?**

**Less Than Significant Impact:** The subject parcel is well drained, has nearly level topography, and is not in the 1% chance (aka 100 year) floodplain. It is located in a Moderate Fire Hazard severity zone, and has a smaller risk of wildfire and the knock on effects of wildfire when compared to much of the rest of the county.

**NO MITIGATION MEASURES REQUIRED**

**FINDINGS**

The proposed project would have a **Less Than Significant Impact** on Wildfire.

### 3.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect in consideration of the mandatory findings of significance if it would have the potential to substantially 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, substantially 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 (“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.); 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.

Potential environmental impacts from the approval of a PERMIT TYPE to PROJECT DESCRIPTION have been analyzed in this document and mitigation measures have been included in the document to ensure impacts would be held to a less than significant level.

- a. Does the project have the potential to substantially 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, substantially 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 With Mitigation Incorporated:** The project may result in impacts associated with biological resources that would be significant if left unmitigated. However, implementation of mitigation measures (Mitigation Measures **BIO-1** through **BIO-21**) and conditions as outlined in the respective sections of this IS/MND would fully mitigate all potential impacts on these resources to levels that are less than significant.

- 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).**

**Less Than Significant Impact:** The proposed well will draw from groundwater beneath the project site, which is located in an area identified in the Coastal Groundwater Study as having Sufficient Water Resources (SWR). No concern was expressed by the Mendocino County Division of Environmental Health as to potential for interference or depletion of groundwater supplies. Nonetheless, further buildout in the region could potentially overtax the local groundwater aquifers. The long-term electricity usage of the project would be comparable to that of contemporary single-family residences (being required to meet current CalGreen standards) and will be tied into the state power grid. As the State has not completed its planned shift to zero-carbon energy, the project’s ongoing power usage will contribute to the intensification of the global greenhouse effect and thus climate change. Given the State’s timeline for eliminating greenhouse gas emissions from the power grid and the efficiency measures required by CalGreen building standards, this contribution cannot be considered significant.

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

**Less Than Significant Impact:** All impacts identified in this report are less than significant as mitigated. No additional impacts are anticipated.

## MITIGATION MEASURES

See **BIO-1** through **BIO-21**.

## FINDINGS

The proposed project would have a **Less Than Significant Impact With Mitigation Incorporated** when considering the Mandatory Findings of Significance.

4.0 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 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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ROB FITZSIMMONS  
PLANNER II