



PUBLIC DRAFT
**INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION**

FOR
HERTING
**STANDARD COASTAL DEVELOPMENT PERMIT
AT 33101 S HWY 1, GUALALA; APN: 143-050-15**
File No. CDP_2022-0001

LEAD AGENCY:
County of Mendocino
Department of Planning & Building Services
860 North Bush Street, Ukiah, CA 95482
(707) 234-6650

PREPARED BY:
Jessie Waldman, Planner II
Department of Planning & Building Services
860 North Bush Street, Ukiah, CA 95482
(707) 234-6650

October 13, 2023

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INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.), this Draft Initial Study (IS) has been prepared as documentation for a Mitigated Negative Declaration (MND) for the proposed development of a vacant parcel with a single-family residence, basement/garage, and ancillary development turnout at 33101 South Highway 1, Gualala; APN: 143-050-15 (CDP_2022-0001). This Draft IS/MND includes a description of the Project; the location of the Project site; an evaluation of the potential environmental impacts of Project implementation; and written statement that an Environment Impact Report (EIR) is not required because the project will not have a significant adverse impact on the environment.

Pursuant to Section 15367 of the State CEQA Guidelines, the County of Mendocino is the Lead Agency for the Project. As the Lead Agency, The County of Mendocino has the principal responsibility for carrying out the project and has the authority to approve the Project and its accompanying environmental documentation. In addition to addressing the potential environmental impacts that would result from the Project, this Draft IS/MND serves as the primary environmental document for future activities associated with the Project, including discretionary approvals requested or required for Project implementation.

Questions in the Initial Study Checklist are provided with their respective answers based on analysis undertaken. An explanation for all checklist responses is included, and all answers 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. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the checklist the following definitions are used:

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

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

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

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

PROJECT INFORMATION

FILE NUMBER: CDP_2022-0001

OWNER/APPLICANT/AGENT: DOUGLAS & JENNIFER HERTING
3044 SANTA MARIA DR
CONCORD, CA 94518

PROJECT LOCATION: In the Coastal Zone, 2.25± miles north of Anchor Bay, 0.25± miles north of Gypsy Flat Road (Private), on the east side of State Route 1 (SR 1), located at 33101 S. Hwy 1, Gualala, CA 95445; APN: 143-050-15.

TOTAL ACREAGE: 8± Acres

GENERAL PLAN: General Plan, Coastal Element Chapter 2.2 Remote Residential, 40-acre minimum (RMR40)

ZONING: Remote Residential, 40-acre minimum (RMR40)

PROJECT DESCRIPTION: Pursuant to CEQA Guidelines Section 15125, the Project Description is required to identify the existing baseline physical conditions. For this project, the baseline conditions include all existing development and the current parcel configuration. The applicant requests for the construction of a 1,200 sq. ft. single-family residence with an 800 sq. ft. basement/garage; Grading to construct a driveway to connect to State Highway 1; After-the-Fact approval for an existing well and septic system; Trenching for underground power connection; Installation of an auxiliary septic tank and pump tank to be connected to the existing septic field; and major vegetation removal for the driveway and home site.

The project site is vacant, in the Coastal Zone, 2± miles north of the town of Anchor Bay, on the east side of State Route 1 (SR 1), 0.25± miles north of its intersection with Gypsy Flat Road (private), as shown on the *Location & Aerial Maps*. The proposed development on the site is situated approximately 200 feet above sea level, as shown on the *Topographical Map*. The bulk of the parcel is mapped as “*Bedrock (Zone 1)*” with portions adjacent to State Route 1 (SR 1) mapped as “*Beach Deposits and Stream Alluvium and Terraces (Zone 3) – Intermediate Shaking*”, as shown on the attached *LCP Land Capabilities and Natural Hazards Map*. The attached *LCP Habitats and Resources Map* does not show any sensitive resources being located on the subject parcel. Portions of the parcel including the location of the proposed development is located less than 300 feet from a bluff top edge, as shown on the *Appealable Areas map*. The site is mapped as a “High Fire Hazard” area and is located within a State Responsibility Area, as shown on the attached *Fire Hazard Zones and Responsibility Areas Map*. The site is mapped on the attached *Ground Water Resources Map* as being located within a *Critical Water Area*. The attached *Estimated Slope map* shows estimated slopes between 15 and 72 degrees. Soils present on the parcel are Seaside-Rock outcrop complex (5-30% slopes), as shown on the attached *Local Soils Map*. The surrounding Land Uses and Zoning are detailed in the following table.

TABLE 1: ADJACENT LAND USE AND ZONING

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Remote Residential (RMR40)	Remote Residential (RMR40)	38.6± Acres	Residential
EAST	Remote Residential (RMR40)	Remote Residential (RMR40)	36.2± Acres	Residential
SOUTH	Remote Residential (RMR40)	Remote Residential (RMR40)	4.7± Acres	Residential
WEST	Rural Residential (RR5)	Rural Residential (RR5)	3.0± Acres	Residential

Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements):

N/A

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Pursuant to the consultation requirements of Assembly Bill (AB) 52, in July 2022, the County of Mendocino (County) provided formal notification to the California Native American tribes that requested notification of all new potential Negative Declarations within the County. The following tribes were notified, Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Rancheria, and as of this date, no response was received from any of the three local tribes.

PROJECT PLOT PLAN: See Page 5 of this document.

FIGURE 1: LOCATION MAP



FIGURE 2: AERIAL IMAGERY

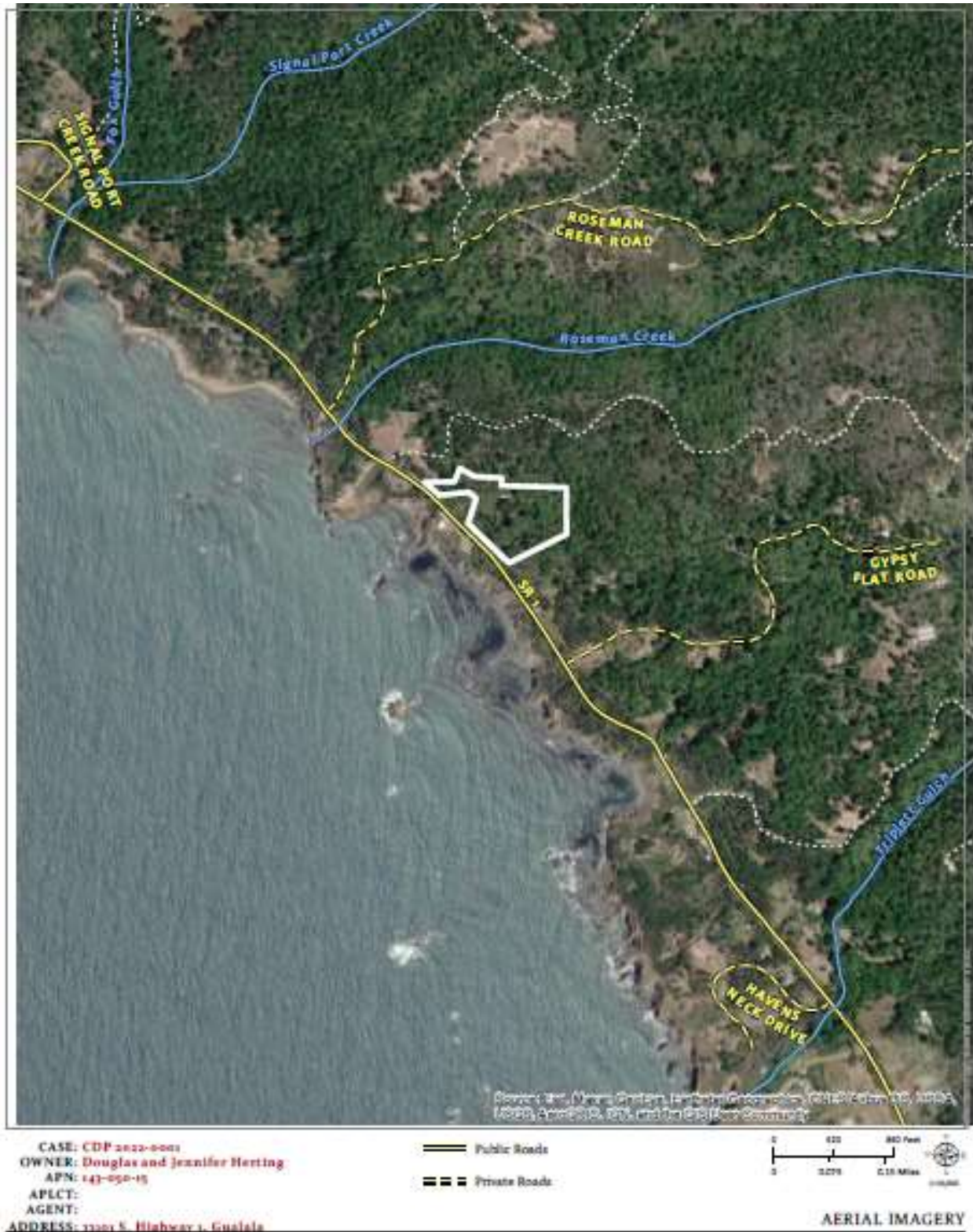
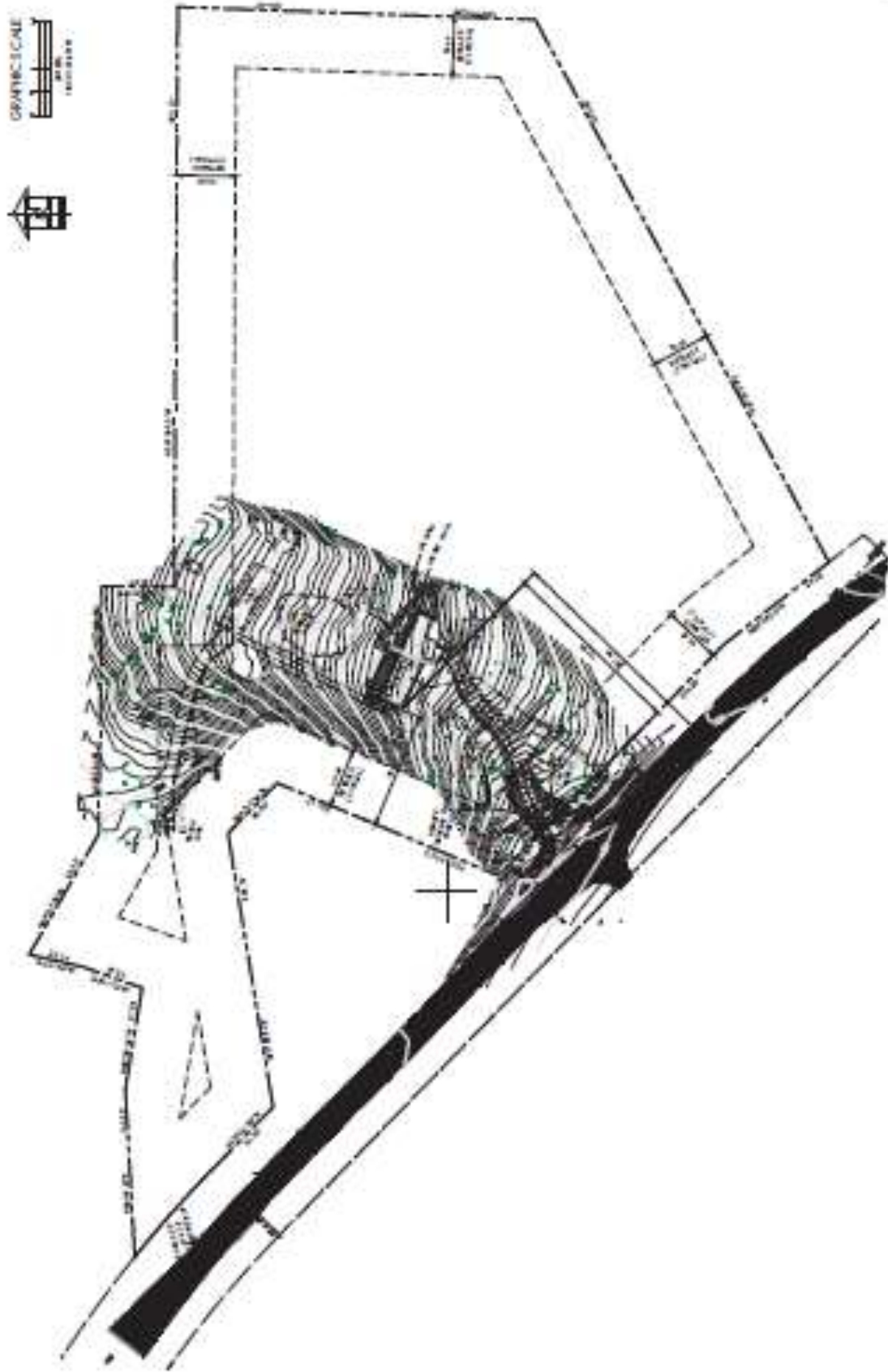


FIGURE 3: PLOT PLAN



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" as indicated by the checklist on the following pages.

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

DETERMINATION

Based on this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

JESSIE WALDMAN

Printed Name

10-13-2023

Date

PLANNER II

Title

ENVIRONMENTAL CHECKLIST

5.1 AESTHETICS

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

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 California Department of Transportation, 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 off of 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) **No Impact:** The site of the proposed project is near, but not adjacent to nor takes access from, a major “visually interesting” roadway: State Route 1. The parcel is not located in a designated Highly Scenic Area. There will be no impacts to scenic vistas.
- b) **No Impact:** The subject parcel lies east of State Route 1 and where homes are interspersed between trees and other natural vegetation. The proposed project will be in character with the surrounding environment and nestled such that natural vegetation will remain around it. While the addition of any development will change the current visual character of the site, the addition of a residence that is similar in size and scale to those on adjacent properties and is not an impact to the visual character of the area. There will be no impacts to scenic resources and historic buildings within a state scenic highway.
- c) **No Impact:** The site is not designated as a potential public access trail location. Existing public access to the shore is located approximately 2.0 miles north at Anchor Bay Campgrounds, at the mouth of Fish Rock Creek. There will be no impacts to existing visual character or quality of public views of the site and its surroundings.
- d) **Less Than Significant Impact:** MCC Sections 20.504.020 and 20.504.035 provide exterior lighting and finish regulations intended to protect coastal visual resources in Special Communities of the Coastal Zone. Exterior lighting is required to be below the maximum height limit for the district and is required to be shielded (positioned in a manner that light, and glare does not extend beyond the boundaries of the parcel). Building materials and exterior colors shall be compatible with those of existing structures on adjacent parcels. **Conditions 11 and 12** are recommended to remind the property owner of the requirements of MCC Chapter 20.504. As proposed the project satisfies local visual resource goals, policies, and regulations. As proposed, the project is unlikely to become a source of light glare. With adherence to the zoning code standards, the project will have a less than significant impact in terms of creating a new source of light or glare which could adversely affect day or nighttime views in the surrounding area.

MITIGATION MEASURES: None.

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

5.2 AGRICULTURE AND FORESTRY RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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) provides preferential tax assessments 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. Since the early 1980’s participation in the program has hovered around 16 million acres enrolled under contract, constituting about one third of all privately held land in the state and about one half of the state’s agricultural land. 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 its 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) **No Impact:** The project proposes to construct a single-family residence and does not propose the conversion of farmland land. The parcel is zoned Remote Residential. and is adjacent to both Remote Residential and Rural Residential zoned parcels. While limited agricultural uses are permitted in the Remote Residential (RMR) zoning district, approval of this application would not convert any agriculturally zoned lands to non-agricultural uses. The project would not convert any land designated “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance” to non-agricultural uses.
- b) **No Impact:** The parcel involved in the project is not part of a Williamson Act Contract. The parcel involved in the project is within the Remote Residential (RMR) zoning district. According to Mendocino County Code (MCC) Section 20.380.005, the intent of this district is to “be applied to lands within the Coastal Zone which have constraints for commercial agriculture, timber production or grazing, but which are well-suited for small scale farming, light agriculture and low-density residential uses, or where land has already been divided and substantial development has occurred.” The proposed project would maintain the intent of the RMR zoning district and development would be limited to the density and use requirements of the RMR zoning district. Therefore, the project will not conflict with existing zoning for agricultural use.
- c) **No Impact:** As previously mentioned, the parcel involved in this project is within the RMR zoning district. The parcel is not zoned nor adjacent to Forest Land or Timber Production zoning districts. Given the lack of farmland or forest land on the project site and the land use designations for the surrounding areas incentivizing desired uses that would be inherently incompatible with both farmland and timber lands, the proposal would have no potential to conflict with adjacent farmland or forest land. The current proposal does not impact existing or potential forest land or timberland production lands.

- d) **No Impact:** As mentioned above, the project proposes to construct a single-family residence within the RMR zoning district and does not propose removal or conversion of forest land.
- e) **No Impact:** No other changes are expected beyond those discussed in questions (a) through (d) above. No off-site conversion of agricultural land or forestland would occur. Future vegetation removal is not considered cumulatively significant because areas of past vegetation removal nearby are not physically connected to the site, and potential vegetation removal is not expected to convert a significant amount of forestland in the area to the extent that the remaining land could not continue as forest uses.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **NO IMPACT** on Agricultural and Forestry Resources.

5.3 AIR QUALITY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

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 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 horsepower need a permit through the MCAQMD.

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

- a) **No Impact:** The project involves the development of a single-family residence on a vacant parcel. Residential development could produce emissions both during construction and operation of the development. 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 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, where activities may fall under the jurisdiction of MCAQMD and any necessary permits must be obtained. Therefore, no conflict with MCAQMD or obstruction of their rules and regulations is expected.
- b) **No Impact:** As mentioned above, residential development could produce emissions both during construction and operation of the development and activities may fall under the jurisdiction of MCAQMD and any necessary permits must be obtained. Therefore, no conflict with MCAQMD or obstruction of their rules and regulations is expected.
- c) **No Impact:** There are no sensitive receptors located within the vicinity of the project, nor will the project generate substantial pollutant concentrations as the project proposes residential development in a residential neighborhood. There are no short-term or long-term activities or processes associated with the single-family residence that will create objectionable odors, nor are there any uses in the surrounding area that are commonly associated with a substantial number of people (i.e., churches, schools, etc.) that could be affected by any odor generated by the project. Therefore, the project will have no impact in terms of exposure of sensitive receptors to pollutant concentrations or creation of objectionable odors affecting a substantial number of people.

- d) **No Impact:** The project will establish a single-family residence in a low-density rural residential coastal setting where residential development exists on adjacent parcels. Residential uses are consistent with the County's land use plan.

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

The generation of dust during grading activities, another type of area-source emission, will be limited by the County's standard grading and erosion control requirements contained in MCC Chapter 20.492. These policies limit ground disturbance and require immediate revegetation after the disturbance. These existing County requirements will help to ensure PM10 generated by the project will not be significant and that the project will not conflict with nor obstruct attainment of the air quality plan PM10 reduction goals. Approval of this project will not permit large-scale development that may result in a cumulatively considerable net increase in air pollution, including PM10.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **NO IMPACT** on Air Quality.

5.4 BIOLOGICAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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 Game 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, and regulations or by the California Department of Fish and Game 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 state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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"/>

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, Threatened, or 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

- a) **Less Than Significant Impact With Mitigation Incorporated:** A Biological Resources Assessment and ESHA Analysis was completed for the proposed project by Jacobszoon & Associates, Inc. and updated on July 6, 2022, including a Biological Scoping Survey and a Reduced Buffer Analysis; these are kept on file with the Mendocino County Department of Planning & Building Services.

The Biological Resources Assessment and ESHA Analysis and its Reduced Buffer Analysis determined the entire parcel is located within redwood or bishop pine forest. No development or structures are proposed within the 50-foot class III watercourse/riparian ESHA buffer.

- Class III watercourse/riparian ESHA – The proposed buffer is measured 50 feet from the edge of the riparian vegetation associated with the watercourse or outmost edge of the active channel if riparian vegetation is not present.
- Redwood forest (G3 S3) MCV2 Sensitive Natural Community: Buffer width N/A.
- Bishop pine forest (G3 S3) MCV2 Sensitive Natural Community: Buffer width N/A
- Coast lily ESHA: 50-foot buffer

On August 24, 2023, the Department of Fish & Wildlife (CDFW) submitted comments in response to the proposed application recommending the following:

To extent feasible, retain regeneration of trees including northern bishop pine and shrubs and herb layer including Douglas iris. No maritime lilies were observed onsite, but if present, avoid impact to them. If lilies cannot be avoided, please consult with the County to develop a plan to remove plants before disturbance and replant onsite after ground disturbance is complete.

Remove invasive species including pampas grass and other invasive plant species like non-native broom species (if present).

On February 1, 2023 the California Coastal Commission (CCC) submitted comments in response to the proposed application with concerns regarding the existing well and septic, development proposed within 100 feet of Environmentally Sensitive Habitat Area (ESHA), the need for establishing a new driveway access from State Route 1 (SR 1) and confirmation of the parcel size being less than 40 acres.

On May 5, 2023, the CCC attended a visit the subject parcel, where CCC submitted additional comments, on August 11, 2023, the California Coastal Commission (CCC) submitted additional comments where CCC provided the additional recommendations:

It would be beneficial for the County to request an alternatives analysis be conducted on sites that are heavily constrained by ESHA to ensure that the proposed development is sited in the least environmentally damaging location. For this particular project, our site visit on May 5, 2023 with county staff and CDFW staff it appeared that the proposed location of the development would be sited in the least damaging location. That being said, since the proposed development is sited within ESHA (Bishop-pine forest) an alternatives analysis would assist the County in their takings analysis and for making the findings that the least environmentally damaging alternative is being pursued.

The proposed 50-foot buffer area around the class III watercourse/riparian ESHA and recommended mitigation measures should be sufficient in maintaining the integrity, functional capacity, and self-sustaining nature of the habitats present.

The proposed location for the single-family residence and ancillary development including the proposed driveway is the most feasible and least impactful location within the parcel. It utilizes an existing footprint of disturbance, is immediately accessed from State Route 1 (SR 1) and does not require any watercourse crossings. The proposed location of the residence, driveway and new septic tank would be within 50 feet of the Bishop pine ESHA. However, they would be placed in an existing clearing that is flat, reducing the amount of trees that may need to be removed and amount of grading that may need to occur if they were proposed in another location within the property. The proposed driveway is proposed within the Bishop pine ESHA; however, the location proposes to remove minimal trees and less grading if the driveway was proposed elsewhere on the property.

Also, the proposed two (2) water tanks would be located within the Bishop pine ESHA where the old septic tank is located, which is proposed to be removed. Utilizing this area, is the best location due to the area already being cleared and utilizing the existing gravel driveway that access this area. If the water tanks were to be located elsewhere on the property, additional tree removal and grading would need to take place along with additional trenching to hook up the water tanks to the well.

The project, specifically the proposed driveway access from State Route 1 (SR 1), is inconsistent with LCP policies relating to ESHA; however, no alternative exists on the parcel that could be found to be consistent with this LCP policy. Prohibiting development within fifty (50) feet of an ESHA would deprive the owner of all use of the property.

In summary, the proposed project cannot be found consistent with LCP policies relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 18 through 20** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.

- b) **Less Than Significant Impact With Mitigation Incorporated:** Due to the topography of the site, stormwater runoff naturally flows westward from the east side of the property downhill towards State Route 1 (SR 1). As mentioned above, The Biological Resources Assessment and ESHA Analysis and its Reduced Buffer Analysis determined the entire parcel is located within redwood or bishop pine forest. No development or structures are proposed within the 50-foot class III watercourse/riparian ESHA buffer. The project, specifically the proposed driveway access from State Route 1 (SR 1), is inconsistent with this LCP policy; however, no alternative exists on the parcel that could be found to be consistent with this LCP policy.

In summary, the proposed project cannot be found consistent with LCP policies relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 18 through 20** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.

- c) **Less Than Significant Impact With Mitigation Incorporated:** As mentioned above, The Biological Resources Assessment and ESHA Analysis and its Reduced Buffer Analysis determined the entire parcel is located within redwood or bishop pine forest. No development or structures are proposed within the 50-foot class III watercourse/riparian ESHA buffer. The project, specifically the proposed driveway access from State Route 1 (SR 1), is inconsistent with this LCP policy; however, no alternative exists on the parcel that could be found to be consistent with this LCP policy. In summary, the proposed project cannot be found consistent with LCP policies relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 18 through 20** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.

- d) **Less Than Significant Impact:** 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 proposed project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species as the proposed application proposes limited development in disturbed areas. The California Natural Diversity Database lists the subject parcel as a potential habitat for overwintering of the monarch butterfly. Monarchs will migrate to the Mendocino coast where the moderate temperatures and trees provide protection from winter storms. Approximately 24 trees will be removed for the proposed project. Conditions of approval are recommended that will ensure protection of any identified overwintering sites for the monarch butterfly.

In summary, the proposed project cannot be found consistent with LCP policies relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 18 through 20** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.

- e) **Less Than Significant Impact With Mitigation Incorporated:** Though some vegetation removal will be required for construction, the proposed project does not conflict with any local policies or ordinances protecting biological resources or tree preservation policies. The proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 18 through 20** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.
- f) **No Impact:** The proposed project will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved habitat conservation plan as there are none that exist that would be applicable to the resources identified on the project site.

MITIGATION MEASURES:

18. ****Avoidance Measure:** Restoration and avoidance measures with monitoring shall be implemented to prevent potential impacts to adjacent Environmentally Sensitive Habitat Area (ESHA), as proposed in the Biological Resources Assessment and ESHA Analysis, prepared by Miles Hartnett of Jacobszoon & Associates, Inc., updated July 6, 2022, and California Coastal Commission (CCC) and California Department of Fish and Wildlife (CDFW) recommendations, as follows:
- a. Redwood Forest and woodland: Recommendations for *Sequoia sempervirens* Forest and Woodland Alliance:
 - i. It is recommended that this community be managed to retain at least 50 percent redwood (*Sequoia sempervirens*) relative cover in the tree canopy or retain redwood as a characteristic species within the tree canopy.
 - ii. Land managers could consider thinning suppressed tanoak (*Notholithocarpus densiflorus*) trees and brush or suppressed redwood tree stems within each fairy ring to encourage the growth and expansion of large redwoods in the canopy.
 - iii. There are no redwood trees proposed for removal at this time.
 - b. Bishop Pine-Monterey pine forest and woodland: Recommendations for *Pinus muicata*-*Pinus radiata* Forest and Woodland Alliance:
 - i. It is recommended that this alliance be managed to retain at least 30 percent *Pinus muricata* relative cover in the tree canopy. Thinning of species other than *Pinus muricata* within the Bishop pine forest should be considered to achieve the desired abundance of healthy Bishop pine trees.
 - ii. It is recommended that any proposed removals of *Pinus muricata* trees larger than 6 inches dbh within this community be mitigated by planting *Pinus muricata* saplings obtained from local stock in the area. Planted Bishop pine saplings should be planted by hand, with workers using hand tools and/or digging through the soil with a portable augur without the usage of heavy construction machinery that could trample and/or compact ground layer plants and underlying soil. Newly planted Bishop pine individuals should be protected by "protective tubes".
 - iii. A replanting ratio of 3:1 should be implemented for every Bishop pine tree removed. It is proposed to remove four (4) Bishop pine trees; therefore, twelve (12) Bishop pine trees shall be replanted. However, it is recommended that if the property has sufficient regeneration of Bishop pine trees on site, that the regeneration shall be utilized instead of planting more Bishop pine trees. A formal survey for Bishop pine regeneration has not been conducted but four (4) Bishop pine trees have been observed during site visits. Prior to planting, a site survey will be performed. The total of emerging seedlings and planted trees (if necessary) shall be a minimum of twelve (12) Bishop pine trees. An 80% survival rate for the existing seedlings and newly planted replacement Bishop pine trees shall occur and be monitored for five consecutive years annually in October by a qualified biologist. Results of restoration activities shall be submitted to CDFW, the County, and the California Coastal Commission on an annual basis no later than December 31 for each of the five monitoring years (2022 through 2026, for example, if construction begins and this Plan's mitigation measure actions are initiated by spring 2021). CDFW may provide comments on each annual summary letter and require planting of new Bishop pine trees based on results noted in each of the annual summary letter. For example, in the event that an 80% survival rate of the Bishop pine trees is not achieved in the first five years, the monitoring period will be extended until compliance is demonstrated.

- iv. Supplemental watering will be conducted, if necessary, as well as thinning, if necessary, to release crowded individuals for more rapid tree growth. During the monitoring visit, the qualified biologist will remove any non-native species that may have encroached within the Project Area.
19. ****Avoidance Measure:** Restoration and avoidance measures with monitoring shall be implemented to prevent potential impacts to adjacent Environmentally Sensitive Habitat Area (ESHA), as proposed in the Biological Resources Assessment and ESHA Analysis, prepared by Miles Hartnett of Jacobszoon & Associates, Inc., updated July 6, 2022, and California Coastal Commission (CCC) and California Department of Fish and Wildlife (CDFW) recommendations, as follows:
- a. Recommendations for Special-status plant species are listed below: It is recommended that a 50-foot buffer be maintained around the location of the coast lily to not disturb this plant.
 - b. Recommendations for special-status amphibian species are listed below:
 - i. It is recommended that all earthwork within or adjacent to any watercourse adhere to standard methods of erosion and sediment control and, if possible, to complete all work while the channel is dry to reduce sediment load downstream.
 - ii. It is recommended that major earthwork not be conducted during qualifying rain events when amphibian species are more likely to migrate away from aquatic habitats. A qualifying rain event is defined as 0.5 inches of precipitation or more within a 48-hour time period.
 - iii. It is recommended that any work within a watercourse with the potential to impact aquatic resources be conducted in compliance with a CDFW Lake or Streambed Alteration Agreement.
 - c. Recommendations for special-status avian species and migratory bird species are listed below:
 - i. It is recommended that any active bird nest not be removed, relocated, or otherwise disturbed for any purpose until all fledglings have left the nest.
 - ii. It is recommended that nesting bird surveys be conducted by a qualified biologist prior to the commencement of any activity that results in the removal of vegetation during nesting bird season. Nesting bird season is between February 1st and August 15th of any year.
 - iii. Nesting bird surveys should be conducted no more than 14 days prior to initiation of tree/vegetation removal or ground disturbance and should cover the entire work area and surrounding areas within 500 feet. No-disturbance buffers for active bird nests should be established by a qualified biologist.
 - d. Recommendations for special-status insect species are listed below:
 - i. It is recommended that trees or other vegetation occupied by overwintering populations of monarch not be removed or otherwise disturbed until all monarchs have left the site.
 - ii. It is recommended that monarch surveys be conducted by a qualified biologist no more than 14 days prior to the commencement of tree/vegetation removal from November 1st-January 31st of any year when monarchs are most likely to be found overwintering.
 - e. Recommendations for special-status mammal species are listed below:
 - i. It is recommended that Sonoma tree vole surveys be conducted by a qualified biologist no more than 14 days prior to the commencement of tree removal. The surveys should cover all potential habitat where tree removal is proposed and surrounding areas within 50 feet. Buffers and or mitigation measures for identified nests should be established by a qualified biologist.
 - ii. If evidence of bat roosts are observed (i.e. bat guano, ammonia odor, grease stained cavities) around trees, cavities, or structures proposed for removal, it is recommended that pre-construction bat surveys be conducted no more than 14 days prior to groundbreaking activities. If bat roosts are identified, buffer or mitigation measures should be established by a qualified biologist.
 - iii. If evidence of special-status mammal borrows or denning activity is observed, it is recommended that pre-construction surveys be conducted by a qualified biologist for activities that may affect den sites.
20. ****Avoidance Measure:** Restoration and avoidance measures with monitoring shall be implemented to prevent potential impacts to adjacent Environmentally Sensitive Habitat Area (ESHA), as proposed in the Biological Resources Assessment and ESHA Analysis, prepared by Miles Hartnett of Jacobszoon

& Associates, Inc., updated July 6, 2022, and California Coastal Commission (CCC) and California Department of Fish and Wildlife (CDFW) recommendations, as follows:

- a. Recommended mitigation measures, to minimize construction impacts to a less than significant level, include:
 - i. Erosion control fencing should be installed 50 feet outside of the class III watercourse/riparian ESHA prior to construction.
 - ii. Stockpiled materials should be removed, covered, or otherwise secured during qualifying rain events to prevent hazardous materials or sediment from being delivered into the class III watercourse ESHA.
 - iii. Young bishop pine trees should be allowed to become re-established wherever they are present outside the construction site.
 - iv. Trees larger than 6 inches dbh removed during construction should be mitigated for by planting replacement saplings at a ratio of 3:1 and should have an 80 percent survival rate over 5 years.
 - v. Landscaping on the parcel should not include any invasive plants and should ideally consist of native plants compatible with the adjacent plant communities. No plants listed on California Invasive Plant Council (Cal -IPC) Inventory should be included in landscaping. Native plants used for landscaping should be native to coastal Mendocino County. Additionally, any trees proposed for planting should be pest free to reduce introduction of potentially devastating pest to bishop pine forest.

- b. Recommendations for using natural topographic features is as follows:
 - i. Surface, building design, and access road drainage features should be directed away from the class III watercourse/riparian ESHA, when possible. The appropriate design of drainage features that work with natural and existing topography can aid in reducing impacts to the class III/riparian ESHA.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT WITH MITIGATION** on Biological Resources.

5.5 CULTURAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 archeological 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"/>

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 archeological site without complying with the provisions of this section”*. MCC Section 22.12.090 governs discovery and treatment of archeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), *“If an archeological resource is neither a unique archeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.”*

- a) **Less Than Significant Impact:** The project to construct a single-family residence and residential development of the vacant parcel could cause an indirect impact if historical resources are identified within the building envelope. The project was referred to Northwest

Information Center at Sonoma State University (SSU) and Mendocino County Archaeological Commission (ARCH). The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Rancheria. As of this date, no response was received from any of the three local tribes.

An Archaeological Survey, prepared by Alta Archaeological Consulting, dated March 24, 2023, and an Updated Survey, dated April 25, 2023. The project and survey were reviewed by the Mendocino County Archaeological Commission, on June 14, 2023, where the survey was accepted. Since resources were not identified in the survey, the Archaeological Commission recommended **Condition 9**, which advises the applicant of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the recommended conditions, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resources.

As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

- b) **Less Than Significant Impact:** As mentioned above, the project proposes to construct a single-family residence. Indirect impacts may occur through residential development of the vacant parcel. Staff notes that **Condition 9** advises the property owners of a “Discovery Clause,” which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project. As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.
- c) **Less Than Significant Impact:** As mentioned above, the project proposes to construct a single-family residence. Indirect impacts may occur through residential development of the vacant parcel. Staff notes that **Condition 9** advises the property owners of a “Discovery Clause,” which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project. As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Cultural Resources.

5.6 ENERGY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: On October 7, 2015, Governor Edmund G. Brown, Jr. signed into law Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015 (De León, Chapter 547, Statutes of 2015),

which sets ambitious annual targets for energy efficiency and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy efficiency savings and demand reductions in electricity and natural gas final end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The proposed SB 350 doubling target for electricity increases from 7,286 gigawatt hours (GWh) in 2015 up to 82,870 GWh in 2029. For natural gas, the proposed SB 350 doubling target increases from 42 million of therms (MM) in 2015 up to 1,174 MM in 2029 (CEC, 2017).

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

- a) **No Impact:** The proposed project would not result in any 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. Single-family residential development of the vacant parcel would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The proposed project is not anticipated to use or waste significant amounts of energy, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
- b) **No Impact:** Indirect impacts may occur through residential development of the resulting parcels. Future residential development would be required to be designed to comply with relevant state and local codes, including the California Energy Code and Green Building Standards Code through the building permit process. Mendocino County has not adopted a local plan for renewable energy or energy efficiency. Therefore, residential development is not expected to conflict with state or local plans for renewable energy or energy efficiency.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **NO IMPACT** on Energy.

5.7 GEOLOGY AND SOILS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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"/>

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

DISCUSSION: The San Andreas Fault traverses the southwestern corner of the County and continues offshore north of Manchester. It is capable of generating very strong earthquakes, the last major event occurring in 1906 with a magnitude of 7.9 near San Francisco. This event caused severe shaking in Mendocino County and extensive structural damage along the southern coastline of the County. Very little seismic activity has been recorded on the San Andreas Fault north of San Francisco since the 1906 event; however, the Fault is still considered active.

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. Land sliding 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 275 feet above mean sea level (amsl) at the eastern edge of the parcel to 145 feet amsl at the intersection of State Route 1 (SR 1), with an average slope of approximately 18 percent.

Construction of the single-family residence, appurtenant structures and infrastructure would be subject to the latest version of the California Building Code (CBC) to reduce any potential geological risks.

- a) **Less Than Significant Impact:** The proposed project will not expose people or structures to substantial adverse effects including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides. The nearest active fault is the San Andreas Fault which is located approximately 2.5 miles further inland, and east of the subject parcel. As with all parcels within Mendocino County, the site would experience some seismic ground shaking as a result of an earthquake occurring. The *Local Coastal Plan Map for Land Capabilities and Natural Hazards* designates the parcel as “Barren”. The specific soil type underlying the subject parcel is Seaside-Rock complex. This soil unit is about 40 percent Seaside loamy sand and 40 percent Rock outcrop.

The Seaside soil is very shallow to bedrock and is somewhat excessively drained. Rock outcrop consists of hard sandstone. Permeability of Seaside-Rock is rapid.

This Seaside-Rock complex type of soil is used for homesite development, as wildlife habitat, or as watershed, where a few areas are used for research (Havens Neck Natural Area). The main limitations affecting homesite development are the slope and the very shallow depth to bedrock. The most favorable building sites are in the less sloping areas. Excavations for roads and buildings increase the hazard of erosion. Revegetating disturbed areas around construction sites as soon as possible helps to control erosion. The design of access roads should control surface runoff and help to stabilize cut slopes. The very shallow depth to bedrock limits the issue of this unit as a site for septic tank absorption fields. Alternative systems may be needed, such as those in which leach lines are placed in a mound about the soil surface.

The main limitations affecting homesite development are the slope and the very shallow depth to bedrock. 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. Grading activities, including maintaining driveway and parking areas shall comply with MCC Chapters 20.492 and 20.500 regulations.

With the recommended avoidance and protection measures as stated with the Biological Resources section of this study, development is expected to minimize soil disturbance and to allow the habitat area to maintain functional capacity and to be self-sustaining to maintain natural species diversity. In summary, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 18 through 20** will address the impacts to grading, erosion, hazards, and ESHA

- b) **Less Than Significant Impact:** Grading will occur at the time of construction of the proposed single-family residence and ancillary development, including trenching for the connection to utilities, a driveway encroachment at State Route 1 (SR), and water, electricity, and septic tank installation to the on-site septic system. The project would require approximately 225 cubic yards of grading as the site requires the establishment of the driveway at State Route 1 (SR 1) to satisfy CALTRANS and CALFIRE requirements. If the amount of grading requires a permit from the Building Division, the Coastal Permit Administrator, or their designee, shall review and approve the grading permit to determine its consistency with MCC Chapters 20.492 and 20.500 regulations. 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. The residence is located on the flattest part of the site. The proposed development already minimizes its footprint and moving the proposed development would further impact Environmentally Sensitive Habitat Area (ESHA) and require additional grading and soil disturbance, which may not be a feasible option. The proposed driveway is minimized in size and by location to require the least amount of grading and will be comprised of permeable material in order to reduce stormwater runoff from the project.

With the recommended avoidance and protection measures as stated with the Biological Resources section of this study, development is expected to minimize soil disturbance and to allow the habitat area to maintain functional capacity and to be self-sustaining to maintain natural species diversity. In summary, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 18 through 20** will address the impacts to grading, erosion, hazards and ESHA

- c) **Less Than Significant Impact:** The subject parcel is located on Seaside-Rock complex soils where limitations affecting homesite development are the slope and the very shallow depth to bedrock. 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. Grading activities, including maintaining driveway and parking areas shall comply with MCC Chapters 20.492 and 20.500 regulations.

With the recommended avoidance and protection measures stated in the Biological Resources section of this study, development is expected to minimize soil disturbance and to allow the habitat area to maintain functional capacity, remain self-sustaining, and maintain natural species diversity. In summary, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 18 through 20** will address the impacts to grading, erosion, hazards and ESHA

- d) **No 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.
- e) **Less Than Significant Impact:** The subject property has soils that are capable of supporting a septic system. A septic system has been installed and approved by the Mendocino County Division of Environmental Health, septic permit number 3967-F. The septic permit, 3967-F, was issued, installed and DEH completed a final inspection with approval in March of 1989. The existing on-site septic system, permit number 3967-F, is a standard gravity type system. The proposed project will require the installation of a septic tank at the proposed single-family residence to be connected to the existing septic system. DEH provided comments, stating septic permit number 3967-F has capacity for 3-bedrooms. In addition, DEH stated that two (2) additional septic permits would be required for the removal an the existing septic tank that was originally installed as part of septic permit, 3967-F, and for the new tank installation and connection to the existing septic system.
- f) **Less Than Significant Impact:** An Archaeological Survey, prepared by Alta Archaeological Consulting, dated March 24, 2023, and an Updated Survey, dated April 25, 2023 was submitted by the applicant. The project and survey were reviewed by the Mendocino County Archaeological Commission, on June 14, 2023, where the survey was accepted and did not recommend further studies. However, in the event that any archaeological or paleontological resources are discovered during site preparation, grading or construction activities, notification would be required, pursuant to County Code Chapter 22.12 – Archaeological Resources.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Geology and Soils.

5.8 GREENHOUSE GAS EMISSIONS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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"/>

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 CO₂e (CO₂ 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) **Less Than Significant Impact:** This project as proposed, creating one additional single-family residence, will have no impact and be below the threshold for project significance of 1,100 metric tons CO₂ equivalent. Indirect impacts may occur through residential development of the vacant parcel. The project would not create a stationary source of GHG emissions. As stated, MCAQMD has adopted BAAQMD thresholds of significance for GHG emissions. BAAQMD has not established any construction related thresholds for GHG emissions. The operational GHG emission threshold is 1,100 metric tons of Carbon Dioxide equivalent (MT CO₂e) per year. The California Emissions Estimator Model (CalEEMod) was used to estimate construction and operational emissions that would result from the project, represented in metric tons CO₂e per year. According to the results of the model, construction emissions would be equivalent to 68.6 MT CO₂e per year and operational emissions would be equivalent to 38.8 MT CO₂e per year. This is below the threshold established by MCAQMD and BAAQMD. Therefore, the project is unlikely to generate significant greenhouse gas emissions.
- b) **No Impact:** MCAQMD has not adopted a GHG or Risk Reduction Plan. Therefore, the project is not expected to conflict with an applicable plan, policy, or regulation.

MITIGATION MEASURES: None

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Greenhouse Gas Emissions.

5.9 HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard 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 type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

The California Air Resources Board classifies asbestos as a known human carcinogen. Asbestos of any type is considered hazardous and may cause asbestosis and lung cancer if inhaled, becoming permanently lodged in body tissues. Exposure to asbestos has also been shown to cause stomach and other cancers. Asbestos is the general name for a group of rock-forming minerals that consist of extremely strong and durable fibers. When asbestos fibers are disturbed, such as by grading and construction activities, they are

released into the air where they remain for a long period of time. Naturally occurring asbestos is an issue of concern in Mendocino County, which contains areas where asbestos-containing rocks are found. The presence of ultramafic rocks indicates the possible existence of asbestos mineral groups. Ultramafic rocks contain 90 percent or more of dark-colored, iron-magnesium-silicate minerals. Ultramafic rocks may be partially or completely altered to a rock known as serpentinite, more commonly called serpentine.

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

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

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

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

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

- b) **No Impact:** The proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the development of a single-family residence, and associated improvements on the subject parcel would not create a significant hazard to the public, or the environment.
- c) **No Impact:** The proposed project will not emit hazardous emissions, or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The nearest school to the project site is several miles away. Due to the project location, and residential nature, there will be no impact.
- d) **No Impact:** The proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the development of a single-family residence, and associated improvements on the subject parcel would not create a significant hazard to the public, or the environment.
- e) **No Impact:** The project site is not subject to any airport land use plan, nor is the project site located within the vicinity of a private airstrip. As a result of the project's location outside of any airport influence area, or private airstrip, there will be no impact in terms of safety hazards for people residing or working in the project area.

- f) **No Impact:** The project will not result in any physical change to the existing roadway that would impair its use as an evacuation route. Evacuation from this residential neighborhood would likely be via the existing County roads which the project will not interfere with. Therefore, there will be no impact as a result of the project.
- g) **Less Than Significant Impact:** The property is in an area of “High Fire Hazard” severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) and the South Coast Fire Protection District (SCFD). The project was referred to CALFIRE and SCFD, where CALFIRE recommended adhering to conditions under CALFIRE File Number 378-21. As of this date, no response has been received from SCFD. A State Fire Safe Regulations Application Form, CALFIRE File Number 378-21, was issued for the project. **Conditions 5 and 6** are recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan will be addressed. Therefore, indirect impacts would be less than significant.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Hazards or Hazardous Materials.

5.10 HYDROLOGY AND WATER QUALITY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.

Water Code Section 1005.1 defines groundwater as *water beneath the surface of the ground, whether or not flowing through known and definite channels.* Both surface water and groundwater define a watershed, as they move from higher to lower elevations. In Mendocino County, groundwater is the main source for municipal and individual domestic water systems, outside of the Ukiah Valley, and contributes significantly to irrigation. Wells throughout Mendocino County support a variety of uses, including domestic, commercial, industrial, agricultural needs, and fire protection. The County's groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. Mountainous areas are underlain by consolidated rocks of the Franciscan Complex, which are commonly dry and generally supply less than 5 gallons per minute of water to wells. Interior valleys are underlain by relatively thick deposits of valley fill, in which yields vary from less than 50 gallons per minute to 1,000 gallons per minute. There are six identified major groundwater basins in Mendocino County. Groundwater recharge is the replacement of water in the groundwater aquifer. Recharge occurs in the form of precipitation, surface runoff that later enters the ground, irrigation, and in some parts of California (but not in Mendocino County) by imported water. Specific information regarding recharge areas for Mendocino County's groundwater basins is not generally available, but recharge for inland groundwater basins comes primarily from infiltration of precipitation and intercepted runoff in stream channels, and from permeable soils along the margins of valleys. Recharge for coastal groundwater basins takes place in fractured and weathered bedrock and coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification - such as paving, building and gravel removal - it is anticipated that continued recharge will re-supply groundwater reservoirs.

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

- a) **Less Than Significant Impact:** The proposed project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. The permanent structures proposed on-site would be constructed in accordance with the most recent standards set by all regulatory agencies, including but not limited to, the County, state, and local water quality control boards [State Water Resources Control Board (SWRCB), and the North Coast Regional Quality Control Board (NCRWQCB)]. Since the majority of the site would remain undeveloped, stormwater runoff would continue to flow naturally and infiltrate into the soil. In addition, the preservation of existing vegetation, to the extent feasible, will help to filter potential pollutants from stormwater flows. An on-site septic system was approved by the Mendocino County Division of Environmental Health (DEH), septic permit number 3967-F. The septic permit, 3967-F, was issued, installed and DEH completed a final inspection with approval in March of 1989. The proposed project will require the installation of an auxiliary septic tank at the proposed single-family residence to be connected to the existing septic system. In addition, the project's on-site septic system would be installed in compliance with all standards and regulations. As a result, the proposed project would have a less than significant impact.

- b) **Less Than Significant Impact:** The project site is located within a mapped "Critical Water Resource" area by the Mendocino County Coastal Groundwater Study. The proposed project would not substantially deplete groundwater supplies, or interfere substantially with groundwater recharge, as significant water use is not anticipated under the project. Additionally, since the majority of the site would remain undeveloped, stormwater would continue to infiltrate the ground. The proposed development includes an on-site well permit,

7179 (aka. 364405), which was issued and installed. DEH completed a final inspection with approval in March of 1989. A Well Test Report, prepared by Trey Driscoll, October 28, 2021, indicated the test well produced approximately 1.0 gallons per minute during a 22 hour test; therefore a less than significant impact would occur.

- c) **Less Than Significant Impact:** Due to the topography of the site, stormwater runoff naturally flows westward from the southeast portion of the property, south of the proposed development. The residence footprint and driveway configuration has been minimized in order to minimize the necessary increase in stormwater runoff from the project. These accommodations have been designed to mitigate for the proposed development as they within the buffer area.

Development is compatible with the continuance of the adjacent habitat. With the recommended avoidance and protection measures, development is expected to allow the habitat area to maintain its functional capacity, remain self-sustaining, and maintain natural species diversity. Of particular importance are measures to minimize invasive plant species presence, and installation and maintenance of the existing bishop pine forest to protect sensitive habitat during residential use of the property. The project is not expected to result in the loss of riparian habitat. The proposed development has been minimized and specially located in order to maintain hydrology of the site. Development is expected to allow the habitat area to maintain functional capacity and to be self-sustaining to maintain erosion, siltation and ESHA.

In summary, the proposed project cannot be found consistent with LCP polices relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 18 through 20** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.

- d) **No Impact:** The project site is not located in any flood hazard, tsunami, or seiche zone. Therefore, there would be minimal or no potential risk of release of pollutants due to inundation.
- e) **Less Than Significant Impact:** The project would be required to comply with Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.), which requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools, and equipment from entering the storm drainage system (off-site). Compliance with these regulations would facilitate the implementation of water quality control efforts at the local and state levels. Therefore, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. A less than significant impact would occur.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Hydrology and Water Quality.

5.11 LAND USE AND PLANNING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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 checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION: All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance, as well as several more locally derived specific plans, such as the Gualala Town Plan, or Ukiah Valley Area Plan. The proposed project is not within the boundaries of a locally derived specific plan. During project referrals, a number of agencies that may have jurisdiction over the project were contacted.

- a) **No Impact:** The project site is situated in a long-established rural residential and grazing area and proposed adjacent to existing residential and grazing development. The low-density development will be consistent with the established community. Therefore, there will no division of an established community as a result of the project.
- b) **Less Than Significant Impact:** The proposed project is consistent with all policies of the Local Coastal Program, of the General Plan, and the Mendocino County Code, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas. However, environmental impacts for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant environmental impacts will result from this project. Therefore, adopting a Mitigated Negative Declaration is recommended. The Findings included with the project Staff Report address the mitigation measures proposed to offset impacts and evidence supporting the investment backed expectation of the applicant to develop the parcel with a single-family residence.

With the recommended avoidance and protection measures, development is expected to allow the habitat area to maintain functional capacity and to be self-sustaining to maintain natural species diversity. The proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 18 and 20** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Land Use and Planning.

5.12 MINERAL RESOURCES

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

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) **No Impact:** There are no known mineral resources within the project area that would be of value to the region or residents of the state. The project involves minor groundwork, but this is not expected to uncover any mineral resources. Any potential mineral resources located underneath the site would not be disturbed as a result of the project. No impact is expected to occur.
- b) **No Impact:** There are no delineated locally important mineral resources within the project boundaries. Therefore, there would be no loss of availability of these resources and no impact is expected to occur.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **NO IMPACT** on Mineral Resources.

5.13 NOISE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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"/>

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

equipment, and locating staging areas as far away as possible from noise-sensitive land use areas have been included as conditions of approval. Upon build-out of the project, operational noise would be associated with use of the site for residential purposes. Due to the location of the project in a residential neighborhood, and since a single-family residence is all that is proposed at the site under this project, it is determined that a less than significant impact would occur.

- b) **Less Than Significant Impact:** As mentioned above, it is anticipated that the effects of construction noise levels and vibration would be less than significant through the implementation of standard permit conditions and would be temporary in nature. Standard building permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas have been included as conditions of approval. Upon build-out of the project, operational noise would be associated with use of the site for residential purposes. Due to the location of the project is a residential neighborhood, and since a single-family residence is all that is proposed at the site under this project, it is determined that a less than significant impact would occur.
- c) **No Impact:** The proposed project is not located within an airport zone or within the vicinity of a private airstrip; therefore, there is no possible exposure of people to excessive noise due to project location.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Noise.

5.14 POPULATION AND HOUSING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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"/>

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

Mendocino County’s Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The Mendocino Council of Government’s (MCOG) Regional Housing Needs Plan assigned the County a production goal of 2,552 housing unit for the unincorporated area between 2009 and 2014. 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) **No Impact:** The project would permit a new single-family residence within a zoning district and General Plan land use designation intended for residential development. The project would not trigger the need for new public roads or other infrastructure that would indirectly trigger

population growth. Consequently, the project would not generate unanticipated population growth in the local area. Therefore, the project will have no impact in terms of increasing substantial unplanned population growth in an area, either directly or indirectly.

- b) **No Impact:** As mentioned above, the project would permit a new single-family residence within a zoning district and General Plan land use designation intended for residential development. The project will not require the displacement of any person living or working the area. Therefore, the project will have no impact in terms of displacement of substantial population existing in an area, either directly or indirectly.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **NO IMPACT** on Population and Housing.

5.15 PUBLIC SERVICES

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:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 Round Valley Unified School District, Round Valley Indian Health Center, Round Valley County Water District, and the Covelo Fire Protection District.

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

governmental facilities and would not result in the need for these facilities. As mentioned in the response to Population and Housing, the project may result in minimal population growth. This indicates that existing governmental facilities are adequate to provide service both to the project site and elsewhere within respective service areas.

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

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **NO IMPACT** on Public Services.

5.16 RECREATION

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 protected area to the proposed project is the Mendocino National Forest, located 9± miles east of the subject parcel.

- a) **No Impact:** The project site is located east of Highway 1 and is not designated as a potential public access trail location on the Local Coastal Plan maps. There is no evidence of prescriptive access on the site, nor would the development of one new single-family residence generate enough recreation demand to require the construction of additional facilities. The project will have no impact on public access or recreation in the area, nor will it require the construction of new or expanded facilities which could cause an adverse impact on the environment. Therefore, no impact will occur as a result of the project.
- b) **No Impact:** The project does not include construction of recreational facilities, and any population growth caused by the project would not require expansion or construction of new recreational facilities. Therefore, no impact to recreational facilities will occur as a result of the project.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **NO IMPACT** on Recreation.

5.17 TRANSPORTATION

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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"/>

DISCUSSION: Since the site is currently undeveloped, there will be an increase in traffic to and from the site for any future development of the land. It is expected that construction of any project will result in a slight increase in traffic to and from the site, as construction workers arrive and leave the site at the beginning and end of the day, in addition to minor interruption of traffic on adjacent streets, when heavy equipment necessary for project construction is brought to and removed from the site. Once construction is complete, these workers would no longer be required at the site. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the land use designations were assigned to the site. The development proposed on-site is not 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.

- a) **Less Than Significant Impact:** It is expected that construction of the project will result in a slight increase in traffic to and from the site, as construction workers arrive and leave the site at the beginning and end of the day, in addition to minor interruption of traffic on adjacent streets when heavy equipment, necessary for project construction, is brought to and removed from the site. Once construction is complete, these workers would no longer be required at the site. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site. The development proposed on-site is not 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.
- b) **Less Than Significant Impact:** Though an increase in traffic trips because of the project (e.g., residential & personal uses) is anticipated, they are not expected to increase VMT above 110 trips per day. Development would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
- c) **Less Than Significant Impact:** The proposed project is not anticipated to substantially increase hazards due to design features or incompatible uses. The project has been referred to various agencies, such as the California Department of Transportation (CALTRANS), Mendocino County Department of Transportation (MCDOT) and CALFIRE, who have reviewed the project design for compliance with all standards and requirements, to ensure the project, as designed, would not increase hazards due to a geometric design feature. The Mendocino County Department of Transportation (MCDOT) had no comments on the proposed project.

The site improvements would be required to be designed and constructed in accordance to established standards. An encroachment permit is required with California Department of Transportation (CALTRANS) as the project site is accessed from State Route 1 (SR 1). A State Fire Safe Regulations Application Form, CALFIRE File Number 378-21, was issued for the

project. **Conditions 5 and 6** are recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction, ensuring any fire protection policy or plan will be addressed. An encroachment permit is required with California Department of Transportation (CALTRANS) as the project site is accessed from State Route 1 (SR 1). On June 22, 2023, the California Department of Transportation (CALTRANS) submitted comments in response to the proposed application. CALTRANS conducted a pre-application review (1-MEN-1-6.995) for the proposed driveway development to access the parcel, where the development to CALTRANS is consistent with this applications proposal for the new driveway approach. **Condition 17** will ensure that all necessary permitting for CALTRANS recommendations will be met Therefore, indirect impacts would be less than significant.

- d) **Less Than Significant Impact:** As mentioned above, A State Fire Safe Regulations Application Form, CALFIRE File Number 378-21, was issued for the project. **Conditions 5 & 6** are recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction, ensuring any fire protection policy or plan will be addressed. Therefore, indirect impacts would be less than significant.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Transportation.

5.18 TRIBAL CULTURAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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"/>

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.

The area known now as Mendocino County has a long history of occupation and use by Native American groups. Notably the Russian and Eel Rivers as well as other watercourses, valleys, and coastal areas provided rich and varied habitat for early human occupation. The first dated chronological periods and related cultural patterns within the region were developed by David A. Fredrickson in his 1973 Ph.D. dissertation¹ and 1984 regional synthesis.² This research provides a baseline archaeological information for the area, but there still remains significant gaps in archaeological data for the region that affects our understanding of regional cultural history.

From this understanding, ten (10) Native American tribes had territory within the County's current borders. The southern third of the County was the home Native Americans speaking the Central Pomo languages. To the north of the Central Pomo groups were the Northern Pomo, who controlled a strip of land extending from the coast to Clear Lake in Lake County. The Coast Yuki occupied a portion of the coast extending from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.

- a) **Less Than Significant Impact:** The project to construct a single-family residence and residential development of the vacant parcel could cause an indirect impact if historical resources are identified within the building envelope. The project was referred to Northwest Information Center at Sonoma State University (SSU) and Mendocino County Archaeological Commission (ARCH). The project was referred to three local tribes for review and comment; Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Rancheria. As of this date, no response was received from any of the three local tribes.

An Archaeological Survey, prepared by Alta Archaeological Consulting, dated March 24, 2023, and an Updated Survey, dated April 25, 2023 was submitted by the applicant. The project and survey were reviewed by the Mendocino County Archaeological Commission on June 14, 2023, where the survey was accepted. Since resources were not identified in the survey, the Archaeological Commission recommended **Condition 9**, which advises the applicant of the "Discovery Clause." The "Discovery Clause" prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the recommended conditions, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resources.

As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Tribal Cultural Resources.

5.19 UTILITIES AND SERVICE SYSTEMS

¹ Fredrickson, David, A. 1973. *Early Cultures of the North Coast of the North Coast Ranges, California*, UC Davis

² Fredrickson, David, A. 1984. *The North Coastal Region*, California Archaeology

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

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

Solid waste management in Mendocino County has undergone a significant transformation from waste disposal in landfills supplemented by transfer stations to a focus on transfer stations and waste stream diversion. These changes have responded to rigorous water quality and environmental laws, particularly the California Integrated Waste Management Act of 1989 (AB 939). The Act required each city and county to divert 50 percent of its waste stream from landfill disposal by the year 2000 through source reduction, recycling, composting, and other programs. Chapter 3 (Development Element) of the Mendocino County General Plan (2009) notes there are no remaining operating landfills in Mendocino County, and as a result, solid waste generated within the County is exported for disposal to the Potrero Hills Landfill in Solano County. The Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and a remaining capacity of 13.872 million cubic yards and is estimated to remain in operation until February 2048.

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

- a) **No Impact:** The proposed development will not result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities.
- b) **Less Than Significant Impact:** The proposed development includes the development of one (1) on-site production well. The proposed development includes an on-site well, permit number 7179 (aka. 364405), which was issued and installed, and DEH completed a final inspection with approval in March of 1989. A Well Test Report, prepared by Trey Driscoll, October 28,

2021, indicated the test well produced approximately 1.0 gallons per minute during a 22 hour test; therefore a less than significant impact would occur.

- c) **Less Than Significant Impact:** The proposed development includes an on-site septic system which has been installed and approved by the Mendocino County Division of Environmental Health, septic permit number 3967-F. An on-site septic system was approved by the Mendocino County Division of Environmental Health (DEH), septic permit number 3967-F. The septic permit, 3967-F, was issued and installed, and DEH completed a final inspection with approval in March of 1989. The existing on-site septic system, permit number 3967-F, is a standard gravity type system. The proposed project will require the installation of a septic tank at the proposed single-family residence to be connected to the existing septic system. DEH provided comments, where septic permit, 3967-F, has capacity for 3-bedrooms. In addition, DEH stated that two (2) additional septic permits would be required for the removal an existing septic tank that was originally installed as part of the septic permit, 3967-F, and for the new tank installation and connection to the existing septic system. **Condition 13** of the Conditions of Approval captures this requirement.
- d) **Less Than Significant Impact:** A significant amount of solid waste is not anticipated under the project and all solid waste generated under the project would be disposed of in accordance with all federal, state, and local statutes and regulations related to solid waste including state and local waste diversion requirements. A local service provider for solid waste service, which will likely consist of curbside pickup, will serve the proposed project. South Coast Transfer Station, located approximately 7 miles east of the project site, can accommodate the solid waste disposal needs of future development. The project will comply with all federal, state, and local management and reduction statutes and regulation related to solid waste. As such, the proposed project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. A less than significant impact would occur.
- e) **Less Than Significant Impact:** As mentioned above, all solid waste generated under the project would be disposed of in accordance with all federal, state, and local statutes and regulations related to solid waste including state and local waste diversion requirements. A local service provider for solid waste service, which will likely consist of curbside pickup, will serve the proposed project. South Coast Transfer Station, located approximately 7 miles east of the project site, can accommodate the solid waste disposal needs of future development. The project will comply with all federal, state, and local management and reduction statutes and regulation related to solid waste. As such, the proposed project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. A less than significant impact would occur.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Utilities and Service Systems.

5.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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"/>

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input 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"/>

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

- a) **No Impact:** The Mendocino County Office of Emergency Services (OES) is responsible for coordinating the emergency planning process and maintaining the county’s emergency plans, including the Mendocino County Operational Area Emergency Operations Plan and Mendocino County Multi-Hazard Mitigation Plan. The project involves construction of a single-family residence on a vacant parcel adjacent to Anchor Bay Subdivision Unit 1. The project site is accessed via private road directly from Ocean View Drive (Private) and is not expected to interfere with existing evacuation routes and is not located on property identified for use as part of an emergency response plan.
- b) **Less Than Significant Impact:** The property is in an area of “High Fire Hazard” severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) and the South Coast Fire Protection District (SCFD). The project was referred to CALFIRE and South Coast Fire District (SCFD), where CALFIRE recommended adhering to conditions under CALFIRE File Number 78-21. As of this date, no response has been received from SCFD. A State Fire Safe Regulations Application Form, CALFIRE File Number 378-21, was issued for the project. **Conditions 5 and 6** are recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction, ensuring any fire protection policy or plan will be addressed. Therefore, indirect impacts would be less than significant.
- c) **Less Than Significant Impact:** Development will include extension of electrical service, establishment of a residential driveway access at State Route 1 (SR 1), grading, or other activities that could exacerbate fire risks. However, the construction of a single-family residence on the subject parcel has been reviewed by CALFIRE and designed to comply with Fire Safe Regulations. A State Fire Safe Regulations Application Form, CALFIRE File Number 378-21, was issued for the project. Therefore, impacts would be less than significant with this mitigation measure incorporated. Therefore, indirect impacts would be less than significant.
- d) **Less Than Significant Impact:** The location of the proposed single-family residence, attached basement/garage and ancillary development is located on a medium slope (approximately 18%) towards the west, towards State Route (1). As proposed, grading will occur at the time of installation of the proposed construction of the single-family residence, attached basement/garage, driveway and the installation of the two (2) septic tanks to connect to the existing on-site septic system. The project proposes 225 cubic yards of grading to accommodate the development. If the amount of grading requires a permit from the Building Division, the Coastal Permit Administrator, or their designee, shall review and approve the

grading permit to determine its consistency with MCC Chapters 20.492 and 20.500 regulations. **Condition 15** is recommended to ensure the proposed development protects grading, erosion and runoff protection and hazard area policies as well as enhancing the adjacent wetland, creating new wetland habitat. Condition **16** is recommended to ensure Best Management Practices (BMP's) will be implemented at the time of construction and protection measures recommended for the adjacent ESHA. Grading activities, including establishing and maintaining the proposed driveway and parking areas, shall comply with MCC Chapters 20.492 and 20.500 regulations. **Condition 17** will ensure that all necessary permitting for CALTRANS recommendations will be met prior to further development of the parcel.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Wildfire.

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	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"/>

DISCUSSION: Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and it has been determined that it would not:

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

- a) **Less Than Significant Impact With Mitigation Incorporated** project may result in impacts associated with biological resources that would be significant if left unmitigated. However, implementation of mitigation measures and conditions (**Conditions 18 through 20**) 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) **Less Than Significant Impact:** The proposed project will not create any cumulative impacts on the surrounding area and any impact that would occur is considered to be less than significant. Development necessitates separate requirements such as BMP, access from State Route 1 (SR 1) granted by CALTRANS and adherences to the California Building Code.
- c) **Less Than Significant Impact:** Based on discussion throughout this initial study, development will not cause substantial adverse effect on human beings, either directly or indirectly, and have been found to be less than significant or less than significant with mitigation implemented.

MITIGATION MEASURES: See Mitigation Measures for Biological Resources **Conditions 18 through 20.**

FINDINGS: The proposed project would have **LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED** on Mandatory Findings of Significance.