



PUBLIC DRAFT
**INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION**
SCH: XXXXXX

FOR
DAWN JOYCE
COASTAL DEVELOPMENT PERMIT
16021 S Hwy 1, Manchester; APN: 132-210-42.
File No. CDP_2021-0010

LEAD AGENCY:
County of Mendocino
Department of Planning & Building Services
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NOVEMBER 15, 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). 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_2023-0010

OWNER/APPLICANT: DAWN JOYCE
10005 WHITLEY BAY DR
AUSTIN, TX 78717

AGENT: WYNN COASTAL PLANNING & BIOLOGY
703 N MAIN ST
FORT BRAGG, CA 95437

PROJECT LOCATION: In the Coastal Zone, 2.8± miles north of the town of Manchester center, on the east side of State Route 1 (SR 1); located at 16021 S Hwy 1, Manchester; APN: 132-210-42.

TOTAL ACREAGE: 60.43± Acres

GENERAL PLAN: Range Land, (RL160:R), 160-acre minimum parcel size General Plan, Coastal Element Chapter 2.2

ZONING: Range Land, (RL160), 160-acre minimum parcel size Mendocino Coastal Zone Code

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 Standard Coastal Development Permit to construct a 3,350 square-foot (sqft) Single-Family Residence (SFR) with an attached 702 sqft garage and 520 sqft greenhouse, a 3,954 sqft dairy barn with an attached 1,200 sqft Accessory Dwelling Unit (ADU) and greenhouse, a 2,400 sqft equipment barn with roof mount solar, a 222 sqft gazebo, a 288 sqft equestrian shelter and 14,000 sqft riding area. The request includes driveway improvements, extension of the driveway to the SFR and agricultural buildings with parking, and creation of three (3) CAL FIRE compliant turnouts (total of 58,530 sqft). Also, development of two (2) production wells, a 96 sqft pump house, a 3,300 gallon water storage tank, generator, septic system, and fencing along the shared driveway with two (2) 16-foot-wide gates located at the driveway’s intersection with State Route 1 (SR 1) and near the entrance to the area to be developed with structures. Also included in the request is the placement of temporary livestock electric fencing, a temporary portable farm stand, and temporary occupancy of a travel trailer during construction. The project is proposed to be phased, with Phase 1 including construction of the dairy barn, ADU and greenhouse and temporary occupancy of a travel trailer. Phase 2 would entail construction of the primary SFR, garage and greenhouse.

SITE CHARACTERISTICS: The project site is located within the Coastal Zone, approximately 2.8 miles north of the community of Manchester on the east side of SR 1, 0.23± miles north of its intersection with Owl Creek Road (private). The site is comprised of a single, undeveloped legal parcel of approximately 60 acres sitting atop a coastal marine terrace with minimal slope changes between the flat western end and the gradually rising eastern end. The site is predominantly covered by native coastal grasses and wetlands, including portions that intersect with riparian and stream ESHAs. An existing graveled driveway connects to SR 1 at the northwestern corner of the parcel and provides access to the interior portions. The parcel hosts a number of different soil classifications, though Mendocino Cypress is not among them. SR 1 serves as the western boundary of the parcel.

Surrounding parcels are all of similar makeup; parcels on the east side of SR 1 are of similar size and composition, though parcels farther east of the project site see significant increases in slopes and riparian development, including larger shrubs and trees. Parcels west of SR 1 are flat with blufftop along the Pacific Ocean less than a quarter of a mile from the subject parcel. Two parcels to the north of the site are developed with SFRs, all other adjacent parcels appear to be undeveloped. Parcels to the south and southeast are currently under active Williamson Act contracts.

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	Rangeland (RL)	Rangeland (RL:160)	61± Acres	Agricultural
EAST	Rangeland (RL)	Rangeland (RL:160)	16± Acres, 21± Acres	Agricultural
SOUTH	Rangeland (RL)	Rangeland (RL:160)	160± Acres, 17± Acres	Agricultural
WEST	Rangeland (RL)	Rangeland (RL:160)	13± Acres, 22± Acres	Agricultural

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

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. Redwood Valley Rancheria responded with comments regarding actual water availability. Staff notes that proof of adequate water is addressed within the Groundwater Resources portion of this report.

PROJECT PLOT PLAN: See Page 6 of this document.

FIGURE 1: LOCATION MAP



FIGURE 2: AERIAL IMAGERY

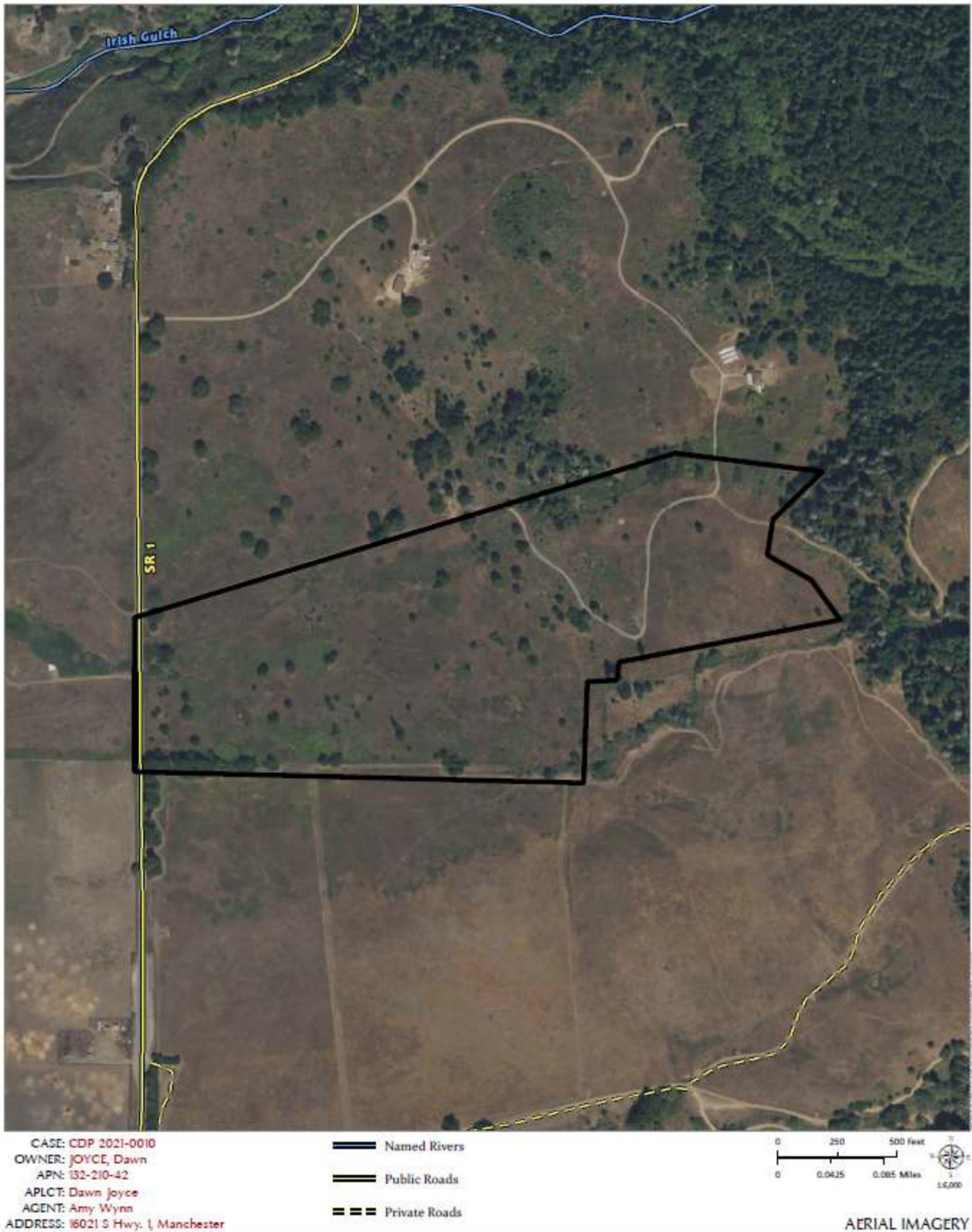
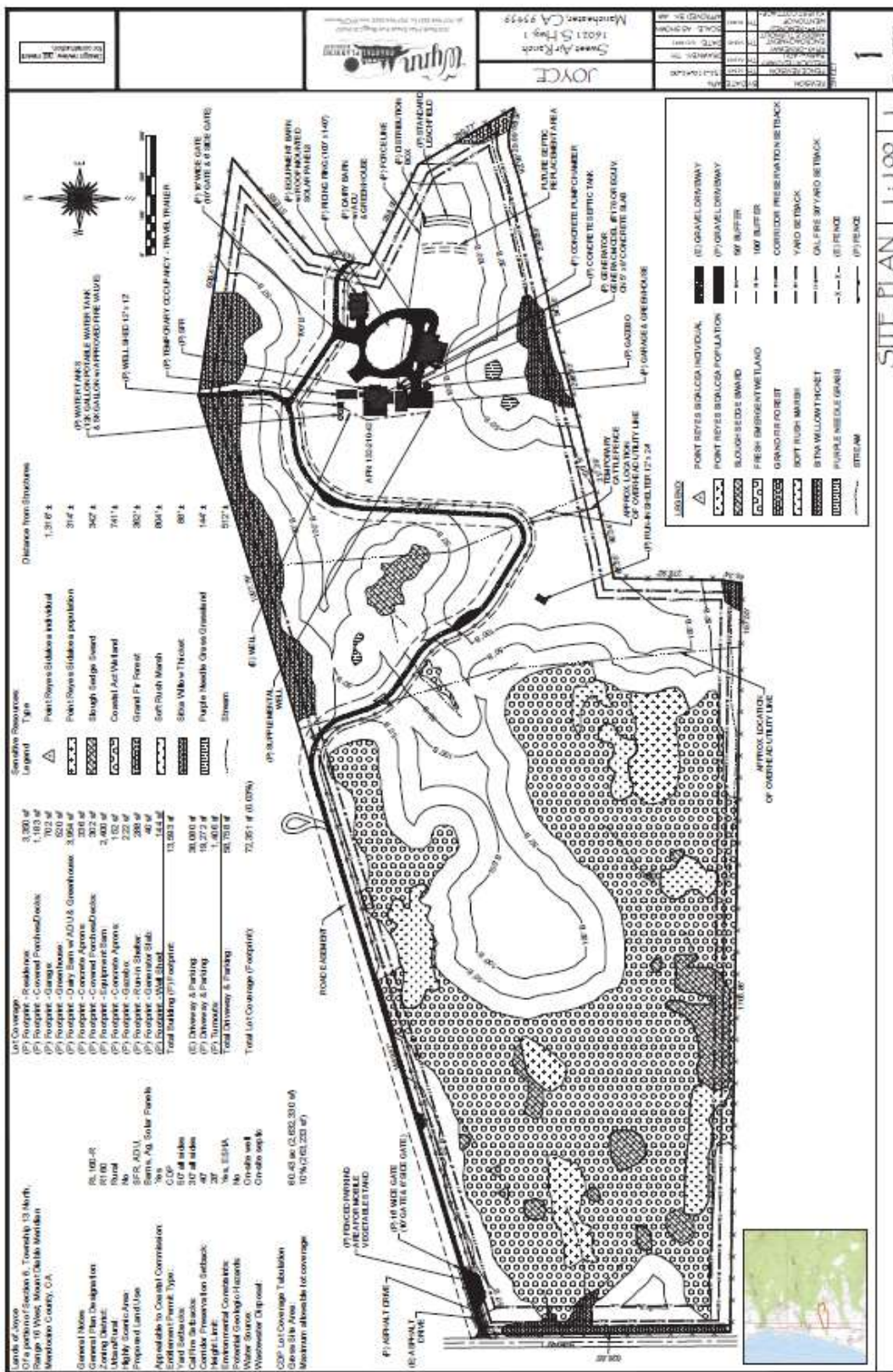


FIGURE 3: PLOT PLAN



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.

Matt Goines
Signature

10/13/2023
Date

Matt Goines
Printed Name

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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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. Have a substantial adverse effect on a scenic vista?

No Impact: The site of the proposed project is adjacent to, and takes access from, State Route 1, a major “visually interesting” roadway. While the addition of any development will change the current visual character of the site, the addition of a residence that is similar in size and scale to those on adjacent properties will be a less than significant impact to the visual character. The parcel is not located in a designated Highly Scenic Area. There will be no impacts to scenic vistas.

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

No Impact: The subject parcel lies east of State Route 1 and the topography consists of low-lying land, natural vegetation, and rolling grasslands, where the proposed building footprint will be at the furthest east portion of the parcel, atop a plateau. 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 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. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact: The parcel is located within a rural, non-urban area. Exterior finish materials and colors will be visually compatible with the character of the surrounding area and consistent with Mendocino County Coastal Element Policies 3.5-1 and Chapter 20.504.020 of the Mendocino County Code. While portions of the proposed residence will be visible from State Route 1, the development will not be adding additional view obstructions to the ocean from State Route 1 or public areas. As previously stated, the subject parcel is not located within a Highly Scenic Area nor does the proposed development impact public viewsheds.

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

Less Than Significant Impact: Exterior lighting is required to be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel. Building materials and exterior colors shall be compatible with those of existing structures. The proposed project will be consistent with Mendocino County Coastal Element Policy 3.5-1 and Mendocino County Code (MCC) Chapter 20.504, regulations for parcels to be developed along the ocean and scenic coastal areas; therefore story poles were not required by the Planning Division of Mendocino County Planning and Building Service. 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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a 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"/>
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. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact: The project proposes to construct a single-family residence does not propose the conversion of farmland land. According to the Farmland Mapping and Monitoring Program, the project site is listed as “Grazing Land (G)”. The parcel is zoned Range Land and is adjacent to both Range Land zoned parcels.

While agricultural uses are permitted in the Range Land (RL) 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. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

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 Range Land (RL) zoning district. According to Mendocino County Code (MCC) Section 20.368.005, the intent of this district is to “to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock, and which may also contain some timber producing areas.” The proposed project would maintain the intent of the RL zoning district and development would be limited to the density and use requirements of the RL zoning district. Chapter 20.458 provides additional restrictions for ADUs when constructed on agricultural and timber resource lands, including:

- On RL zoned parcels, a detached ADU may only be permitted if it is within 100 feet from the existing or proposed SFR and relies on the primary residence’s driveway.
- An ADU may not be located on land designated “Prime Agricultural Land” by the State’s Farmland Monitoring and Mapping Program (FMMP).
- An ADU and all associated infrastructure improvements (well, septic) may not be located within 100 feet of an ESHA boundary, though an exception to this requirement may be authorized through the Coastal Development Permit process.

The proposed garage with attached ADU is located approximately 100 feet from the proposed SFR and shares an access driveway common to all proposed structures. Therefore, the project will not conflict with existing zoning for agricultural use.

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact: As previously mentioned, the parcel involved in this project is within the RL zoning district. The parcel is not zoned nor adjacent to Forest Land or Timber Production zoning districts. Given the lack of 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 Forest land 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. Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact: As mentioned above, the project proposes to construct a single-family residence and accessory dwelling unit within the RL zoning district and does not propose removal or conversion of forest land.

e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?

No Impact: No 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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a 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. Conflict with or obstruct implementation of the applicable air quality plan?

No Impact: The project involves the development of a single-family residence and accessory dwelling unit 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. 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?

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. Expose sensitive receptors to substantial pollutant concentrations?

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 and accessory dwelling unit 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. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***

Less Than Significant Impact With Mitigation Incorporated: Based on the information provided in the biological report, the project is not expected to have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The report outlines several mitigation measures specifically designed to protect special status species, such as the California Red-Legged Frog (CRFL). These measures include contractor education, pre-construction searches, debris removal protocols, and rain event protocols, all aimed at minimizing any potential harm to these species (Page 6).

Furthermore, the report indicates that a meeting between Wynn Coastal Planning & Biology (WCPB) Senior Biologist, Asa Spade, and U.S. Fish and Wildlife Service (USFWS) Biologist, Greg Schmidt, concluded that the project is “not likely to adversely affect federally regulated species” (Page 9).

Therefore, given the mitigation measures in place and the consultation with relevant authorities, the project as proposed is designed with the intent of avoiding substantial adverse effects on special status species.

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

Less Than Significant Impact With Mitigation Incorporated: Based on the information provided in the biological report, the project is not expected to have a substantial adverse effect on any riparian habitat or

other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The report specifies that the driveway encroachment improvements and mobile farm stand parking will be installed adjacent to the westerly riparian area along Highway One. However, it also outlines that there is a potential for rain events to carry sediment from construction areas into wetland, stream, and riparian habitat. To mitigate this, the report recommends installing perimeter fencing and straw wattles to separate the wetland and special status resources within it and their buffer zones from construction-related impacts (Page 8).

Moreover, the report states that the easterly riparian zones will not be impacted by disturbed soil that may increase sediment input, as the property slopes in a westward direction away from the riparian area. (Page 8).

Therefore, given the mitigation measures in place and the consultation with relevant authorities, the project is designed with the intent of avoiding substantial adverse effects on riparian habitats or other sensitive natural communities.

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

Less Than Significant Impact With Mitigation Incorporated: Based on the information provided in the biological report, the project is not expected to have a substantial adverse effect on state or federally protected wetlands, including Coastal Act wetlands. The report specifies that the driveway encroachment improvements will occur partially within 50 feet of a Coastal Act wetland but will not impact it. All improvements and ditch relocations are planned to occur on the existing driveway or just south of it (Page 9).

The report further elaborates that the Coastal Act wetland would be buffered by the existing ditch north of the driveway. This ditch is designed to capture any potential runoff from the driveway construction, thereby preventing runoff from reaching the wetland (Page 9).

Mitigation measures are also in place to minimize potential impacts. For instance, construction is recommended to occur during the dry season to prevent sedimentation from entering into sensitive areas. Straw wattles will be placed around construction areas to discourage erosion and prevent sediment from spreading into the buffers of special status resources (Page 8).

Therefore, given the planned mitigation measures and the consultation with relevant authorities, the project appears to be designed with the intent of avoiding substantial adverse effects on state or federally protected wetlands.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact: Based on the information provided in the biological report, the project does not appear to substantially interfere with the movement of any native resident or migratory fish or wildlife species, nor does it impede established native resident or migratory wildlife corridors or the use of native wildlife nursery sites.

While the report does not specifically address the movement of native resident or migratory fish or wildlife species, the mitigation measures in place and the consultation with relevant authorities suggest that the project has been designed to minimize any potential interference with wildlife movement.

The report outlines specific mitigation measures aimed at protecting special status amphibians, such as the California Red-Legged Frog (CRFL). These measures include contractor education, pre-construction searches, and careful debris removal to avoid accidental harm to these species (Page 6). Additionally, the report states that if a rain event occurs during ground disturbance, all activities will cease for 48 hours, and the site will be examined for the presence of special status amphibians before resuming work (Page 6).

Moreover, a meeting between WCPB Senior Biologist, Asa Spade, and USFWS Fish and Wildlife Biologist, Greg Schmidt, concluded that the project is "not likely to adversely affect federally regulated species" (Page 9).

Therefore, given the comprehensive mitigation measures and consultations, the project is designed with the intent of avoiding substantial interference with the movement of native or migratory species.

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

Less Than Significant Impact With Mitigation Incorporated: Based on the information provided in the biological report and the Mendocino County Code (CHAPTER 20.496 - ENVIRONMENTALLY SENSITIVE HABITAT AND OTHER RESOURCE AREAS), the relevant sections of the Mendocino County Code (MCC), the project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The biological report outlines specific measures to protect special status resources and environmentally sensitive habitat areas (ESHAs), in compliance with MCC Sec. 20.496.025 that states development proposals in ESHAs shall be subject to a biological survey prepared by a qualified biologist. For instance, the report states that perimeter fencing shall be installed prior to the installation of the western entrance gate, parking area for mobile farm stand, and western CAL FIRE pullout to exclude debris, equipment, and construction personnel from entering areas with special status resources.

Furthermore, the report indicates that WCPB Senior Biologist, Asa Spade, met with Greg Schmidt, a USFWS Fish and Wildlife Biologist, to assess the potential impact of the project on federally regulated species. The meeting concluded that the project is "not likely to adversely affect federally regulated species."

The project's design and mitigation measures also align with the MCC's stipulation under Sec. 20.496.025 that state development shall be compatible with the continuance of adjacent habitat areas by maintaining their functional capacity and ability to be self-sustaining. While the MCC outlines requirements for development in or adjacent to specific ecosystems like pygmy forests and dune areas, emphasizing the need to minimize environmental damage, the biological report suggests that the project is designed to comply with these and other environmental regulations and protections.

Therefore, given the absence of any information to the contrary in the biological report, and considering the mitigation measures and consultations that have been undertaken, it is reasonable to conclude that the project does not conflict with any such plans.

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?

Less Than Significant Impact: Based on the information provided in the biological report, the project does not appear to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The biological report outlines specific measures to protect special status resources and environmentally sensitive habitat areas (ESHAs). For instance, the report states that perimeter fencing shall be installed prior to the installation of the western entrance gate, parking area for mobile farm stand, and western CAL FIRE pullout to exclude debris, equipment, and construction personnel from entering areas with special status resources (Page 9).

Additionally, the report indicates that WCPB Senior Biologist, Asa Spade, met with Greg Schmidt, a USFWS Fish and Wildlife Biologist, to assess the potential impact of the project on federally regulated species. The meeting concluded that the project is "not likely to adversely affect federally regulated species" (Page 9).

While the report does not explicitly mention any conflict with Habitat Conservation Plans or Natural Community Conservation Plans, the mitigation measures and consultations with relevant authorities ensures that the project is designed to comply with environmental regulations and protections.

Therefore, given the absence of any information to the contrary in the biological report, and considering the mitigation measures and consultations that have been undertaken, it is reasonable to conclude that the project does not conflict with any such plans.

MITIGATION MEASURES

The mitigation measures from the Biological Report are copied below for convenience. Consultation with USFWS has resulted in some additional, or modification of conservation measures. Changes to measures to avoid and minimize impacts from the driveway encroachment improvements to ESHA are underlined.

7.1. Potential Impact 1: Potential Impact to Birds

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

7.1.1. Mitigation Measure 1a: Seasonal Avoidance

No surveys are recommended if activity occurs in the non-breeding season (September to January). If development is to occur during the breeding season (February to August), a pre-construction survey is recommended within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development (Table 1).

7.1.2. Measure 1b: Nest Buffer

If active special status bird nests are observed, no ground disturbance activities shall occur within a 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.

7.1.3. Measure 1c: Construction activities during daylight hours

Construction should occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

7.2. Potential Impact 2: Potential Impact to Bats

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

7.2.1. Measure 2a: Pre-construction surveys for bats

Construction will ideally occur between September 1st and October 31 after the young have matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys should be performed by a qualified biologist 14 days prior to the onset if development activities.

Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to construction for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50-foot buffer should be implemented around the roost tree.

Table 1. Months surveys are or are not needed for birds and bats.

7.2.2. Measure 2b: Roost buffer

If active bat roosts are observed, no ground disturbance activities shall occur within a minimum 50-foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active roost until all young are no longer dependent upon the roost.

7.2.3. Measure 2c: Construction activities during daylight hours

Construction should occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

7.3. Potential Impact 3: Potential Impact to Soil and Vegetation - ground compaction and vegetation disturbance from materials and vehicles. Bare soil from the newly excavated ditch for the driveway encroachment improvements has the potential to erode and contribute excess sediment.

7.3.1. Mitigation 3a: Staging Area Plan

Stage all building materials and construction vehicles in upland area preferably greater than 100 feet away from ESHAs.

7.3.2. Mitigation 3b: Employ Best Management Practices (BMPs)

Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Areas of bare soil should be seeded with native erosion control seed mix and/or covered with biodegradable erosion control materials (e.g. coconut fiber, jute, weed free straw).

7.4. Potential Impact 4: Potential Impact to Special Status Amphibians

Construction activities will involve walking across areas where amphibians may be traveling. Staging of materials and removal of construction debris could also disturb special status amphibians that may be hiding underneath these materials. To minimize impacts to amphibians, the following avoidance measures should be followed. Filling of the existing ditch along the portions of the driveway encroachment to be widened and replacement of the culvert at the driveway encroachment have the potential to bury or crush frogs if present at the time of that portion of the construction. Food may attract frog predators such as raccoons to the action area. Work affecting mammal burrows in the project area may affect California red-legged frog (CRLF) taking shelter within these burrows. Water pumps may draw in and harm frog tadpole, sub-adult, and/or adult CRLFs.

7.4.1. Measure 4a: Contractor education

Within two weeks prior to construction activities, project contractors will be trained by a Service-approved biologist (biologist) in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers will be trained to differentiate between special status (e.g., federal or state listed) and common species, and instructed on actions and communications required to be conducted in the event that special status amphibians are observed during construction. The biologist will appoint a biological monitor (e.g. the crew foreman) who will be responsible for ensuring that all crewmembers comply with the measures. The biologist will notify the construction crew leader who will address any work stoppages, and the US Fish and Wildlife Service will be contacted if a frog at any life stage (i.e. eggs, larvae ("tadpoles"), sub-adults (approximately 7 months to 3 years old), and sexually mature adults (3-4 years old)) is encountered within the action area during project activities.

7.4.2. Measure 4b: Pre-construction search

During ground disturbing activities, construction crews will begin each day with a visual search around the staging and impact area to detect the presence of CRFL and other amphibians.

7.4.3. Measure 4c: Careful debris removal

During construction and debris removal, any wood stockpiles will be moved carefully by hand in order to avoid accidental crushing or other damage to CRFL and other amphibians.

7.4.4. Measure 4d: No construction during rain event If a rain event occurs during the ground disturbance period, all ground disturbing activities will cease for a period of 48 hours, starting after the rain stops. Prior to resuming construction activities, trained construction crew member(s) will examine the site for the presence of special status amphibians. If no special status amphibians are found during inspections, ground-disturbing activities may resume. If a special status amphibian is detected, construction crews will stop all ground disturbing work and will contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from CDFW will then be needed prior to reinitiating work. CDFW will need to be consulted and will need to be in agreement with protective measures needed for any potential special status amphibians. If a CRLF is detected, refer to measure 4f below.

7.4.5. Measure 4e: Biological monitoring during ditch and culvert work

Due to the increased potential of impact to CRLF during work filling the ditch and replacing the culvert at the driveway encroachment relative to the remainder of the project, a qualified biologist will survey all suitable aquatic and terrestrial habitat within the vicinity of the ditch and/or culvert work for all stages of the frog each morning before the commencement of work on days that work will be done on the ditch and/or culvert.

1 "Service-approved biologist" refers to individuals with adequate experience and training in species identification, suitable habitat delineation, survey protocols, and handling and relocation techniques for covered species. The applicant will submit the names and qualifications of prospective Service-approved biologists to the Service for approval prior to implementing proposed construction activities and proposed avoidance and minimization measures.

7.4.6. Measure 4f: USFWS notification of CRLF

If any life stage of CRLF is found during pre-work surveys, construction activities will cease in the action area until the biologist can safely capture, handle, and relocate the frog(s) to nearby suitable habitat well outside the action area or to suitable habitat within the action area that will not be physically impacted by construction activities. The biologist will subsequently notify the Service of the number and life stage(s) of CRLFs captured, handled, and moved to nearby suitable habitat. Alternatively, frogs encountered immediately prior to construction activities can be gently guided (i.e., by slowly walking toward the frog so it moves out of the area on its own) from the areas of impact by the biologist. Construction will not begin until the frog "self-relocates" to a safe location well outside the action area or to suitable habitat within the action area that will not be physically impacted by construction activities.

7.4.6. Measure 4g: Predator avoidant trash disposal

To avoid attracting CRLF predators (e.g., raccoons, skunks) to the action area, all food-related trash will be disposed of in closed containers that are to be removed from the action area at least twice per week during the construction period.

7.4.6. Measure 4h: Mammal burrow flagging and avoidance

CRLFs may occupy small mammal burrows within upland habitat. To the extent practical, small mammal burrows will be avoided. Prior to the start of work, burrows will be flagged for avoidance by the biologist. Burrow openings will be monitored within active work areas and if necessary, burrow openings will be cleared of soil or other blockages.

7.4.6. Measure 4i: Screen water pumps

Water pumps will be screened with wire mesh screens no larger than 0.2 inches to prevent CRLF tadpoles, sub-adults, and adults from entering the pump system. Although pre-activity surveys may have detected no CRLFs, this measure is to ensure that frogs that were missed during the survey are not harmed or killed by water pumps.

7.5. Potential Impact 5: Invasive Plants

After the proposed development is built, landscaping surrounding the residence has the potential to occur. In some cases, landscaping can become invasive and spread to surrounding areas that could out compete native flora and disrupt habitat that fauna may use.

7.5.1. Measure 5a: Plant non-invasive vegetation

While many ornamental landscapes on the California coast use non-native plants, invasive plants should not be planted. Ideally landscaping will be native to California and suitable to the project site's environment. Some invasive plants commonly seen by WCPB biologists on the coast that should be avoided are: Iceplant (*Carpobrotus edulis*, *C. chilensis*, & *Delosperma* sp.), cotoneaster (*Cotoneaster franchetii* & *C. pannosus*), English ivy (*Hedera helix*), cape ivy (*Delairea odorata*), pampas grass (*Cortaderia jubata* & *C. selloana*), cape weed (*Arctotheca calendula* & *A. prostrata*), Monbretia (*Crocasmia* sp.), blue gum eucalyptus (*Eucalyptus globulus*), redhot poker (*Kniphofia uvaria*), periwinkle (*Vinca major*), bulbil bugle lily (*Watsonia meriana*), and callalily (*Zantedeschia aethiopica*).

7.6. Potential Impact 6: Potential Impacts to Coastal Act Wetland, Streams, and Riparian Zone

There is a potential for rain events to carry sediment from construction areas into wetland, stream, and riparian habitat. The perimeter fencing, parking for a mobile farm stand, and CAL FIRE pullout are being

installed south and west of the existing road. A larger, easterly riparian zone is east of the road. Since the property slopes in a westward direction, the easterly riparian zones will not be impacted by disturbed soil that may increase sediment input. The driveway encroachment improvements and mobile farm stand parking will be installed adjacent to the westerly riparian area along Highway One and has the potential to carry sediment into this sensitive area.

7.6.1. Measure 6a: Perimeter fencing and straw wattles

The perimeter fencing shall be installed after the driveway encroachment, mobile farm stand parking, and new ditch are installed; however, the perimeter fencing shall be installed first, before the installation of the mobile farm stand parking area, western CAL FIRE pullout, and western entrance gate. This will separate the wetland and the special status resources within it and their buffer zones from construction related impacts. WCPB usually recommends installing orange construction fencing along ESHA buffer lines to protect special status resources from ground disturbance and other construction activities. However, in this case the perimeter fencing will perform this function, so orange construction fencing would be redundant.

During construction, straw wattles shall be placed around the edges of the parking area for the mobile farm stand and the CAL FIRE pullout to discourage erosion of the disturbed soils and to prevent sediment from spreading into the buffers of special status resources. Wattles shall remain and be maintained until the soils in their respective areas are stabilized.

No materials storage, heavy equipment use, or other impacts shall occur within the fenced off areas. Straw wattles shall be properly installed to intercept liquids leaving the construction area. All fencing shall be maintained in a functional manner. Straw wattles shall be checked, and appropriate maintenance shall occur on a weekly basis and after every rain event.

7.6.2. Measure 6b: Construction during dry season

Ground disturbing construction should only occur during the dry season. If a rain event occurs during the ground disturbance period, all ground disturbing activities will cease for a period of 48 hours after the rain stops.

7.7. Potential Impact 7: Potential Impacts to Sitka willow thickets, soft rush marsh, slough sedge sward, and purple needle grass grassland

There is a potential for vegetation damage from the construction of the western entrance gate, western CAL FIRE pullout, parking for a mobile farm stand, perimeter fencing, and driveway encroachment improvements. Construction will occur within the 100 foot buffers of the slough sedge sward and purple needle grass, but farther away than the 50 foot buffers. Construction will occur within the 50 foot buffers for the Sitka willow thickets and soft rush.

7.7.1. Measure 7a: 50ft ESHA buffer

A Reduced Buffer Analysis (RBA) was conducted and a buffer distance of 50 feet was determined to be suitable to protect the slough sedge sward and purple needle grass grassland from the perimeter fencing development. SFWS and CDW concur that 50 feet is an appropriate buffer distance.

7.7.2. Measure 7b: Cultural feature buffer

For the easterly Sitka willow thickets and purple needle grass grassland, the existing road acts as a cultural feature buffer as fence installation is occurring on the opposite side of the road.

7.7.3. Measure 7c: Perimeter fencing installation

The proposed perimeter fencing shall be installed prior to the installation of the western entrance gate, parking area for mobile farm stand, and western CAL FIRE pullout to exclude debris, equipment, and construction personnel from entering areas with special status resources.

Additional Site Evaluation Conducted

WCPB made additional site visits to the subject parcel after submission of the original biological report resulting from agency feedback. Additional site visits were made January 10, May 03, and May 26, 2022, by WCPB biologists to make additional observations, take measurements, and to conduct a Point Arena mountain beaver survey at the driveway encroachment. On September 13, 2022, WCPB Senior Biologist, Asa Spade met with Greg Schmidt, USFWS Fish and Wildlife Biologist, at the site to view the encroachment

location and to consider potential of the project to impact Federally Threatened or Endangered species. WCPB PAMB surveys determined that PAMB are not present within the habitat at least 200 feet surrounding the driveway encroachment. Mr. Schmidt had no concerns with the encroachment project, finding it not likely to adversely affect federally regulated species.

Reduced Buffer Analysis & Report of Compliance Revisions

A revised Reduced Buffer Analysis and Report of Compliance which includes impacts from the proposed driveway encroachment improvements are attached as Appendix I & J. Additions to the reports are underlined while deletions are crossed out. The driveway encroachment improvements, which include widening and paving the encroachment, replacing the existing culvert parallel with the highway with one 10 feet longer, and relocating the ditch further south to accommodate the wider encroachment, will occur partially within 50 feet of a Coastal Act wetland, riparian area, and Sitka willow thickets. The Coastal Act wetland, which is north of the driveway, will not be impacted, as all driveway encroachment improvements and ditch relocation are occurring on the existing driveway or just south of the driveway. The Coastal Act wetland would be buffered by the existing ditch north of the driveway, which will capture any potential runoff from the driveway construction, preventing runoff from being delivered to the wetland. Although vegetation will not be removed from the riparian area and Sitka willow thickets, these ESHAs are downslope of the driveway encroachment improvements and have the potential to be impacted if rainfall events occur before the soil in the ditch and encroachment areas are stabilized.

Replacement of the culvert with one that is 10 feet longer, filling the existing ditch south of the existing driveway, and excavating a new ditch just south of the expanded driveway encroachment will slightly change flow patterns. Disturbed soil from construction areas has the potential to increase sedimentation into the riparian area which is vegetated with Sitka willow thickets. WCPB recommends construction during the dry season and covering any areas of bare soil with native erosion control seed mix and/or covered with biodegradable erosion control materials (e.g. coconut fiber, jute, weed free straw) to prevent erosion and sedimentation from runoff. The Sitka willow thickets are not significantly sensitive to disturbance as willows commonly revegetate within disturbed areas. The Sitka willow thickets and riparian area are also directly adjacent to Highway One so are adjusted to human disturbance, including periodic mowing and ditch maintenance conducted by Caltrans. If mitigation measures are followed, impacts are expected to be less than significant.

FINDINGS

The proposed project would have a Less Than Significant Impact With Mitigation Incorporated 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. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Less Than Significant Impact: The proposed development was referred to Northwest Information Center at Sonoma State University (SSU) and the Mendocino County Archaeological Commission (ARCH), where ARCH responded with the request to schedule for the next available hearing, depending on comments submitted by SSU. SSU responded with comments noting the existence of several previous studies covering 100% the project site (S-345 & S-55558). Study S-55558 was completed in 2018 and the determination of SSU was that the project area has a low possibility of containing unrecorded archaeological sites, and therefore no further studies are recommended. The applicant submitted an Archaeological Survey prepared by Alta Archaeological Consulting, dated February 9, 2018. The project and survey were reviewed by the Mendocino County Archaeological Commission, on November 21, 2021, 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.

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. Redwood Valley Rancheria responded with comments regarding actual water availability. Staff notes that proof of adequate water is addressed within the Groundwater Resources portion of this report.

As conditioned, the proposed project will be consistent with Mendocino County Coastal Element policies for the protection of the paleontological and archaeological resources Chapter 3.5 and will be consistent with MCC Title 22, Chapter 22.12 regulations.

b. Cause a substantial adverse change in the significance of a archeological resource pursuant to §15064.5?

Less Than Significant Impact: As mentioned above, the project proposes to construct a single-family residence, accessory dwelling unit and other accessory uses. 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. Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact: As mentioned above, the project proposes to construct a single-family residence, accessory dwelling unit and other accessory uses. 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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a 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. 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?

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. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a 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"/>
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 type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION: Of the five known fault zones in Mendocino County, the Maacama Fault Zone is the closest active fault to the subject parcel, located approximately 16 miles to the southwest.

The Maacama Fault extends from northern Sonoma County to north of Laytonville. The Maacama Fault is the northern most segment of a series of closely related faults within the San Andreas Fault system that includes the Hayward, Rodgers Creek, and Healdsburg faults to the south. Historically, the Maacama Fault has generated only a few moderate earthquakes. However, an abundance of micro-earthquakes (less than magnitude 3) are associated with the fault. A magnitude 5.6 earthquake was reported in the Ukiah area in 1869. Several, earthquakes in the magnitude range of 4, with the strongest 4.9, were recorded in the Ukiah area between 1977-1978. At locations east of Willits and Ukiah surface fault creep, or very slow movements across known fault locations, have been documented.

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.

- a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i-iv. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and/or landslides?***

Less Than Significant Impact: The proposed project 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 1.0 mile southwest 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 subject parcel as “Prime” agricultural land, “Beach Deposits, and Stream Alluvium and Terraces (Zone 3) – Intermediate Shaking”. The subject parcel is situated on mixed complex soils that present several challenges for homesite development. These challenges include sloping terrain and soil with low strength. Additionally, the soil conditions are seasonally saturated, leading to slow permeability rates. 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.

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

Less Than Significant Impact: Grading will occur at the time of construction of the single-family residence, accessory dwelling unit, driveway approach at State Route 1 (SR 1), as well as accessory uses and ancillary development to support the proposed development. The project proposes approximately 90 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. 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.

With the recommended avoidance and protection measures as stated within 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 22 and 23 will address the impacts to ESHA.

- c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

No Impact: The 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.

- 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?***

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

No Impact: The subject property has soils that are capable of supporting a septic system. A septic system design has been approved by the Mendocino County Division of Environmental Health, septic permit number ST27585. Therefore, there will be no impact.

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

Less Than Significant Impact: An Archaeological Survey Report, prepared by Alex DeGeorgey, of Alta Archaeological Consulting, was prepared and accepted at the Archaeological Commission on November 21, 2021. The Commission accepted the Applicant’s archaeological survey and recommended no 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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

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

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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

Less Than Significant Impact: The 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 Albion, Boonville, or South Coast Transfer Stations. 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. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact: The 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. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact: The 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. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact: The 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. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact: The project site is not 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. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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

Less Than Significant Impact: The property is in an area of "Moderate Fire Hazard" severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) and the Redwood Coast Fire Protection District (RCFD). The project was referred to CALFIRE and RCFD, where CALFIRE recommended adhering to conditions under CALFIRE File Number 478-20. As of this date, no response has been received from RCFD. A State Fire Safe Regulations Application Form, CALFIRE File Number 478-20, 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 ensures any fire protection policy or plan will be addressed. Therefore, indirect impacts would be less than significant.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a Less Than Significant Impact on Hazards and 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact: The proposed project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. The permanent structures proposed on-site would be constructed in accordance with the most recent standards set by all regulatory agencies including, but not limited to, the County, state, and local water quality control boards [State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB)]. Since the majority of the site would remain undeveloped, stormwater runoff would continue to flow naturally and infiltrate into the soil. In addition, the preservation of existing vegetation, to the extent feasible, will help to filter potential pollutants from stormwater flows. In addition, the project's proposed septic system would be installed in compliance with all standards and regulations. As a result, the proposed project would have a less than significant impact.

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

Less Than Significant Impact: The project site is located within a mapped "Marginal 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. A Coastal Development Permit Exclusion Permit, CE_33-14, was issued for both a test well and production well, where the Division of Environmental Health (DEH) issued a well permit, WW22542. A 17-Hour Proof of Water Test Report, dated November 23, 2020, prepared by Carl Rittiman & Associates, indicated the well produced 1.0 gallons per minute. Under the project, potable water would be provided by two (2) proposed on-site wells. The proposed water system will be permitted through the Mendocino County Division of Environmental Health (DEH). The new well will be required to be constructed in accordance with DEH Standards and will comply with all relevant local and state regulations.

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

Less Than Significant Impact: See below.

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

Less Than Significant Impact With Mitigation Incorporated: Due to the topography of the site, stormwater runoff naturally flows westward at the north side of the property, then southwest and westward meandering along the existing private road located on the property. The proposed residential development would include the construction of improvements to the existing driveway and its encroachment at the parcels access from State Route 1 (SR 1). The residence footprint has been minimized and the driveway is proposed of permeable materials in order to minimize the necessary increase in stormwater runoff from the project. The proposed development has been minimized and specially located in order to maintain hydrology of the site, and development is expected to allow the habitat area to maintain functional capacity and to remain self-sustaining in order 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 22 and 23 will address the impacts to erosion, siltation, and ESHA.

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

Less Than Significant Impact With Mitigation Incorporated: As stated above, the proposed development has been minimized and specially located in order to maintain hydrology of the site, and development is expected to allow the habitat area to maintain functional capacity and remain self-sustaining in order 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 22 and 23 will address the impacts to erosion, siltation and ESHA.

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact With Mitigation Incorporated: As stated above, the proposed development has been minimized and specially located in order to maintain hydrology of the site, and development is expected to allow the habitat area to maintain functional capacity and remain self-sustaining in order 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 22 and 23 will address the impacts to erosion, siltation and ESHA.

iv. Impede or redirect flood flows?

Less Than Significant Impact With Mitigation Incorporated: As stated above, the proposed development has been minimized and specially located in order to maintain hydrology of the site, and development is expected to allow the habitat area to maintain functional capacity and remain self-sustaining in order 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 22 and 23 will address the impacts to erosion, siltation and ESHA.

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

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

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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a 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. Physically divide an established community?

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. 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?

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 remain self-sustaining in order to maintain natural species diversity. The proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in Conditions 22 and 23 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.

NO MITIGATION MEASURES REQUIRED

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. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact: There are no known mineral resources 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. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact: There are no 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.

NO MITIGATION MEASURES REQUIRED

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. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact: 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 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 from 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas. Upon build-out of the project, operational noise would be associated with use of the site for residential purposes. Upon build-out of the project, operational noise would be associated with use of the site for residential purposes. It is determined that a less than significant impact would occur.

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

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 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas. Upon build-out of the project, operational noise would be associated with use of the site for residential purposes. It is determined that a less than significant impact would occur.

- c. **For a project located within the vicinity of private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact: The 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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

No Impact: The 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. **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

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.

NO MITIGATION MEASURES REQUIRED

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. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire Protection, Police Protection, Schools, Parks, and/or Other Public Facilities?

1. Fire protection?

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.

2. Police Protection?

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.

3. Schools?

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.

4. Parks?

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.

5. Other public facilities?

No Impact: The project does not involve the provision of new or physically altered governmental facilities and would not result in the need for these facilities. As mentioned in the response to 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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a 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. 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?

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 and accessory uses generate enough recreational 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. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact: The project does not include construction of recreational facilities, and any population growth caused by the project would not require expansion or construction of new recreational facilities. Therefore, no impact to recreational facilities will occur as a result of the project.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a 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. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

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 at the beginning and end of the day, and minor interruptions to traffic on adjacent streets when heavy equipment is brought to and 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, the overall effectiveness of the circulation system, or substantially impact alternative transportation facilities, such as transit, bicycle, or pedestrian facilities. A substantial increase in traffic trips or use of alternative transportation facilities is not anticipated.

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

No Impact: Though an increase in traffic trips (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. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact: 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. Site improvements would be required to be designed and constructed in accordance to established standards. An encroachment permit is required with CALTRANS as the project site is accessed from State Route 1 (SR 1). A State Fire Safe Regulations Application Form, CALFIRE File Number 478-20, 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. CALTRANS commented on September 29, 2021, the existing driveway for the site is approximately 10 feet wide and does not meet CALTRANS standards for a “multi-family” road approach and will need to be widened to a minimum of 20 feet at the throat. Condition 18 will ensure that all necessary permitting for CALTRANS recommendations will be met. Therefore, indirect impacts would be less than significant.

d. Result in inadequate emergency access?

Less Than Significant Impact: As mentioned above, State Fire Safe Regulations Application Form, CALFIRE File Number 478-20, 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.

NO MITIGATION MEASURES REQUIRED

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.

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*

- 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:**
- 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)?**

Less Than Significant Impact: The project to construct a single-family residence, an accessory dwelling unit, 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 also referred to four local tribes for review and comment, including the Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria and Manchester Band of Pomo Indians of the Manchester Rancheria. Redwood Valley Rancheria responded with comments regarding actual water availability. Staff notes that proof of adequate water is addressed within the Groundwater Resources portion of this report.

SSU responded with comments noting the existence of several previous studies covering 100% the project site (S-345 & S-55558). Study S-55558 was completed in 2018 and the determination of SSU was that the project area has a low possibility of containing unrecorded archaeological sites. Resources were not identified in the survey and SSU determined no further studies are recommended.

An Archaeological Survey Report, prepared by Alta Archaeological Consulting, dated February 9, 2018, was accepted at the Archaeological Commission on November 21, 2021. The report found that the project site contains no indicators of the historic or prehistoric era archaeological deposits. The Mendocino County Archaeological Commission recommended including a discovery clause as part of the conditions of project approval. 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.

- 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.**

Less Than Significant Impact: As mentioned above, the project was also referred to four local tribes for review and comment, including the Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria and Manchester Band of Pomo Indians of the Manchester Rancheria. Redwood Valley Rancheria responded with comments regarding actual water availability. Staff notes that proof of adequate water is addressed within the Groundwater Resources portion of this report.

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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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

5.19 UTILITIES AND SERVICE SYSTEMS

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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. *Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

Less Than Significant Impact: The proposed development includes an on-site septic system, two (2) production wells, improvements at the existing driveway access at State Route 1 (SR 1) and connection to the on-site existing electric utility services. The proposed project was referred to the Regional Water Quality Control Board (RWQCB). On January 21, 2022, RWQCB submitted comments recommending all RWQCB permits be obtained to avoid potential negative impacts to wetlands and riparian areas, specifically with respects to the driveway improvements required by CALTRANS, as well as recommending additional and appropriate mitigation measures. After a fourth referral of the proposed project application, dated March 14, 2023, and a visit to the subject parcel on May 5, 2023, RWQCB provided additional comments on September 12, 2023 with recommendations that the project be coordinated with CATRANS and Army Corp of Engineers for a Nationwide Permit with respects to stream flow. The proposed project was referred to both agencies, where Army Corp of Engineers did not respond to the multiple referral requests.

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

Less Than Significant Impact: The proposed development includes the development of two (2) on-site production wells. The project was referred to the Mendocino County Division of Environmental Health (DEH) and Irish Beach Water District (IWBD) to review impacts to water capacity. A Coastal Development Permit Exclusion Permit, CE_33-14, was issued for both a test well and production well, where DEH issued a well permit, WW22542. A 17-Hour Proof of Water Test Report, dated November 23, 2020, prepared by Carl Rittiman & Associates, indicated the well produced 1.0 gallons per minute. On January 11, 2023, DEH noted that a proof of water test had not yet been received. Coastal Element Policies 3.8-1 and 3.9-1 requires demonstration of proof of adequate water prior to issuance of the Coastal Development Permit. This Coastal Element Policy is not reflected in MCC Section 20.516.015(B). If sufficient yield is not demonstrated, the single-family residence shall not be constructed. Condition 14 of the Conditions of Approval captures this requirement.

- 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?***

Less Than Significant Impact: The proposed development includes the development of an on-site septic system. The project was referred to the Mendocino County Division of Environmental Health (DEH) and Irish Beach Water District (IWBD) to review impacts to septage capacity. On January 11, 2023, DEH noted that a five-bedroom septic system has been approved and not yet issued (ST 27585).

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

Less Than Significant Impact: A significant amount of solid waste is not anticipated under the project and all solid waste generated under the project would be disposed of in accordance to all federal, state, and local statutes and regulations related to solid waste including state and local waste diversion requirements. A local service provider for solid waste service, which will likely consist of curbside pick up, will serve the proposed project. Multiple approved collection facilities are located within the locate region of the subject parcel, such as the Albion, Boonville, and the South Coast Transfer Stations, and can accommodate the solid waste disposal needs of future development. The project will comply with all federal, state, and local management reduction statutes and regulations related to solid waste. As such, the proposed would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. A less than significant impact would occur.

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

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 statuteregulations 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 pick-up, will serve the proposed project. Multiple approved collection facilities are located within the local region of the subject parcel, such as the Albion, Boonville, and the South Coast Transfer Stations, and can accommodate the solid waste disposal needs of future development. The project will comply with all federal, state, and local management reduction statutes and regulations related to solid waste. As such, the proposed would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. A less than significant impact would occur.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a 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"/>
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. Impair an adopted emergency response plan or emergency evacuation plan?

No Impact: The Mendocino County Office of Emergency Services (OES) is responsible for coordinating the emergency planning process and maintaining the county’s emergency plans, including the Mendocino County Operational Area Emergency Operations Plan and Mendocino County Multi-Hazard Mitigation Plan. The property is in an area of “Moderate Fire Hazard” severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas* map. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) and the Redwood Coast Fire Protection District (RCFD). The project was

referred to CALFIRE and RCFD, where CALFIRE recommended adhering to conditions under CALFIRE File Number 478-20. As of this date, no response has been received from RCFD. The project involves construction of a single-family residence, an accessory dwelling unit and accessory uses on a vacant parcel approximately 2.8 miles north of the town of Manchester center. The project site is accessed directly from State Route 1 (SR 1) 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. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

Less Than Significant Impact: The property is in an area of “Moderate Fire Hazard” severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas* map. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) and the Redwood Coast Fire Protection District (RCFD). The project was referred to CALFIRE and RCFD, where CALFIRE recommended adhering to conditions under CALFIRE File Number 478-20. As of this date, no response has been received from RCFD. 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 ensures any fire protection policy or plan will be addressed. Therefore, indirect impacts would be less than significant.

- 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?**

Less Than Significant Impact: Development will include extension of electrical service, improvements of a private gravel driveway, grading, or other activities that could exacerbate fire risks. The site is currently vacant and undeveloped, and the proposed project would require the installation and maintenance of associated infrastructure, including internal access roads and underground utility line (electricity, water, and on-site septic) installation. However, the developed footprint is not significant in size and during infrastructure installation and associated maintenance, appropriate Best Management Practices (BMPs) would be implemented. A less than significant impact would occur.

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

Less Than Significant Impact: The proposed project would not 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 as the site is relatively level and located in a rural area with similar residential development on surrounding parcels. However, the developed footprint is not significant in size and during infrastructure installation and associated maintenance, appropriate Best Management Practices (BMPs) would be implemented. Condition 16 is recommended to ensure BMPs be implemented at the time of construction and protection measures recommended for the adjacent ESHA. The proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in Conditions 22 and 23 will address the impacts to erosion, siltation and ESHA. A less than significant impact would occur.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a 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. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Less Than Significant Impact With Mitigation Incorporated: Based on the comprehensive analysis conducted in the biological report, as well as consultations with relevant authorities such as the California Department of Fish and Wildlife (CDFW), the project is not anticipated to substantially degrade the quality of the environment or adversely affect fish or wildlife habitats. The report outlines targeted mitigation measures that are designed to minimize potential environmental impacts, thereby ensuring that the project aligns with the thresholds of significance as defined by CEQA Guidelines §15065.

Specifically, the biological report details measures such as contractor education, pre-construction searches, and debris removal protocols aimed at protecting special status species and environmentally sensitive habitat areas (ESHAs). These measures are in compliance with Mendocino County Code (MCC) Sec. 20.496.025, which mandates that development proposals in ESHAs be subject to a biological survey prepared by a qualified biologist.

Furthermore, the project has been designed to avoid causing fish or wildlife populations to fall below self-sustaining levels, threatening plant or animal communities, or reducing the numbers or range of any rare, threatened, or endangered species. A meeting between WCPB Senior Biologist, Asa Spade, and USFWS Fish and Wildlife Biologist, Greg Schmidt, concluded that the project is "not likely to adversely affect federally regulated species."

Therefore, given the mitigation measures in place, the consultation with relevant authorities, and the project's alignment with local, regional, and state regulations, it can be reasonably concluded that the project will have a less than significant impact on the environment, provided that the outlined mitigation measures are diligently implemented.

- b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).***

Less Than Significant Impact: Based on the information available, including the biological report and consultations with relevant authorities, the project is not expected to have impacts that are individually limited but cumulatively considerable. The project has mitigations in place to minimize the area with potential biological resources that could be affected. The mitigation measures outlined in the biological report are designed to minimize any potential environmental impacts, ensuring that the project does not contribute to cumulative effects when considered alongside past, current, or probable future projects.

The project has been reviewed in accordance with Mendocino County Code (MCC) Sec. 20.496.025, which mandates a biological survey for development proposals in Environmentally Sensitive Habitat Areas (ESHAs). The mitigation measures are aimed at ensuring that the project is compatible with the continuance of adjacent habitat areas, thereby maintaining their functional capacity and ability to be self-sustaining.

Furthermore, the project has been designed to align with the thresholds of significance as defined by CEQA Guidelines §15065, which include criteria for evaluating cumulative impacts. Given that the project does not cross these thresholds and has been designed with targeted mitigation measures, it is reasonable to conclude that the project will not have cumulatively considerable impacts on the environment.

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

Less Than Significant Impact: Based on the available information, including the biological report and relevant consultations, the project is not expected to have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly. The project involves the development of a single-family residence and accessory structures, a process that is subject to multiple regulatory checks designed to ensure human safety and well-being.

The project complies with Mendocino County Code (MCC) Sec. 20.496.025, which requires a biological survey for development proposals in Environmentally Sensitive Habitat Areas (ESHAs). The mitigation measures outlined in the biological report are designed to minimize any potential environmental impacts, further ensuring that the project does not pose a risk to human health or safety.

Additionally, the project aligns with the thresholds of significance as outlined in CEQA Guidelines §15065, which include criteria for evaluating potential adverse effects on human beings. Given that the project does not cross these thresholds and incorporates targeted mitigation measures, it is reasonable to conclude that the project will not have substantial adverse effects on human beings, either directly or indirectly.

MITIGATION MEASURES

The only mitigation measures for the proposed project are detailed in the "3.4 BIOLOGICAL RESOURCES" section, starting on page 24 of this Initial Study.

FINDINGS

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