



*PUBLIC DRAFT*  
**REVISED INITIAL STUDY AND  
MITIGATED NEGATIVE DECLARATION**  
SCH: 2025010409

FOR  
**Martin Reimann & Oliver Schilke**  
**Standard Coastal Development Permit**  
**AT 2300 NO HWY 1; APN: 123-290-03**  
File No. CDP\_2024-0004

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**Revised February 12, 2025**

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# INTRODUCTION

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In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.), this Draft Initial Study (IS) has been prepared as documentation for a Mitigated Negative Declaration (MND) for the proposed single-family residence, landscaped berm, water catchment area, Accessory Dwelling Unit, storage shed, entry gate, and fence; improvements to an existing driveway and existing fencing; deepening an existing well; after-the-fact permitting of a driveway; and mitigation of impacts to wetlands due to the development of the unpermitted driveway at 2300 N. Highway 1, Albion; APN: 123-290-03 (Project). 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

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|                          |  |
|--------------------------|--|
| <b>FILE NUMBER:</b>      | CDP_2024-0004  |
| <b>OWNER/APPLICANT:</b>  | Martin Reimann & Oliver Schilke  |
| <b>PROJECT LOCATION:</b> | In the Coastal Zone, 1.15± miles south of Albion, on the west side of State Route 1 (SR 1), located at 2300 N. Hwy 1, Albion; APN: 123-290-03. |
| <b>TOTAL ACREAGE:</b>    | 12.5± Acres  |
| <b>GENERAL PLAN:</b>     | Rural Residential 5-Acre, Planned Unit Development (RR:5:PD)   |
| <b>ZONING:</b>           | Rural Residential 5-Acre, Planned Unit Development (RR:5:PD)   |

**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 a Standard Coastal Development Permit which includes (1) the construction of a two thousand (2,000) square foot single-family residence, (2) the creation of a circular berm/knoll and landscaped area surrounding the residence, (3) the creation of a berm between the residence and an existing parking area, (4) a water catchment area, (5) the construction of a seven hundred forty-four (744) square foot “garage-studio” which would be permitted as an Accessory Dwelling Unit (ADU), (6) the construction of a five hundred forty-three (543) square foot storage shed, (7) improvements to an existing driveway, (8) repairing and raising an existing wooden fence, (9) deepening an existing well, (10) a new entry gate, and (11) a new fence near the entrance to the property. The project would also involve after-the-fact permitting of a driveway and mitigation of impacts to wetlands due to the development of the unpermitted driveway.

However, after receiving written and verbal comments from the California Department of Fish & Wildlife, North Coast Regional Water Quality Control Board, Coastal Commission, and County staff, several revisions to the proposed project were made. The berm between the residence and parking area, water catchment area, improvements to existing driveway, and deepening of an existing well were removed from the proposed project. Additionally, the location of the new entry gate was changed to avoid sensitive biological resources. A new well would be drilled in the northeastern corner of the property and an underground pipe would connect the new well to the storage shed. The applicant provided a revised site plan that reflects these revisions. The site plan was also revised to show an existing planted orchard area, areas of planted Leyland cypress and magnolia trees, and areas where low symbolic fencing would be installed to create a boundary between development and sensitive habitat areas (see Figure 3 below).

In response to comments, the applicant also submitted an Alternatives Analysis which discusses whether certain project alternatives would be feasible and less environmentally damaging, an Addendum to the Biological Scoping Survey, Wetland Delineations, & Botanical Surveys prepared for the project, and revisions to Appendix E of the Biological Scoping Survey to reflect new findings regarding bat and amphibian species.

The property is a blufftop lot on a marine terrace about one (1±) mile south of Albion. According to a Geotechnical Investigation prepared for the project by Brunsing Associates, Inc., the bluffs are approximately one hundred forty (140) to one hundred sixty (160) feet in height. The property slopes downward towards the western edge.

In 1981, the California Coastal Commission approved a Coastal Development Permit (CDP) to allow the construction of a single-family residence and installation of a well, septic system, and driveway on the property (1-81-85). The conditions of that permit required the applicant to construct a berm on the northern and eastern elevations of the residence to give the appearance of a knoll. The conditions also required the applicant to record an offer to dedicate both a vertical and lateral public access easement along the southern and western property lines. The conditions also required the recordation of a deed restriction related to geologic hazards. A fourteen (14) foot roadway easement runs along the westerly boundary of State Route 1 (SR 1) across the subject property, providing access to SR 1 from two (2) properties to the south (Mendocino County Official Records Book 736 Page 537). The offers to dedicate vertical and lateral public access easements were recorded in 1983. The deed restriction related to geologic hazards was also recorded in 1983. The offers to dedicate were accepted by the Coastal Land Trust in 2003 and 2004. Both public access easements were assigned to the Coastal Land Trust in 2005. The septic system was installed in 1983 (Division of Environmental Health Septic Permit No. ST25022). The residence associated with CDP 1-81-85 was never constructed. The documents for CDP 1-81-85 did not show the orientation of the driveway, but it was most likely extended across the southern property line based on 1998 aerial imagery (see attached *Historical Aerial Imagery*). Remnants of this driveway still exist on the property (see “grass path” on attached *Plot Plan*). Two (2) wells currently exist on the property. CDP 1-81-85 most likely authorized the eastern well shown on the current Plot Plan. Although not shown on the plot plan included in CDP 1-81-85, the map included in the wetland delineation for CDP 83-02 shows only the eastern well.

In 2003, the County approved a CDP to allow the installation of a chain link driveway gate, chain link fence, conversion of a test well into a production well, solar powered pump, water storage tank, and storage container on the property. The gate, fence, solar pump, and water tank were constructed under building permit BF\_2005-0507. When staff visited the property in February 2024, portions of the chain link fence

were observed. However, the chain link gate was not observed. A storage container was not observed. A water tank was observed in a similar location to that approved under CDP 83-02, though it was not clear whether this was the same water tank.

In 2008, the County approved a Minor Subdivision, Use Permit, and CDP to divide the subject property into two (2) lots, to apply the Planned Unit Development (PD) Combining District to the property, and to construct a single-family residence and appurtenant development on one of the resulting lots. Ultimately, the permit expired before the subdivision could be finalized and the residence was never constructed. However, the PD Combining District was applied to the property. The tentative map for this subdivision showed both the eastern and western wells currently on the property.

In 2008, the Coastal Commission denied an appeal and upheld the County’s approval of a CDP for the Mendocino Land Trust to open a public access trail within the vertical and lateral easements, which included installation of signage, fencing, and a segment of raised boardwalk. When staff visited the site in February 2024, fencing and signage along the easement was observed, but a boardwalk was not observed.

Some time between 2019 and 2021, a new driveway was developed on the property without a permit (see attached *Historical Aerial Imagery*). In 2019, the County approved a building permit for trenching to bury underground electrical cable for both wells. The underground electrical cable follows the same path as the unpermitted driveway. Both the driveway and underground utilities cross a wetland previously mapped in 2005 and 2007. The driveway is currently paved with gravel.

Other existing development on the property includes electrical panels, underground water pipes, and water tanks. According to the 2024 *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys* prepared for the project, most of the site is vegetated with sweet vernal grass, slough sedge, horsetail, salal, Monterey cypress trees, and bishop pine trees. Some isolated areas of landscaping are also present, including fruit trees and Leyland cypress. An existing encroachment onto SR 1 was permitted by Caltrans under Permit #0119-6-RS-0443.

The surrounding Land Uses and Zoning are detailed in the following table.

**TABLE 1: ADJACENT LAND USE AND ZONING**

|              | <b>GENERAL PLAN</b>       | <b>ZONING</b>             | <b>LOT SIZES</b> | <b>USES</b>               |
|--------------|---------------------------|---------------------------|------------------|---------------------------|
| <b>NORTH</b> | Rural Residential (RR:10) | Rural Residential (RR:10) | 11± Acres        | Residential               |
| <b>EAST</b>  | Rangeland (RL:160)        | Rangeland (RL:160)        | 100± Acres       | Residential, Agricultural |
| <b>SOUTH</b> | Rural Residential (RR:5)  | Rural Residential (RR:5)  | 4.5± Acres       | Residential               |
| <b>WEST</b>  | N/A (Pacific Ocean)       | N/A (Pacific Ocean)       | N/A              | N/A                       |

**Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements):** North Coast Regional Water Quality Control Board.

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, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. The Sherwood Valley Band of Pomo Indians responded with no comments.

**PROJECT PLOT PLAN:** See Page 6 of this document.

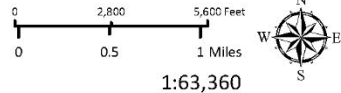
**FIGURE 1: LOCATION MAP**

SUBJECT PARCEL



Sources: Esri, HERE, DeLorme, increment P Corp., NPS, NRCAn, Ordnance Survey, © OpenStreetMap contributors, USGS, NGA, NASA, CCGAR, IN Robinson, NCEAS, NLS, OS, NMA, Geodastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Community

- Coastal Zone Boundary
- Highways
- Major Roads



**CASE: CDP 2024-0004**  
**OWNER: REIMANN & SCHILKE**  
**APN: 123-290-03**  
**APLCT: Martin Reimann & Oliver Schilke**  
**AGENT: Martin Reimann & Oliver Schilke**  
**ADDRESS: 2300 N Hwy 1, Albion**

LOCATION

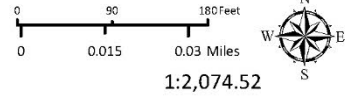
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

**FIGURE 2: AERIAL IMAGERY**



**CASE: CDP 2024-0004**  
**OWNER: REIMANN & SCHILKE**  
**APN: 123-290-03**  
**APLCT: Martin Reimann & Oliver Schilke**  
**AGENT: Martin Reimann & Oliver Schilke**  
**ADDRESS: 2300 N Hwy 1, Albion**

- Highways (2017)
- Public Roads
- Private Roads
- - - - Driveways/Unnamed Roads



**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**



**FIGURE 3: PLOT PLAN**



# ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

## DETERMINATION

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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.

*Liam Crowley*

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Signature

Liam Crowley

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Printed Name

02-12-2025

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Date

Planner II

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

**DISCUSSION:** A “scenic vista” is defined as *a singular vantage point that offers high quality, harmonious, or visually interesting views of a valued landscape for the benefit of the public*. Scenic vistas are typically found along major highways or other public roads but may also occur in other areas accessible to the public.

“Scenic resources” include objects, features, or patterns within the landscape which are visually interesting or pleasing. Scenic resources can include trees, rock outcroppings, historic buildings, or other features. California Streets and Highways Code (SHC) Sections 260-284 establish the State Scenic Highway program for *“the protection and enhancement of California’s natural scenic beauty”*.<sup>1</sup> The Department of Transportation (CALTRANS) oversees this program, including a list of officially designated Scenic Highways and those deemed “eligible” for incorporation into the program. No highways in Mendocino County have been officially incorporated into the State Scenic Highway system. As such, there are no adopted Corridor Protection Programs in the county. However, the entirety of State Route 1 (SR-1) in Mendocino County, the portion of U.S. Route 101 (US-101) between Ukiah and Willits, all of State Route 20 (SR-20), and all of State Route 128 (SR-128) is listed as “eligible”.<sup>2</sup> No National Scenic Byways are located in Mendocino County as designated by the U.S. Secretary of Transportation.<sup>3</sup>

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 the *“protection of the visual quality of the county’s natural and rural landscapes, scenic resources, and areas of significant natural beauty.”*

The main source of daytime glare in the unincorporated portions of the Mendocino County is from sunlight reflecting from structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by “light pollution.” Two elements of light pollution may affect county residents:

<sup>1</sup> Streets and Highways Code, CA SHC § 260 (1969).

<sup>2</sup> Streets and Highways Code, CA SCH §263.2 to 263.8 (2019).

<sup>3</sup> U.S. Department of Transportation. Federal Highway Administration. *National Scenic Byways & All-American Roads*. Retrieved from <https://fhwaapps.fhwa.dot.gov/bywaysp/States/Show/CA>.

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 the “*protection of the qualities of the county’s nighttime sky and reduced energy use.*”

According to the 2020 U.S. Census, there are three “Urban Areas” in Mendocino County: Ukiah, Willits, and Fort Bragg. Some of these Urban Areas extend into the unincorporated portions of the County. The Census provides shapefiles for use in visualizing these Urban Areas. The following County regulations govern scenic quality:

- Mendocino County Code (MCC) Chapter 20.504 – Visual Resource and Special Treatment Areas
- Mendocino County Coastal Element Chapter 3.5 – Visual Resources, Special Communities and Archaeological Resources
- Ukiah Valley Area Plan Chapter 4 – Community Design
- Mendocino County General Plan Chapter 6 – Community Specific Policies

Mendocino County General Plan Policy DE-85: “*Viewshed preservation shall be considered when development is located in a highly scenic environment, adjacent to or atop a ridgeline or hill, and in similar settings.*”

- a) **No Impact:** No impact to a scenic vista would occur. The only high quality, harmonious, or visually interesting views are of the shoreline and ocean west of the project site. The proposed development would be located landward of the existing public access easement and would not affect public views of the shoreline.
- b) **No Impact:** The site is not in the vicinity of a scenic highway.
- c) **Less than Significant Impact:** The site is in a non-urbanized area. The proposed development would not degrade the existing character or quality of public views of the site and its surroundings because the proposed development would not exceed twenty-eight (28) feet in height and is not located in a designated Highly Scenic Area of the Coastal Zone. Portions of the site can be seen from State Route 1 and the adjacent public access trails, but the proposed development would utilize materials and colors that would blend with the surroundings and vernacular of the Mendocino coast.
- d) **No Impact:** The proposed development would utilize nonreflective materials and all exterior lighting would be downcast and shielded to prevent glare or nighttime views.

**MITIGATION MEASURES:** None.

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

## **5.2 AGRICULTURE AND FORESTRY RESOURCES**

| <b>WOULD THE PROJECT:</b>   | 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>WOULD THE PROJECT:</b>   | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| 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 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. Each map is updated at approximately two-year intervals. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called “Prime Farmland”. Other critical designations include “Unique Farmland” and “Farmland of Statewide Importance.” The most recent map covering Mendocino County was published in 2018.

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for an agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses.

The Timberland Production Zone (T-P) was established in 1976 in the California Government Code as a designation for lands for which the Assessor’s records as of 1976 demonstrated that the “highest and best use” would be timber production and accessory uses. Public improvements and urban services are prohibited on T-P lands except where necessary and compatible with ongoing timber production. The original purpose of T-P 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.

Several zoning districts established by the Mendocino County Zoning Ordinance allow for agricultural uses. The Zoning Ordinance also establishes use types which are allowable by-right and conditionally in each zoning district. A zoning conflict may occur if a use is proposed which is not allowable in the corresponding zoning district. Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts, which were most recently amended in 2018. Among the policies and procedures are regulations concerning compatible and incompatible uses on lands under a Williamson Act contract.

Public Resources Code Section 12220(g) defines “forest land” as *“land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.”*

Public Resources Code Section 4526 defines “timberland” as *“land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.”* In this definition, “board” refers to the California Board of Forestry and Fire Protection.

Government Code Section 51104(g) defines “Timberland production zone” or “TPZ” as “an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).”

- a) **No Impact:** According to the FMMP, the site is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The site is classified as Grazing Land (G).
- b) **No Impact:** The site is not within an agricultural zoning district or within a Williamson Act contract.
- c) **No Impact:** The site not within a timber production zoning district and vegetation on the site of development does not meet the definition of forest land or timberland. No tree removal would occur as part of the proposed development.
- d) **No Impact:** No tree removal would occur as part of the proposed development.
- e) **No Impact:** The proposed development would not occur on farmland or forestland.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **No Impact** on Agricultural and Forestry Resources.

### 5.3 AIR QUALITY

| WOULD THE PROJECT:  | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---------------------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**DISCUSSION:** Mendocino County is located within the North Coast Air Basin. Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing the state and federal Clean Air Act, as well as local air quality regulations. Air Districts in California develop regulations based on the measures identified in the Clean Air Act and its Clean Air plan as well as state regulations. In Mendocino County, these are known as the district “Rules and Regulations”. These regulations establish the procedure for new point source emissions to obtain an air quality permit, air quality standards for new construction, and others. In 2005, MCAQMD adopted a Particulate Matter Attainment Plan which quantified past and present Particulate Matter levels and recommended control measures to reduce emissions. These control measures were incorporated into the District Rules and Regulations.

MCAQMD Rule 1-400 states: “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or that endanger the comfort, repose, health or safety of any such persons or the public or that cause or have a natural tendency to cause injury or damage to business or property.”

Rule 1-430 requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- 3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and
- 7) The operator shall keep a daily log of activities to control fugitive dust. In December, 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards and use of wood burning appliances to reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading or road development must be registered in the Air Resources Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM2.5. All stationary and portable diesel engines over 50 horse power need a permit through the MCAQMD.

According to the US Environmental Protection Agency (EPA) Nonattainment Areas for Criteria Pollutants (Green Book), Mendocino County is in attainment for all National Ambient Air Quality Standards (NAAQS).<sup>4</sup> In addition, Mendocino County is currently in attainment for all California Ambient Air Quality Standards (CAAQS). The County achieved attainment in 2021.<sup>5</sup> The Hydrogen Sulfide and Visibility Reducing Particles designations remain unclassified in Mendocino County.

For the purposes of CEQA, MCAQMD previously recommended that agencies use adopted Bay Area Air Quality Management District (BAAQMD) thresholds for projects in Mendocino County. However, MCAQMD has issued clarifications to resolve conflicts between District rules and BAAQMD thresholds. This includes the Indirect Source Rule, Stationary Source Emissions Levels, CO Standards, Greenhouse Gas rules, Risk Exposure, and Odor rule. More information can be found on the MCAQMD website.<sup>6</sup>

Mendocino County General Plan Policy RM-37, RM-38, and RM-49 relate to Air Quality.<sup>7</sup>

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<sup>4</sup> U.S. Environmental Protection Agency (2023). *Nonattainment Areas for Criteria Pollutants (Green Book)*. Retrieved from <https://www.epa.gov/green-book>.

<sup>5</sup> California Air Resources Board (2022). *2021 Amendments to Area Designations for State Ambient Air Quality Standards*. Retrieved from <https://ww2.arb.ca.gov/rulemaking>.

<sup>6</sup> Mendocino County Air Quality Management District (2013). *District Interim CEQA Criteria and GHG Pollutant Thresholds*. Retrieved from <https://www.co.mendocino.ca.us/aqmd/>.

<sup>7</sup> County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

Per California Health and Safety Code (HSC) Section 42705.5, “sensitive receptors” include hospitals, schools, day care centers, and other locations that the district or state board may determine. According to the California Air Resources Board (CARB), sensitive receptors include “*children, elderly, asthmatics, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. The locations where these sensitive receptors congregate are considered sensitive receptor locations. Sensitive receptor locations may include hospitals, schools, and day care centers.*”

Mendocino County also contains areas where naturally occurring asbestos (NOA) is known to occur. When asbestos fibers are disturbed, such as by grading and construction activities, the fibers can be released into the air. These fibers can cause serious health threats if inhaled. Ultramafic rocks are an indicator of possible asbestos minerals, including a rock known as serpentine. Serpentine and ultramafic rocks are common in the eastern belt of the Franciscan Formation in Mendocino County. Planning & Building Services uses a map derived from the California Bureau of Mines and Geology and the US Department of Agriculture’s Natural Resource Conservation Service (NRCS) to identify areas likely to have asbestos containing geologic features. MCAQMD has adopted policies for areas containing NOA. For projects in areas identified as potentially containing NOA, the District requires an evaluation and report by a State registered geologist to determine that any observed NOA is below levels of regulatory concern in the areas being disturbed. If it is determined that NOA is present at levels above regulatory concern, or the applicant chooses not to have the testing and evaluation conducted, MCAQMD requires that certain measures be implemented in accordance with Title 17 California Code of Regulations Section 93105.<sup>8</sup>

- a) **Less than Significant Impact:** The existing structures are not stationary sources. A stationary source would not be created. Portable sources are not expected because the emitting source of construction equipment would either be the motive power for moving the equipment or would otherwise be expected to be registered with CARB’s Portable Equipment Registration Program. An indirect source would not be created because the project result in negligible emissions due to the temporary use of off-road construction equipment and construction of the residence, ADU, and shed. CalEEMod was used to estimate the average daily emissions of Reactive Organic Gases (ROG), Nitrogen oxides (NO<sub>x</sub>), Carbon Monoxide (CO), and Particulate Matter (PM<sub>10</sub>) during construction and operation of the project. The project would emit approximately 0.5 pounds of ROG, 2 pounds of NO<sub>x</sub>, 2 pounds of CO, and 5 pounds of PM<sub>10</sub> per day during construction. The project would emit approximately 1 pounds of ROG, 0.2 pound of NO<sub>x</sub>, 3 pounds of CO, and 61 pounds of PM<sub>10</sub> per day during operation. These values are below the threshold for indirect sources found in MCAQMD Rule 1-130. The project would not involve large grading operations. Therefore, written authorization from the District or a permit to operate prior to starting construction in accordance with Rule 1-200 and Rule 1-240 would not be required. Using CalEEMod, construction of the project was estimated to generate 69 metric tons of CO<sub>2e</sub> per year, while operation of the project was estimated to generate 46 metric tons of CO<sub>2e</sub> per year. Therefore, MCAQMD Rule 1-221 would not apply. The site is not an Air Toxics “Hot Spot” as regulated by Rule 1-280. Due to the low concentration of emissions, the project is not expected to result in a public nuisance in accordance with Rule 1-400 or a significant amount of particulate matter, fugitive dust, sulfur oxide, or geothermal emissions in accordance with Rule 1-420 through 1-455. Other Rules within District Regulations 1 would not apply. The project would not involve open outdoor burning. As such, District Regulations 2 would not apply. The project does not involve a gasoline dispensing facility, dry cleaning operation, residential burning, or stationary diesel engine. Therefore, District Regulations 3 would not apply. The project does not involve any wood burning appliances. Therefore, District Regulations 4 would not apply. The project does not involve an acid rain unit, solid waste incinerator, major source, or other source regulated by District Regulations 5. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan.
- b) **No Impact:** Mendocino County is in attainment under all applicable federal and state ambient air quality standards.

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<sup>8</sup> Mendocino County Air Quality Management District (2013). *Policies for Areas Containing Naturally Occurring Asbestos (NOA)*. Retrieved from <https://www.co.mendocino.ca.us/aqmd>



- c) **Less than Significant Impact:** There is one (1) residence within five hundred (500) feet of the project site. However, standard Best Management Practices (BMPs) and grading techniques would ensure that this sensitive receptor is not exposed to substantial pollutant concentrations, particularly due to the low amount of estimated pollutants per CalEEMod.
- d) **No Impact:** The project is not located in an area of known Naturally Occurring Asbestos and demolition would not occur. Therefore, exposure to other emissions is unlikely.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have a **Less than Significant Impact** on Air Quality.

## 5.4 BIOLOGICAL RESOURCES

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

**DISCUSSION:** In accordance with CEQA Guidelines Section 15380, a species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

- Sections 670.2 or 670.5, Title 14, California Code of Regulations
- Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered

The following may also be considered a special status species:

- Species that are recognized as candidates for future listing by agencies with resource management responsibilities, such as US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NOAA Fisheries, also known as NMFS), and California Department of Fish and Wildlife (CDFW)

- Species defined by CDFW as California Species of Special Concern
- Species classified as “Fully Protected” by CDFW
- Plant species, subspecies, and varieties defined as rare or threatened by the California Native Plant Protection Act (California Fish and Game Code Section 1900, et seq.)
- Plant species listed by the California Native Plant Society (meeting the criteria in CEQA Guidelines Section 15380) according to the California Rare Plant Ranks (CRPR)
- Mountain lions protected under the California Wildlife Protection Act of 1990 (Proposition 117) and designated as a specially protected mammal in California.

The Mendocino County General Plan identifies four (4) “sensitive habitats”, including Serpentine Soils and Rock Outcrops, Pygmy Forest, Wetlands and Waters of the United States, and Old-Growth Forest. Table 4-A of the General Plan contains a list of locally identified “special-status species” found in Mendocino County. In addition, General Plan Section 4-10 identifies Coho salmon, Chinook salmon, and steelhead trout as species for which habitat is found in large portions of Mendocino County. These species are of federal, state, and local concern.

The California Natural Diversity Database (CNDDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, 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, CNDDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Endangered. Planning & Building Services uses CNDDDB mapping to assist in identifying project-specific locations where special-status species have been found.

The US Fish and Wildlife Service’s (USFWS) Information for Planning and Consultation tool (IPaC) provides site-specific information on federally listed species. In addition, the USFWS National Wetlands Inventory houses information on the status, extent, characteristics, and function of wetlands.

Section 404 of the federal Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States. Section 404 requires a permit before dredged or fill material may be discharged unless the activity is exempt. Section 404 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.”*

At the state level, the Porter-Cologne Act governs water quality through nine Regional Water Boards and the State Water Board. Mendocino County is within the jurisdiction of the North Coast Regional Water Quality Control Board (the ‘Board’). The Board regulates discharges under the Act through the issuance of National Pollutant Discharge Elimination System (NPDES) permits. The Porter-Cologne Act also requires adoption of regional water quality control plans. The North Coast Basin Plan was most recently adopted in 2018 and establishes water quality objectives, implementation measures, and monitoring programs for the region.

CDFW uses NatureServe’s Heritage Methodology to assign global and state rarity ranks for natural communities. CDFW’s Vegetation Classification and Mapping Program (VegCAMP) ranks California Natural Communities by their rarity and threat. Natural Communities with a rank of S1-S3 are considered Sensitive Natural Communities. The only comprehensive VegCAMP mapping completed in Mendocino County is that of Mendocino Cypress and Related Vegetation (Pygmy forest), Point Arena Stornetta Unit, and Garcia River.

Mendocino County General Plan Policy RM-28 and RM-29 relate to Biological Resources, including Action Item RM-28.1 regarding oak woodlands.<sup>9</sup> Mendocino County currently has two active Habitat Conservation Plans (HCPs) with the U.S. Fish and Wildlife Service, the first of 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 Assessor Parcel Number 027-211-02 located at 43400 Hathaway Crossing, Point Arena. The second HCP is Pacific

<sup>9</sup> The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

Gas & Electric Company's Multiple Region Operations and Maintenance HCP. The HCP was issued in 2020 for a period of 30 years. The HCP includes protections for several species across multiple jurisdictions. 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.

Other regulations which apply to biological resources include the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and the Lake and Streambed Alteration Program. California Fish and Game Code (FGC) Section 3503.5 states *"it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."*

California PRC Section 21083.4 requires, *"as part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. For purposes of this section, "oak" means a native tree species in the genus Quercus, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height."*

a - e) **Less than Significant with Mitigation:** Mendocino County Code Chapter 20.488 establishes general review criteria that must be applied to all CDP applications, including that:

- (A) *Development shall not significantly degrade, or destroy the habitat for, endangered plant and animal species, including native mammals and resident and migratory birds. Diversity, both functionally and numerically, shall be maintained.*
- (B) *The productivity of wetlands, estuaries, tidal zones and streams shall be protected, preserved, and, where feasible, restored.*
- (C) *Approved grading activities shall be conducted in a manner that will assure that environmentally sensitive habitat areas will be protected from adverse impacts that can result from mechanical damage and undesirable changes in the water table, subsurface aeration and impacts to the root system of riparian vegetation, the alteration of surface or subsurface drainage, or other environmental conditions.*
- (D) *Wetland buffer areas (the transition areas between wetland and upland habitats) shall be protected, preserved, and, where feasible, restored.*

Additionally, Coastal Element Chapter 3.1 and MCC Chapter 20.496 contain protections for Environmentally Sensitive Habitat Areas (ESHAs). Per Section 20.496.010, ESHAs include *"anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals"*.

Coastal Element Policy 3.1-7 and MCC Section 20.496.020 require that a one hundred (100) foot buffer area be established between proposed development and ESHA. Coastal Element Policy 3.1-4 and MCC Section 20.496.025 limit development or activities in wetlands to eleven (11) different uses. Residential use is not permitted in ESHA or wetlands.

On April 26, 2024, the North Coast Regional Water Quality Control Board (RWQCB) issued an Inspection Memo and Notice of Violation related to a March 27, 2024 inspection of the property that revealed unauthorized discharges to waters of the state (see attached *RWQCB Inspection Memo* and *RWQCB Notice of Violation*). Wetlands on the property had been filled by the installation of the gravel driveway connecting the site entrance to the proposed site of the residence and ADU. To bring the site back into compliance, RWQCB recommended that the owner conduct a wetland delineation, prepare a restoration mitigation and monitoring plan (RMMP), submit the applicable permit application(s) to RWQCB, and implement the RMMP.

Subsequently, a wetland delineation, biological survey, and botanical survey was conducted on the property (see attached *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys*). According to the report, no special-status plant species or plant communities were observed during the surveys. The wetland delineation revealed a one and one tenth (1.1) acre wetland on the property. No special-status animals were observed during the surveys. A one hundred (100) foot buffer was established around the identified wetland. The proposed single-family residence, berm/knoll, ADU, and storage shed would be located entirely outside of the one hundred (100) foot buffer. However, portions of the water catchment area, portions of the existing driveway, portions of the existing wooden fence, existing eastern well, new entry gate, and new fence would either be located directly within the wetland or the wetland buffer area. These features are not permitted within the wetland ESHA or wetland ESHA buffer area because they are accessory structures associated with residential development, which is not a permitted use within wetlands.

Therefore, the proposed development located within ESHA or ESHA buffers was removed from the scope of this CDP or repositioned to avoid ESHA and ESHA buffers. The water catchment area, improvements to the existing driveway, portions of the proposed improvements to existing fencing, proposed deepening of the existing eastern well, the new entry gate, and new fence were to be removed or repositioned without issue. However, the existing driveway is currently the sole means of access between the entrance to the property and the proposed site of the residence and ADU. The existing western well and septic system are also located in this western area of the lot. If development is to occur in the western area of the lot, access must be provided either from the existing driveway or an alternative path. The identified wetland and buffer area spans the entire width of the lot. The wetland and buffer area crosses the proposed driveway authorized by CDP 1-81-85. Therefore, there is no orientation of driveway that would allow access to the western section of the lot while simultaneously avoiding ESHA and ESHA buffers. This means that one element of the proposed development (after-the-fact permitting of a driveway) would be inconsistent with ESHA and ESHA buffer regulations.

The *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys* report asserts that “*the potential effects on presumed ESHA, specifically the presumed wetland, can be significantly reduced or entirely circumvented by adopting the mitigation strategies outlined below*”. The mitigation measures recommended by the biologist include (1) nest protection avoidance measures, (2) limiting construction to daylight hours, (3) contractor training, (4) pre-construction surveys for amphibians and insects, (5) debris management, (6) rain event protocol, (7) replanting lost wetland vegetation, (8) a staging area plan, (9) Best Management Practices (BMPs), (10) cleaning machinery, (11) planting only native species, (12) removal and replacement of non-native species, and (13) the implementation of a Restoration Mitigation and Monitoring Plan (RMMP) to mitigate prior impacts to wetlands and create new wetland areas. These strategies can be adopted as mitigation measures to reduce potentially significant impacts to a less-than-significant level.

In accordance with RWQCB recommendations, the applicant prepared an RMMP that was approved by RWQCB on November 26, 2024. The plan would require the creation of approximately one hundred twenty-two one thousandths (0.122) acres of new wetland area. The RMMP identifies the location where new wetlands would be created, the actions taken to grade the land and allow water to inundate, the source of water, and timeline for implementation. The RMMP also identifies monitoring, performance, and success criteria, adaptive management and long-term protection contingencies, and agency coordination, documentation, and reporting requirements. The RMMP can be adopted as a mitigation measure to reduce potentially significant impacts to a less-than-significant level.

The existing driveway’s placement within wetland ESHA and resulting LCP inconsistency could be resolved by either (1) denying that portion of the proposed development, (2) requiring the removal of the existing driveway and restoration of the areas in which it intersects ESHA, (3) requiring the removal, relocation, and restoration of the driveway to an area that would completely avoid ESHA and/or ESHA buffers, (4) denying the entirety of the proposed development, or (5) removing existing portions of the driveway that intersect ESHA and replacing those portions with bridges over ESHA. Simply denying the after-the-fact permitting of the driveway would not resolve the inconsistency because the driveway would remain within ESHA and/or ESHA buffers. However, staff believes that requiring the removal of the existing driveway and restoring the areas in which it intersects ESHA or relocating the driveway to an area that would completely avoid ESHA and/or ESHA buffers would constitute a regulatory taking (see Takings Analysis within the associated Staff Report). These options would eliminate access to the proposed location of the residence, ADU, existing septic system, and well. Therefore, these options would require that residential development occur only in the northeastern corner of the property where an alternative residence, septic system, well, driveway,

encroachment onto SR-1, and electrical infrastructure could be developed. Indeed, the *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys* report notes that the “positioning of the driveway, crucial for connecting the Shoreline Highway with the proposed residence, does not allow for relocation elsewhere on the property without compromising ecological integrity.” As discussed in the Alternatives Analysis document provided by the applicant, the construction of bridges where the driveway crosses ESHA would be economically infeasible, and their construction may result in greater impacts to ESHA. Therefore, the least environmentally damaging feasible alternative would be to allow the existing driveway to remain but implement the RMMP and other mitigation measures to minimize inconsistencies with the LCP.

On January 9, 2025, CDFW provided several comments and recommendations for the project (see attached *CDFW Comments*). First, CDFW stated that the site’s resources are not reflected in the site plan. Accordingly, CDFW recommended that a revised site plan be submitted which shows the location of proposed seasonal wetland creation and the extension of ESHA buffer areas based on the new area of created wetlands, the full extent of ESHA and ESHA buffers, and the location of low, symbolic fencing. CDFW has also expressed that they are unwilling to grant a reduced 50-foot buffer until such a map is received. The applicant submitted a revised site plan on February 11, 2025. The applicant also submitted an Addendum to the *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys* on January 28.

CDFW questioned whether the landscaped berm proposed for the project would be necessary and stated that the construction of a berm and associated fill could significantly increase the risk of introduction of invasive plant species. The landscaped berm was a requirement of the original CDP for this property but would no longer be required as visual resource mitigation because the site is not located in a designated Highly Scenic Area. The applicant subsequently removed the landscaped berm from the proposed scope of work, which is reflected on the revised site plan.

CDFW noted that the water catchment system shown on the site plan would encroach upon ESHA and/or ESHA buffers. The applicant subsequently removed the water catchment system from the proposed scope of work, which is reflected on the revised site plan.

CDFW also commented on CAL FIRE defensible space requirements. Defensible space can be maintained surrounding the proposed single-family residence, shed, and ADU without encroaching upon ESHA and/or ESHA buffers. Defensible space requirements may result in vegetation removal. However, the Addendum to the *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys* notes that such vegetation removal is unlikely to pose significant risk to bats and amphibians. Nevertheless, the Addendum recommends avoidance measures to prevent unanticipated impacts. These avoidance measures can be adopted as mitigation measures to prevent impacts. Further discussion with CDFW also involved the development of a Fuel Modification Plan for defensible space. The development of this Fuel Modification Plan can be adopted as a mitigation measure to ensure that unanticipated impacts are fully avoided.

CDFW noted that future development or maintenance of the eastern watercourse and its culvert would be subject to notification to CDFW under Fish & Game code section 1600 in addition to permitting by the RWQCB. Accordingly, staff recommends a mitigation measure memorializing these permitting requirements.

CDFW also noted that casting seed to establish wetland vegetation in the seasonal wetland may not be sufficient to achieve success criteria within five years. Planting plugs would increase the likelihood of achieving success criteria. Therefore, measures can be included recommending the use of planting plugs to help achieve success criteria. CDFW questioned whether Pacific reedgrass (*Calamagrostis nutkaensis*) would be added to the proposed planting palette for the RMMP. Therefore, staff recommends that the recommended mitigation measure for implementation of the RMMP be amended to include Pacific reedgrass within the list of plants to be established on the site. In accordance with CDFW comments, staff also recommends that a mitigation measure be adopted encouraging the use of transects or plots to measure cover during the monitoring and reporting period for the RMMP.

CDFW also noted that the biological report indicated the high potential for species to occur including bats and California red-legged frog, but mitigation measures did not include appropriate avoidance, minimization or survey requirements for these species before or after construction. As noted above, the submitted Addendum to the biological report notes that construction activities are unlikely to pose risk to bats and

amphibians. However, the Addendum recommends several avoidance measures to prevent unanticipated impacts. These avoidance measures can be adopted as mitigation measures to prevent impacts.

CDFW comments also recommended that fencing be of wildlife-friendly design, that the landscaping notes and plans be revised to ensure that culinary plants be properly separated from native vegetation and comprised of locally native species, that invasive species be targeted for removal for a period of ten (10) years, and that the applicant install low symbolic fencing along the edges of the driveway that encroach upon ESHA and/or ESHA buffers and the areas and that this fencing be shown on the revised site plan. These recommendations can be adopted as mitigation measures to prevent potentially significant impacts. The revised site plan shows where low symbolic fencing would be installed along the edges of driveway areas that intersect ESHA.

CDFW comments also recommended the establishment of photo vantage points, including a map of photo vantage point locations with cardinal points within the RMMP. A mitigation measure can be adopted requiring the amendment of the RMMP to include this recommendation. CDFW also questioned which specific target wildlife species would be included in the annual monitoring reports within the RMMP. A mitigation measure can be adopted requiring the amendment of the RMMP to include the target wildlife species, including Obscure bumble bee, Western bumble bee, White-tailed kite, Lotis blue butterfly, and Behren's silverspot butterfly.

CDFW also recommended that contingencies be added to recommended conditions should species be found during pre-construction surveys, that mitigation measures be amended to ensure that only a qualified biologist conduct an annual review, and that hedges being established as physical barriers be comprised of native species and shall be shown on the revised site plan. As noted above, the revised site plan included existing planted hedges, but these hedges are comprised of non-native species. Therefore, a mitigation measure can be adopted requiring that non-native hedge species be removed and replaced with locally native species.

Written and verbal comments and discussion between County staff, CDFW, RWQCB, and the Coastal Commission also involved the existence of a grass path along the southern property boundary that turns northward and connects to the proposed parking area. The grass path crosses through ESHA and/or ESHA buffers and its continued use and maintenance could pose a risk to ESHA. The applicant has agreed to abandon the use and maintenance of the grass path, which was removed from the revised site plan. A mitigation measure could be adopted which would restrict future use or maintenance of the grass path. In addition, a mitigation measure could be adopted which would require that the owner record a deed restriction limiting any development within ESHA and/or ESHA buffers to those uses allowed within ESHA and/or ESHA buffers, as defined in Coastal Zoning Code Section 20.496.025. The deed restriction would also prevent the use or maintenance of any portion of the grass path that crosses through ESHA and/or ESHA buffers.

Written and verbal comments and discussion also involved the existence of landscaping on the lot, including an orchard area planted with *Malus* and *Prunus* species, a row and ring of Leyland cypress trees along the driveway and in the northeastern corner of the lot, and a row of *Magnolia* trees along the driveway. Portions of these landscaped areas intersect with ESHA and/or ESHA buffers and therefore have the potential to limit the growth or establishment of native vegetation within these sensitive habitat areas. Therefore, along with targeted removal of invasive species, non-native landscaping can be removed and replaced with locally native species, such as those identified in the RMMP, to mitigate potential impacts of non-native landscaping. A mitigation measure could be adopted to this effect.

f) **No Impact:** The project is not within the jurisdiction of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or any other habitat conservation plan.

#### **MITIGATION MEASURES:**

**BIO-1:** In accordance with the *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys* report, the following mitigation measures shall be implemented to avoid or minimize potential impacts to birds, amphibians, and insects:

- a. Should active native bird nests be found, activities like vegetation removal or construction

that could disturb nesting shall be prohibited within a one hundred (100) foot buffer zone, adjustable based on species, habitat and disturbance levels by a qualified biologist. The buffer zone must be maintained until the fledglings are independent. If an active nest is present, a qualified biologist shall monitor the nest site weekly during the breeding season to confirm the buffer's effectiveness in preventing disturbances. If active bird nests are found, the California Department of Fish & Wildlife shall also be contacted to coordinate future actions.

- b. To reduce noise disturbance and the need for artificial lighting, construction activities shall be confined to daylight hours.
- c. Within two (2) weeks of the commencement of construction, contractors shall undergo training led by a qualified biologist on recognizing amphibians and insects native to the Mendocino coast, including the California red-legged frog (*Rana draytonii*). The training shall cover distinguishing between species of special concern and more common species, along with the necessary steps and communication protocols if species of special concern are encountered.
- d. At the start of each day and before initiating ground-disturbing work, crews shall conduct visual inspections of the area to identify any species of special concern or common animals present.
- e. When removing construction debris and handling wood stockpiles, materials should be moved carefully by hand to prevent harming amphibians.
- f. Construction shall pause for forty-eight (48) hours following a rain event to protect the habitat during wet conditions. After this period, a trained crew member shall inspect the area for any species of special concern before resuming work.
- g. Construction staging areas shall only be located more than one hundred (100) feet from identified ESHA.

**BIO-2:** The permittee shall implement the *Revised Restoration and Mitigation Monitoring Plan (RMMP)* prepared for the project, including the following measures:

- a. The permittee shall use the Annual Monitoring Report template within the RMMP to biannually observe and record the conditions of the wetland and surrounding areas. The property owner will utilize a combination of visual inspections, photographic records, and biological surveys to detect any invasive species or ecological changes and record the outlined metrics. The property owner should establish photo vantage points, including a map of photo vantage point locations with cardinal points. Based on this monitoring schedule, a consulting biologist will prepare an annual report each year to summarize these metrics and will make necessary adjustments to planning strategies and/or management practices based on annual performance to ensure ongoing success. A response plan to manage invasive species will be implemented promptly as they are detected, including physical removal. The sizing of the existing culverts will be checked annually to omit any risk of plugging and potential crossing failure, and fine sediment discharge. No chemical treatment will be performed. Invasive species will be manually removed.
- b. After 2 years of monitoring, cover of wetland species should be >60% and increase by 2-5% yearly until the goal of 80% within the restoration area is reached by the end of the monitoring period (i.e., 5 years). In addition, the area covered by other non-invasive species will be reduced to <10%.

The following list of wetland species will be established, based on actual plant observations in the *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys* dated August 11, 2024:

- Horsetail (*Equisetum telemateia* and *Equisetum arvense*, which was observed at Sampling Point SP05 close in proximity to the new wetland)
- Yarrow (*Achillea millefolium*, which was observed at SP05)
- Toad rush (*Juncus bufonius*, which was observed at SP05)

- Rushes (*Juncus* spp, which was observed by the Regional Water Control Board near SP02)
- Slough sedge (*Carex obnupta*)
- Pacific reedgrass (*Calamagrostis nutkaensis*)

The planting will be a mix of seeds of the aforementioned native plants. In addition to casting seed, planting plugs should be utilized to increase the likelihood of achieving success criteria cover requirements.

- After 5 years of monitoring, cover of wetland species should be >80% and cover of non-invasive species should be reduced to <10%. A wetland delineation will be conducted at the end of the 5 years to determine that 0.122 acres of wetlands have been created. A qualified restoration ecologist will assist the wetland construction and monitoring efforts through plant identification, their wetland mitigation expertise, and assessing the resulting new wetland delineation after 5 years.
- Data will be collected from regular monitoring to identify trends or issues that may require intervention. The property owner is prepared to adjust restoration techniques, plant species selection, or management practices based on observed data and external factors like climatic changes. The property owner has also started to implement physical barriers (hedge) to protect sensitive areas from human disturbances.
- The North Coast Regional Water Quality Control Board and the County of Mendocino Department of Planning and Building Services will be kept informed of project progress through updates and consultation meetings. The property owner ensures all construction and restoration activities comply with relevant permits and regulations. Monitoring reports will be sent in annually to [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) and the Department of Planning & Building Services. At the end of five years, a comprehensive review of the project's success against these criteria will be conducted and reported to the project stakeholders (i.e., Regional Water Control Board).
- The property owner shall maintain detailed records of all restoration mitigation, planting, monitoring, and management activities, and shall submit regular reports to the appropriate agencies, detailing progress, compliance with permits, and any challenges faced.
- Transects or plots should be used to measure cover during the monitoring and reporting period.

**BIO-3:** In accordance with the *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys* report, the following mitigation measures shall be in addition to the requirements of the RMMP to further protect and restore wetland ESHA:

- All construction materials and vehicles shall be positioned in upland areas and shall maintain a distance of over one hundred (100) feet from all ESHA.
- Best Management Practices (BMPs) shall be applied to reduce erosion from construction. Ground disturbance shall be limited and disturbed areas shall be stabilized promptly using native seeds or biodegradable materials.
- Invasive species shall not be planted. Only non-invasive, native vegetation shall be planted. Some invasive plants commonly found on the Mendocino coast that should be avoided include: Iceplant (*Carpobrotus edulis*, *C. chiloensis*, & *Delosperma* sp.), cotoneaster (*Cotoneaster franchetii* & *C. pannosus*), English holly (*Ilex aquifolium*), English ivy (*Hedera helix*), cape ivy (*Delairea odorata*), pampas grass (*Cortaderia jubata* & *C. selloana*), cape weed (*Arctotheca calendula* & *A. prostrata*), montbretia (*Crocasmia* sp.), redhot poker (*Kniphofia uvaria*), periwinkle (*Vinca major*), bulbil bugle lily (*Watsonia meriana*), and callalily (*Zantedeschia aethiopica*).
- The property owner shall continue to remove non-native *Pinus radiata* and replace it with *Pinus muricata*. As shown on the revised plot plan submitted on February 11, 2025, species of *Malus*, *Prunus*, *Magnolia*, and *Cupressus x leylandii* have been planted on the property.



The property owner shall remove non-native *Malus*, *Prunus*, *Magnolia*, and *Cupressus x leylandii* species and replace them with locally native species. The creation of open space will also allow natural recruitment of native species. Active removal of targeted invasive species shall continue, with particular emphasis on CAL-IPC (California Invasive Plant Council) listed species including: *Bromus spp.*, *Cirsium vulgare*, *Cirsium arvenses*, and *Digitalis purpurea*.

- e. Monterey cypress (*Hesperocyparis macrocarpa*) or Monterey pine (*Pinus radiata*) shall not be planted in lieu of locally native tree species. Non-native vegetation shall be replaced only with locally native species. The native tree, shrub, and grass species identified onsite as documented in the Biological Scoping Survey, Wetland Delineations, & Botanical Surveys shall be used to choose locally native species, which may include species such as Bishop pine (*Pinus muricata*), shore pine (*Pinus contorta*), wax myrtle (*Morella californica*), and Ceanothus species.
- f. Non-native cypress and magnolia trees were planted in areas that may not have historically had tree cover. The trees planted within wet areas, even if native, may not thrive. When selecting specific tree and shrub species, the specific site conditions should be considered.

**BIO-4:** To prevent the accidental discharge or invasive plant seeds or other materials, any heavy equipment vehicles entering or leaving the site shall be cleaned offsite.

**BIO-5:** Future development or maintenance of the eastern watercourse and its culvert is subject to notification to California Department of Fish and Wildlife under Fish and Game code section 1600 in addition to permitting by the Regional Water Quality Control Board.

**BIO-6:** The following measures shall be implemented to avoid potential impacts to bat and amphibian species:

For bats:

- a. Contractor training: Prior to construction, all contractors will receive training on recognizing bat species, roosting behaviors, and appropriate steps to take if bats or habitat are identified during work.
- b. Bat habitat disturbance prevention: If active bat roosts are discovered, activities will cease immediately in the vicinity, and a buffer zone will be implemented until a qualified biologist assesses the site and provides further guidance.
- c. Post-construction monitoring: Periodic site inspections by a qualified biologist will occur quarterly for two years after construction to ensure no new impacts occur to potential habitats.

For amphibians:

- a. Contractor training: Contractors will receive training to identify amphibian species and follow appropriate protocols if species are encountered. This training will occur no later than two weeks prior to construction activities.
- b. Work stoppage during rain events: Construction work will be temporarily halted during rain events.
- c. Post-construction monitoring: Periodic site inspections will be conducted after construction to ensure no new impacts occur to potential habitats.

**BIO-7:** All fencing including that proposed along the coastal access trail shall be of a wildlife-friendly design.

**BIO-8:** Any culinary plants and fruit trees, etc. shall be planted in designated areas where they cannot escape into the native natural communities onsite or result in competition to native species proposed to vegetate the landscaped berm. Culinary herbs should be established separately from the native vegetation that is proposed to vegetate the berm.

**BIO-9:** Yellow bush lupine (*Lupinus arboreus*) shall not be used for landscaping. Yellow bush lupine is not a locally native species and may be a problematic species. The California Native Plant Society Dorothy King Young chapter recommends not planting yellow bush lupine. More information can be found at this link: <https://www.dkycnps.org/>.

**BIO-10:** Invasive species shall be targeted for removal property-wide for a period of no less than ten (10) years. If non-native trees including Monterey pines are removed, they shall be replaced with locally appropriate, native species. Non-native trees and shrubs that have been planted along the driveway should be removed.

**BIO-11:** To reduce potential for incidental encroachment into ESHA and ESHA buffers, the applicant shall install low symbolic fencing at the outside edge of ESAH buffers and where development occurs within ESHA and/or ESHA buffers. The fencing shall be installed at the edge of development including along the edge of the driveway. Low symbolic fencing shall be installed in those areas shown on the revised site plan submitted January 31, 2025.

**BIO-12:** The RMMP Annual Monitoring Report should be amended to include all of the wildlife species identified within the Biological Scoping Survey, Wetland Delineations, & Botanical Surveys that have a "High Potential" to occur in the study area within the "targeted wildlife species", including the Obscure bumble bee, Western bumble bee, White-tailed kite, Lotis blue butterfly, Northern red-legged frog, and Behren's silverspot butterfly.

**BIO-13:** The grass path shown on the site plan submitted on March 16, 2024 shall be abandoned to allow natural regeneration of native vegetation. The path shall not be used or maintained, including mowing or other vegetation removal, except in compliance with other conditions of this permit, such as the targeted removal of invasive species.

**BIO-14:** Prior to the issuance of any building permits in reliance on the CDP, the landowner shall submit to Planning & Building Services for review and written approval a final fuel modification plan in conformance with the following requirements:

- a. Vegetation within 30 feet of the proposed residence and garage may be cut down to the ground or maintained at a low height (generally under 2 feet), with fire-resistant vegetation compatible with the authorized residential structures. Fuel modification within this zone shall utilize approaches that are most appropriate to the site, including strategies such as preserving fire-resistant, locally indigenous species instead of completely removing all vegetation.
- b. Vegetation located between a 30-foot and 100-foot radius of the main structure may be selectively thinned in order to reduce fire hazard, consistent with local fire district or fire marshal requirements and in accordance with the long-term Fuel Modification Plan approved pursuant to this special condition.
- c. The Fuel Modification Plan shall minimize impacts to sensitive habitat and shall prioritize treatment as follows: (a) dead, dying, and diseased material, (b) invasive species, (c) non-sensitive native species, and (d) sensitive native plant species if and only if vegetation management of such species is critical to meeting fuel modification goals. For (c) and (d), to the maximum extent feasible, vegetation treatment should be conducted in a manner that maintains the assemblage of species present for the vegetation type as classified under the Manual of California Vegetation. The Plan shall include details regarding the types, sizes, species, and location of plant materials to be removed, and how often vegetation thinning and maintenance activities are to occur. Mitigation should ensure that no net loss of any sensitive habitat occurs.

**BIO-15:** Prior to the issuance of a building permit, a deed restriction, approved by the County, shall be recorded with the County Recorder's office, which shall include:

- a. A map exhibit showing the locations of identified ESHA and ESHA buffers on the property.
- b. That future use of the property within the identified ESHA shall be permanently restricted to open space. Any future use of the property within the identified ESHA buffer areas shall be limited to those uses allowed within ESHA and/or ESHA buffers as outlined in Coastal Zoning Code Section 20.496.025. No future development, as defined in Coastal Zoning Code Section 20.308.035(D), shall occur within ESHA buffer areas without the issuance of a Coastal Development Permit amendment or a subsequent Coastal Development Permit.

The deed restriction shall run with the land, and be binding upon any future owners, heirs, or assigns.

**FINDINGS:** The proposed project would have a **Less than Significant Impact with Mitigation** on Biological Resources.

### **5.5 CULTURAL RESOURCES**

| <b>WOULD THE PROJECT:</b>  | 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 type="checkbox"/>     | <input checked="" 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 type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of formal cemeteries?                         | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**DISCUSSION:** In accordance with CEQA Guidelines section 15064.5, "historical resource" includes the following:

- A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
  - "Local register of historic resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; or
  - Is associated with the lives of persons important in our past; or
  - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.
    - "Historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. "Substantial adverse change in the significance of a historical resource" means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

The significance of a historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

CEQA Guidelines Section 15064.5 establishes procedures for addressing determinations of historical resources on archaeological sites and subsequent treatment of the resource(s) in accordance with PRC Section 21083.2. CEQA Guidelines Section 15064.5 establishes procedures for the treatment of Native American human remains in environmental documents. PRC Section 21082 establishes standards for accidental discovery of historical or unique archaeological resources during construction.

The California Office of Historic Preservation (OHP) houses the Built Environment Resource Directory (BERD). BERD files provide information regarding non-archaeological resources in OHP's inventory. Each resource listed in BERD is assigned a status code, which indicates whether resources have been evaluated as eligible under certain criteria. This tool provides information to assist in identifying potentially historic resources throughout the County.<sup>10</sup>

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<sup>10</sup> California Department of Parks and Recreation (2023). Office of Historic Preservation. *Built Environment Resource Directory (BERD)*. Retrieved from [https://ohp.parks.ca.gov/?page\\_id=30338](https://ohp.parks.ca.gov/?page_id=30338).

- a) **No Impact:** On September 4, 2024, the Northwest Information Center at Sonoma State University (NWIC) noted that a 2005 archaeological study covering 100% of the project area identified no cultural resources. NWIC recommended that local Native American tribes be contacted regarding the project. NWIC noted that the site has a low possibility of containing unrecorded archaeological sites and that no further study is recommended. The Mendocino County Archaeological Commission discussed the project at their meeting on June 12, 2024. The Commission determined that the existing survey was adequate and added the 'discovery clause' as a recommended condition. The discovery clause is copied from existing regulations contained in Mendocino County Code Chapter 22.12 and is not a mitigation measure. The Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians were contact. Only the Sherwood Valley Band of Pomo Indians responded and had no comment other than to agree with the conclusions of the Archaeological Commission.
- b) **No Impact:** On September 4, 2024, the Northwest Information Center at Sonoma State University (NWIC) noted that a 2005 archaeological study covering 100% of the project area identified no cultural resources. NWIC recommended that local Native American tribes be contacted regarding the project. NWIC noted that the site has a low possibility of containing unrecorded archaeological sites and that no further study is recommended. The Mendocino County Archaeological Commission discussed the project at their meeting on June 12, 2024. The Commission determined that the existing survey was adequate and added the 'discovery clause' as a recommended condition. The discovery clause is copied from existing regulations contained in Mendocino County Code Chapter 22.12 and is not a mitigation measure. The Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians were contact. Only the Sherwood Valley Band of Pomo Indians responded and had no comment other than to agree with the conclusions of the Archaeological Commission.
- c) **No Impact:** On September 4, 2024, the Northwest Information Center at Sonoma State University (NWIC) noted that a 2005 archaeological study covering 100% of the project area identified no cultural resources. NWIC recommended that local Native American tribes be contacted regarding the project. NWIC noted that the site has a low possibility of containing unrecorded archaeological sites and that no further study is recommended. The Mendocino County Archaeological Commission discussed the project at their meeting on June 12, 2024. The Commission determined that the existing survey was adequate and added the 'discovery clause' as a recommended condition. The discovery clause is copied from existing regulations contained in Mendocino County Code Chapter 22.12 and is not a mitigation measure. The Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians were contact. Only the Sherwood Valley Band of Pomo Indians responded and had no comment other than to agree with the conclusions of the Archaeological Commission.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **No 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:** California Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015, sets 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 saving and demand reductions in electricity and natural gas end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The 2022 Scoping Plan for Achieving Carbon Neutrality, adopted by the California Air Resources Board (CARB), *“lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas (GHG) emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279.”*<sup>11</sup>

Title 24, Part 11 of the California Code of Regulations establishes the California Green Building Standards Code, known as ‘CALGreen’. The purpose of this code is to enhance the design and construction of buildings and encourage sustainable construction practices as they relate to planning and design, energy efficiency, water efficiency and conservation, materials conservation and resource efficiency, and environmental quality. Unless specifically exempt, the CALGreen standards apply to the planning, design, operation, construction, use, and occupancy of newly constructed buildings or structures throughout the state. Mandatory standards for energy efficiency are adopted by the California Energy Commission every three years. In 2021, the Commission adopted the 2022 Energy Code, which includes Building Energy Efficiency Standards. The Code *“encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more.”*

Project factors that may influence energy impacts include the following:

- Energy consuming equipment and process to be used during construction, operation, or demolition, including the energy intensiveness of materials and equipment.
- Fuel type and end use of energy.
- Energy conservation equipment and design features to be implemented.
- Energy supplies that would serve the project, such as a utility company.
- Vehicle trips to be generated, including estimated energy consumed per trip.

Factors that may lessen energy impacts include those that decrease overall per capita energy consumption; decreased reliance on fossil fuels such as coal, natural gas, and oil; and increased reliance on renewable energy sources.

Mendocino County General Plan Policy RM-55, and RM-57 relate to energy, including Action Item RM-55.1 and RM-55.2.<sup>12</sup> Ukiah Public Utilities is the only municipal utility in Mendocino County. Most residents receive electric service from Pacific Gas and Electric (PG&E).

- a) **No Impact:** Construction would be required to comply with applicable building regulations, including CALGreen standards. These standards would minimize inefficient use of energy. The proposed development is expected to follow standard construction methods.
- b) **No Impact:** Construction would be required to comply with applicable building regulations, including CALGreen standards. These standards would minimize inefficient use of energy. The proposed development is expected to follow standard construction methods.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **No Impact** on Energy.

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<sup>11</sup> California Air Resources Board (2022). *2022 Scoping Plan for Achieving Carbon Neutrality*. Retrieved from <https://ww2.arb.ca.gov>.

<sup>12</sup> The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

## 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?  | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |

**DISCUSSION:** The vast majority of Mendocino County is underlain by bedrock of the Franciscan Formation. Thick soil development and landslides often 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 often 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. Human activities that affect vegetation, slope gradients, and drainage processes can contribute to landslides and erosion.

Areas susceptible to erosion occur throughout Mendocino County where surface soils possess low-density and/or low-strength properties. Slopes are another factor in soil erosion – the greater the slope, the greater the erosion hazard, especially if the soil is bare. Soils on nine (9) percent slopes and greater have a moderate erosion hazard, and soils on slopes greater than fifteen (15) percent have a high erosion hazard.

In 1991, the U.S. Department of Agriculture and Soil Conservation Service, in partnership with several other agencies, published the Soil Survey of Mendocino County, Eastern Part, and Trinity County, Southwestern Part, California. The survey assigns different soils to Map Unit numbers. In 2002, the accompanying Soil Survey of Mendocino County, California, Western Part was published.

The California Geological Survey (CGS) houses the web-based California Earthquake Hazards Zone Application (EQ Zapp), which allows a user to check whether a site is in an earthquake hazard zone.<sup>13</sup> The California Department of Conservation also houses a general-purpose map viewer that contains layers displaying locations and data related to the California Landslide Inventory, the Seismic Hazards Program, Earthquake Shaking Potential, Historic Earthquakes, and others.

Development can result in soil erosion or loss of topsoil if project activities result in deep slope rills, gullies, or unmanageable accumulation of sediment. Ground disturbing activities most often result in impacts, including grading. Soil can be exposed during construction activities and increase the potential for soil erosion to occur, especially during storm events. Impervious surface areas would not be prone to erosion or siltation because no soil is included in these areas but increased impervious surfaces may impact surrounding hydrology and result in erosion impacts nearby.

Lateral spreading often occurs on gentle slopes or flat terrain and consists of lateral extension accompanied by shear or tensile fracture. Lateral spreading is often caused by liquefaction, which in turn is triggered by rapid ground motion from earthquakes or artificial activities. Bedrock or soil resting on materials that liquefy can undergo fracturing and extension and may then subside, translate, rotate, disintegrate, or liquefy and flow.

Subsidence refers to broad-scale change in the elevation of land. Subsidence is commonly caused by groundwater extraction, oil extraction, underground reservoir pumping of gas, dissolution of limestone aquifers (sinkholes), collapse of a mine, drainage of organic soil, or initial wetting of dry soil (hydrocompaction). The US Geological Survey (USGS) regularly publishes information on land subsidence in California, including a map showing areas of land subsidence due to groundwater pumping, peat loss, and oil extraction.<sup>14</sup>

The Mendocino County Local Agency Management Plan establishes standards for on-site treatment of wastewater, including site evaluation, design, construction, and monitoring requirements. The Plan is administered by the Division of Environmental Health.

Unique geologic features are rocks or formations which:

- Are the best example of their kind locally or regionally; or
- Embody the characteristics of a geologic principle that is exclusive to the locality or region; or
- Provide a key piece of information important in geology or geologic history; or
- Are a “type locality” of a geologic feature.

Impacts to unique geologic features could include material impairment through destruction or alteration, including grading, rock hunting, human encroachment, or permanent covering of the feature.

- Less than Significant Impact:** A Geotechnical Investigation was prepared for the project. No evidence of active faulting was observed in the site vicinity and published references do not indicate faults on or trending towards the property. No active landsliding or erosion was observed on the property bluffs. The Investigation notes that the upper terrace deposits appear to be currently stable and well vegetated. The lower bluffs appeared stable with minor evidence of sloughing observed. The Investigation concluded that a bluff setback of forty-eight (48) feet would be sufficient. The bluff setback was based on a seventy-five (75) year economic lifespan of structures, a slope stability analysis, the projection of increased retreat rates resulting from sea level rise, and a safety factor of one and one half (1.5). The proposed development would be located approximately fifty (50) feet from the bluff edge. Drought tolerant vegetation is required within the bluff setback.
- Less than Significant Impact:** The implementation of standard Best Management Practices would prevent significant soil erosion or loss of topsoil in accordance with Mendocino County Code Section 16.30.070(B).

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<sup>13</sup> California Department of Conservation (2021). California Geological Survey. *EQ Zapp: California Earthquake Hazards Zone Application*. Retrieved from <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>.

<sup>14</sup> U.S. Geological Survey. Liquefaction Susceptibility. Retrieved from <https://earthquake.usgs.gov/education/geologicmaps/liquefaction.php>.



- c) **Less than Significant Impact:** Construction that requires a building permit would be reviewed to determine whether unstable or expansive soils may be present, and additional studies may be required prior to building permit issuance. Therefore, the existing regulatory structure ensures that impacts would be minimized.
- d) **Less than Significant Impact:** Construction that requires a building permit would be reviewed to determine whether unstable or expansive soils may be present and additional studies may be required prior to building permit issuance. Therefore, the existing regulatory structure ensures that impacts would be minimized.
- e) **No Impact:** The proposed development would utilize an existing permitted septic system that is functional. No additional septic infrastructure would be required.
- f) **No Impact:** Based on the findings within the archaeological survey report and, the site is not expected to contain any paleontological resources or unique geologic features.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **Less than Significant Impact** on Geology and Soils.

## 5.8 GREENHOUSE GAS EMISSIONS

| WOULD THE PROJECT:  | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|---------------------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**DISCUSSION:** Title 14 CCR Section 15064.4 establishes specific guidelines for determining the significance of impacts from greenhouse gas emissions. Lead agencies may choose to quantify greenhouse gas emissions resulting from a project or rely on a qualitative analysis or performance-based standards.

Mendocino County Air Quality Management District (MCAQMD) has 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 MCAQMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD) with noted exceptions.

MCAQMD has not adopted a construction related emissions threshold. For projects other than stationary sources, the operational threshold is 1,100 Metric Tons of CO<sub>2</sub>e per year or 4.5 Metric Tons of CO<sub>2</sub>e per SP (residents + employees) per year. For stationary sources, the operational threshold is 10,000 Metric Tons of CO<sub>2</sub>e per year.

The California Emissions Estimator Model (CalEEMod) is a tool that can be used to quantify ozone precursors, criteria pollutants, and greenhouse gas emissions from construction and operation of development in California. The model is published by the California Air Pollution Control Officers Association.<sup>15</sup>

<sup>15</sup> California Air Pollution Control Officers Association. (2022). *CalEEMod* (Version 2022.1). <https://www.caleemod.com/>.

MCAQMD and Mendocino County have not adopted any plans specifically aimed at reducing GHG emissions. However, General Plan Policy RM-50 and associated action items address GHG emissions: California Climate Policies related to GHG emissions include but are not limited to SB 32, AB 32, AB 1493, SB 100, SB 350, SB 375, SB 743, SB 604, and SB 1383.

- a) **Less than Significant Impact:** According to CalEEMod, the project is expected to generate sixty-nine (69) metric tons of CO<sub>2e</sub> per year during construction and forty-six (46) metric tons of CO<sub>2e</sub> per year during operation. These are below the thresholds set by MCAQMD.
- b) **Less than Significant Impact:** According to CalEEMod, the project is expected to generate sixty-nine (69) metric tons of CO<sub>2e</sub> per year during construction and forty-six (46) metric tons of CO<sub>2e</sub> per year during operation. These are below the thresholds set by MCAQMD.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **Less than Significant Impact** on Greenhouse Gas Emissions.

## 5.9 HAZARDS AND HAZARDOUS MATERIALS

| WOULD THE PROJECT:  | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---------------------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard 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) **No Impact:** The proposed development would not involve the routine use, transport, or disposal of hazardous materials. Some hazardous materials may be used during construction, but these impacts would be intermittent and temporary.
- b) **No Impact:** The proposed development would not involve the routine use, transport, or disposal of hazardous materials. Therefore, reasonably foreseeable upset and accident conditions involving the release of hazardous materials would not occur.
- c) **No Impact:** The site is not within one quarter mile of a school.
- d) **No Impact:** The site is not on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) **No Impact:** The site is not within the boundaries of an airport land use plan or within two (2) miles of an airport.

- f) **No Impact:** The project would not interfere with an adopted emergency response plan or emergency evacuation plan because the site is located on a private driveway and no accessways would be blocked.
- g) **Less than Significant Impact:** CAL FIRE has issued their State Fire Safe Regulations Conditions of Approval for the project, which would mitigate fire hazard risk, including the Driveway Standard, Address Standard, and Maintain Defensible Space and Fuels Modification Standard. These standards would mitigate fire risk.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have a **Less than Significant Impact** on Hazards or Hazardous Materials.

## 5.10 HYDROLOGY AND WATER QUALITY

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

**DISCUSSION:** Regulatory agencies include the 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. Certain activities may require a Construction General Permit from SWRCB.

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. The County's groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. 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, and irrigation. 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, 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.

Chapter 4.13 of the Mendocino County Coastal Element, Sustainability Policy Action number S-5.1, states new projects that *create or replace 2,500 square feet or more of impervious area shall implement site design measures to reduce stormwater runoff and increase groundwater recharge*. Mendocino County Code Title 16 establishes water and sewage regulations. It is primarily the responsibility of the Division of Environmental Health (EH) to implement these regulations, including permitting wells and septic systems. Chapter 16.30 establishes stormwater runoff pollution prevention procedures. The purpose of Chapter 16.30 is to *“protect and promote the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. § 1251 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drainage system.”*

The National Flood Hazard Layer maintained by the Federal Emergency Management Agency (FEMA) can be used to review project impacts from flooding. The Department of Water Resources Division of Safety of Dams (DSOD) reviews and approves inundation maps prepared by licensed civil engineers and submitted by dam owners for hazardous dams and appurtenant structures. These maps are based on a hypothetical failure of a dam or appurtenant structure. DSOD maintains a web map that displays this information.

Projects may be subject to applicable regulations found in MCC Chapter 16.30. Section 16.30.040 prohibits elicit discharges. Section 16.30.070 requires implementation of Best Management Practices (BMPs) to the maximum extent practical for reducing pollutants in stormwater.

a, e) **Less than Significant Impact with Mitigation:** On April 26, 2024, the North Coast Regional Water Quality Control Board (RWQCB) issued an Inspection Memo and Notice of Violation related to a March 27, 2024 inspection of the property that revealed unauthorized discharges to waters of the state (see attached *RWQCB Inspection Memo* and *RWQCB Notice of Violation*). Wetlands on the property had been filled by the installation of the gravel driveway connecting the site entrance to the proposed site of the residence and ADU. To bring the site back into compliance, RWQCB recommended that the owner conduct a wetland delineation, prepare a restoration mitigation and monitoring plan (RMMP), submit the applicable permit application(s) to RWQCB, and implement the RMMP.

Subsequently, a wetland delineation, biological survey, and botanical survey was conducted on the property (see attached *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys*). According to the report, no special-status plant species or plant communities were observed during the surveys. The wetland delineation revealed a one and one tenth (1.1) acre wetland on the property. No special-status animals were observed during the surveys. A one hundred (100) foot buffer was established around the identified wetland. The proposed single-family residence, berm/knoll, ADU, and storage shed would be located entirely outside of the one hundred (100) foot buffer. However, portions of the water catchment area, portions of the existing driveway, portions of the existing wooden fence, existing eastern well, new entry gate, and new fence would either be located directly within the wetland or the wetland buffer area. These features are not permitted within the wetland ESHA or wetland ESHA buffer area because they are accessory structures associated with residential development, which is not a permitted use within wetlands.

Therefore, the proposed development located within ESHA or ESHA buffers was removed from the scope of this CDP or repositioned to avoid ESHA and ESHA buffers. The water catchment area, improvements to the existing driveway, portions of the proposed improvements to existing fencing, proposed deepening of the existing eastern well, the new entry gate, and new fence were be removed or repositioned without issue. However, the existing driveway is currently the sole means of access between the entrance to the property and the proposed site of the residence and ADU. The existing western well and septic system are also located in this western area of the lot. If development is to occur in the western area of the lot, access must be provided either from the existing driveway or an alternative path. The identified wetland and buffer area spans the entire width of the lot. The wetland and buffer area crosses the proposed driveway authorized by CDP 1-81-85. Therefore, there is no orientation of driveway that would allow access to the western section of the lot while simultaneously avoiding ESHA and ESHA buffers. This means that one element of the proposed development (after-the-fact permitting of a driveway) would be inconsistent with ESHA and ESHA buffer regulations.

The *Biological Scoping Survey, Wetland Delineations, & Botanical Surveys* report asserts that “*the potential effects on presumed ESHA, specifically the presumed wetland, can be significantly reduced or entirely circumvented by adopting the mitigation strategies outlined below*”. The mitigation measures recommended by the biologist include (1) nest protection avoidance measures, (2) limiting construction to daylight hours, (3) contractor training, (4) pre-construction surveys for amphibians and insects, (5) debris management, (6) rain event protocol, (7) replanting lost wetland vegetation, (8) a staging area plan, (9) Best Management Practices (BMPs), (10) cleaning machinery, (11) planting only native species, (12) removal and replacement of non-native species, and (13) the implementation of a Restoration Mitigation and Monitoring Plan (RMMP) to mitigate prior impacts to wetlands and create new wetland areas.. These strategies can be adopted as mitigation measures to reduce potentially significant impacts to a less-than-significant level.

In accordance with RWQCB recommendations, the applicant prepared an RMMP that was approved by RWQCB on November 26, 2024. The plan would require the creation of approximately one hundred twenty-two one thousandths (0.122) acres of new wetland area. The RMMP identifies the location where new wetlands would be created, the actions taken to grade the land and allow water to inundate, the source of water, and timeline for implementation. The RMMP also identifies monitoring, performance, and success criteria, adaptive management and long-term protection contingencies, and agency coordination, documentation, and reporting requirements. The RMMP can be adopted as a mitigation measure to reduce potentially significant impacts to a less-than-significant level..

b) **Less than Significant Impact:** The project would utilize groundwater wells for water supply. However, the use of the wells for single-family residential use and for the ADU would contribute minimally to decreasing groundwater supplies.

c) **Less than Significant Impact:** The project would not alter the course of a stream or river or otherwise substantially alter the existing drainage patter of the site. Some alterations may occur during grading to implement the RMMP, but the purpose of this activity would be to increase the total amount of wetlands on the site, which would in turn mitigate stormwater runoff.

d) **No Impact:** The project site is not within a flood hazard, tsunami, or seiche zone.

**MITIGATION MEASURES:** None beyond those described in the Biological Resources section of this document.

**FINDINGS:** The proposed project would have a **Less than Significant Impact with Mitigation** 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 checked="" type="checkbox"/>   | <input type="checkbox"/>     | <input type="checkbox"/>            |

**DISCUSSION:** All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance with regards to land use. Several localized plans also regulate land uses in the County, including the Mendocino Town Plan, Ukiah Valley Area Plan, Gualala Town Plan, and community-specific policies contained within the General Plan. Discretionary projects are referred to several agencies with jurisdiction over aspects of the project as well as other interested parties.

- a) **No Impact:** The project would not physically divide an established community because development would be limited to the subject property, which does not contain an established community within it.
- b) **Less than Significant Impact with Mitigation:** The General Plan Coastal Element and Coastal Zoning Code contain policies and regulations aimed at avoiding or mitigating environmental impacts. The Project has been determined to be consistent with applicable regulations as described elsewhere in this document and the associated Staff Report. The same mitigation measures discussed elsewhere in this document would also apply to this document. They will not be repeated below.

**MITIGATION MEASURES:** None beyond those described elsewhere in this document.

**FINDINGS:** The proposed project would have a **Less than Significant Impact with Mitigation** 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 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 policies for the reclamation of mined lands and the conservation of mineral resources. SMARA also directs the State Geologist to identify and map non-fuel mineral resources of the state to show where economically significant mineral deposits occur and where they are likely to occur based upon the best available scientific data. No SMARA classification has yet occurred in Mendocino County.

The California Division of Mine Reclamation houses the Mines Online database, which maps the location and provides access to documents for several mines in Mendocino County. 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. However, no specific sites have been identified in the General Plan or Coastal Element as locally important mineral resource recovery sites beyond the general identification of quarries, instream gravel, and terrace gravel operations.

- a) **No Impact:** The site does not contain any known mineral resources of value.
- b) **No Impact:** No locally important mineral resources are known to occur on the project site.

**MITIGATION MEASURES:** None.

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

### 5.13 NOISE

| WOULD THE PROJECT:  | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---------------------------------------|-------------------------------------|-------------------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) For a project located within the vicinity of private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**DISCUSSION:** Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular use with its noise environment. Mendocino County relies principally on standards in its Noise Element, its Zoning Ordinance, and other County ordinances, and the Mendocino County Airport Comprehensive Land Use Plan to evaluate noise-related impacts of development. Land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise sensitive.

Major noise sources in Mendocino County consist of highway and local traffic, railroad operations, airports, commercial and industrial uses, recreation, and community facilities. Highways with traffic that generates significant noise include State Route 101, 1, 20, 128, 162, 175, and 253. The only active railroad is the Skunk Train which runs between Fort Bragg and Willits. Public Airports include Ukiah Municipal, Willits Municipal (Ells Field), Round Valley Airport, Boonville Airport, Little River Airport, and Ocean Ridge Airport (Gualala). Major industrial sources of noise include lumber mills and timber production facilities. Other noise sources are identified in the General Plan. General Plan Policy DE-98, DE-99, and DE-105 relate to noise, including Action Item DE-99.2.<sup>16</sup>

<sup>16</sup> The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.



- a) **Less than Significant Impact:** The proposed development is not expected to create substantial noise beyond the standards outlined in the General Plan and the Exterior Noise Limit Standards found in Appendix C of the County Code. Some temporary noise impacts may occur, but existing regulations limiting allowable noise would restrict construction noise.
- b) **Less than Significant Impact:** Any groundborne vibration would be intermittent and temporary during construction.
- c) **No Impact:** The site is not in the vicinity of a private airstrip, airport land use plan area, or public airport.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have a **Less than Significant Impact** on Noise.

### **5.14 POPULATION AND HOUSING**

| <b>WOULD THE PROJECT:</b>  | 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**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) **Less than Significant Impact:** The project would not induce substantial population growth because it would not involve the construction of housing beyond normal density limits under existing residential and Accessory Dwelling Unit Regulations.
- b) **No Impact:** The project would not displace people or housing because it would not involve the demolition of housing and would not cease operation of any existing housing.

**MITIGATION MEASURES:** None.

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

### **5.15 PUBLIC SERVICES**

| <b>WOULD THE PROJECT</b> 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Parks?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other public facilities?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input 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. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) or one of several local fire districts. Police protection is provided by the County Sheriff, California Highway Patrol, or city police. Several school districts and parks are located throughout the County. Other public facilities include roads, libraries, water and sewage treatment plants, airports, and animal control facilities. Projects may have an impact if they would cumulatively contribute to significant increased demand for public services such that new facilities would be required. General Plan Policy DE-179 establishes standards for the provision of parkland in the county. The amount of sufficient park space is determined by population.<sup>17</sup>

- a) **Less than Significant Impact:** The project would not result in the need for new or physically altered government facilities, including fire protection, police protection, schools, parks, or other public facilities because it would not result in population growth. The lack of substantial population growth means that the demand for such services would not increase beyond existing conditions. Therefore, the project would have no impact on such services.
- b) **Less than Significant Impact:** The project would not result in the need for new or physically altered government facilities, including fire protection, police protection, schools, parks, or other public facilities because it would not result in population growth. The lack of substantial population growth means that the demand for such services would not increase beyond existing conditions. Therefore, the project would have no impact on such services.
- c) **Less than Significant Impact:** The project would not result in the need for new or physically altered government facilities, including fire protection, police protection, schools, parks, or other public facilities because it would not result in population growth. The lack of substantial population growth means that the demand for such services would not increase beyond existing conditions. Therefore, the project would have no impact on such services.
- d) **Less than Significant Impact:** The project would not result in the need for new or physically altered government facilities, including fire protection, police protection, schools, parks, or other public facilities because it would not result in population growth. The lack of substantial population growth means that the demand for such services would not increase beyond existing conditions. Therefore, the project would have no impact on such services.
- e) **Less than Significant Impact:** The project would not result in the need for new or physically altered government facilities, including fire protection, police protection, schools, parks, or other public facilities because it would not result in population growth. The lack of substantial population growth means that the demand for such services would not increase beyond existing conditions. Therefore, the project would have no impact on such services.

<sup>17</sup> The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have a **Less than Significant 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 checked="" type="checkbox"/> | <input 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 Low Gap Park in Ukiah, Bower Park in Gualala, Mill Creek Park in Talmage, Faulkner Park in Boonville, Indian Creek Park and Campground in Philo, and the Lion’s Club Park in Redwood Valley, all of which are operated by the Mendocino County Cultural Services Agency. Additionally, the County is host to a variety of state parks, reserves, and other state protected areas used for the purpose of recreation, with thirteen (13) locations along the coast and eight (8) in the inland areas.

- a) **Less than Significant Impact:** The project would not result in the need for new recreation facilities because it would not involve the construction of dwellings and therefore would not result in population growth. The lack of population growth means that the demand for such services would not increase beyond existing conditions. Therefore, the project would have no impact on such services.
- b) **No Impact:** The project would not involve or require the construction or expansion of recreational facilities.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have a **Less than Significant 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Result in inadequate emergency access?  | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**DISCUSSION:** General Plan Policy DE-131, DE-148, DE-149, and DE-157 relate to transportation, including Action Item DE-138.1.<sup>18</sup> The Mendocino Council of Governments (MCOG) most recently adopted a Regional Transportation Plan on April 7, 2022. The Regional Transportation Plan is a long-range planning document that provides a vision of regional transportation goals, policies, objectives, and strategies. These may be relevant to individual projects when conducting environmental review.

CEQA Guidelines Section 15064.3 recommends “*specific considerations for evaluating a project’s transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, “vehicle miles traveled” refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel.*” This section details appropriate methods for determining the significance of transportation impacts.

According to the 2018 Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, “*many local agencies have developed screening thresholds to indicate when detailed analysis is needed. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.*”<sup>19</sup> The 2010 MCOG Travel Demand Forecasting Model estimates daily trip generation values for various land uses and geographic areas in Mendocino County and may be used to assist in determining whether projects exceed the screening threshold.<sup>20</sup>

The Mendocino County Department of Transportation (DOT) is responsible for the maintenance and operation of County maintained roads, bridges, and related features. The County Road and Development Standards apply to road improvements, project-related improvements in subdivisions, and other land development projects that require County approval. On state highways under CALTRANS jurisdiction, the Highway Design Manual establishes policies and procedures that guide state highway design functions. Mendocino County Code Section 17-52, 53, and 54 establish lot design, configuration, access, and private road requirements for subdivisions.

- a) **Less than Significant Impact:** The project would utilize existing permitted access from State Route 1 and would not involve any new alterations to existing access route orientations. The project was referred to both Caltrans and the County Department of Transportation. Both did not respond with any comments. The project would not induce substantial population growth and therefore is unlikely to have a substantial impact on public roadway capacity. The effects of the project on roadway capacity were previously analyzed when the Rural Residential land use classification was applied to the site and when the County’s ADU ordinance was adopted.
- b) **Less than Significant Impact:** The project would utilize existing permitted access from State Route 1 and would not involve any new alterations to existing access route orientations. The project was referred to both Caltrans and the County Department of Transportation. Both did not respond with any comments. The project would not induce substantial population growth and therefore is unlikely to have a substantial impact on VMT. The effects of the project on VMT were previously analyzed when the County’s ADU ordinance was adopted.
- c) **No Impact:** No new transportation infrastructure is proposed.
- d) **No Impact:** The project would not result in inadequate emergency access because the proposed development would not physically block any access routes.

**MITIGATION MEASURES:** None.

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<sup>18</sup> The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

<sup>19</sup> State of California. Governor’s Office of Planning and Research. (2018). *Technical Advisory on Evaluating Transportation Impacts in CEQA*.

<sup>20</sup> Mendocino Council of Governments. (2010). *Final Model Development Report: MCOG Travel Demand Forecasting Model*.

**FINDINGS:** The proposed project would have a **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 type="checkbox"/>     | <input checked="" 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 type="checkbox"/>     | <input checked="" 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 type="checkbox"/>     | <input checked="" type="checkbox"/> |

**DISCUSSION:** According to Public Resources Code (PRC) Section 21074, “Tribal cultural resources” are either of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  - Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. (“a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”)
- 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 Section 5024.1 ((1) *Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; (2) Is associated with the lives of persons important in our past; (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; (4) Has yielded, or may be likely to yield, information important in prehistory or history*). In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) or Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

PRC Section 5020.1(k) defines a “local register of historical resources” as “a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”

PRC Section 5024.1(c) establishes the following: “A resource may be listed as a historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:

- *Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.*
- *Is associated with the lives of persons important in our past.*
- *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.*
- *Has yielded, or may be likely to yield, information important in prehistory or history.”*

a) **No Impact:** On September 4, 2024, the Northwest Information Center at Sonoma State University (NWIC) noted that a 2005 archaeological study covering 100% of the project area identified no cultural resources. NWIC recommended that local Native American tribes be contacted regarding the project. NWIC noted that the site has a low possibility of containing unrecorded archaeological sites and that no further study is recommended. The Mendocino County Archaeological Commission discussed the project at their meeting on June 12, 2024. The Commission determined that the existing survey was adequate and added the ‘discovery clause’ as a recommended condition. The discovery clause is copied from existing regulations contained in Mendocino County Code Chapter 22.12 and is not a mitigation measure. The Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians were contact. Only the Sherwood Valley Band of Pomo Indians responded and had no comment other than to agree with the conclusions of the Archaeological Commission.

**MITIGATION MEASURES:** None.

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

### **5.19 UTILITIES AND SERVICE SYSTEMS**

| <b>WOULD THE PROJECT:</b>   | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---------------------------------------|-------------------------------------|-------------------------------------|
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?  | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?  | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?  | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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

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

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

- a) **No Impact:** The proposed development would not involve the relocation or construction of new water, stormwater drainage, wastewater treatment, electric power, natural gas, or telecommunication facilities.
- b) **No Impact:** The dwellings would be served by adequate water supply and septic capacity by a well and water storage tanks that supply about one and three tenths (1.3) gallons per minute supplemented by more than two thousand five hundred (2,500) gallons of storage capacity. This meets the Division of Environmental Health's standards for adequate water supply as tested during dry summer conditions.
- c) **No Impact:** The site is not within a sanitation district or the jurisdiction of any other wastewater service provider
- d) **Less than Significant Impact:** Some solid waste would be generated by the proposed residential development. The nearest transfer station is approximately eight (8±) miles south in Westport, which transports waste to the Potrero Hills Landfill in Solano County, which is expected to remain in operation until 2048. Therefore, incremental contributions to solid waste throughput due to demolition would be minimal.
- e) **No Impact:** Solid waste generated by demolition is expected to comply with applicable regulations, including the California Integrated Waste Management Act and Mendocino County Solid Waste Division.

**MITIGATION MEASURES:** None.

**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,<br><b>WOULD THE PROJECT:</b>   | 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

- a) **No Impact:** The project would not impair an emergency response plan or emergency evacuation plan because it would not create any physical obstructions along access routes.
- b) **Less than Significant Impact:** CAL FIRE has issued their State Fire Safe Regulations Conditions of Approval for the project, which would mitigate fire hazard risk, including the Driveway Standard, Address Standard, and Maintain Defensible Space and Fuels Modification Standard. These standards would mitigate fire risk.
- c) **No Impact:** The project would not require the installation or maintenance of associated infrastructure.
- d) **Less than Significant Impact:** CAL FIRE has issued their State Fire Safe Regulations Conditions of Approval for the project, which would mitigate fire hazard risk, including the Driveway Standard, Address Standard, and Maintain Defensible Space and Fuels Modification Standard. These standards would mitigate fire risk.

**MITIGATION MEASURES:** None.

**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) **Less than Significant with Mitigation:** Based on discussion throughout this document, particularly in Section 5.13 – Biological Resources, there is some potential for impacts. However, these impacts can be made less than significant with the implementation of mitigation measures.
- b) **Less than Significant:** Cumulative impacts were considered for applicable potential impacts as discussed throughout this document, including but not limited to Section 5.3 – Air Quality and 5.8 – Greenhouse Gas Emissions. Potential impacts were identified in these sections where it was determined that no significant cumulative effects would occur because of the Project.
- c) **Less than Significant:** Based on discussion throughout this document, potential adverse effects on human beings, both directly and indirectly, have been considered and found to be less than significant

**MITIGATION MEASURES:** None beyond those described elsewhere in this document.

**FINDINGS:** The proposed project would have a **Less than Significant Impact with Mitigation** on Mandatory Findings of Significance.

