



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

FOR
LARRY & ABBIE COLBERT
CDP_2018-0003
AT ADDRESS; APN: 017-060-19
File No. CDP_2018-0003

LEAD AGENCY:
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INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.), this Draft Initial Study (IS) has been prepared as documentation for a Negative Declaration (ND) for the proposed after-the-fact Standard Coastal Development Permit to replace 220 linear feet of a wire fence with a 6-to-8-foot-tall opaque fence constructed within, and adjacent to, an environmentally sensitive habitat area (ESHA) at 34561 Pelican Way, Fort Bragg; APN: 017-060-19 (Project). This Draft IS/ND includes a description of the Project; the location of the Project site; an evaluation of the potential environmental impacts of Project implementation; and written statement that an Environment Impact Report (EIR) is not required because the project will not have a significant adverse impact on the environment.

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

Questions in the Initial Study Checklist are provided with their respective answers based on analysis undertaken. An explanation for all checklist responses is included, and all answers take account of the whole action involved, including off site as well as on-site; cumulative as well as project level; indirect as well as direct; and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the checklist the following definitions are used:

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

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

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

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

PROJECT INFORMATION

FILE NUMBER:	CDP_2018-0003
OWNER:	LARRY & ABBIE COLBERT 18350 N HWY 1 FORT BRAGG, CA 95437
APPLICANT:	ABBIE COLBERT 18350 N HWY 1 FORT BRAGG, CA 95437
PROJECT LOCATION:	In the Coastal Zone, 0.5± miles west of the intersection of State Route 1 (SR 1) and Ocean Dr. (CR 436), located at 34561 Pelican Way, Fort Bragg (APN 017-060-19).
TOTAL ACREAGE:	2.0± Acres

GENERAL PLAN: General Plan, Coastal Element Chapter 4.5
Rural Residential (RR5(2):U)

ZONING: Mendocino County Coastal Zoning Code (MCC)
Rural Residential District (RR:5)

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 an After-the-fact Standard Coastal Development Permit to replace 220 linear feet of a wire fence with a 6-to-8-foot tall opaque fence constructed within, and adjacent to, an environmentally sensitive habitat area (ESHA).

The property in question is an ocean bluff parcel located within the Hare Creek-Jug Handle Creek Planning Area, as shown on LCP Land Use Map 14: Beaver. It features a single-family residence with a garage and pergola, as per the aerial imagery. The southern boundary of the site has wire fencing in place since before 2006. In 2006, shore pines were present near the southern boundary, but they were not considered special status plants by the California Department of Fish and Wildlife at that time. The land elevation increases from the shore to about 80 feet, and the site is characterized by beach deposits, nonprime agricultural lands, coastal prairie grassland, and wooded habitats. It's located near coastal access routes, particularly those in the Mendocino Coast Botanical Gardens, and falls within the Post LCP Certification Appeal Jurisdiction. There are fire and flood hazards identified, with the western portion of the parcel being classified as wetlands. The area is part of the local MS4 and adheres to stormwater policies. It is also identified as having marginal water resources and is designated as a Highly Scenic Area. The soil type is predominantly the Cabrillo-Heeser complex.

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

TABLE 1: ADJACENT LAND USE AND ZONING

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
North	Rural Residential (RR)	Rural Residential (RR5)	2.0 acres	Residential
East	Rural Residential (RR)	Rural Residential (RR5)	12.9 acres	Vacant
South	Rural Residential (RR)	Rural Residential (RR5)	2.6 acres	Vacant
West	Ocean	Ocean	Ocean	Ocean

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

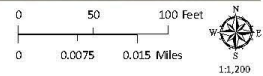
Assessor	No Response
Building Inspection – Fort Bragg	No Response
California Coastal Commission	No Response
California Department of Fish and Wildlife	Comment
Cloverdale Rancheria	No Response
Department of Transportation	No Comment
Division of Environmental Health	No Comment
Planning – Ukiah	Comment
Redwood Valley Rancheria	No Response
Sherwood Valley Rancheria	No Response
State Clearinghouse	No Response

FIGURE 1: AERIAL MAP



CASE: CDP 2018-0003
OWNER: COLBERT, Larry & Abbie
APN: 017-060-19
APLCT: Abbie Colbert
AGENT:
ADDRESS: 34561 Pelican Way, Fort Bragg

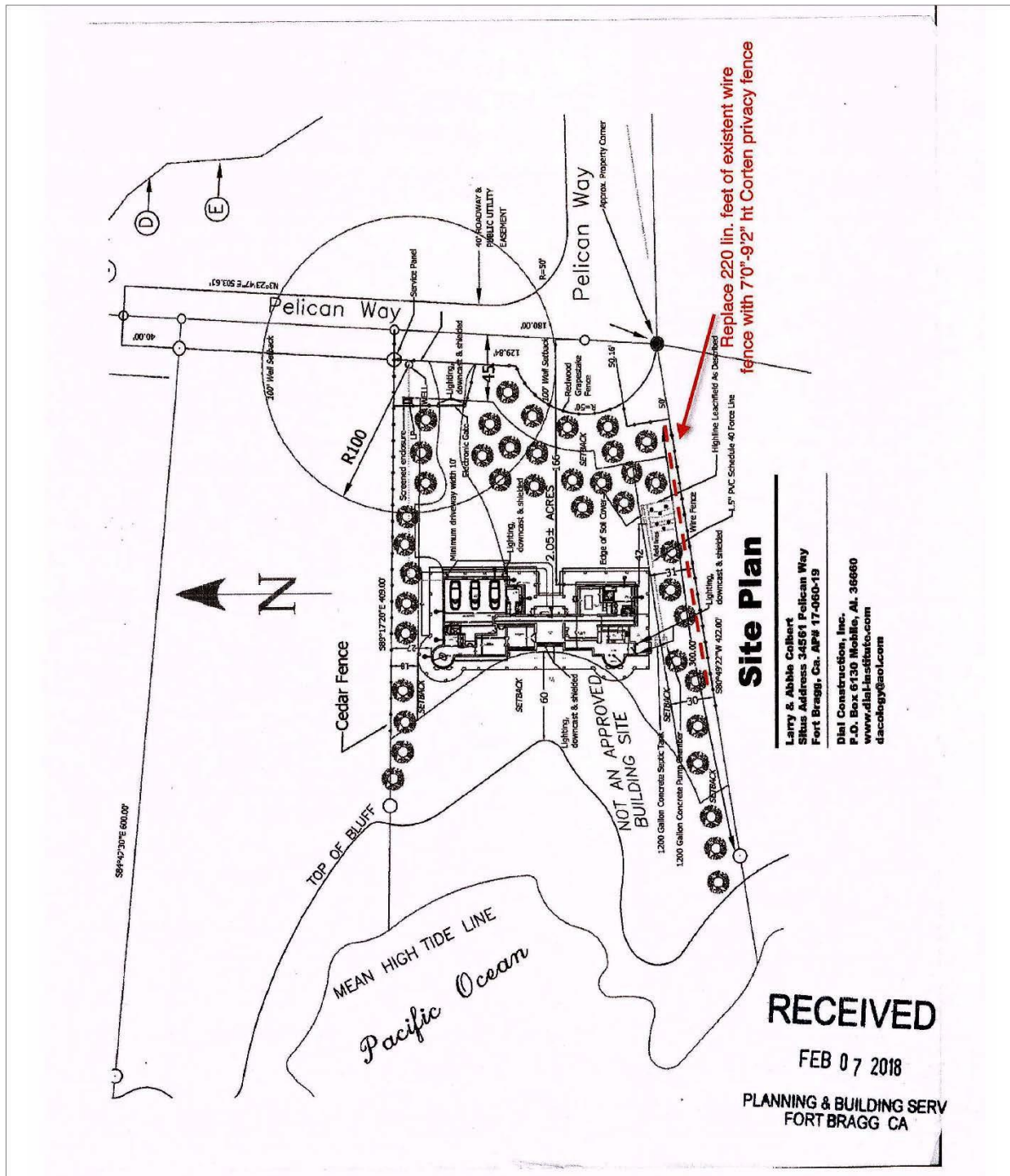
== Private Roads



AERIAL IMAGERY

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

FIGURE 2: PLOT PLAN



CASE: CDP 2018-0003
 OWNER: COLBERT, Larry & Abbie
 APN: 017-060-19
 APLCT: Abbie Colbert
 AGENT:
 ADDRESS: 34561 Pelican Way, Fort Bragg

NO SCALE

SITE PLAN

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

DETERMINATION

Based on this initial evaluation:

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

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

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

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

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


Signature

Matt Goines

Printed Name

2/12/24
Date

Planner II

Title

ENVIRONMENTAL CHECKLIST

5.1 AESTHETICS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

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

Discussion: A “scenic vista” is defined as a *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*”¹. 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”². No National Scenic Byways are located in Mendocino County as designated by the U.S. Secretary of Transportation³.

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

¹ Streets and Highways Code, CA SHC § 260 (1969).

² Streets and Highways Code, CA SHC § 263.2 to 263.8 (2019).

³ 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>.

Plan Resource Management Goal RM-14's (Visual Character) objective is: *Protection of the visual quality of the county's natural and rural landscapes, scenic resources, and areas of significant natural beauty.*

The main source of daytime glare in the unincorporated portions of the Mendocino County is from sunlight reflecting from structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by "light pollution." Two elements of light pollution may affect county residents: sky glow (a result of light fixtures that emit a portion of their light directly upward in the sky), and light trespass (poorly shielded or poorly aimed fixtures which cast light into unwanted areas, such as neighboring properties and homes). Different lighting standards are set by classifying areas by lighting zones (LZ). The 2000 Census classified the majority of Mendocino County as LZ2 (rural), which requires stricter lighting standards in order to protect these areas from new sources of light pollution and light trespass. Mendocino County's General Plan Resource Management Goal RM-15's (Dark Sky) objective is: *Protection of the qualities of the county's nighttime sky and reduced energy use.*

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. Have a substantial adverse effect on a scenic vista?

Less Than Significant Impact: For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The after the fact fence will not be visible from any portions of State Route 1 (SR 1), while the project vicinity has moderate scenic value and an appealing rural and agricultural character, it is not considered a scenic vista as it does not offer to the public an expansive view of a highly valued landscape and is not officially or unofficially designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and no impacts would occur

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

Less Than Significant Impact: The project is not situated in a location that contains significant scenic resources like trees, rock outcroppings, or historic buildings. The location of the development is relatively barren with sparse shrubs and low growing trees and offers no visually interesting views to the public. Moreover, the proposed project is already in a developed area that has been visually impacted with residential buildings and accessory structures. Therefore, the impact on scenic resources is less than significant.

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

Less Than Significant Impact: The project site is located in a residentially rural and urban in character zoned area. The materials chosen for the project are consistent with the visual style of the surrounding area, including other similar properties. This compliance aligns with Mendocino County Coastal Element Policies 3.5-1 and Chapter 20.504.020 of the Mendocino County Code. The proposed after-the-fact fence

will be not be visible from State Route 1. As such, it does not create significant new visual obstructions to the public. The area where the project is located is already disturbed by some level of visual impact. The intention of the project is to replace an existing old wire fence with a new view obscuring fence, with careful consideration given to its visual impact. The design of the project has been planned to ensure visual harmony with the surrounding area. It adheres strictly to the relevant zoning and scenic quality regulations. As a result, the project is not expected to negatively impact the visual character or quality of public views in the area.

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

No Impact: The fence does not contain any light fixtures and no further installation of exterior lighting is proposed. Therefore, the project would not create any new source of light or glare

NO MITIGATION MEASURES REQUIRED

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

5.2 AGRICULTURE AND FORESTRY RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

Discussion: The 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. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact: In order to be shown on the FMMP maps as Prime Farmland or Farmland of Statewide Importance, land must have been used for irrigated agricultural production at some time during the four years prior to FMMP designation, and the soil must meet the physical and chemical criteria for Prime Farmland or Farmland of Statewide Importance as determined by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS). None of the soils in the area of disturbance meet the physical and chemical criteria for Prime Farmland under the Department of Conservation (DOC), based on historical aerial photographs and current mapping, it does not appear that the project site has been used for irrigated crop production. Since none of the soils on-site meet both of these criteria, there would be no impacts associated with the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the FMMP to non-agricultural use.

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

No Impact: The property is zoned under the "RURAL RESIDENTIAL - COASTAL" Map Code (RR), which is intended to preserve the rural atmosphere and visual quality of specific coastal villages. Importantly, the property is neither engaged in a Williamson Act contract nor is it situated in a location eligible for such a contract. Therefore, there is no conflict with existing zoning for agricultural use or a Williamson Act contract. The project is also in alignment with Mendocino County Coastal Element Policies and Mendocino County Code (MCC) governing development in coastal areas. Given that the project is consistent with the zoning requirements for the RR category and does not conflict with any agricultural use or Williamson Act contract.

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

No Impact: The property is zoned under the "RURAL RESIDENTIAL - COASTAL" Map Code (RR), which is primarily intended for preserving the rural atmosphere and visual quality of specific coastal villages, including the provision of community-oriented neighborhood commercial services and mixed residential and commercial activities. It does not fall under the categories 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). Given that the property's existing zoning does not pertain to forest land, timberland, or timberland zoned for Timberland Production, the project will not conflict with or cause rezoning of such lands.

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

No Impact: The property is zoned as "RURAL RESIDENTIAL - COASTAL" Map Code (RR), which does not fall under forest land categories. The project will not result in the loss of forest land or its conversion to non-forest use. Therefore, there will be no impact in this regard.

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

No Impact: The property zoned "RURAL RESIDENTIAL - COASTAL" Map Code (RR) and does not extend to agricultural or forest lands. It will not result in any other changes in the existing environment that could lead to the conversion of Farmland to non-agricultural use or forestland to non-forest use, no off-site conversion of agricultural or forestland is anticipated.

NO MITIGATION MEASURES REQUIRED

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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

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

Discussion: Mendocino County is located within the North Coast Air Basin. 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.”

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).⁴ In addition, Mendocino County is currently in attainment for all California Ambient Air Quality Standards (CAAQS). The County achieved attainment in 2021.⁵ 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.⁶

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

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.*”

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

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

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

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

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 93105.⁸

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

No Impact: The project, which entails the replacement of an old wire fence with a new corrugated fence, falls within the purview of the Mendocino County Air Quality Management District (MCAQMD). This activity is not expected to generate significant air emissions. The scale and nature of the project suggest that it will not require air quality permits or conflict with existing air quality plans and regulations. The replacement of a fence is a minor activity with minimal disturbance and does not involve processes that would affect air quality standards or obstruct the implementation of the applicable air quality plan.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

No Impact: Given the limited scope of the project, it is unlikely to contribute a cumulatively considerable net increase in any criteria pollutants. The project's minimal nature, which involves only the replacement of a fence, is not expected to produce significant emissions during construction. Therefore, it is not anticipated to affect the regional air quality or contribute to non-attainment under any federal or state ambient air quality standard.

c. Expose sensitive receptors to substantial pollutant concentrations?

No Impact: The project's scope and nature do not involve activities that would release substantial pollutant concentrations. As the project involves replacing an existing fence with minimal construction activities, it is unlikely to expose sensitive receptors, such as residences, schools, or healthcare facilities, to significant pollutant concentrations. Additionally, the lack of significant emissions associated with this project indicates no risk of exposing the public to harmful pollutants.

No Impact: Some pollutant emissions may occur due to modifications of the fence height, but these modifications are expected to result in only minor temporary and intermittent noise impacts. As the release of other pollutants are not expected, the project would not expose sensitive receptors to such pollutants.

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

No Impact: The project involves activities that are not typically associated with the generation of significant odors or emissions. The replacement of a fence is a relatively minor construction activity that is unlikely to produce long-lasting or strong odors. Any temporary odors from construction equipment will be short-lived and are not expected to affect a substantial number of people. Furthermore, given the project's scale and nature, any emissions are expected to be well within the regulatory thresholds established by the Mendocino County Air Quality Management District (MCAQMD).

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

The proposed project's limited scope, involving the replacement of a fence, is not anticipated to have any significant impact on air quality, including conflicts with air quality plans, increases in criteria pollutants, exposure of sensitive receptors to pollutants, or the generation of emissions affecting a substantial number of people.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a No Impact on Air Quality.

5.4 BIOLOGICAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on biological resources if it would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Discussion: 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.

- 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?***

No Impact: The project area primarily comprises landscaped, non-native grassland, and remnant beach pine forest, without any identified riparian habitats or other sensitive natural communities that would be adversely affected. The fence's installation does not involve significant ground disturbance or vegetation removal that might impact sensitive natural communities. Given these factors, the project is unlikely to have a substantial adverse effect on sensitive natural communities.

- 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?***

No Impact: The project area primarily comprises landscaped, non-native grassland, and remnant beach pine forest, without any identified riparian habitats or other sensitive natural communities that would be adversely affected. The fence's installation does not involve significant ground disturbance or vegetation removal that might impact sensitive natural communities. Given these factors, the project is unlikely to have a substantial adverse effect on sensitive natural communities.

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

No Impact: There are no federally protected wetlands within the vicinity of the project site. The installation of the fence does not involve activities that could result in the direct removal, filling, or hydrological interruption of any wetland areas. Hence, the project will not have a substantial adverse effect on any federally protected wetlands.

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

No Impact: The fence, which replaces an existing fence in the same location, is not anticipated to interfere with the movement of native or migratory wildlife species. The existing and ongoing use of the habitat by common wildlife species is expected to continue post-development. The fence's design and placement do not obstruct wildlife movement, particularly as it is located within a developed residential area with existing human presence and infrastructure. Consequently, the project is not expected to interfere with wildlife movement or impede the use of wildlife nursery sites.

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

No Impact: The project, involving the installation of a fence, does not conflict with local policies or ordinances protecting biological resources. The biological surveys conducted did not indicate the presence of any biological resources requiring special protection under local policies. Additionally, the project does not entail the removal of beach pine trees or native understory associated with the beach pine forest, a special status vegetation alliance. As the fence is being constructed within the footprint of an existing fence and does not necessitate substantial vegetation removal or ground disturbance, it aligns with local tree preservation policies and ordinances. Hence, the project is in compliance with local biological resource protection standards.

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact: The project does not appear to conflict with any provisions of adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans. The site's biological assessment did not reveal any significant impacts on habitats or species that are typically the focus of such conservation plans. The presence of the Beach Pine Forest, the only special status vegetation alliance observed, is not adversely impacted by the fence installation. Furthermore, the project's limited scope and adherence to recommended buffer distances, as well as its location in a developed residential area, support the conclusion that it is consistent with existing habitat conservation guidelines. Therefore, the project aligns with the objectives and stipulations of relevant habitat conservation plans.

FINDINGS

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

5.5 CULTURAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Thresholds of Significance: The project would have a significant effect on cultural resources if it would cause a substantial adverse change in the significance of a historical resource pursuant to Cal. Code Regs tit. 14 §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to Cal. Code Regs tit. 14 §15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

Discussion: 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.⁹

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

No Impact: No historical resources are present on the project site. The site's existing development, a single-family home (permit number CDP 22-2006) was approved in 2006 and is not historical by definition. No impact would occur.

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

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

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

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

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

⁹ 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.

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?	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

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

Discussion: 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.”*¹⁰

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.

¹⁰ California Air Resources Board (2022). 2022 Scoping Plan for Achieving Carbon Neutrality. Retrieved from <https://ww2.arb.ca.gov>.

- 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-55.2.¹¹ Ukiah Public Utilities is the only municipal utility in Mendocino County. Most residents receive electric service from Pacific Gas and Electric (PG&E).

- a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?**

No Impact: The existing fence on the project site does not result in potentially significant environmental impacts related to energy consumption. As a non-energy-consuming structure, the fence inherently complies with the energy efficiency standards outlined in Title 24, Part 11 of the California Code of Regulations ('CALGreen'). Since the fence does not involve any energy-consuming equipment or processes, there is no impact on energy resources during its existence. Furthermore, its maintenance and presence do not require energy input from Pacific Gas and Electric (PG&E) or other sources, aligning it with energy conservation principles.

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

No Impact: The existing fence on the project site does not conflict with or obstruct state or local plans for renewable energy or energy efficiency. Being a structure that neither consumes nor impacts energy resources, the fence is in accordance with the goals outlined in California Senate Bill (SB) 350, the 2022 Scoping Plan for Achieving Carbon Neutrality, and Mendocino County General Plan Policies RM-55 and RM-57. The fence's non-energy-consuming nature ensures full compliance with the California Green Building Standards Code and the 2022 Energy Code, thereby supporting the state's climate goals and not obstructing any initiatives aimed at promoting renewable energy or enhancing energy efficiency.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have No Impact on Energy.

5.7 GEOLOGY AND SOILS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒

¹¹ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on geology and soils if it would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Discussion: 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.¹² 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.¹³

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.

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

¹² 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>.

¹³ U.S. Geological Survey. Liquefaction Susceptibility. Retrieved from <https://earthquake.usgs.gov/education/geologicmaps/liquefaction.php>

No Impact: According to the California Earthquake Hazards Zone Application (EQ Zapp) mapping, the site is not located in an earthquake hazards zone or a fault zone.

ii. Strong seismic ground shaking

Less Than Significant Impact: Despite the indication that the site is not located in an earthquake hazards zone or a fault zone, the presence of ancient faults cannot be ruled out. However, the inactivity of these ancient faults should not impact the proposed structures. Generally, structures built with proper foundation materials and designed in accordance with current building codes are well suited to resist the effects of ground shaking.

iii. Seismic-related ground failure, including liquefaction?

No Impact: Ground failure or liquefaction would not occur as a result of the project. The fence has already been installed. The only proposed actions would be to lower the height of the fence in certain areas to comply with fence height regulations. Lowering the fence height would not result in ground failure or liquefaction because additional ground disturbance would not occur.

iv. Landslides?

Less Than Significant Impact: While the project area is located on a bluff top, according to the EQ Zapp mapping, the site has never had a landslide recorded. Furthermore, the only location on the site that may have the potential for a landslide in relation to the existing fence is 80 feet to the west of the property. Therefore, any potential impacts regarding landslides will be unlikely.

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

Less Than Significant Impact: Since the parcel is less than 14% slope, with the only area greater than 14% being outside the project site located at the bluff top, the risk of substantial soil erosion or loss of topsoil is little to none. The fence is already in place and the amount of soil displacement is minimal, contributing to a negligible possibility of soil erosion.

Additionally, the project will adhere to Mendocino County's standard grading and erosion control requirements, which further limits the potential for significant soil erosion. These requirements include measures such as immediate revegetation after ground disturbance, thereby stabilizing the soil and reducing erosion potential.

Therefore, given the slope information and the Conditions of Approval in place, the project is not expected to result in substantial soil erosion or the loss of topsoil.

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

No Impact: The 1994 Uniform Building Code (UBC) has not been in effect since 1997, and the referenced table was removed entirely when the UBC was superseded by the International Building Code in 2000. The 1994 and 1997 editions of the UBC are now obscure, no longer published or easily publicly accessible and cannot be considered an appropriate reference point for defining expansive soils.

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

No Impact: The 1994 Uniform Building Code (UBC) has not been in effect since 1997, and the referenced table was removed entirely when the UBC was superseded by the International Building Code in 2000. The 1994 and 1997 editions of the UBC are now obscure, no longer published or easily publicly accessible and so cannot be considered an appropriate reference point for defining expansive soils.

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

No Impact: The preexisting fence will have no impact on soils that could support waste water or septic systems.

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

No Impact: There is no information indicating that the project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

5.8 GREENHOUSE GAS EMISSIONS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

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

Discussion: 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 CO₂e per year or 4.5 Metric Tons of CO₂e per SP (residents + employees) per year. For stationary sources, the operational threshold is 10,000 Metric Tons of CO₂e 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.¹⁴

¹⁴ 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. Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?**

Less Than Significant Impact: The project would not generate a significant amount of greenhouse gas emissions because the only proposed development would include lowering the fence height. Construction activities related to lowering the fence height are not expected to result in significant greenhouse gas emissions because these activities would normally be considered exempt from CEQA, which means that the Secretary of Natural Resources has determined that such an action would not result in environmental impacts. The activity would normally be exempt from CEQA under Title 14 California Code of Regulations Section 15303, subdivision (e).

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

Less Than Significant Impact: The project would not generate a significant amount of greenhouse gas emissions because the only proposed development would include lowering the fence height. Construction activities related to lowering the fence height are not expected to result in significant greenhouse gas emissions because these activities would normally be considered exempt from CEQA, which means that the Secretary of Natural Resources has determined that such an action would not result in environmental impacts. The activity would normally be exempt from CEQA under Title 14 California Code of Regulations Section 15303, subdivision (e).

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

5.9 HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on hazards and hazardous materials if it were to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment; result in a safety hazard or excessive noise for people residing or working in the project area if located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; or impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Discussion: California Health and Safety Code (HSC) Section 25501 defines “hazardous materials” as a 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.”* The use, storage, and transport of hazardous materials are regulated by the California Department of Toxic Substances Control (DTSC) as provided by Title 22 California Code of Regulations Section 66001, et seq. Unless specifically exempted, it is unlawful for any person to transport hazardous waste unless the person holds a valid registration issued by DTSC.

Construction activities often involve the use of oils, fuels, solvents, gasoline, lubricants, and paint. These and other materials may be classified as hazardous materials. Commercial or residential operations may also involve the use of hazardous materials, particularly cleaning supplies, batteries, and electronics. Agricultural operations and landscaping may include hazardous materials such as fertilizer and pesticides.

The California Environmental Protection Agency (CalEPA) maintains several data resources that provide information regarding the facilities or sites identified as meeting the “Cortese List” requirements, including:

- List of Hazardous Waste and Substances sites from DTSC EnviroStor database
- List of Leaking Underground Storage Tank Sites from the State Water Board’s GeoTracker database
- List of Solid Waste Disposal Sites identified by the Water Board with waste constituents above hazardous waste levels outside the waste management unit (from CalEPA’s website)
- List of “active” CDO and CAO from the State Water Board
- List of Hazardous Waste Facilities subject to corrective action pursuant to CA HSC §25187.5 as identified by DTSC (from CalEPA’s website)

The Mendocino Solid Waste Management Authority (MendoRecycle) was formed in 1990 as a joint powers authority between the County of Mendocino and the cities of Ukiah, Willits, and Fort Bragg. MendoRecycle provides administrative oversight and program implementation for solid waste and recycling in the County. MendoRecycle directly operates the household hazardous waste (HHW) facility in Ukiah. The Mendocino County Division of Environmental Health is responsible for administering hazardous waste generation and treatment regulations. General Plan Policy DE-203, DE-209 and DE-210 relate to hazardous materials and wastes.

The Mendocino County Airport Land Use Plan and Ukiah Municipal Airport Land Use Compatibility Plan establish regulations, implementation measures, and procedures for addressing safety hazards and noise concerns related to airports. Mendocino County's Emergency Operations Plan and Multi-Jurisdictional Hazard Mitigation Plan establish regulations, implementation measures, and procedures related to emergency response and evacuation. The California Department of Forestry and Fire Protection (CALFIRE) has established Fire Safe Regulations for certain projects in the State Responsibility Area. CALFIRE designates areas of the County into fire severity zones, which inform recommendations for land use agencies and planning. Several fire agencies serve the Local Responsibility Areas in Mendocino County and have established fire safety regulations for development.

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

No Impact: The project involves after-the-fact permitting for a fence replacement, and does not propose the transport or use of hazardous materials. Any incidental use of such materials during construction is expected to be temporary and at safe concentrations. Furthermore, routine residential use of the site does not suggest significant hazardous material use, ensuring compliance with local, state, and federal requirements. MendoRecycle will adequately handle any waste disposal.

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact: No significant concentrations of hazardous materials are expected to be used during construction or operation. The fence does not involve significant concentrations of hazardous materials during construction or operation as it is made of corrugated metal, steel, and wood. None of which contain hazardous material that can be accidentally released.

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

No Impact: The nearest existing or proposed school is The Fort Bragg School approximately 2.6 miles from the project site. Project construction and operation is not expected to utilize substantially hazardous materials as the fence is already existing. It is unlikely that such materials would be emitted beyond the project site.

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact: The project site is not listed on any of the above referenced documents that would be considered part of the "Cortese List" compiled pursuant to Government Code Section 65962.5.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact: The nearest airport is the Little River Airport, about 10 miles from the site. The site is not within an airport zone as outlined in the Mendocino County Airport Land Use Plan. Therefore, no safety hazards or excessive noise are expected due to the airport at the project site.

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

No Impact: As outlined in the Emergency Operations Plan, the County uses the California Standardized Emergency Management System and National Response Framework to guide emergency response. The project is not expected to interfere with the establishment of an Emergency Operations Center because it would not physically impair travel to and from a center.

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

No Impact: While the site is in a High Fire Hazard Severity Zone within the State Responsibility Area, CAL FIRE has not identified specific concerns. Compliance with State Fire Safe Regulations and conditions set by CAL FIRE minimizes the risk of wildland fire. Regardless, the existing fence does not create or have the potential to be a safety risk regarding fire hazard.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a No Impact on Hazards and Hazardous Materials.

5.10 HYDROLOGY AND WATER QUALITY

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

Thresholds of Significance: The project would have a significant effect on hydrology and water quality if it would violate any water quality standards or waste discharge requirements or otherwise substantially

degrade surface or ground water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flows; in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Discussion: Regulatory agencies include the State 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. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***

No Impact: The project, which involves after-the-fact permitting for an existing fence replacement, does not involve activities that would violate water quality standards or waste discharge requirements. The nature of the project (fence replacement) does not substantially degrade surface or ground water quality as it does not contribute any pollutants, nor does it involve significant alteration of the site that would impact water quality.

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

No Impact: The replacement of the existing fence has no substantial effect on groundwater supplies or interference with groundwater recharge. The project does not involve any large-scale excavation or construction activities that would impede sustainable groundwater management of the basin.

- 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:***

- i. Result in substantial erosion or siltation on- or off-site?***
- ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?***
- iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?***
- iv. Impede or redirect flood flows?***

No Impact: The project does not result in substantial erosion or siltation on- or off-site as it involves minimal to no ground disturbance.

There is no significant increase in the rate or amount of surface runoff that would lead to flooding on- or off-site, given the nature of the fence replacement.

The fence does not create or contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems nor provide additional sources of polluted runoff.

The project does not impede or redirect flood flows as it does not involve major alterations to the landscape or natural water paths.

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

No Impact: The site is not within a FEMA Flood Hazard Area. Though the site is flat and contains a small seasonal wetland, it is unlikely to be affected by seismic seiche because any standing water on the site would be shallow and interrupted by vegetation. The site is not within a dam breach inundation area as identified by the Division of Safety of Dams. The site is not within a Tsunami Hazard Area as identified by the California Geological Survey.

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

No Impact: Applicable plans include the Mendocino County Coastal Element, Coastal Zoning Code, 1982 Coastal Ground Water Study, and Environmental Health standards. As discussed above and throughout the associated Staff Report, this Project has been found to be consistent with these plans.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a No Impact on Hydrology and Water Quality.

5.11 LAND USE AND PLANNING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

Discussion: All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance with regards to land use. 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. Physically divide an established community?

No Impact: The current fence, being situated in a residential neighborhood where similar barriers are commonplace, is not expected to introduce any disruption or division within the community.

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

No Impact: The 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.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

5.12 MINERAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on mineral resources if it would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Discussion: The Surface Mining and Reclamation Act (SMARA) of 1975 provides a comprehensive surface mining and reclamation policy 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. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact: There are no known mineral resources within the project area that would be of value to the region or residents of the state. The project involves minor groundwork, but this is not expected to uncover any mineral resources. Any potential mineral resources located underneath the site would not be disturbed as a result of the project. No impact is expected to occur.

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact: There are no delineated locally important mineral resources within the project boundaries. Therefore, there would be no loss of availability of these resources and no impact is expected to occur.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

5.13 NOISE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on noise if it would result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generation of excessive groundborne vibration or groundborne noise levels; or expose people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport or an airport land use plan, or where such as plan has not been adopted, within two miles of a public airport or public use airport).

Discussion: Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular use with its noise environment. Mendocino County relies principally on standards in its Noise Element, its Zoning Ordinance, and other County ordinances, and the Mendocino County Airport Comprehensive Land Use Plan to evaluate noise-related impacts of development. Land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. 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-99.2.¹⁵

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?

No Impact: The existing fence does not contribute to any substantial temporary or permanent increase in ambient noise levels in the vicinity of the project. Given that the fence is already in place, there is no construction activity associated with it that would lead to significant noise generation. Removal of portions of the fence to comply with height limit standards would generate minimal noise, which would itself be intermittent and temporary in nature. The fence, as a non-operational structure in a residential area, does not exceed any standards established in the local general plan, noise ordinance, or applicable standards of other agencies.

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

No Impact: Since the fence is an existing structure, it does not generate any groundborne vibration or noise. Activities typically associated with significant vibration or noise, such as pile driving or demolition,

¹⁵ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

are not applicable to the maintenance or presence of the fence. The project involves no heavy industrial or vibratory activities, ensuring no excessive groundborne vibration or noise is produced.

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

No Impact: The location of the existing fence, which is neither within an airport land use plan nor near a private airstrip, does not expose people residing or working in the area to excessive noise levels. Being a non-operational structure, the fence does not contribute to noise levels that would be of concern in such contexts.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a No Impact on Noise.

5.14 POPULATION AND HOUSING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on population and housing if it would induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure); or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Discussion: The most recent census for Mendocino County was in 2020, with an estimated population of 91,305. The county has undergone cycles of population boom followed by periods of slower growth. For example, the county population increased by approximately 25 percent between 1950 and 1960, but barely grew from 1960 to 1970. Between 1990 and 2000, the population of Mendocino County increased 7.4 percent, a much slower rate of growth than the 20 percent increase from 1980 to 1990. Population growth further slowed from 2000 to 2010, increasing by only 1.8 percent. The growth rate rebounded somewhat between 2010 and 2020, during which the population increased by 4.3 percent.

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

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

No Impact: The project does not propose any residential development and therefore would not induce population growth.

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

No Impact: The project would not involve the demolition or relocation of housing.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

5.15 PUBLIC SERVICES

WOULD THE PROJECT result in substantial adverse Physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on public services if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

Discussion: The Mendocino County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and government operations in the Mendocino County Operational Area. 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.¹⁶

- a. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered*

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

governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire Protection, Police Protection, Schools, Parks, and/or Other Public Facilities?

1. Fire protection?

No Impact: The project, involving the construction of a residential fence, will not require new or altered fire protection facilities. As such, there will be no significant environmental impacts or changes in service ratios, response times, or other performance objectives for fire protection services. The project does not contribute to increased demand for fire services.

2. Police Protection?

No Impact: Given the project's limited scope, it will not induce population growth or increase the demand for police protection services. Consequently, there is no need for new or physically altered police facilities, and there will be no substantial adverse physical impacts on police protection.

3. Schools?

No Impact: The construction of a residential fence does not affect the local school district's capacity or necessitate new facilities. The project does not contribute to population growth or increased demand for educational services.

4. Parks?

No Impact: The project's limited nature has no impact on existing parks or the requirement for new park facilities. It aligns with General Plan Policy DE-179, as there is no induced population growth or increased demand for parkland.

5. Other public facilities?

No Impact: The project does not induce population growth nor does it increase the demand for other public facilities such as roads, libraries, water and sewage treatment plants, airports, and animal control facilities. Thus, no new or physically altered facilities are needed.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have No Impact on Public Services.

5.16 RECREATION

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

Thresholds of Significance: The project would have a significant effect on recreation if it would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, or include recreational facilities or require the

construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Discussion: The County of Mendocino manages a variety of public recreation areas including 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. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact: The project's limited nature has no impact on existing parks or the requirement for new park facilities. It aligns with General Plan Policy DE-179, as there is no induced population growth or increased demand for parkland.

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

No Impact: No recreational facilities are proposed as part of the Project. The Project would not require the construction or expansion of recreational facilities because it would not require the provision of new park facilities.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have No Impact on Recreation.

5.17 TRANSPORTATION

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

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

Discussion: General Plan Policy DE-131, DE-148, DE-149, and DE-157 relate to transportation, including Action Item DE-138.1.¹⁷ 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.”*¹⁸ 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.¹⁹

The Mendocino County Department of Transportation is responsible for the maintenance and operation of County maintained roads, bridges, and related features. The County Roads 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. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact: The Project does not conflict with General Plan and Regional Transportation Plan policies regarding circulation. The Project is not a land division or major development application, and thus would not require substantial road improvements or traffic studies. The Project site abuts a private road. The Project was referred to the Department of Transportation (DOT), who responded with no comment.

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

Less Than Significant Impact: The project would not conflict with CEQA section 15064.3 as the project is a residential fence. Therefore, no impact will accrue.

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

No Impact: As mentioned above, the project would not contribute to any impacts of this nature as this is a residential fence in an area that does not have the ability to contribute to this type of potential.

d. Result in inadequate emergency access?

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

¹⁸ State of California. Governor’s Office of Planning and Research. (2018). *Technical Advisory on Evaluating Transportation Impacts in CEQA*.

¹⁹ Mendocino Council of Governments. (2010). *Final Model Development Report: MCOG Travel Demand Forecasting Model*.

No Impact: As described above in the response to the Public Services and Hazards & Hazardous Materials sections, the Project would not result in inadequate emergency access. The site would be accessible through a driveway abutting a private road.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have No 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:	☐	☐	☐	☒
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)?	☐	☐	☐	☒
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.	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on Tribal Cultural Resources if it would cause a substantial adverse change in the significance of a cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Places or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1.

Discussion: 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. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:***
- i. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?***

No Impact: The project involves replacing an existing fence in a residential area. The scope and nature of the project, focused on replacing an existing structure without expanding its boundaries, suggest minimal likelihood of encountering or affecting such resources. However, it is important to note that since no specific survey has been conducted for this replacement project, this assessment relies on the absence of prior indications of sensitive resources in the area. The project was referred to several tribes, including the Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. These tribes did not respond to the referral request.

- 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.***

No Impact: The project is limited to the replacement of an existing fence and does not involve ground disturbance beyond the previously established footprint. Consequently, it is unlikely to encounter or affect

tribal cultural resources that could be deemed significant by the lead agency. This determination is made in the context of the information currently available, acknowledging that no additional site-specific survey was conducted for the replacement of the fence.

The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Rancheria. No comments were received.

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

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

5.19 UTILITIES AND SERVICE SYSTEMS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☒	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on utilities and service systems if it would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Discussion: Public sewer systems in Mendocino County are provided by cities, special districts, and some private water purveyors. There are thirteen (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 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 of the General Plan 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 covers solid 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 solid waste facilities in Mendocino County, including: five (5) closed/inactive municipal landfills, three (3) wood-waste disposal sites, two (2) composting facilities, and eleven (11) transfer stations.

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

No Impact: The project involves the replacement of an existing residential fence and does not require or result in the relocation, construction, or expansion of water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities. Therefore, it will not cause significant environmental effects related to these utilities.

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

No Impact: As the project is limited to fence replacement, it does not increase water demand, nor does it impact the existing water supply arrangements. The project will continue to utilize the existing water supply infrastructure without necessitating any changes or upgrades.

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

No Impact: The project does not involve changes that would increase wastewater generation or affect the capacity of existing wastewater treatment facilities. Since it is a simple fence replacement, it does not interact with or alter the existing septic or wastewater systems.

- 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?***

No Impact: The fence would not generate any solid waste because it does not increase residential density. Some debris related to the lowering of portions of the fence may be disposed of, but these materials constitute a minimal amount of solid waste.

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

No Impact: The scope of the fence replacement project is limited and does not entail activities that would break waste management statutes and regulations.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a No Impact on Utilities and Service Systems.

5.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on wildfire if it would impair an adopted emergency response plan or emergency evacuation plan; due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges.

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

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

For certain projects, the California Fire Code, Section R337 of the California Residential Code, and Chapter 7A of the California Building Code may apply to provide structural protections against fire. General Plan Policy DE-214, DE-215, DE-216, DE-217, DE-220, DE-222, and Action Item DE-222.2 relate to fire.²⁰

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

No Impact: Replacing an existing residential fence will not interfere with local emergency response or evacuation plans. The project does not involve changes to roadways, access points, or other infrastructure that could impact emergency response capabilities. It also does not affect communication or utility systems necessary for emergency alerts and responses.

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?

No Impact: The project, which entails the replacement of a fence in a residential area, does not involve activities or changes in land use that could increase wildfire risks. The area's existing conditions, including slope and wind patterns, remain unchanged. As such, the project does not contribute to increased wildfire risk or exposure to related hazards.

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact: The fence replacement project does not require the installation or maintenance of additional infrastructure such as roads, fuel breaks, emergency water sources, or power lines. Thus, it does not contribute to increased fire risk or cause environmental impacts related to such infrastructure.

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?

No Impact: Since the project scope is limited to replacing an existing fence, it does not affect the site's topography or drainage patterns. There is no significant alteration in runoff or slope stability that could increase the risk of flooding or landslides in the event of a wildfire.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐

²⁰ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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).	☐	☐	☐	☒
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect in consideration of the mandatory findings of significance if it would have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory; have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.); or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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

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

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

Less Than Significant Impact: The project involves replacing an existing fence within a residential area and does not include activities that would degrade environmental quality, impact fish or wildlife habitats, or affect cultural resources. There is no disturbance to new land or habitats, and no interference with any known historical or prehistorical resources. The limited nature of the project does not threaten plant or animal communities, nor does it affect rare or endangered species.

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

No Impact: Given the project's limited scope – replacing an existing fence – its incremental effects are negligible and not cumulatively considerable when viewed in conjunction with past, present, or reasonably anticipated future projects. The project does not contribute significantly to cumulative environmental impacts.

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

No Impact: The fence replacement project is not anticipated to have any direct or indirect substantial adverse effects on human beings. The project does not involve activities that emit pollutants, generate hazardous materials, or create conditions that would negatively impact human health or safety.

MITIGATION MEASURES

None beyond those discussed elsewhere in this Initial Study.

FINDINGS

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