



*PUBLIC DRAFT*  
**SUBSEQUENT INITIAL STUDY AND  
MITIGATED NEGATIVE DECLARATION**  
SCH #: TBD

FOR  
**CASPAR HOUSE LLC**  
**COASTAL DEVELOPMENT PERMIT AMENDMENT**  
**AT 15361 SEADRIFT AVENUE; APN: 118-010-14**  
File No. CDPM\_2024-0007

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**July 3, 2025**

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# INTRODUCTION

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In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.), this Draft Initial Study (IS) has been prepared as documentation for a Mitigated Negative Declaration (MND) for the proposed amendment of Coastal Development Permit CDP\_2023-0019 to drill up to four (4) test wells, convert the minimum number of test wells necessary to production wells, connect the well(s) to the existing residence via subsurface directional boring, install two (2) 2,500-gallon water tanks, replace a distribution box, install an aerobic treatment unit and pump chamber under an attached deck, replace leach lines, re-roof the existing residence, install a new roof mounted PV solar array and solar hot water panel, install a new heat pump on a concrete pad, replace five (5) windows and one (1) sliding door, and add new French doors to the existing residence at 15361 Seadrift Avenue, Caspar; APN: 118-010-14 (the "Project"). This Draft IS/MND includes a description of the Project; the location of the Project site; an evaluation of the potential environmental impacts of Project implementation; and written statement that an Environmental Impact Report (EIR) is not required because the project will not have a significant adverse impact on the environment.

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

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

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

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

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

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

## PROJECT INFORMATION

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<b>FILE NUMBER:</b>	CDPM_2024-0007
<b>OWNER:</b>	Caspar House LLC
<b>APPLICANT:</b>	Chi Sullivan & Jade Lee
<b>AGENT:</b>	Wynn Coastal Planning & Biology, Amy Wynn
<b>PROJECT LOCATION:</b>	In the Coastal Zone, 0.5± miles west of Caspar, on the north side of Seadrift Avenue (CR 560) 650± feet west of its intersection with Pacifica

Drive (CR 559), located at 15361 Seadrift Avenue, Caspar; APN: 118-010-14.

**TOTAL ACREAGE:** 2.16± Acres

**GENERAL PLAN:** Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])

**ZONING:** Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])

**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 amendment of Coastal Development Permit CDP\_2023-0019 to drill up to four (4) test wells, convert the minimum number of test wells necessary to production wells, connect the well(s) to the existing residence via subsurface directional boring, install two (2) 2,500-gallon water tanks, replace a distribution box, install an aerobic treatment unit and pump chamber under an attached deck, replace leach lines, re-roof the existing residence, install a new roof mounted PV solar array and solar hot water panel, install a new heat pump on a concrete pad, replace five (5) windows and one (1) sliding door, and add new French doors to the existing residence.

On March 14, 2024, the Coastal Permit Administrator approved Coastal Development Permits CDP\_2023-0018 and CDP\_2023-0019. Both permits involved the subject property. The scope of CDP\_2023-0018 included:

1. Installation of a new 1,198 square foot Accessory Dwelling Unit (ADU)
2. A 476 square foot detached garage
3. 829 square feet of decks and stairs
4. An 82 square foot porch
5. 113 square feet of concrete slab
6. The installation of new French doors to an existing residence.

The scope of CDP\_2023-0019 included

1. Drilling four (4) new test wells and associated trenching
2. Removal of an existing water tank
3. Installation of two (2) new 2,500-gallon underground water tanks
4. Replacement of a distribution box
5. Installation of an aerobic treatment unit
6. Replacement of leach lines
7. Installation of a new pump chamber
8. A new roof mounted PV solar array
9. A new roof mounted solar hot water panel
10. Installation of a new heat pump with concrete pad
11. Expansion of the gravel parking area
12. Replacement of 5 windows
13. Re-roofing the existing residence
14. The installation of new French doors to an existing residence

The "*installation of new French doors to an existing residence*" was inadvertently included in the scope of both CDPs and refer to the same proposed development. The site plan submitted for these CDPs was identical and included a proposal for 241 square feet of new walking paths and 775 square feet of new pavers, but these elements were not listed in the project description within the staff reports or the application forms for either CDP, so it is not clear which entitlement those elements were attributed to.

On April 16, 2024, the Coastal Permit Administrator's (CPA's) decision was appealed to the California Coastal Commission by Coastal Commissioners Caryl Hart & Dayna Bochco (Commission Appeal numbers A-1-MEN-24-0014 & A-1-MEN-24-0015). Therefore, in accordance with Public Resources Code Section 30623, the CPA's action of approving CDP\_2023-0018 and CDP\_2023-0019 was stayed pending a decision on the appeal. The reasons for the appeals included allegations that the projects violated

Environmentally Sensitive Habitat Area (ESHA) protection policies of the Local Coastal Program (LCP), that adequacy of on-site services had not been demonstrated, and that the projects did not minimize risk in an area of high geologic hazard.

The subject modification application (CDPM\_2024-0007) was submitted on July 18, 2024. The modification is intended to resolve the issues raised by the appeal. If the proposed modification is approved and resolves the issues raised by the appeal, the Coastal Commission appeal would be withdrawn. The elements that have changed between CDP\_2023-0019 and CDPM\_2024-0007 include the following

1. The water line from the proposed wells would utilize subsurface boring under ESHA instead of trenching directly through ESHA.
2. The minimum amount of test wells necessary to produce an adequate water supply would be converted to production wells.
3. The existing water tank would no longer be removed.
4. The existing gravel area would no longer be expanded.
5. A sliding door on the existing residence would be replaced.
6. A 680 square foot deck would be installed over the septic infrastructure.

On April 24, 2025, the agent submitted a letter to Planning & Building Services withdrawing CDP\_2023-0018. Because the CPA's action was stayed pending a decision on the appeal, the withdrawal effectively extinguishes any entitlement sought by the applicant. Therefore, the Coastal Commission's appeal of CDP\_2023-0018 is no longer applicable and may be withdrawn by the Commission in accordance with California Code of Regulations Title 14 Section 13116. However, Section 13116 notes that "*on withdrawal of all appeals on a matter, the action of the local government shall automatically become final*". Therefore, to avoid confusion regarding the status of CDP\_2023-0018, staff recommends that a finding and condition of approval be added to CDPM\_2024-0007 which formally confirms that (1) CDP\_2023-0018 has been withdrawn, (2) the entitlement granted by CDPM\_2024-0007 supersedes and replaces that of CDP\_2023-0018, and (3) the Coastal Permit Administrator rescinds their former approval of CDP\_2023-0018.

The property is an approximately two (2) acre blufftop lot that is accessed from the western terminus of Seadrift Avenue (CR 560). The property is mostly flat. A gravel driveway leads to an existing single-family residence with an attached garage and decks. An existing water tank is located adjacent to the southeastern wall of the residence. The property also contains an existing well and septic system. The existing residence is located approximately twenty (20) feet from the bluff edge. The property is mostly comprised of coastal terrace prairie habitat and non-native grassland with a few planted Monterey cypress trees. Northern coastal bluff scrub habitat is present along the bluff edges and bluff face. The surrounding Land Uses and Zoning are detailed in the following table.

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

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	N/A (Pacific Ocean)	N/A (Pacific Ocean)	N/A	N/A
<b>EAST</b>	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	2.12± Acres	Residential
<b>SOUTH</b>	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	2± Acres	Residential
<b>WEST</b>	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	Rural Residential 5-Acre Minimum, 2-Acre Variable Density (RR:5[2])	2.47± Acres	Residential

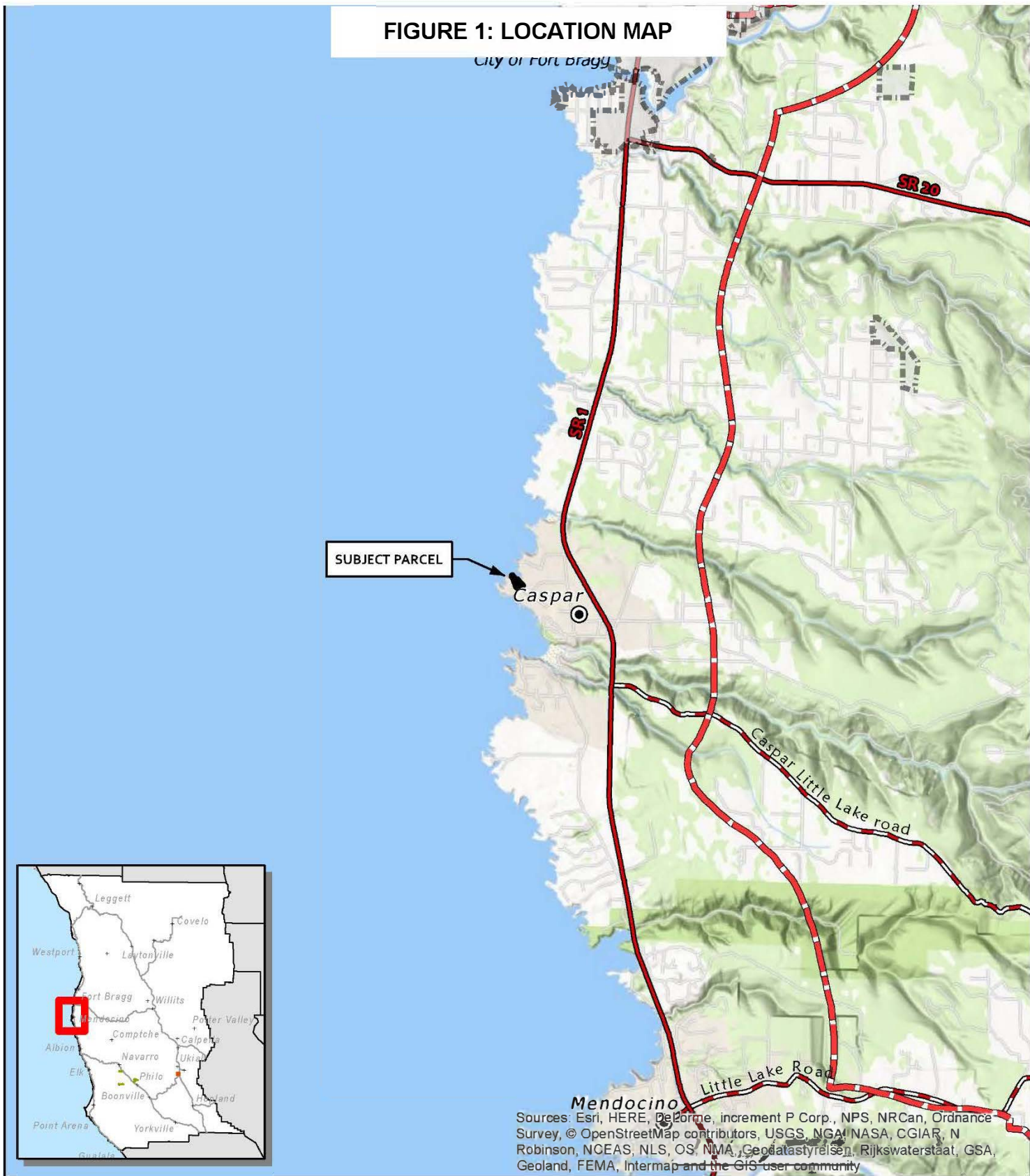
**Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements):** None.

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

Pursuant to the consultation requirements of Assembly Bill (AB) 52, in August 2024, the County of Mendocino (County) provided formal notification to the California Native American tribes that requested notification of all new potential Negative Declarations within the County. The following tribes were notified: Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians.

**PROJECT PLOT PLAN:** See Page 7 of this document.

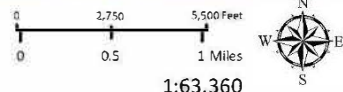
**FIGURE 1: LOCATION MAP**



Sources: Esri, HERE, DeLorme, increment P Corp., NPS, NRCAn, Ordnance Survey, © OpenStreetMap contributors, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS-user community

**CASE: CDPM\_2024-0007**  
**OWNER: Caspar House, LLC**  
**APN: 118-010-14**  
**APLCT: Chi Sullivan & Jade Lee**  
**AGENT: Wynn Coastal Planning**  
**ADDRESS: 15361 Seadrift Ave., Caspar**

- Major Towns & Places
- City Limits
- Coastal Zone Boundary
- Highways
- Major Roads



LOCATION

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

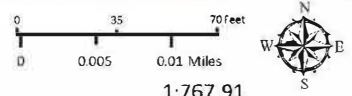
**FIGURE 2: AERIAL IMAGERY**



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**CASE:** CDPM\_2024-0007  
**OWNER:** Caspar House, LLC  
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**AGENT:** Wynn Coastal Planning  
**ADDRESS:** 15361 Seadrift Ave., Caspar

==== Public Roads  
..... Driveways/Unnamed Roads



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



# ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

## DETERMINATION

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Based on this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature  
Liam Crowley  
Printed Name

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Date  
Planner II  
Title

# ENVIRONMENTAL CHECKLIST

## 5.1 AESTHETICS

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

**DISCUSSION:** A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view.

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

State Route 1 is part of the California Freeway and Expressway System, and through the Los Angeles metro area, Monterey, Santa Cruz, San Francisco metro area, and Leggett, is part of the National Highway System, a network of highways that are considered essential to the country's economy, defense, and mobility by the Federal Highway Administration. State Route 1 is eligible to be included in the State Scenic Highway System; however, only a few stretches between Los Angeles and San Francisco have officially been designated as a “scenic highway”, meaning that there are substantial sections of highway passing through a “memorable landscape” with no “visual intrusions.”

Additionally, the County has two roadway segments designated as “heritage corridors” by California Public Resources Code Section 5077.5. The North Coast Heritage Corridor includes the entire segment of SR 1 in the county, as well as the segment of U.S. Highway 101 from the junction with SR 1 in Leggett, north to the Humboldt County line. The Tahoe-Pacific Heritage Corridor extends from Lake Tahoe to the Mendocino County coast. It includes the entire segment of SR 20 within the county and the segment of US 101 from the SR 20 junction north of Calpella to the SR 20 highway exit south of Willits. Mendocino County’s General

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

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

<sup>3</sup> U.S. Department of Transportation. Federal Highway Administration. *National Scenic Byways & All-American Roads*. Retrieved from <https://fhwaapps.fhwa.dot.gov/byways/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 off of structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by "light pollution." Two elements of light pollution may affect county residents: sky glow (a result of light fixtures that emit a portion of their light directly upward in the sky), and light trespass (poorly shielded or poorly aimed fixtures which cast light into unwanted areas, such as neighboring properties and homes). Different lighting standards are set by classifying areas by lighting zones (LZ). The 2000 Census classified the majority of Mendocino County as LZ2 (rural), which requires stricter lighting standards in order to protect these areas from new sources of light pollution and light trespass. Mendocino County's General Plan Resource Management Goal RM-15's (Dark Sky) objective is, "*Protection of the qualities of the county's nighttime sky and reduced energy use.*"

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.*"

- Less than Significant Impact:** The proposed development is not in the vicinity of a scenic vista. The Pacific Ocean can be seen from the end of Seadrift Avenue (CR 560), but much of the view is obscured by a small knoll across the subject property. As such, the addition of water tanks, wells, septic infrastructure, and solar panels would have little impact on the ability to see the ocean and/or coastline from public areas.
- No Impact:** The proposed development is not within or adjacent to a state scenic highway.
- Less than Significant Impact:** The Pacific Ocean can be seen from the end of Seadrift Avenue (CR 560), but much of the view is obscured by a small knoll across the subject property. As such, the addition of water tanks, wells, septic infrastructure, and solar panels would have little impact on the ability to see the ocean and/or coastline from public areas. The proposed development would either be at or below existing grade, would be obscured by an existing stand of planted Monterey cypress trees, or would be attached to the existing single-family residence. The proposed solar panels would not increase the overall height of the roof ridge. As such, existing views of the ocean and coastline would be unaffected.
- Less than Significant Impact:** All proposed exterior lighting would be downcast and shielded to prevent substantial additional light or glare. Solar panels are designed to absorb light, and as such would not be highly reflective. The proposed re-roof would utilize wood shingles with a clear finish, which would not create additional glare.

**MITIGATION MEASURES:** None.

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

## 5.2 AGRICULTURE AND FORESTRY RESOURCES

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

**DISCUSSION:** The State of California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) which produces maps and statistical data used for analyzing impacts on California’s agricultural resources. The FMMP mapping survey covers roughly 98% of privately owned land in the state. 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 including “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) provides preferential tax assessments to owners of farmland and open-space land in exchange for a nine (9) year agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses.

The Timberland Production Zone (TPZ) was established in 1976 in the California Government Code as a designation for lands for which the Assessor’s records as of 1976 demonstrated that the “highest and best use” would be timber production and its accessory uses. Public improvements and urban services are prohibited on TPZ lands except where necessary and compatible with ongoing timber production. The original purpose of TPZ Zoning District was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands.

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

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

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

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

- a) **No Impact:** The entirety of the subject property is classified as Rural Residential and Rural Commercial (R) by the FMMP.
- b) **No Impact:** The property is not within an agricultural zoning district and is not within a Williamson Act contract.
- c) **No Impact:** None of the vegetation on the property meets the definition of forestland or timberland. The property is not within a Timberland Production Zone.
- d) **No Impact:** None of the vegetation on the property meets the definition of forest land. The proposed development would not involve the removal of any trees.
- e) **No Impact:** The proposed development is not located on farmland or forest land. The proposed development would not induce any other development on off-site farmland or forest land.

**MITIGATION MEASURES:** None.

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

### 5.3 AIR QUALITY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION:** Mendocino County is located within the North Coast Air Basin. Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing state and federal Clean Air Acts, as well as local air quality protection 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. The MCAQMD also enforces

standards requiring new construction, including houses, to use energy efficient, low-emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions.

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

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

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

For the purposes of CEQA, MCAQMD previously recommended that agencies use adopted Bay Area Air Quality Management District (BAAQMD) thresholds for projects in Mendocino County. However, MCAQMD has issued clarifications to resolve conflicts between District rules and BAAQMD thresholds. This includes

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

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

the Indirect Source Rule, Stationary Source Emissions Levels, CO Standards, Greenhouse Gas rules, Risk Exposure, and Odor rule. More information can be found on the MCAQMD website.<sup>6</sup>

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

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

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

- a) **Less than Significant Impact:** The existing structures are not stationary sources. A stationary source would not be created. Portable sources are not expected because the emitting source of construction equipment would either be the motive power for moving the equipment or would otherwise be expected to be registered with CARB’s Portable Equipment Registration Program. An indirect source would not be created because the project would result in negligible emissions due to the temporary use of off-road construction equipment and construction of the well and septic improvements and other development. CalEEMod was used to estimate the average daily emissions of Reactive Organic Gases (ROG), Nitrogen oxides (NOx), Carbon Monoxide (CO), and Particulate Matter (PM10) during construction and operation of the project. The project would emit approximately 0.3 pounds of ROG, 3 pounds of NOx, 3 pounds of CO, and 7 pounds of PM10 per day during construction. The project would emit approximately 0.7 pounds of ROG, 0.1 pound of NOx, 2 pounds of CO, and 25 pounds of PM10 per day during operation. These values are below the threshold for indirect sources found in MCAQMD Rule 1-130. The project would not involve large grading operations. Therefore, written authorization from the District or a permit to operate prior to starting construction in accordance with Rule 1-200 and Rule 1-240 would not be required. Using CalEEMod, construction of the project was estimated to generate 91 metric tons of CO<sub>2</sub>e per year, while operation of the project was estimated to generate 19 metric tons of CO<sub>2</sub>e per year. Therefore, MCAQMD Rule 1-221 would not apply. The site is not an Air Toxics “Hot Spot” as regulated by Rule 1-280. Due to the low concentration of emissions, the project is not expected to result in a public nuisance in accordance with Rule 1-400 or a significant amount of particulate matter, fugitive dust, sulfur oxide, or geothermal emissions in accordance with Rule 1-420 through 1-455. Other Rules within District Regulations 1 would not apply. The project would not involve open outdoor burning. As such, District Regulations 2 would not apply. The project does not involve a gasoline dispensing facility, dry cleaning operation, residential burning, or stationary diesel engine. Therefore, District Regulations 3 would not apply. The project does not involve any wood burning appliances. Therefore, District Regulations 4 would not apply. The project does

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

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

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

not involve an acid rain unit, solid waste incinerator, major source, or other source regulated by District Regulations 5. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan.

- b) **No Impact:** Mendocino County is in attainment under all applicable federal and state ambient air quality standards.
- c) **Less than Significant Impact:** Several residences are located on adjacent properties. However, standard Best Management Practices (BMPs) and grading techniques would ensure that these sensitive receptors are not exposed to substantial pollutant concentrations, particularly due to the low amount of estimated pollutants per CalEEMod.
- d) **No Impact:** The project is not located in an area of known Naturally Occurring Asbestos and demolition would not occur. Therefore, exposure to other emissions is unlikely.

**MITIGATION MEASURES:** None.

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

### **5.4 BIOLOGICAL RESOURCES**

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

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

- Sections 670.2 or 670.5, Title 14, California Code of Regulations

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

The following may also be considered a special status species:

- Species that are recognized as candidates for future listing by agencies with resource management responsibilities, such as US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NOAA Fisheries, also known as NMFS), and California Department of Fish and Wildlife (CDFW)
- Species defined by CDFW as California Species of Special Concern
- Species classified as “Fully Protected” by CDFW
- Plant species, subspecies, and varieties defined as rare or threatened by the California Native Plant Protection Act (California Fish and Game Code Section 1900, et seq.)
- Plant species listed by the California Native Plant Society (meeting the criteria in CEQA Guidelines Section 15380) according to the California Rare Plant Ranks (CRPR)
- Mountain lions protected under the California Wildlife Protection Act of 1990 (Proposition 117) and designated as a specially protected mammal in California.

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

The California Natural Diversity Database (CNDDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, other agencies, and conservation organizations. The data helps drive conservation decisions, aid in the environmental review of projects and land use changes and provide baseline data helpful in recovering endangered species and for research projects. Currently, the CNDDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened, Threatened, or Endangered. Planning & Building Services uses CNDDDB mapping to assist in identifying project-specific locations where special-status species have been previously observed.

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

Section 404 of the federal Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States. Section 404 requires a permit before dredged or fill material may be discharged unless the activity is exempt. Section 404 defines wetlands as *“those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog, and similar areas.”*

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

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

Mendocino County General Plan Policy RM-28 and RM-29 relate to Biological Resources, including Action Item RM-28.1 regarding oak woodlands.<sup>9</sup> Mendocino County currently has two active Habitat Conservation Plans (HCPs) with the U.S. Fish and Wildlife Service, the first of which provides protections for the Point Arena Mountain Beaver. The Fisher Family HCP (Permit #TE170629-0) covers 24 acres of coastal scrub and was adopted December 3, 2007, for a period of 50 years. The Fisher Family HCP applies to Assessor Parcel Number 027-211-02 located at 43400 Hathaway Crossing, Point Arena. The second HCP is Pacific Gas & Electric Company's Multiple Region Operations and Maintenance HCP. The HCP was issued in 2020 for a period of 30 years. The HCP includes protections for several species across multiple jurisdictions. Since 2003, the Mendocino Redwood Company (MRC) has managed the County's only Natural Community Conservation Plan which covers all lands owned by the MRC to preserve regionally important habitat.

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

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

**a, b, d, e) Less than Significant with Mitigation Incorporated:** Mendocino County Code (MCC) Chapter 20.496 establishes regulations for Environmentally Sensitive Habitat Areas (ESHAs), which include "*anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals*".

Pursuant to MCC Section 20.496.015 and Coastal Element Policy 3.1-2, development proposals that have the potential to impact ESHA are subject to a biological survey. A 2023 Biological Scoping Survey Report and Biological Report of Compliance were submitted with the application. The reports identified several plant communities and vegetation on the property, including coastal terrace prairie, north coast bluff scrub, non-native invasive rattlesnake grass meadows, clusters of planted Monterey cypress trees, and some landscaped areas. Of these, the coastal terrace prairie and north coast bluff scrub are considered ESHA. Both of these are considered sensitive natural communities. Several individual rare plants were also observed, including Blasedale's bentgrass, Headland wallflower, and Short leaved evax. A small seep was also observed on the bluff face. The rare plants and seep are considered ESHA. However, these surveys were conducted outside the blooming period of several species that have the potential to occur on the site. In addition, these reports were prepared for the previous projects that were appeal, and as such contain analysis that is no longer relevant.

As such, additional surveys were conducted in April, June, July, and August of 2023, as well as May of 2024. This is noted in the letter from the biologist on June 25, 2024. No new rare plants or sensitive natural communities were observed during these supplemental surveys. The letter also reanalyzes the amended development's potential impacts to ESHA.

The biological reports also noted that (1) no Obscure bumble bee colonies were observed at the subject parcel, and no additional surveys for this species were recommended, (2) it is very unlikely that northern red legged frogs would be impacted by the proposed project, and no additional surveys for this species were recommended, (3) there are no streams nearby the project area so it is unlikely that Pacific tailed frogs would be impacted by the project, and no further studies for this species were recommended, and (4) if construction is to occur during resident and migratory bird

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

breeding season (February to August), a pre-construction survey is recommended to ensure that no nesting birds will be disturbed, and no nesting surveys are recommended if activity occurs outside of the breeding season.

Pursuant to Section 20.496.020 and Coastal Element Policy 3.1-7, a buffer area shall be established adjacent to all ESHA. The buffer area shall be a minimum of one hundred (100) feet but may be reduced to a minimum of fifty (50) feet under certain conditions. Due to the extent of the various identified ESHAs, the entire property lies either directly within ESHA or within the fifty (50) foot buffer.

Residential and accessory development is not permitted within ESHA. Pursuant to Section 20.496.020, *“developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent ESHA”*. Therefore, residential and accessory development is not permitted within ESHA buffers.

Therefore, all proposed development would be inconsistent with County ESHA regulations. This inconsistency cannot be remedied by (1) special conditions, (2) siting development in a different location, or (3) reducing the scale of the project because the entirety of the property is within ESHA or ESHA buffers.

Therefore, under normal circumstances, the County of Mendocino would deny a Coastal Development Permit application for residential and accessory development on this property. However, Public Resources Code Section 30010 forbids the denial of a permit *“in a manner which will take or damage private property for public use, without the payment of just compensation therefor.”*

Consequently, the Coastal Act (Public Resources Code Sections 30000 through 30900) imposes on the County the duty to assess whether its action might constitute a “taking”. If the County concludes that its action does not constitute a taking, then it may deny the project on finding that its actions are consistent with Section 30010. If the County determines that its action would constitute a taking, then it applies Section 30010 to consider how the project may be approved. In the latter situation, the County may propose modifications to the development to minimize any Coastal Act inconsistencies, while still allowing a reasonable amount of development.

It was determined that denial of this permit application would constitute a taking. As such, the County should allow some amount of development in accordance with the proposal. However, the Coastal Act only instructs the County to construe the applicable Coastal Act policies in a manner that will avoid a taking. It does not authorize the County to ignore the policies of the Coastal Act regarding the application. Therefore, the County must approve and site a development that is maximally consistent with the Local Coastal Program while simultaneously avoiding a taking. To accomplish this, the County must consider alternatives to the proposed development, including the “no project” alternative. The preferred alternative should be one that minimizes impacts to ESHA while simultaneously avoiding a taking. For example, the “no project” alternative would have the least impact on ESHA, but would probably result in a taking because it would prevent the property owner from making necessary repairs to the septic system and establishing a water supply to support continued residential use of the existing residence, which would significantly interfere with the property owner’s investment-backed expectations and significantly devalue the property.

MCC Section 20.496.020(A)(4) establishes standards for development that is permitted within an ESHA buffer area. Therefore, the elements of the proposed development that lie within ESHA buffers should be maximally consistent with these standards.

The proposed French doors, PV solar array, solar hot water panel, and replacement of five (5) windows and one (1) sliding door would have no impact on adjacent ESHA because these elements are within the existing footprint of the residence. All other proposed development would be within ESHA buffer but would not be directly within ESHA. The septic infrastructure, electric distribution box, and water tanks would be clustered near the center of the property adjacent to the existing residence. Any alternative location for these elements would either require a greater amount of trenching to connect water or sewer lines to the residence or require that some of the infrastructure

be located directly within ESHA. An alternative scope of development, such as a smaller septic system or the exclusion of water tanks, would jeopardize the basic functionality of the residence. The replacement septic system is designed to meet the demand of the two-bedroom residence as required by the Division of Environmental Health. The additional water storage capacity is necessary to ensure that an adequate water supply will be available to serve the residence. If the proposed test wells were to produce only one half (0.5) gallon per minute, the additional water storage would ensure that adequate water supply can be provided in accordance with Environmental Health regulations without needing to drill additional wells. The installation of water storage tanks would have less impact on ESHA than drilling additional wells. Drilling additional wells would require additional trenching at a distance to ESHA that is much closer than where the tanks would be installed.

Alternative locations for the proposed well(s) could result in less impacts on ESHA. For example, if the well(s) were located within the non-ESHA area immediately adjacent to the residence, trenching under the ESHA would not be necessary. However, this alternative is not feasible because (1) Division of Environmental Health regulations require that a well be set back at least fifty (50) feet from a septic tank and one hundred (100) feet from a leach field, and (2) according to the attached *Seismo-Electric Survey*, the areas with the greatest potential to produce an adequate water supply are located where the well(s) are currently proposed. As such, the wells must be drilled in an area that requires the water line to pass through the coastal terrace prairie ESHA. However, the project has been designed to minimize potential impacts. The project would utilize directional drilling underneath the ESHA to avoid direct impacts. As noted in the attached *04-23-2025 Agent Response Letter*, drilling would occur beneath the root depth of plants within the coastal terrace prairie ESHA to avoid damage. The drilling would occur along the thinnest portion of the identified ESHA. A lower number of wells could result in fewer impacts on ESHA. For example, if only two (2) wells are necessary to produce a sufficient quantity of water, but four (4) wells are drilled, the development would not be the least damaging alternative. Therefore, staff recommends a condition of approval which would require that each well be drilled and tested in succession, and that drilling shall cease when adequate water supply has been demonstrated.

The biological reports recommend several mitigation measures to minimize impacts, including avoiding the bird breeding season, avoiding any active nests, limiting construction to daylight hours, establishing buffers to adjacent ESHAs, staging all materials and vehicles in previously impacted areas, employing BMPs, cleaning heavy machinery, replacing ornamental plants with native plants, planting non-invasive vegetation, and landscaping with native plants. The California Department of Fish & Wildlife (CDFW) also submitted the following comments

1. *Incorporate the biological report's recommendations and mitigation measures into the amendment as conditions of approval.*
2. *As development will occur with sensitive natural communities or resources designated under the Local Coastal Plan as Environmentally Sensitive Habitat Areas, CDFW recommends at a minimum:*
  - a. *Incorporate Wynn Coastal Planning's recommendations for restoration and native plantings as stated in the biological report and subsequent biological report. The biological report states on page 9 that at least 960 square feet of invasive iceplant (*Carpobrotus* spp.) is present north of the existing single-family residence and could be replaced with native coastal terrace prairie vegetation. In Appendix D Page 10 of 14, recommends removing pale dew plant (*Drosanthemum floribundum*) and iceplant present north of the existing residence and seeding and/or planting California oatgrass in these areas. Restoration of, and with, golden aster (*Heterotheca sessiliflora*).*
  - b. *Installation of low, symbolic fencing on either side of any proposed walkways and patios to reduce additional encroachment into sensitive natural communities and their buffers identified as ESHAs in the biological reports by Wynn Coastal Planning.*
  - c. *CDFW recommends the removal of ice plant and any other non-native invasive plants be targeted for removal for a period of 5 years.*
3. *The establishment of perpetual protection through a deed restriction to sustain the existing sensitive natural communities onsite that will not be impacted by the proposed development as well as the*

*proposed restoration areas.*

With mitigation measures incorporated, the proposed development would not have a substantial impact on special status species or sensitive natural communities, as discussed in the biological reports. The mitigation measures related to bird breeding season and nest avoidance would prevent impacts to migratory birds. Although the project would conflict with local ESHA policies, the project is designed to be the least environmentally damaging alternative and would incorporate all feasible mitigation measures to reduce impacts.

- c) **No Impact:** According to the biological surveys and report conducted for the project, there are no wetlands present on the property.
- f) **No Impact:** The subject property is not within the jurisdiction of a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

### **MITIGATION MEASURES:**

**BIO-1:** The following buffers are hereby established adjacent to all identified Environmentally Sensitive Habitat Areas (ESHA)

- a. A one hundred (100) foot buffer surrounding the Blasedale's bentgrass populations (*Agrostis blasdalei*), as shown in Figure 3, *Existing and Proposed Development Relative to Presumed ESHA*, on page 6 of the Biological Update Letter dated June 25, 2024.
- b. A one hundred (100) foot buffer surrounding the Headland wallflower populations (*Erysimum concinnum*), as shown in Figure 3, *Existing and Proposed Development Relative to Presumed ESHA*, on page 6 of the Biological Update Letter dated June 25, 2024.
- c. A one hundred (100) foot buffer surrounding the seep, as shown in Figure 3, *Existing and Proposed Development Relative to Presumed ESHA*, on page 6 of the Biological Update Letter dated June 25, 2024.
- d. A fifty (50) foot buffer surrounding the north coast bluff scrub as shown in Figure 3, *Existing and Proposed Development Relative to Presumed ESHA*, on page 6 of the Biological Update Letter dated June 25, 2024.
- e. A fifty (50) foot buffer surrounding two separate populations of short-leaved evax (*Hesperis matronalis ssp. brevifoliata*) as shown in Figure 3, *Existing and Proposed Development Relative to Presumed ESHA*, on page 6 of the Biological Update Letter dated June 25, 2024.
- f. A fifty (50) foot buffer surrounding the coastal terrace prairie shown in Figure 3, *Existing and Proposed Development Relative to Presumed ESHA*, on page 6 of the Biological Update Letter dated June 25, 2024, which encompasses the entirety of the subject property.

**BIO-2:** Future use of the property within the established Environmentally Sensitive Habitat Areas (ESHA) or ESHA buffers shall be limited to those uses allowed within ESHA or ESHA buffers as outlined in Coastal Zoning Code Section 20.496.020, as may be amended from time to time, except that routine maintenance and repairs of the existing residential use within the development footprint and existing structure footprint(s) may also be allowed. No future development, as defined in Coastal Zoning Code Section 20.308.035(D), may occur within these areas without issuance of a Coastal Development Permit Amendment or a subsequent Coastal Development Permit.

**BIO-3:** If vegetation removal or development is to occur in the non-breeding season (September to January), no nesting bird surveys shall be required. If vegetation removal or development is to occur during the breeding season (February to August), a pre-construction survey shall be conducted by a qualified

biologist within fourteen (14) days of the onset of vegetation removal or construction to ensure that no nesting birds will be disturbed during development.

**BIO-4:** If active native bird nests are observed, no vegetation removal or construction activities with the potential to disrupt nesting shall occur within a one hundred (100) foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A qualified biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.

**BIO-5:** Construction shall only occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

**BIO-6:** All building materials and construction vehicles shall be staged in previously impacted areas outside of established ESHA habitat, such as the existing gravel driveway and parking area.

**BIO-7:** Standard Best Management Practices shall be employed to ensure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Areas of bare soil should be seeded with native erosion control seed mix and/or covered with biodegradable erosion control materials (e.g. coconut fiber, jute, weed free straw).

**BIO-8:** Heavy machinery such as, but not limited to, excavators and skid steers that may be used onsite have the potential to spread invasive plant material from use on other sites. Heavy machinery that is used in dirt shall be power washed offsite to eliminate seeds and other propagules.

**BIO-9:** Ornamental plantings around the single-family residence included pale dewplant (*Drosanthemum floribundum*). Iceplant (*Carpobrotus* spp.) was present, primarily on the neighboring parcel north of the subject parcel, but also to some degree on the subject parcel. These members of the stone plant family (*Aizoaceae*) are invasive along the Mendocino Coast and can replace coastal terrace prairie and north coast bluff scrub habitat. Approximately 960 square feet of pale dew plant was mapped adjacent to the existing single-family residence. Therefore, pale dew plant and iceplant on the parcel shall be targeted for removal for a period of at least five (5) years.

**BIO-10:** While many ornamental landscapes on the California coast use non-native plants, invasive plants shall not be planted. Some invasive plants commonly seen on the coast that should be avoided are: Iceplant (*Carpobrotus edulis*, *C. chilensis*, & *Delosperma* sp.), pale dew plant (*Drosanthemum floribundum*), cotoneaster (*Cotoneaster franchetii* & *C. pannosus*), English holly (*Ilex aquifolium*), English ivy (*Hedera helix*), cape ivy (*Delairea odorata*), pampas grass (*Cortaderia jubata* & *C. selloana*), cape weed (*Arctotheca calendula* & *A. prostrata*), *Crocasmia* sp., blue gum eucalyptus (*Eucalyptus globulus*), redhot poker (*Kniphofia uvaria*), periwinkle (*Vinca major*), bulbil bugle lily (*Watsonia meriana*), and callalily (*Zantedeschia aethiopica*).

**BIO-11:** Any new landscaping around the proposed development should be compatible with the surrounding coastal terrace prairie and north coast bluff scrub habitat present and should consist of native plants found in these habitats. Some species that are both appropriate and commercially available include sea thrift (*Armeria maritima*), California poppy (*Eschscholzia californica*), and checker mallow (*Sidalcea malviflora* ssp. *malviflora*). Also present were California oat grass (*Danthonia californica*), baby blue eyes (*Nemophila menziesii*), coastal gumweed (*Grindelia stricta*), yarrow (*Achillea millefolium*), and seaside daisy (*Erigeron glaucus*).

**BIO-12:** Prior to construction, flags or temporary construction fencing shall be installed along the edges of the identified coastal terrace prairie ESHA to prevent encroachment during construction.

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

## 5.5 CULTURAL RESOURCES

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

**DISCUSSION:** Archeological resources are governed by MCC Sec. 22.12.090, which echoes state law regarding discovery of artifacts and states, in part, *“It shall be unlawful, prohibited, and a misdemeanor for any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archeological site without complying with the provisions of this section”*. MCC Section 22.12.090 governs discovery and treatment of archeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled.

In accordance with CEQA Guidelines section 15064.5, “historical resource” includes the following:

- A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
  - “Local register of historic resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:
  - Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; or
  - Is associated with the lives of persons important in our past; or
  - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

- Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.
  - “Historical resource” includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

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

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

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

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

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

**a, b, c) Less than Significant with Mitigation Incorporated:** Mendocino County Code (MCC) Chapter 22.12 regulates archaeological resources. Coastal Element Policy 3.5-10 requires that the County review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. An archaeological survey was conducted for CDP\_2023-0018 and CDP\_2023-0019 in 2023. No historical or archaeological resources were found as a result of the survey. No human remains were found as a result of the survey. The survey was accepted by the Archaeological Commission at their meeting on August 9, 2023. Additionally, the Archaeological Commission recommended the following condition: *“Alta [Archaeological Consulting] shall conduct training with the applicant prior to any ground disturbance. The applicant shall submit a map, approved by an archaeologist,*

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

outlining the Environmental Study Area (ESA). Said map shall be submitted to Planning & Building Services prior to construction. The applicant shall remain in communication with Valerie Stanley (Sherwood Valley Band of Pomo Indians Tribal Historic Preservation Officer) regarding spot checking and submit a report to Planning & Building Services. [The] discovery clause applies.” This recommendation can be incorporated as a mitigation measure to ensure that ground disturbance will not result in impacts.

**MITIGATION MEASURES:**

**CR-1:** A qualified professional archaeologist listed in the California Historical Resources Information System shall conduct training with the applicant prior to any ground disturbance. The applicant shall prepare a map, approved by an archaeologist, outlining the Environmentally Sensitive Area (ESA). Said map shall be submitted to Planning & Building Services prior to construction. The applicant shall remain in communication with Valerie Stanley (Sherwood Valley Band of Pomo Indians Tribal Historic Preservation Officer) regarding spot checking and submit a report to Planning & Building Services.

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

### 5.6 ENERGY

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

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

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

Project factors that may influence energy impacts include the following:

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

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

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

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

- No Impact:** Construction would be required to comply with applicable building regulations. These standards would minimize inefficient use of energy. The proposed development is expected to follow standard construction methods. The installation of PV solar panels and a solar hot water panel would increase energy efficiency.
- No Impact:** Construction would be required to comply with applicable building regulations. These standards would minimize inefficient use of energy. The proposed development is expected to follow standard construction methods. The installation of PV solar panels and a solar hot water panel would increase energy efficiency.

**MITIGATION MEASURES:** None.

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

## 5.7 GEOLOGY AND SOILS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

<b>WOULD THE PROJECT:</b>	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION:** The vast majority of Mendocino County is underlain by bedrock of the Franciscan Formation. Thick soil development and landslides often cover the underlying bedrock throughout the county. Due to the weak and deformed nature of the Franciscan rocks, they are prone to deep weathering and development of thick overlying soils. Soil deposits in swales and on the flanks of slopes often contain substantial amounts of clay and weathered rock fragments up to boulder size. These soils can be unstable when wet and are prone to slides. Human activities that affect vegetation, slope gradients, and drainage processes can contribute to landslides and erosion.

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

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

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

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

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

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

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

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

Unique geologic features are rocks or formations which:

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

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

- a) **Less than Significant Impact with Mitigation Incorporated:** A Geotechnical Investigation was prepared for the project. No evidence of active faulting was observed in the site vicinity and published references do not indicate faults on or trending towards the property. No active landsliding or erosion was observed on the property bluffs. The Investigation concluded that a bluff setback of fifty (50) feet would be sufficient. The bluff setback was based on a seventy-five (75) year economic lifespan of structures, a slope stability analysis, the projection of increased retreat rates resulting from sea level rise, and a safety factor of one and one half (1.5). The proposed development would be located more than fifty (50) feet from the bluff edge, except for the elements that would be directly attached to the existing residence. According to the Geotechnical Investigation,

*“No deep-seated landslides were observed on the property bluffs and no landslides are shown on the property on the published geologic maps we reviewed. The scarp on the upper ravine slope within the upper bluff may be an old landslide feature. The scarp is visible in the 1972 California Coastline oblique aerial photograph. The scarp may have been modified/enlarged by previous bluff stairs construction. No landslide deposits were observed downslope of the scarp.”*

Mitigation measures can be adopted to (1) mandate that all development conform to the fifty (50) foot bluff setback, except for the elements directly attached to the residence, (2) require that development comply with the recommendations contained in the Geotechnical Investigation, and (3) require that a deed restriction be recorded preventing future armoring of the bluff and ensuring that development be removed when bluff retreat threatens the structures.

- b) **Less than Significant Impact:** The implementation of standard Best Management Practices would prevent significant soil erosion or loss of topsoil in accordance with Mendocino County Code Section 16.30.070(B).
- c) **Less than Significant Impact:** Construction that requires a building permit would be reviewed to determine whether unstable or expansive soils may be present, and additional studies may be required prior to building permit issuance. Therefore, the existing regulatory structure ensures that impacts would be minimized.
- d) **Less than Significant Impact:** Construction that requires a building permit would be reviewed to determine whether unstable or expansive soils may be present and additional studies may

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

be required prior to building permit issuance. Therefore, the existing regulatory structure ensures that impacts would be minimized.

- e) **No Impact:** The applicant has submitted a septic permit application with the Mendocino County Division of Environmental Health. The project was referred to the Division of Environmental Health, who had no comment on the proposed replacement septic system except that the septic permit must be purchased by the applicant. This indicates that the proposed system meets the Division of Environmental Health's criteria, which includes standards for adequate soils.
- f) **No Impact:** Based on the findings within the archaeological survey report, the site is not expected to contain any paleontological resources or unique geologic features.

**MITIGATION MEASURES:**

**GEO-1:** The proposed development shall comply with the recommendations contained in the Geotechnical Investigation dated June 9, 2022.

**GEO-2:** A bluff setback of fifty (50) feet is hereby established as shown on the site plan dated June 14, 2024, as revised on April 24, 2025, and described as the "50' geotechnical setback". Development shall not occur within this setback, except for the PV solar array, solar hot water panel, replacement of windows, and replacement of a sliding door within the existing footprint of the residence.

**GEO-3:** Prior to the issuance of any building permit associated with this Coastal Development Permit, the permittee, as landowner, shall provide evidence of or execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:

- a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
- b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorney's fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work permitted in connection with the permitted project; and
- c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
- d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject structures or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future; and
- e. The landowner shall remove structures on the parcel, including septic infrastructure, when bluff retreat reaches the point where the structures are threatened. In the event that portions of the subject structures or other improvements associated with the subject structures fall to the beach or ocean before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and
- f. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

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

## 5.8 GREENHOUSE GAS EMISSIONS

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

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

Mendocino County Air Quality Management District (MCAQMD) has adopted CEQA thresholds of significance for criteria air pollutants and GHGs and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to MCAQMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD) with noted exceptions.

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

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

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

- a) **Less than Significant Impact:** According to CalEEMod, the project is expected to generate ninety-one (91) metric tons of CO<sub>2</sub>e per year during construction and nineteen (19) metric tons of CO<sub>2</sub>e per year during operation. These are below the thresholds set by MCAQMD.
- b) **Less than Significant Impact:** According to CalEEMod, the project is expected to generate ninety-one (91) metric tons of CO<sub>2</sub>e per year during construction and nineteen (19) metric tons of CO<sub>2</sub>e per year during operation. These are below the thresholds set by MCAQMD.

**MITIGATION MEASURES:** None.

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

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

## 5.9 HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

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

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

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

- a) **No Impact:** The proposed development would not involve the routine use, transport, or disposal of hazardous materials. Some hazardous materials may be used during construction, but these impacts would be intermittent and temporary.
- b) **No Impact:** The proposed development would not involve the routine use, transport, or disposal of hazardous materials. Therefore, reasonably foreseeable upset and accident conditions involving the release of hazardous materials would not occur.
- c) **No Impact:** The site is not within one quarter mile of a school.
- d) **No Impact:** The site is not on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) **No Impact:** The site is not within the boundaries of an airport land use plan or within two (2) miles of an airport.
- f) **No Impact:** The project would not interfere with an adopted emergency response plan or emergency evacuation plan because the site is located on a private driveway and no accessways would be blocked.
- g) **Less than Significant Impact:** The proposed development consists of elements that would contribute minimally to fire risk. The establishment of an adequate water source, including five thousand (5,000) gallons of water storage would help to avoid exposing people or structures to wildfire risk. The project was referred to CAL FIRE and the Fort Bragg Rural Fire District, who did not respond.

**MITIGATION MEASURES:** None.

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

## 5.10 HYDROLOGY AND WATER QUALITY

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

**DISCUSSION:** Regulatory agencies include the state and regional water quality control boards; State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB). The State Water Resources Control Board is responsible for implementing water quality standards in California. Water Code Section 13050(d) states: *Waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.* Typical activities and uses that affect water quality include, but are not limited to, discharge of process wastewater from factories, confined animal facilities, construction sites, sewage treatment facilities, and material handling areas which drain into storm drains.

Water Code Section 1005.1 defines groundwater as *water beneath the surface of the ground, whether or not flowing through known and definite channels.* Both surface water and groundwater define a watershed, as they move from higher to lower elevations. In Mendocino County, groundwater is the main source for municipal and individual domestic water systems, outside of the Ukiah Valley, and contributes significantly to irrigation. Wells throughout Mendocino County support a variety of uses, including domestic, commercial, industrial, agricultural needs, and fire protection. The County's groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. Mountainous areas are underlain by consolidated rocks of the Franciscan Complex, which are commonly dry and generally supply less than 5 gallons per minute of water to wells. Interior valleys are underlain by relatively thick deposits of valley fill, in which yields vary from less than 50 gallons per minute to 1,000 gallons per minute. There are six identified major groundwater basins in Mendocino County. Groundwater recharge is the replacement of water in the groundwater aquifer. Recharge occurs in the form of precipitation, surface runoff that later enters the ground, irrigation, and in some parts of California (but not in Mendocino County) by imported water. Specific

information regarding recharge areas for Mendocino County's groundwater basins is not generally available, but recharge for inland groundwater basins comes primarily from infiltration of precipitation and intercepted runoff in stream channels, and from permeable soils along the margins of valleys. Recharge for coastal groundwater basins takes place in fractured and weathered bedrock and coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification - such as paving, building and gravel removal –it is anticipated that continued recharge will re-supply groundwater reservoirs.

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) **No Impact:** The proposed project would not violate any water quality standards or waste discharge requirements. All necessary permits for the one on-site well drilling and other project related activities would be obtained from the Mendocino County Division of Environmental Health. The wells, septic system infrastructure repair and the undergrounding of new water tanks would be installed and operated in compliance with all standards and requirements.
- b) **Less than Significant Impact with Mitigation Measures:** The project would not significantly decrease groundwater supplies or interfere significantly with groundwater recharge because development would be limited to the minimum number of new wells to establish an adequate water supply as required by the Division of Environmental Health. The purpose of drilling new wells is to restore an adequate water supply to the existing residence. The existing well on the site does not produce enough water to adequately supply the existing residence. A mitigation measure can be adopted which would require that drilling cease when adequate water supply is demonstrated.
- c) **Less than Significant Impact:** The proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, coir rolls, and/or silt fencing structures to ensure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. Additionally, the project would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project. As required by MCC Chapter 20.492, the proposed project would not substantially alter the existing drainage pattern of the site or area and would not result in substantial soil erosion or siltation on- or off-site. A less than significant impact would occur. The proposed Project would not otherwise substantially degrade water quality as appropriate measures relating to water quality protection would be implemented through appropriate BMPs which will be reviewed and approved to assure it is in compliance with Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevention Procedure. This ordinance requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the

discharge of construction waste, debris, or contaminants from construction materials, tools, and equipment from entering the storm drainage system (off-site).

- d) **No Impact:** Per the California Department of Conservation’s Tsunami Maps, the project is not located in a tsunami inundation zone. The project is not located in a flood zone as mapped by FEMA.
- e) **Less than Significant Impact:** The proposed project would not violate any water quality standards or waste discharge requirements. All necessary permits for the one on-site well drilling and other project related activities would be obtained from the Mendocino County Department of Environmental Health. The wells, septic system infrastructure repair and the undergrounding of new water tanks would be installed and operated in compliance with all standards and requirements. The proposed Project would not otherwise substantially degrade water quality as appropriate measures relating to water quality protection would be implemented through appropriate BMPs which will be reviewed and approved to assure it is in compliance with Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevention Procedure. This ordinance requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools, and equipment from entering the storm drainage system (off-site).

**MITIGATION MEASURES:**

**HWQ-1:** This Coastal Development Permit authorizes the drilling of the minimum number of test wells necessary to establish adequate water supply, and the conversion of such test wells to production wells. Each well shall be tested prior to the drilling of any subsequent well. The well(s) shall be drilled and tested in accordance with the County of Mendocino Coastal Groundwater Development Guidelines. Testing shall occur within the dry season from August 20 to October 31. If testing demonstrates that adequate water supply would be available, no additional well(s) shall be drilled.

**FINDINGS:** The proposed project would have a **Less than Significant Impact with Mitigation Incorporated** on Hydrology and Water Quality.

**5.11 LAND USE AND PLANNING**

<b>WOULD THE PROJECT:</b>	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

- a) **No Impact:** The project would not physically divide an established community because development would be limited to the subject property, which does not contain an established community within it.
- b) **Less than Significant Impact with Mitigation:** The General Plan Coastal Element and Coastal Zoning Code contain policies and regulations aimed at avoiding or mitigating environmental impacts. The Project has been determined to be consistent with applicable

regulations as described elsewhere in this document and the associated Staff Report. The same mitigation measures discussed elsewhere in this document would also apply to this document. They will not be repeated below.

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

**FINDINGS:** The proposed project would have a **Less than Significant Impact with Mitigation Incorporated** on Land Use and Planning.

## 5.12 MINERAL RESOURCES

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

**DISCUSSION:** The Surface Mining and Reclamation Act (SMARA) of 1975 provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state's mineral resources. SMARA requires the State Mining and Geology Board to adopt policies for the reclamation of mined lands and the conservation of mineral resources. SMARA also directs the State Geologist to identify and map non-fuel mineral resources of the state to show where economically significant mineral deposits occur and where they are likely to occur based upon the best available scientific data. No SMARA classification has yet occurred in Mendocino County.

The 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. 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. The California Division of Mine Reclamation houses the Mines Online database, which maps the location and provides access to documents for mines in Mendocino County. According to the Mines Online database, Mendocino County contains twenty-nine (29) mines. Additionally, the U.S. Geological Survey (USGS) publishes the USMIN Mineral Deposit database, which includes a map of prospect- and mine-related features digitized from historical USGS topographic maps. The features include prospect pits, mine shafts and adits, quarries, open-pit mines, gravel and borrow pits.

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

**MITIGATION MEASURES:** None.

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

## 5.13 NOISE

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

**DISCUSSION:** Noise pollution has been linked to negative health impacts such as stress, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity. In the 1970s, the U.S. Environmental Protection Agency (USEPA) coordinated all federal noise control activities through its Office of Noise Abatement and Control under Subchapter IV of the Clean Air Act. However, this office was phased out in 1982. The federal Noise Control Act of 1972 and Quiet Communities Act of 1978 remain in effect today, but their implementation is essentially unfunded. As such, the responsibility of regulating noise primarily rests with state and local governments. Nevertheless, USEPA has published several documents that outline the health effects of noise. For example, in 1974 USEPA published *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*. In 1979, USEPA published the *Noise Effects Handbook, a Desk Reference to Health and Welfare Effects of Noise*.

Federal Highway Administration regulations require noise impact analyses and the implementation of abatement measures to reduce or eliminate noise impact of federally funded highway construction projects in California.

In 1973, California passed the Noise Control Act, which created the Office of Noise Control. However, this office is now defunct. California Government Code Section 65302 requires that each General Plan contain a noise element. California Streets and Highways Code Section 216, known as the Control of Freeway Noise in School Classrooms, requires the Caltrans abate noise from freeways to specified levels when the noise exceeds specified levels in school classrooms.

According to California Health and Safety Code Section 46022, noise is defined as “*excessive undesirable sound, including that produced by persons, pets and livestock, industrial equipment, construction, motor vehicles, boats, aircraft, home appliances, electric motors, combustion engines, and any other noise-producing objects.*”

Major noise sources in Mendocino County include 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). Private airstrips include the Lofty Redwoods Airport in Anchor Bay, the Fort Bragg Airport, and heliports at the Mendocino Coast District Hospital in Fort Bragg and Adventist Health in Ukiah. Major

industrial sources of noise include lumber mills and timber production facilities. Other noise sources are identified in the County General Plan. Land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise sensitive.

Per Mendocino County General Plan Policy DE-98, homes or noise-sensitive land uses are to be developed only in places where existing and projected noise levels would meet the exterior noise guidelines and standards shown in Policies DE-100 and DE-101. Per Policy DE-99, no new use regulated by the County shall be permitted to generate noise that would cause the ambient noise on any adjacent parcel to exceed the “completely compatible” 24-hour guidelines shown in Policy DE-101 or the 30-minute noise standards in Policy DE-100. Noise mitigation must achieve these standards for any decision that would cause a violation of the standards. These decisions could include roadway construction projects, public park construction, General Plan amendments, changes of zone, conditional use permits, or site plan review approval.

Per General Plan Action Item DE-99.2, acoustical studies are required for (1) significant new noise generators, (2) new noise-sensitive uses in noise-impacted areas or near noise generator, or (3) new uses which are proposed to be developed in areas which do not meet the “completely compatible” exterior noise guidelines contained in Policy DE-100 or Policy DE-101.

Policy DE-100 establishes the following Exterior Noise Level Standards (levels not to be exceeded more than 30 minutes in any hour), where dBA are A-weighted decibels:

Land Use Type	Time Period	Maximum Noise Level (dBA)
Single-Family Homes & Duplexes	10 p.m. to 7 a.m.	50
	7 a.m. to 10 p.m.	60
Multiple Residential 3 or More Units Per Building (Triplex +)	10 p.m. to 7 a.m.	55
	7 a.m. to 10 p.m.	60

Policy DE-100 also specifies the following:

- Where existing ambient noise levels exceed these standards, the ambient noise level shall be the highest allowable noise level measures in dBA Leq (30 minutes), where “Leq” is equivalent continuous sound level.
- The noise levels specified above shall be lowered by 5 dB for simple tonal noises (such as humming sounds), noises consisting primarily of speech or music, or for recurring impulsive noises (such as pile drivers, punch presses, and similar machinery).
- The County may impose exterior noise standards which are less restrictive than those specified above, provided that:
  - The noise impact on residential or other noise-sensitive use is addressed in an environmental analysis,
  - A finding is made by the approving body stating the reasons for accepting a higher exterior noise standard, and
  - Interior noise standards will comply with those identified in Policy DE-103.

Policy DE-101 establishes the following Noise Compatibility Guidelines (expressed as a 24-hour day-night average or “LDN”):

Land Use	Completely Compatible	Tentatively Compatible	Normally Incompatible	Completely Incompatible
Residential	Less than 55 dBA	55-60 dBA	60-75 dBA	Greater than 75 dBA
Commercial	Less than 65 dBA	65-75 dBA	75-80 dBA	Greater than 80 dBA
Industrial	Less than 70 dBA	70-80 dBA	80-85 dBA	Greater than 85 dBA

Policy DE-101 also establishes the following:

- These guidelines apply to land designated by this General Plan for these uses. Residential, retail, or public parks that have been developed on land designated for other uses shall be subject to the exterior noise guidelines for the land on which they are located.
- Non-residential uses located on residentially designated land shall be subject to the exterior noise guidelines for residential lands.
- All uses on Commercial lands, including non-commercial uses, shall be subject to commercial land standards. Land use designations not listed above do not have exterior noise compatibility standards. Land use designations with no exterior noise compatibility standard include office and industrial.
- Standards for public schools are set and enforced by the State of California and are not regulated by the County.

Policy DE-103 establishes the following Maximum Acceptable Interior Noise Levels Created by Exterior Noise Sources:

Land Use Type	Acceptable Noise Level (dBA Ldn or CNEL)
Residential Living and Sleeping Areas, Daytime	45 dBA
Private School Classrooms	55 dBA
Commercial, Educational, Office, Light and Heavy Industrial, Warehousing	Conform with applicable state and federal workplace safety standards

Policy DE-103 further clarifies that the noise created inside a residential home, classroom, or library shall not count toward the acceptable noise levels in this policy. Policies DE-107 through DE-110 prioritize the use of distance and landscaping as methods for addressing noise. Noise barriers are generally discouraged.

Ground vibration can be caused by the operation of construction equipment and construction techniques such as blasting, pile driving, or demolition activity. Roadway traffic can also be a source of vibration, though traffic rarely generates vibration amplitudes high enough to cause structural damage. Trains can also be a significant source of ground vibration. The motion of particles is used to describe ground vibration, including the concepts of particle displacement, velocity, and acceleration. Vibratory motion is often described by identifying the peak particle velocity (PPV), which is the zero-to-peak amplitude of ground vibration waves.

Sources of ground vibration can be categorized into equipment or activities typical of continuous vibration, single-impact or low-rate repeated impact vibration, and high-rate repeated impact vibration. Equipment or activities typical of continuous vibration include excavation equipment, compaction equipment, and vibratory pile drivers. Equipment or activities typical of single-impact or low-rate repeated impact vibration include impact pile drivers, blasting, or drop balls. Equipment or activities typical of high-rate repeated impact vibration include jackhammers and hydraulic breakers (“hoe rams”).

Ground vibration can be annoying to people and has the potential to damage structures, including structural and cosmetic architectural damage. Ground vibration also has the potential to disrupt the operation of vibration-sensitive equipment, such as microscopes, MRI machines, and precision milling equipment. Vibration amplitudes (PPV) of various construction equipment can be calculated using methods described in the California Department of Transportation’s (Caltrans’) 2020 *Transportation and Construction Vibration Guidance Manual*.<sup>16</sup> The manual also includes guidelines for vibration damage and vibration annoyance potential thresholds. One method for reducing vibration is the installation of wave barriers. A wave barrier is a trench or thin wall made of sheet piles or similar structural members.

Mendocino County has adopted two (2) airport land use plans. The Mendocino County Airport Comprehensive Land Use Plan was adopted in 1996 and covers the Boonville Airport, Ells Field, Little River Airport, Ocean Ridge Airport, and Round Valley Airport. The Ukiah Municipal Airport Land Use Compatibility Plan was adopted in 2021. Together, the plans cover all public airports in Mendocino County and contain

<sup>16</sup> California Department of Transportation (Caltrans). (2020). *Transportation and Construction Vibration Guidance Manual* California Department of Transportation, Division of Environmental Analysis, Environmental Engineering, Hazardous Waste, Air, Noise, Paleontology Office.

individualized policies related to noise. Certain land use actions require review by the Mendocino County Airport Land Use Commission.

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

**MITIGATION MEASURES:** None.

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

### **5.14 POPULATION AND HOUSING**

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

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

Mendocino County’s Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The Mendocino Council of Government’s (MCOG) Regional Housing Needs Plan assigned the County a production goal of 1,349 housing units for the unincorporated area between 2018 and 2027. Goals and policies were set forth to facilitate the development of these housing units at a range of sizes and types to address this need. The Housing Element includes an analysis of land suitable for residential development and considers revisions to zoning regulations and development standards to encourage development of these areas.

- a) **No Impact:** The project would not induce substantial population growth because it would not increase residential density on the site.
- b) **No Impact:** The project would not displace people or housing because it would not involve the demolition of housing and would not cease operation of any existing housing.

**MITIGATION MEASURES:** None.

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

## 5.15 PUBLIC SERVICES

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

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

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

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

**MITIGATION MEASURES:** None.

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

## 5.16 RECREATION

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

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

**DISCUSSION:** The County of Mendocino manages a variety of public recreation areas including the Low Gap Park in Ukiah, Bower Park in Gualala, Mill Creek Park in Talmage, Faulkner Park in Boonville, Indian Creek Park and Campground in Philo, and the Lion’s Club Park in Redwood Valley, all of which are operated by the Mendocino County Cultural Services Agency. Additionally, the County is host to a variety of state parks, reserves, other state protected areas used for the purpose of recreation, with thirteen (13) locations along the coast and eight (8) in the inland areas.

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

**MITIGATION MEASURES:** None.

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

### 5.17 TRANSPORTATION

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

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

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

According to the 2018 Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, “*many local agencies have developed screening thresholds to indicate when detailed analysis is needed. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or*

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

general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.”<sup>19</sup> The 2010 MCOG Travel Demand Forecasting Model estimates daily trip generation values for various land uses and geographic areas in Mendocino County and may be used to assist in determining whether projects exceed the screening threshold.<sup>20</sup>

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

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

**MITIGATION MEASURES:** None.

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

## 5.18 TRIBAL CULTURAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

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

The area known now as Mendocino County has a long history of occupation and use by Native American groups. Notably the Russian and Eel Rivers as well as other watercourses, valleys, and coastal areas provided rich and varied habitat for early human occupation. The first dated chronological periods and related cultural patterns within the region were developed by David A. Fredrickson in his 1973 Ph.D. dissertation<sup>21</sup> and 1984 regional synthesis.<sup>22</sup> This research provides a baseline archaeological information for the area, but there still remains significant gaps in archaeological data for the region that affects our understanding of regional cultural history.

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

- a) **Less than Significant with Mitigation Incorporated:** Mendocino County Code (MCC) Chapter 22.12 regulates archaeological resources. Coastal Element Policy 3.5-10 requires that the County review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. An archaeological survey was conducted for CDP\_2023-0018 and CDP\_2023-0019 in 2023. No historical or archaeological resources were found as a result of the survey. No human remains were found as a result of the survey. The survey was accepted by the Archaeological Commission at their meeting on August 9, 2023. Additionally, the Archaeological Commission recommended the following condition: *“Alta [Archaeological Consulting] shall conduct training with the applicant prior to any ground disturbance. The applicant shall submit a map, approved by an archaeologist, outlining the Environmental Study Area (ESA) Said map shall be submitted to Planning & Building Services prior to construction. The applicant shall remain in communication with Valerie Stanley (Sherwood Valley Band of Pomo Indians Tribal Historic Preservation Officer) regarding spot checking and submit a report to Planning & Building Services. [The] discovery clause applies.”* This recommendation can be incorporated as a mitigation measure to ensure that ground disturbance will not result in impacts.

**MITIGATION MEASURES:** None beyond those described in the Cultural Resources section above.

**FINDINGS:** The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Tribal Cultural Resources.

## 5.19 UTILITIES AND SERVICE SYSTEMS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>21</sup> Fredrickson, David, A. 1973. *Early Cultures of the North Coast of the North Coast Ranges, California*, UC Davis

<sup>22</sup> Fredrickson, David, A. 1984. *The North Coastal Region*, California Archaeology

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

- a) **No Impact:** The project would involve the construction of new water, wastewater, and electric facilities to serve the existing residence, but these facilities would not result in significant environmental impacts as discussed throughout this document.
- b) **No Impact:** The purpose of the project is to establish an adequate water supply to support the existing residence through the drilling of new well(s), installation of water tanks, testing of new well(s), and conversion of test well(s) to production well(s).
- c) **No Impact:** The site is not within a sanitation district or the jurisdiction of any other wastewater service provider.

- d) **Less than Significant Impact:** Some solid waste would be generated by the proposed residential development. The nearest transfer station is approximately four (4±) miles south in Caspar (the Caspar Transfer Station), which transports waste to the Potrero Hills Landfill in Solano County, which is expected to remain in operation until 2048. Therefore, incremental contributions to solid waste throughput due to demolition would be minimal.
- e) **No Impact:** Solid waste generated by the proposed development is expected to comply with applicable regulations, including the California Integrated Waste Management Act and Mendocino County Solid Waste Division.

**MITIGATION MEASURES:** None.

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

## 5.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, <b>WOULD THE PROJECT:</b>	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **No Impact:** The project would not impair an emergency response plan or emergency evacuation plan because it would not create any physical obstructions along access routes.
- b) **Less than Significant Impact:** The proposed development consists of elements that would contribute minimally to fire risk. The establishment of an adequate water source, including five thousand (5,000) gallons of water storage would help to avoid exposing people or structures to wildfire risk. The project was referred to CAL FIRE and the Fort Bragg Rural Fire District, who did not respond.
- c) **No Impact:** The project would not require the installation or maintenance of associated infrastructure.

- d) **No Impact:** The project site is mostly flat and is not near any major water courses. The proposed development would be set back a sufficient distance from the bluff edge to prevent landslide hazards.

**MITIGATION MEASURES:** None.

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

## 5.21 MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

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

- c) **Less than Significant:** Based on discussion throughout this document, potential adverse effects on human beings, both directly and indirectly, have been considered and found to be less than significant.

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

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