



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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February 28, 2019

PUBLIC NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, March 28, 2019 in the Fort Bragg Public Library, 499 East Laurel Street, Fort Bragg, California, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE#: CDP_2017-0036

DATE FILED: 6/30/2017

OWNER: HEISER HARDY CREEK TRUST

APPLICANT: HEISER JOSEPH JR TTEE

AGENT: WYNN COASTAL PLANNING

REQUEST: A Coastal Development Permit request to renovate, repair, and maintain four single-family residences, remove an unpermitted foundation, remove a collapsed barn and periodically maintain unimproved driveways.

ENVIRONMENTAL DETERMINATION: MITIGATED NEGATIVE DECLARATION

LOCATION: In the Coastal Zone, 6± miles north of Westport on both sides of State Route 1, located at 43200 N. Hwy 1, Westport (APN 013-410-11).

STAFF PLANNER: JULIANA CHERRY

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building, Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

BRENT SCHULTZ, Director of Planning and Building Services



SUMMARY

OWNER/APPLICANT: HEISER HARDY CREEK TRUST
1471 ROSALIE DR
SANTA CLARA, CA 95050

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

REQUEST: A Coastal Development Permit request to renovate, repair, and maintain four single-family residences, remove an unpermitted foundation, remove a collapsed barn and periodically maintain unimproved driveways.

LOCATION: In the Coastal Zone, 6± miles north of Westport on both sides of State Route 1, located at 43200 N. Hwy 1, Westport (APN 013-410-11).

TOTAL ACREAGE: 21± Acres

GENERAL PLAN: Coastal Element, General Plan
Range Lands (RL160:R)

ZONING: Mendocino County Coastal Zoning Code
Range Lands (RL:160)

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

APPEAL JURISDICTION: Yes, West of First Public Road

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION: A Coastal Development Permit application requesting to renovate, repair, and maintain four single-family residences, remove an unpermitted foundation, remove a collapsed barn, periodically maintain unimproved driveways, and establish a temporary construction staging area less than 100 feet and more than 50 feet from riparian vegetation and wetlands.

APPLICANT'S STATEMENT: From the Application Questionnaire, "Renovation, Repair and Maintenance of four legal, non-conforming (pre-Coastal Act) residences (SFRs A, B, C, & D; originally built in the 1950s) within original footprints (Exhibit A assessor records showing 4 legal, non-conforming dwellings). Remove unpermitted new foundation for caretaker's residence (SFR A). Periodic repair and maintenance of the existing gravel driveways, to be performed in the dry season only of any given year; request does not include expansion of any driveway footprint. Note: Residence A: Repair/Renovation work will result in replacing some elements of the residence in the existing footprint; however, less than 50% of residence will be replaced. After-the-fact dismantling of Barn; removal of material and debris (barn collapsed in winter storms of 2016-2017). Remove building debris of barn to Waste Management Pudding

Creek collection facility.”

RELATED APPLICATIONS:

On-Site BF_2003-0112 replace Water Heater

SITE CHARACTERISTICS: Coastal Element Chapter 4.2 describes the north Coast CAC Planning Area, including the lands adjacent to Hardy Creek and the project site:

“Major development in this area is constrained due to the topography, the agricultural and timber resources and the highly scenic character of much of this segment of the coast. North of the Ten Mile River the coastal zone boundary is 1,000 yards from the shoreline, nearly all of it visible from Highway 1. This stretch is grand in scale, containing spectacular meetings of land and sea as the highway climbs to provide sweeping views of the Lost Coast and drops to narrow gulches near the shore. The most spectacular views have been permanently protected through public acquisition of lands lying between Highway 1 and the ocean. 80% of the land west of Highway 1 in this area is in public ownership. This plan has given further protection to the scenic and rural qualities of this area by ruling out creation of major new subdivisions and by the retention of rangelands and timberlands in large parcels and by designating specific areas between Hardy Creek and the Ten Mile River as highly scenic areas within which new development must be subordinate to the character of its setting consistent with Policy 3.5-3.”

North-to-south, the 21-acre site is bisected by State Route 1 (See attached *Site Plan* and *Plot Plan*). East-to-west, Hardy Creek crosses the site (See attached *Aerial Imagery* and *Topographic Map*). Development is located on both sides of the roadway and north of the creek (See attached *Site Plan* and *Plot Plan*). The 21.25-acre site is developed with a variety of structures, as detailed in Table 1.

Table 1. Existing Development		
EXISTING DEVELOPMENT	LOT AREA COVERED	INDICATION OF YEAR OF CONSTRUCTION
Single-Family Residence A Foundation only	904 SF	Residential Building Record Assessed 1961
Single-Family Residence B	754 SF	Residential Building Record Assessed 1961
Single-Family Residence C	754 SF	Residential Building Record Assessed 1961
Single-Family Residence D	1,785 SF	Historical Survey Report Circa 1930
Propane Tank	32 SF	---
Driveway	6,531 SF	---
Well & Septic		Residential Building Record Assessed 1974

Hardy Creek and its tributary border the parcel near the southern and easterly boundaries. The developed area includes a valley at the base of forested slopes. Water drains into the valley and creates wet areas. The 4.5-developed acres were surveyed by biologists in 2016 and are identified as either environmentally sensitive habitat areas (ESHA) or lands located within 100 feet of an ESHA. One-half acre area adjacent to State Route 1 is fifty feet or more from an ESHA; this half acre is the location proposed for construction staging (See *Site Plan*). Residences A, B, C, and D, and portion of the collapsed barn are less than fifty feet from surveyed ESHA, including wetlands.

SURROUNDING LAND USE AND ZONING: As listed in Table 2, the surrounding lands are classified and zoned Range Lands (RL) or Forest Lands and Timber Production. Range Lands and Forest Lands classifications support agricultural activity, including Forest Production and Processing Limited, Tree Crops, and Light Agriculture. Single-Family Residential Uses are permitted land uses.

Table 2. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Range Lands Forest Lands	Range Lands (RL); Timber Production (TP)	47.82 acres 40 acres	Williamson Act Contract
EAST	Forest Lands	Timber Production (TP)	195 acres	Timberland
SOUTH	Forest Lands	Range Lands (RL); Timber Production (TP)	9 acres 24 acres	Timberland
WEST	Ocean	Ocean	Ocean	Ocean

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed continuance of a nonconforming use and maintenance of residential structures would be consistent with the goals and policies of the Local Coastal Program, as detailed in the following twelve sections of this report:

1. Land Use: The proposed project is located within the boundaries of the Local Coastal Program (LCP) area as shown on *LCP Map 6: Rockport*. The site is classified as Range Lands (RL) and southern portions of the parcel are mapped as Highly Scenic Areas (See attachments *General Plan Classifications* and *Highly Scenic & Tree Removal Areas*). The existing, nonconforming land use is four residential structures on this 21± acre site. Coastal Element Chapter 2.2 describes the intent of the Range Lands classification as follows:

“The Range Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas. The classification includes land eligible for incorporation into Type II Agricultural Preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands.”

Principally permitted uses in the RL classification include grazing and forage for livestock. Conditional uses include residential clustering and others.

Several General Plan Policies regarding development in wetland and riparian areas, mitigation measures, and reducing impacts on resources are included in Coastal Element Chapter 3.1 *Habitats and Natural Resources*:

- Policy 3.1-4 Limitations on development in wetland areas
- Policy 3.1-7 Buffer areas adjacent to Environmentally Sensitive Habitat Areas (ESHA)
- Policy 3.1-8 Performance standards and mitigating measures to reduce adverse impacts on wetlands
- Policy 3.1-10 Limitations on development in riparian vegetation and riparian corridors
- Policy 3.1-24 Conditions could allow some development, within designated resource areas, under mitigating conditions and assurance that protection of resources would continue.

These policies, and others, are implemented by Mendocino County Code (MCC) Chapter 20.496. See report Section 4, Habitats and Natural Resources, for discussion about how this project would satisfy Coastal Element policies regarding development in environmentally sensitive habitats and other resource areas.

Coastal Element Chapter 3.6 *Shoreline Access and Trail/Bikeway System* Policy 3.6-20 states the following:

“Paved four foot shoulders should be provided by Caltrans along the entire length of Highway 1 wherever construction is feasible without environmental effects.”

Policy 3.6-20 is implemented by MCC Section 20.516.015(C)(2). See report Section 10, Transportation & Circulation, for discussion about how this project would satisfy Coastal Element Policy 3.6-20.

With the inclusion of recommended conditions, the proposed project would satisfy Land Use and Coastal Element policies, including the intent of the Range Lands classification and Policies 3.1-4, 3.1-7, 3.1-8, 3.1-10, 3.1-24 and 3.6-20.

2. Zoning: The project site is located with a Range Lands (RL) District (See attachment *Zoning Display Map*). The proposal is to renovate three, existing residential structures, remove an unpermitted foundation, and replace a fourth residence (and its foundation) in the location where it has historically been situated (on the east side of State Route 1 and adjacent to Hardy Creek) (See attachment *Site Plan*). The intent of the RL District is to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas.

In the RL District, the existing pattern of development would be nonconforming. Staff has determined, pursuant with MCC Chapter 20.480 *Nonconforming Uses and Structures*, that the applicant proposes continuance and maintenance of nonconforming uses and structures. Notably the site’s juxtaposition to riparian, wetlands, and appeal jurisdiction boundaries, affirms the requirement for obtaining a Coastal Development Permit (CDP) for development, including maintenance of buildings associated with the land use. Table 3 lists the RL development regulations and compares them to the proposed project.

Table 3: MCC Chapter 20.686 Range Lands District		
	STANDARD	PROPOSED
20.368.030 Minimum Front, Rear and Side Yards	50 FT	> 50 FT & < 50 FT
20.368.040 Building Height Limit	28 FT east of SR 1 18 FT west of SR1	12.8 FT
20.368.045 Maximum Lot Coverage	10 %	0.1%

The proposal includes removing an unpermitted foundation, located east of State Route 1 and adjacent to the easterly (rear) property boundary, and constructing a replacement residential structure, generally in the same area but located in its historic and nonconforming location. The replacement structure would be located less than 50 feet from the rear property boundary; the height of the replacement structure would be 12.8-feet above existing grade. Lot coverage would be 10,760 square feet; the lot area is 925,650 square feet or 21.25 acres. Pursuant with MCC Section 20.480.005, staff recommends that the existing land use and development pattern is compatible with adjacent land uses (See Table 2).

As proposed, the nonconforming development would not be consistent with the setback requirement of MCC Chapter 20.368. The land use is similarly inconsistent with the requirement MCC Section 20.368.015 *Conditional Uses for RL Districts*. Staff recommends that both the land use and the setbacks predate the 1991 adopted Mendocino County Coastal Zoning Code (MCC) and recommends that MCC Chapter 20.480 allows for the continued utilization of lawfully existing improvements and uses made nonconforming by the adoption of the Coastal Element and its implementation program, where the use is compatible with adjacent land uses and where it is not feasible to replace the activity with a conforming land use.

3. Grading, Erosion, and Run-Off: The purpose of MCC Chapter 20.492 *Grading, Erosion, and Runoff* is:

“The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff. The approving authority shall determine the extent to which the following standards should apply to

specific projects, and the extent to which additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts.”

While the Application Questionnaire, Question #8 states that no grading or road/driveway construction is planned, the site plan and application description states that 6,531-square-feet of driveway and parking areas are proposed. Staff recommends a condition of project approval requiring a building permit, or grading permit exemption, for any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two cubic yards of material. Staff recommends a condition of project approval requiring any grading activity to demonstrate compliance with Chapters 20.492, 20.496, and 20.500 (See condition #15). As conditioned, the project would satisfy regulations for grading and preventing erosion and runoff.

4. Habitats and Natural Resources: Mapping indicates potential for off-shore spawning areas and an on-site anadromous stream (Hardy Creek); special plant habitat; marine beach habitat, and redwood habitat (See attachment *LCP Habitats & Resources*). Coastal Element Chapter 3.1 includes definitions of these potential site characteristics and lists Hardy Creek Knoll as a special treatment area designated by California Division of Forestry (PDF page 9). Biologists surveyed the site on April 27, June 10, August 4, October 18, and December 14, 2016. The June 7, 2017, Biological Scoping Survey, Wetland Delineation & Botanical Report for 43200 N Highway One, Westport (APN 013-410-11-00 identifies Stream, Riparian, and Wetland ESHAs within the 4.5 acre area surveyed (Report, page 28). Pursuant with MCC Section 20.496.015, Report Figure 2 depicts the location of ESHA identified in the 4.5-acre study area, including streams, riparian, and Coastal Act wetlands (Page 4).

Stream ESHA – Hardy Creek and its tributary are perennial streams that likely provide anadromous fish habitat. Hardy Creek is north of and adjacent to the southern property boundary; its tributary, as shown on the Report Figure 2, is west of and adjacent to the easterly property boundary (Report, page 4).

Riparian ESHA – A dense red alder dominated riparian zone borders Hardy Creek and its tributary.

Coastal Act Wetland ESHA – Wetland parameters are west of State Route 1. A wetland is below the forested hills and extends into the grassy valley where hydric conditions continue east. (Lands to the west were not surveyed). (Report, pages 4 and 28).

On March 16, 2018, the application was referred to California Department of Fish and Wildlife (DFW). The March 29, 2018, response included the following statement, “Since the footprint of the project will not change with the renovation/removal of buildings, and that the only new disturbance (staging area) is outside of a 50' buffer for the ESHA, I agree that the buffer reduction is warranted, given that the supplied recommendations are followed. (Harrington)”

MCC Section 20.496.020(A) *Buffer Areas* – The report and the site plan map a 100-foot wide buffer from each ESHA. Nonconforming Residences B and C are located within the surveyed Coastal Act Wetland. Nonconforming Residence D is directly adjacent to the Coastal Act Wetland. Similarly, Residence A and the collapsed barn are directly adjacent to the tributary and the easterly property boundary. The proposal is to continue the use and maintain the four residential structures, to remove the collapsed barn, and to expand existing access to Residences B and C, install a 6,531-square-foot paved driveway and parking area, which would include crossing a Coastal Act Wetland (See *Site Plan*).

A proposed construction staging area would be located adjacent to and east and west of State Route 1; the survey report identifies a limited half-acre area adjacent to State Route 1 that is less than 100 feet and more than 50 feet from ESHA for construction staging (Report, Figure 16, page 25). Construction staging is a temporary activity. In support of the proposed construction staging area, the Report includes “Appendix E: Reduced Buffer Analysis.” The Report also recommends mitigation and avoidance measures and they are included as recommended conditions and recommended mitigation measures (See conditions #17 and #22). Staff also recommends that a reduced 50-foot buffer be limited to temporary construction activities, including staging (See

condition #16.a).

Staff recommends that maintenance of the existing path from State Route 1 to Residence B and C may continue without expanding the route or width of the path. Pursuant with Sections 20.496.020(A)(4)(i) *et seq*, protection of the hydraulic capacity, subsurface flow patterns, biological diversity, and or biological or hydrological processes, either terrestrial or aquatic is required and the priority of drainage conveyance from the development shall be through natural stream environment zones. Allowing construction of impervious surfaces within an ESHA may not protect the hydraulic capacity, subsurface flow patterns, *et al*, and could disrupt the priority of drainage conveyance through natural stream environment zones. Staff recommends a condition prohibiting the use of impervious materials within the ESHA, limiting driveway and parking areas to those areas visible from aerial imagery (See attached *Aerial Imagery* and Report Figures 4 and 16), and denying the request to expand improved driveway and parking areas into the ESHA or within 100-feet of the ESHA (See Condition #18).

MCC Section 20.496.025 *Wetlands and Estuaries* – Development or activities within wetland and estuary areas shall be limited. Any proposed development that is a permitted development in wetlands and estuaries must meet statutory requirements and supplemental findings, including that there is no feasible, less environmentally damaging alternative and where there is no feasible, less environmentally damaging alternative mitigation measures have been provided to minimize adverse environmental effects. Residences B, C, and D are located within or adjacent to Coastal Act Wetlands; and Staff finds the continued residential use and maintenance of residential structures that were constructed prior to 1975 are established nonconforming uses and structures. Pursuant with MCC Chapter 20.480 *Nonconforming Uses and Structures*, the continuance and maintenance of Residences B, C, and D would be allowed. All other and future development activities are subject to MCC Chapter 20.532 *Coastal Development Permit Regulations – General* and the Mendocino County Coastal Zoning Codes. A 6,531-square-foot area for driveway and parking is proposed within the valley, a Coastal Act Wetland. While much of the proposed driveway area appears to follow the existing unimproved driveway, Staff finds the parking areas (or turnouts) adjacent to Residence A and Residences B and C would be new. Staff recommends a condition prohibiting the use of impervious materials within the wetland, limiting driveway and parking areas to those areas visible from aerial imagery (See attached *Aerial Imagery* and Report Figures 4 and 16), and denying the request to increase the unimproved driveway width or add parking areas in the wetland or within 100-feet of the ESHA (See Condition #18).

To minimize adverse environmental effects, Staff recommends a condition establishing an open space easement within 100 feet of Hardy Creek, its tributary, wetlands, and surveyed riparian areas (See Condition #19). Those land uses allowed within Open Space Districts would be similarly allowed within the established easement. Permits would be required prior to any development (e.g. prior to implementing Coastal Agricultural Use Types, Coastal Residential Use Types, *et al*).

MCC Section 20.532.065 *Wetland Restoration Plan Procedures* provides regulations for the development, content, review, and approval of a required wetland restoration plan as a condition of project approval in conjunction with required Coastal Development Permits. Pursuant with MCC Section 20.532.065(A) through (H), Staff recommends that prior to the issuance of a Coastal Development Permit the property owner shall submit a Final Restoration Plan, it shall accepted by the approving authority, and it shall be an exhibit attached to the required deed (See Conditions #3(f)(3) and #21).

MCC Section 20.496.035 *Riparian Corridors and Other Riparian Resource Areas* – Development or activities, which could degrade the riparian area or diminish its value as a natural resource, shall be limited in the riparian corridor or in any area of riparian vegetation. Nonconforming Residences A, B, and C are located within riparian corridors or their resource areas. Pursuant with MCC Chapter 20.480 *Nonconforming Uses and Structures*, the continuance and maintenance of Residences A, B, and C would be allowed.

Notably, MCC Section 20.480.030 states, “*Nonconforming uses which do not conform to the type of uses designated on the map of the Coastal Element of the Mendocino County General Plan and which do not conform to the criteria listed in Section 20.480.025(A) should be encouraged to be discontinued or relocated to the zoning district where the use would be recognized as a permitted use.*” and,

MCC Section 20.480.040 states, “*Whenever a nonconforming use has been abandoned or discontinued for any reason, or changed to a conforming use, for a continuous period of one (1) year, the nonconforming use shall not be re-established, and the use of the structures or site thereafter shall be in conformity with the regulations for the zone in which it is located.*”

All other and future development activities are subject to MCC Chapter 20.532 *Coastal Development Permit Regulations – General* and the Mendocino County Coastal Zoning Codes. In the future when development is anticipated and pursuant with MCC Section 20.496.035(B), staff recommends the requirements for development in riparian habitat areas be satisfied.

As conditioned, staff recommends that the proposed would satisfy regulations protecting riparian vegetation, riparian corridors, wetlands, and environmentally sensitive habitats and other areas.

5. **Hazards Management:** The project site is not associated with the following hazards: faults, bluffs, or landslides (See attachment *LCP Land Capabilities & Natural Hazards*).

MCC Section 20.500.020(C) *Tsunami* - The project site is not mapped as a Tsunami Inundation Zone, as mapping does not extend to this northern area of Mendocino County. Almost all of the property is at or near sea level (See attachment *Topographic Map*). Westerly areas of the parcel are shoreline lands. Hardy Creek is adjacent to the southern property boundary. The *Topographic Map* shows that slopes are steep and rise quickly from the low lands of Hardy Creek. Coastal Element Policy 3.4-6 states, “*In tsunami-prone areas as illustrated on resources maps or land use maps the County shall permit only harbor development and related uses and these shall be allowed only if a tsunami warning plan has been developed. ...*” The property owner is not required by local regulations to discontinue maintenance of the nonconforming uses and structures that are located on lands prone to flood hazards, including potential inundation from *Tsunami*.

MCC Section 20.500.020(E) *Erosion* – The project site is mapped “3a” on the *LCP Land Capabilities & Natural Hazards* map (See attachment). “3a” lands are subject to coastal erosion and the present development is categorized as critical.

Coastal Element Chapter 3.4 defines erosion: “*Beach erosion by wind and waves and bluff erosion by waves, surface runoff, and landslides are continuing occurrences. These processes cause coastal retreat, although their impact varies in different areas. Beaches protect dunes and bluffs, so the reduction of beach area increases the erosion rate of the dunes or bluffs. Runoff and human activities also can increase the rate of cliff retreat. Local geology rather than the littoral processes determine the amount of potential erosion. Building setbacks necessary to protect development along the coast should be based on the specific characteristics of the site.*”

The proposed continuance and maintenance of nonconforming uses and structures are not required by local regulations to establish conforming building setbacks that would protect development based on the specific characteristics of the site nor does the property owner propose to change the location of the nonconforming structures. The existing development may cause erosion and may be subject to hazards associated with erosion. Therefore, Staff recommends a condition requiring the property owner record a deed restriction acknowledging the hazard, agreeing to hold the County harmless, and agreeing to redress erosion damage at their expense (See Condition #3).

MCC Section 20.500.025 *Fire Hazard* – The project site is mapped a “High Fire Hazard” area (See attachment *Fire Hazard Zones & Responsibility Areas*). Coastal Element Policy 3.4-13 states, “*All new development shall meet the requirements for fire protection and fire prevention as recommended by responsibility fire agencies.*” On March 16, 2018, the project was referred to

California Department of Forestry and Fire Prevention (CalFire) and on March 27, 2018, CalFire responded that they had no comments at this time. Further, on September 27, 2017, CalFire Battalion Chief Smith wrote, "If the structure was previously permitted and your current project will not change the exterior footprint of the structure... then the CalFire fire safe regulations do not apply. You should be able to proceed directly with Planning and Building [Services]." Pursuant with Policy 3.4-13 and MCC Section 20.500.25(B), the property owner should obtain preliminary clearance from CalFire, or a waiver, prior to issuance of any building permit. Staff recommends a standard condition that gives notice of the property owner's responsibility to obtain all necessary permits, including permits from CalFire (See Condition #11).

MCC Section 20.500.030 *Flood Hazard* – The project site is subject to flood hazards (See attachments *LCP Land Capabilities & Natural Hazards*, and *FEMA Flood Zone*). Flood hazard areas are those areas subject to inundation by a 100-year flood as mapped by the US Department of Housing and Urban Development. Heavy winter rains cause flooding nearly every year in the larger coastal watersheds; more serious flooding could be expected from the 100-year event. Flooding is of greatest concern in developed areas (Coastal Element Chapter 3.4).

Coastal Element Policy 3.4-11 states, "No development, except flood control projects, to protect existing structures, non-structural agricultural uses, and seasonal uses shall be permitted in the 100-year floodway unless mitigation measure in accordance with FEMA regulations are provided."

On March 16, 2018, the application was referred to California Department of Fish and Wildlife and the following response was received on March 29, 2018 (Harrington).

"Thank you for the opportunity to comment on CDP 2017-0036.

Since the footprint of the project will not change with the renovation/removal of buildings, and that the only new disturbance (staging area) is outside of a 50' buffer for the ESHA, I agree that the buffer reduction is warranted, given that the supplied recommendations are followed.

A general concern, though, is that most of this developed area is within the 100-year flood area (DWR Best Available Maps - FEMA Effective 100-Year Flood Plains), so I wonder whether the renovations proposed address flooding issues? I also wonder whether conditions could be proposed to deal with the potential for trash, pollutants, etc. to enter the watercourse and/or wetland from rain events and minor flooding. As it stands now, the buildings and anything in them, utilities, etc. are in a location likely to wash into the watercourse and wetland. HAZMAT storage is a concern. The location of any septic system is obviously a concern. As the ocean level rises, this is likely to be a continuing and more persistent problem at this site.

I also notice that NCRWQB was not listed as a referral agency - with the concerns mentioned above, I would suggest that they be contacted for comments on this CDP."

Staff acted upon the suggestion and distributed the application to NCRWQCB for their comment on April 2, 2018. No response has been received. The proposal to continue and maintain nonconforming uses and structures would not satisfy Policy 3.4-11 or MCC Section 20.500.030 *Flood Hazard Development Standards* nor would the risk of flood damage to the existing structures be reduced by the proposed maintenance of existing structures. The nonconforming land use and Residences A, B, C, and D are subject to Sections 20.480.030, and following. Staff recommends conditions requiring the property record a deed restriction acknowledging the potential flood hazard, agreeing to hold the County harmless, and agreeing to redress flood damage at their expense and recommends a condition memorializing that nonconforming uses and structures may be discontinued, relocated, abandoned, and declared a nuisance (See Conditions #3 and #6).

6. Visual Resources: The purpose of Coastal Element Policy 3.5-3 and MCC Chapter 20.504 *Visual Resource and Special Treatment Areas* is to insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the

alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.

The portions of the parcel that lay south of Hardy Creek are designated Highly Scenic Areas (See attachment *Highly Scenic & Tree Removal Areas*). The majority of the land is situated north of the creek and is not similarly mapped. The existing development is not located within a mapped Highly Scenic Area; therefore, the proposal does not conflict with MCC Chapter 20.504 and Coastal Element Policy 3.5-3.

7. Agricultural Resources: The parcel is designated RL and the regulations of MCC Chapter 20.508 *Agricultural Resources* applies. The purpose of this Chapter is (1) to insure that the maximum amount of agricultural land shall be maintained in agricultural production and (2) to assure the protection of the area's agricultural economy.

MCC Section 20.508.015 states, "An owner of property within an agricultural district, either AG or RL, may request agricultural preserve status under a Williamson Act contract pursuant to Chapter 22.08 of the Mendocino County Code. No permit shall be issued to convert prime lands and/or land under Williamson Act contracts to non-agricultural uses, without complying with Chapter 22.08 of the Mendocino County Code and making supplemental findings pursuant to Section 20.532.100(B)(2) and making the finding that continued, renewed, or potential agricultural use of the property is not feasible based upon an economic feasibility evaluation prepared pursuant to Section 20.524.015(C)(3)."

The majority of the parcel is mapped as grazing lands. The westerly portion of the parcel is mapped as non-ag and natural vegetation (See attached *Important Farmlands*). Directly north of the parcel, lands are mapped as Williamson Act, non-prime Ag (See attached *Lands in Williamson Act Contracts*). As proposed, the project would be consistent with MCC Chapter 20.508 *Agricultural Resources* as the property owner does not request a permit to convert prime lands to non-agricultural uses.

8. Timber Resources: To its north, south, and east boundaries, the parcel is adjacent to FL classified lands and the regulations of MCC Chapter 20.510 *Timber Resources* applies (See Table 2). The purpose of this Chapter is to insure that the long-term productivity of timber soils and timberlands shall be protected and maintained in the timber production to assure the protection of the area's principal economic base. Western Soil Types 139, 173, 135, and 102 are mapped on-site (See attached *Local Soils*).

Pursuant with MCC Section 20.510.020 (and noting that MCC Chapter 20.524 regulates coastal land division), development adjacent to lands designated as FL is subject to MCC Section 20.524.010(B)(1)(e) and 20.510.020(A), which reads:

(A) Development Adjacent to Parcels Designated FL or TP. (1) No new dwellings in a residential area shall be located closer than two hundred (200) feet from a parcel designated as FL or TP unless there is no other feasible building site on the parcel. (2) New parcels created adjacent to parcels designated as FL or TP shall be a minimum of ten (10) acres, however, parcels designated Clustering Development Combining District (:CL) or Planned Unit Development Combining District (:PD) may be developed at a density specified by the base zone provided that any dwelling is not closer than two hundred (200) feet from the property line of the parcel designated as FL or TP or at the furthest feasible point from said property line.

The proposal does not include subdividing the rural 21-acre parcel into smaller lots. Pursuant with MCC Chapter 20.480 *Nonconforming Uses and Structures*, the continuance and maintenance of Residences A, B, C, and D would be allowed. All other and future development activities are subject to Sections 20.510.020, 20.524.010, and others. As proposed, the project would be consistent with MCC Chapter 20.510 *Timber Resources* as the property owner does not request to subdivide the land or propose the construction of new dwelling units.

9. Archaeological/Cultural Resources: On March 16, 2018, the application was referred to the Northwest Information Center at Sonoma State University (CHRIS). On March 29, 2018, CHRIS replied with a variety of comments that spurred the property owner to file an Archaeological Survey Report (McVey, September 4, 2018). On October 10, 2018, the Archaeological Commission accepted the survey reported prepared by Marlene McVey. The report found no cultural, historical or archaeological sites. The Commission recommends inclusion of a standard condition that advises property owners of a "Discovery Clause." This prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. As conditioned, Staff recommends the project is consistent with Mendocino County policies for the protection of the paleontological and archaeological resources (See Condition #14).

On March 16, 2018, the application was referred to local tribes, including the Sherwood Valley Band of Pomo Indians, Redwood Valley Rancheria, and Cloverdale Rancheria. On March 26, 2018, the Redwood Valley Little River Band of Pomo Indians wrote, "We have reviewed the information you provided regarding the proposed CASE #: CDP 2017-0036 and find that none of the area included in the plan is within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the area does include Tan Oak and other traditional food sources that must be protected. The poisons applied can be harmful to those harvesting in accordance with their cultural practices."

10. Transportation and Circulation: At this location there are two sharp turns in the road, which have the effect of reducing visibility for both drivers and pedestrians across the property and along State Route 1. The parcel is bisected by State Route 1 and residential development exists east and west of the roadway (See attached *Site Plan* and *Aerial Imagery*).

Coastal Element Policy 3.6-20 states, "*Paved four foot shoulders should be provided by Caltrans along the entire length of Highway 1 wherever construction is feasible without environmental effects.*"

Pursuant with MCC Section 20.516.015(C)(2), "*A corridor preservation setback, in addition to a required front yard setback prescribed by zoning districts, shall apply to all parcels that abut a publicly maintained street, road or highway pursuant to Section 20.444.020.*" In rural areas, the principal arterial corridor preservation setback is measured 60-feet perpendicular from the center line of State Route 1 or from the center of the physical road. Staff finds the corridor preservation setback is of sufficient width to accommodate four-foot shoulders along State Route 1 and satisfy Policy 3.6-20 (See Condition #20).

On March 16, 2018, the application was referred to California Department of Transportation (CalTrans) and Mendocino County Department of Transportation (MCDOT). On March 20, 2018, MCDOT replied that they do not have comments at this time. No response has been received from CalTrans; but staff does recommend that the property owner obtain an Encroachment Permit from CalTrans for the proposed staging area and the proposed maintenance of unimproved driveways (See *Site Plan*). It is staff's experience that CalTrans standards would not allow a gravel road approach onto State Route 1. If CalTrans does require an encroachment permit, then road approach shall meet CalTrans standards, including sight distance, pavement, and four-foot wide shoulders. Staff recommends conditions requiring the property owner to (1) obtain an encroachment permit from CalTrans and (2) prohibiting the staging area, assumed asphalt road approach, and driveway maintenance activities from encroaching into ESHA buffers (See Conditions #10, #16, #18, and #20).

As the applicant proposes continuance and maintenance of existing structures, it is not anticipated that the project would contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. *State Route 1 Corridor Study Update for the County of Mendocino* lists Post Mile 87.7, which is the nearest data point and located in Rockport. *State Route 1 Corridor Study Update for the County of Mendocino* describes existing intersection conditions between State Route 20 and Rockport as (1) the five signalized intersections are operating acceptably at LOC C or better; (2) the unsignalized study intersections have side street

approaches operating at LOC D or better; and (3) no left turn lanes are warranted on State Route 1 at the unsignalized study intersections.

With inclusion of conditions requiring Encroachment Permits and avoiding ESHA and ESHA buffers, staff recommends that the project could satisfy circulation policies and standards, as implemented by MCC Chapter 20.516.

11. Groundwater Resources: The parcel is mapped as a Critical Water Resources Bedrock area (See attached *Groundwater Resources*). The land is not mapped within a Tsunami Inundation Zone; but is mapped within a flood zone and wetlands area (See attachments *FEMA Flood Zone* and *Classified Wetlands*). On March 16, 2018, the application was referred to the Division on Environmental Health (DEH) and on April 19, 2018, DEH responded that standard septic and water requirements would apply. On-site is well, septage, and leach field. As no new sources of development is proposed, the project would be consistent with MCC Section 20.516.015 that requires new development to be approved subject to the availability of necessary public services and consistent with provisions for septage and leach fields, water supply, and transportation systems.
12. Public Access: The parcel extends westerly to the shore (See attached *Location Map, Aerial Imagery, Site Plan, and LCP Land Use*). The project site is located between the shoreline points of Cottaneva Rock to the north and Hardy Rock to the south. Rockport Bay/Cottaneva Creek Shoreline, located 0.75 mile west of State Route 1 at Rockport, is a large beach used for fishing and diving and is approximately the nearest designated coastal access point to the project site. Above Hardy Rock, the *LCP Land Use Map 6: Rockport* depicts a State Route 1 view turnout, associated with LCP Shoreline Access and Trail/Bikeway System Policy 3.6-17. As proposed, the project would be consistent with MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements*.

ENVIRONMENTAL DETERMINATION

The Coastal Permit Administrator finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of MCC Chapter 20.532 and MCC Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program as it proposes continuance and maintenance of a nonconforming land use on Range Lands (RL160:R), including a temporary construction staging area located fifty-foot or more from mapped environmentally sensitive habitat areas, including riparian and wetlands. The RL classification is intended for grazing of livestock and may also contain some timber producing areas.
2. Pursuant with MCC Section 20.532.095(A)(2), as conditioned the nonconforming residential land use is provided with adequate utilities, access roads, drainage and other necessary facilities.
3. Pursuant with MCC Section 20.532.095(A)(3), as conditioned the nonconforming residential use is consistent with the purpose and intent of the Range Lands District, satisfies the development requirements of the Rang Lands District, and as conditioned would satisfy the specified requirements of the MCC Chapters 20.492 *Grading Erosion and Runoff*, 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*, and 20.500 *Hazards* and all other provisions of the Mendocino County Coastal Zoning Code.

4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development will not have any significant adverse impacts on the environment as a Mitigated Negative Declaration has been adopted and a mitigation and monitoring reporting program is included with the conditions of project approval.
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource. A standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. Pursuant with MCC Section 20.532.095(B)(1), the proposed development is in conformity with public access policies, including MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements*.
8. Pursuant with MCC Section 20.532.100(A)(1), the proposed development conforms to MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* regulations as it locates development 50-feet or more from the edge of surveyed and mapped environmentally sensitive habitat areas, including riparian corridors and wetlands.
9. Pursuant with MCC Section 20.532.100(A)(2), the proposed residential use is compatible with the long-term protection of resource lands and no conversion of agricultural lands is proposed.
10. Pursuant with MCC Section 20.532.100(B)(1), the proposed development (a) maximizes protection of environmentally sensitive habitat areas; (b) prohibits construction of new roads by requiring the use of existing; (c) maintains public views from beaches, public trails, roads and views from public viewing areas, or other recreational; (d) ensures the adequacy of water, waste water disposal and other services; (e) ensures the preservation of the rural character of the site; (f) maximizes preservation of prime agricultural soils; and (g) ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands.
11. Pursuant with MCC Section 20.532.100(B)(2), no conversion of prime land and, or land under Williamson Act Contract to non-agricultural use is proposed.
12. Pursuant with MCC Section 20.532.100(B)(3), no conversion of agricultural land to non-agricultural use is proposed.

CONDITIONS OF APPROVAL:

Effective Date:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to MCC Section 20.544.015 of the Mendocino County Coastal Zoning Code (MCC). CDP 2017-0036 shall become effective after the ten working-day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission, after the California Department of Fish and Wildlife filing fees are paid, and after the deed restriction is recorded.
2. *This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,404.75 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the*

appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The property owner has the sole responsibility to insure timely compliance with this condition.

3. *This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the deed restriction is recorded with Mendocino County Clerk. The property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, and shall provide that:*
 - a. The property owner understands that the site may be subject to extraordinary hazards, including but not limited to geologic, fire, and flood hazards, and the property owner assumes the risk from such hazards; and
 - b. The property owner 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 attorneys' 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 performed in connection with the permitted project; and
 - c. The property owner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the property owner; and
 - d. The property owner shall not construct any protective devices to protect structures or other improvements in the event that these structures are subject to damage or other hazards in the future; and
 - e. The property owner shall remove existing development prior to flooding or erosion threatening the structures. In the event that portions of existing development or other improvements associated with the property are found in Hardy Creek, the beach, or ocean before they can be removed from the FEMA Flood Zone, the property owner shall remove all recoverable debris associated with these structures from riparian corridors, the beach and ocean and shall lawfully dispose of the material in an approved disposal site. The property owner shall bear all costs associated with such removal.
 - f. Exhibits attached to the deed restriction shall include (1) the adopted findings and conditions of project approval, (2) a legible map depicting the extent of ESHA, the 100-foot minimum buffer width, and the boundaries of an Open Space Easement, which shall coincide with the minimum buffer width, (3) a Final Restoration Plan pursuant with MCC Section 20.532.065 *et seq.*
 - g. The deed restriction recital shall identify the specified conditions of project approval, including #3, 5, 16, 17, and 21, and shall list the required deed restriction exhibits.

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.

Permit Expiration, Nonconforming Uses & Structures, and Vesting:

4. CDP 2017-0036 shall expire and become null and void at the expiration of two years after the effective date, except where construction and use of the property in reliance on such permit has been initiated prior to its expiration; and if the required deed restriction has not been recorded with Mendocino County Clerk prior to March 28, 2021, CDP 2017-0036 shall expire and become null and void on March 28, 2021. For CDP 2017-0036 to remain valid, progress toward completion of the project must be continuous.

5. Prior to March 28, 2021, the use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code (MCC). The use and structures are subject to **MCC Chapter 20.480** Nonconforming Uses and Structures. The continuance and maintenance of Residences A, B, C, and D do not establish that the Residential Use Type or the structures conform to the 1991 adopted Mendocino County Coastal Zoning Code. The proposed repair of the nonconforming structures, inclusive of Residence A, B, C and D, shall be completed within two years of the effective date of CDP 2017-0036.
6. Pursuant with **MCC Chapter 20.480** Nonconforming Uses and Structures, the nonconforming land use and Residential Structures A, B, C, and D may be discontinued, relocated, abandoned, or declared a nuisance. Pursuant with MCC Section 20.536.030, CDP 2017-0036 may be modified to authorize relocating structures or removing them from the site.
7. Pursuant with **MCC Section 20.536.025** Renewal, on or before the date of expiration of CDP 2017-0036 the property owner shall apply for a one-time, one-year extension of the expiration date of the permit. Application for renewal shall be submitted in compliance with MCC Section 20.532.025. As the land use and structures are subject to MCC Chapter 20.480, no additional extensions of the expiration date shall be granted.
8. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
9. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
10. CDP 2017-0036 is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

Required Permits:

11. This permit shall be subject to the securing all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
12. The applicant shall secure all required Building Permits for the proposed project as required by the Building Division of the Department of Planning and Building Services.
13. Prior to issuance of any Building Permit, the conditions approving CDP 2017-0036 shall be attached to the building permit application (e.g. added as notes to the Title Page or Site Plans) and shall be a part of on-site construction drawings.
14. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within 100 feet of the

discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with MCC Section 22.12.090 of the Mendocino County Coastal Code.

Grading:

15. In accordance with **MCC Chapter 20.492**, a building permit, or grading permit exemption, shall be required for any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two (2) cubic yards of material. Grading activities, including the maintaining driveway and parking areas, and any work associated with an Encroachment Permit, shall comply with MCC Chapters 20.492, 20.496, and 20.500 regulations.

Environmentally Sensitive Habitat Areas and Other Resources:

16. In accordance with MCC Section 20.496.020(A)(1) *et seq*, a buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from developments and shall be compatible with the continuance of the habitat areas.
 - a. During temporary construction activities associated with maintaining Residences A, B, C, and D, a minimum 50-foot buffer shall be maintained from the edge of riparian vegetation, riparian corridors, and Coastal Act wetlands. Construction staging activities shall be limited to those areas 50 feet or more from the edge of the ESHA, as illustrated in "Figure 16 Staging Area Plan" in the Biological Scoping Survey, Wetland Delineation & Botanical Report for 43200 N Highway One, dated June 7, 2017, Wynn Coastal Planning, page 25.
 - b. For all other activities, a minimum 100-foot buffer shall be established and measured from the edges of Stream ESHA, Riparian ESHA, and Wetland ESHA.
 - c. Those uses authorized within Open Space land use classifications shall be allowed within the 100-foot buffer. Due the potential impact to the ESHAs, the following land uses shall be prohibited: general agriculture, light agriculture, row and field crops, and tree crops.
 - d. Prior to March 28, 2021, the vegetable garden shall be removed from within 100-feet of ESHA.
17. In accordance with MCC Section 20.496.020(A)(1)(b), the width of the buffer zone shall be based on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by development; therefore, the property owner shall protect environmentally sensitive habitat areas and other resources, including birds, bats, amphibians and fish, soil and vegetation, by the following measures:
 - e. Birds. The bird breeding season typically extends from February to August. (1) *Seasonal Avoidance*: No surveys are required if activity occurs in the non-breeding season (September to January). If development is to occur during the breeding season (February to August), a pre-construction survey is required within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development. (2) *Nest Avoidance*: If active special status bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance. (3) Construction shall only occur during daylight hours to limit disturbing construction noise and minimize artificial lights.
 - f. Bats. Bat roost sites can change from year to year, so pre-construction surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. (1) *Pre-construction surveys for bats*: Construction will ideally occur between September 1st and October

31 after the young have matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys shall be performed by a qualified biologist 14 days prior to the onset of development activities. If active bat roosts are observed, no ground disturbance activities shall occur within a minimum 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 roost until all young are no longer dependent upon the roost. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to construction for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50 foot buffer shall be implemented around the roost tree. (2) Construction shall only occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

- c. Amphibians and fish. (1) *Erosion control:* Straw wattles shall be placed between the areas of construction and adjacent ESHAs where there is a slope greater than 5% to prevent erosion of sediments into the riparian and streams. (2) *Reduce footprint of impact:* Protective fencing shall be placed around all construction sites and around the staging area to reduce the impact site to within the fenced area and to prevent debris from moving towards the riparian and stream ESHAs. (3) Construction shall only occur during daylight hours to limit disturbing construction noise and minimize artificial lights. (4) *Limit ground disturbing construction to dry season:* Ground disturbing construction within 100 feet of the stream shall only occur during the dry season, which is generally April 1 to October 31 of any year.
 - d. Soil and vegetation. (1) *Staging Area Plan:* Stage all building materials and construction vehicles in upland areas greater than 50 feet from all ESHAs (see "Figure 16 Staging Area Plan" in the Biological Scoping Survey, Wetland Delineation & Botanical Report for 43200 N Highway One, dated June 7, 2017, Wynn Coastal Planning, page 25). Clearly mark the staging area site with cones and surround with temporary fencing.
 - e. Special status amphibians. (1) *Contractor Education:* Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog, foothill yellow-legged frog, Tailed frog, and the southern torrent salamander. (2) *Pre-construction search:* During ground disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians. (3) *Careful debris removal:* During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians. (4) *No construction during rain event:* If a rain event occurs during the construction period, all ground disturbing activities shall cease for a period of 48 hours, starting after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians. (4.a) If no special status amphibians are found during inspections, ground-disturbing activities may resume. (4.b) If a special status amphibian is detected, construction crews shall stop all ground disturbing work and shall contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from the CDFW will be required prior to reinitiating work. The CDFW will need to be consulted and will need to be in agreement with protective measures needed for any potential special status amphibians.
18. In accordance with **MCC Sections 20.496.020(A)(4)(i)**, development shall minimize impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms; therefore,
- a. Impervious pavement is prohibited within 100-feet of the edge of riparian vegetation, riparian corridors, or wetlands. Excepting on lands adjacent to State Route 1 and with an approved Encroachment Permit from the California Department of Transportation, impervious pavement

may be used to construct four-foot wide shoulders and road approaches on lands that are more than 50-feet from the edge of riparian vegetation, riparian corridors, or wetlands.

- b. Driveway and parking areas shall be limited to those disturbed areas visible from aerial imagery, e.g. the attached exhibit *Aerial Imagery*, Report Figure 16, or similar. The width or area of the driveway or parking areas shall not be expanded or made wider. Driveway and parking areas shall be constructed using pervious materials.
 - c. Parking activities are prohibited within the Open Space Easement.
19. In accordance with **MCC Section 20.496.025**, on-site Stream ESHA, Riparian ESHA, Wetland ESHA, and their 100-foot wide buffer areas shall be protected by an Open Space Easement. A deed restriction and its exhibits shall memorialize the boundaries of the Open Space Easement. Those activities authorized for Open Space Districts, including restoration of the ESHA, shall be allowed within the easement subject to MCC Chapter 20.532. (The deed restriction exhibit may be similar to "Figure 4 Plant Communities Map" in the Biological Scoping Survey, Wetland Delineation & Botanical Report for 43200 N Highway One, dated June 7, 2017, Wynn Coastal Planning, page 7.)
20. Pursuant with **MCC Section 20.516.015(C)(2)**, the property owner shall provide for the required preservation setback and shall construct four-foot roadway shoulders, adjacent to the east and west sides of State Route 1 and outside of the 50-foot minimum buffer from riparian corridors, riparian vegetation, and wetlands.
21. Pursuant with **MCC Section 20.532.065**, a Final Restoration Plan shall be prepared by the property owner to the satisfaction of the approving authority and shall be recorded as an exhibit to the required deed restriction.

Mitigation Measures:

22. The property owner shall provide for the following Mitigation Measures:
- a) Mitigation Measure: Standard Best Management Practices (BMPs) shall be employed to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization.
 - b) Mitigation Measure: The bird breeding season typically extends from February to August. No surveys are required if activity occurs in the non-breeding season (September to January). If development is to occur during the breeding season (February to August), a pre-construction survey is required within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development.
 - c) Mitigation Measure: If active special status bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
 - d) Mitigation Measure: Construction shall only occur during daylight hours to limit disturbing construction noise and minimize artificial lights.
 - e) Mitigation Measure: Bat roost sites can change from year to year, so pre-construction surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. Construction will ideally occur between September 1st and October 31 after the young have

matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys shall be performed by a qualified biologist 14 days prior to the onset of development activities. If active bat roosts are observed, no ground disturbance activities shall occur within a minimum 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 roost until all young are no longer dependent upon the roost.

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

- f) Mitigation Measure: Straw wattles shall be placed between the areas of construction and adjacent ESHAs where there is a slope greater than 5 percent to prevent erosion of sediments into the riparian and streams.
- g) Mitigation Measure: Protective fencing shall be placed around all construction sites and around the staging area to reduce the impact site to within the fenced area and to prevent debris from moving towards the riparian and stream ESHAs.
- h) Mitigation Measure: Ground disturbing construction within 100 feet of the stream shall only occur during the dry season, which is generally April 1 to October 31 of any year.
- i) Mitigation Measure: Stage all building materials and construction vehicles in upland areas greater than 50 feet from all ESHAs (see "Figure 16 Staging Area Plan" in the Biological Scoping Survey, Wetland Delineation & Botanical Report for 43200 N Highway One, dated June 7, 2017, Wynn Coastal Planning, page 25). Clearly mark the staging area site with cones and surround with temporary fencing.
- j) Mitigation Measure: Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog, foothill yellow-legged frog, Tailed frog, and the southern torrent salamander.
- k) Mitigation Measure: During ground disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians.
- l) Mitigation Measure: During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.
- m) Mitigation Measure: If a rain event occurs during the construction period, all ground disturbing activities shall cease for a period of 48 hours, starting after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians. (a) If no special status amphibians are found during inspections, ground-disturbing activities may resume. (b) If a special status amphibian is detected, construction crews shall stop all ground disturbing work and shall contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from the CDFW will be required prior to reinitiating work. The CDFW will need to be consulted and will need to be in agreement with protective measures needed for any potential special status amphibians.

2-28-2019

DATE


JULIANA CHERRY
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$1616.00

ATTACHMENTS:

- A. Location
- B. Aerial
- C. Topographic Map
- D. Plot Plan
- E. Site Plan
- F. Elevations & Floor Plan
- G. Zoning Display Map
- H. General Plan Classifications
- I. LCP Land Use Map 6: Rockport
- J. LCP Land Capabilities & Natural Hazards
- K. LCP Habitats and Resources
- L. Biological Resources
- M. Appealable Areas
- N. Adjacent Parcels
- O. Fire Hazard Zones & Responsibility Areas
- P. Fire Safe Plan
- Q. FEMA Flood Zone
- R. Classified Wetlands
- S. Ground Water Resources
- T. Highly Scenic & Tree Removal Areas
- U. Slope
- V. Local Soils
- W. Williamson Act
- X. Important Farm Lands
- Y. Timber Production Zones
- Z. MISC

MITIGATED NEGATIVE DECLARATION

Initial Study available online at: <http://www.co.mendocino.ca.us/planning/meetings.htm>

CEQA INITIAL STUDY - MITIGATED NEGATIVE DECLARATION

DATE: February 25, 2019

CASE NUMBER: CDP_2017-0036

OWNER: HEISER HARDY CREEK TRUST

APPLICANT: JOSEPH HEISER JR

AGENT: WYNN COASTAL PLANNING

PROJECT REQUEST: A Coastal Development Standard Permit request to renovate, repair, and maintain four single-family residences within their existing footprints, remove an unpermitted foundation, remove a collapsed barn, and periodically maintain unimproved driveways. The four existing legal non-conforming single-family residences range in size from 754 square feet to 1,785 square feet and the former barn structure, to be removed, was approximately 1,070 square feet in size. The barn and one residence are located on the east side of the highway, with the three additional residences located on the west side of the highway. The site also contains fencing and an existing propane tank. The existing structures were constructed on-site prior to the Coastal Act and are located within or adjacent to Environmentally Sensitive Habitat Areas (ESHA). No construction will occur outside the footprint of existing development.

LOCATION: The site is located approximately 6 miles north of Westport, on both sides of Highway 1, at 43200 North Highway 1, Westport (APN: 013-410-11).

Environmental Checklist.

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).

Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist. This includes explanations of "no" responses.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Less than Significant Impact" 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 checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input checked="" type="checkbox"/>	Geology /Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials
<input checked="" 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/Traffic	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Wildfire		Utilities / Service Systems		Mandatory Findings of Significance

An explanation for all checklist responses is included, and all answers take into account 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.

INITIAL STUDY/ENVIRONMENTAL REVIEW: This section assesses the potential environmental impacts which may result from the project. Questions in the Initial Study Checklist are stated and answers are provided based on analysis undertaken.

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

Mendocino's coast includes beaches, dunes, high bluffs, sea stacks, jutting headlands, wetlands, heavily wooded gulches, grassy upland terraces, pygmy forests, serene river estuaries and rocky streams. Several 19th century villages, each with a distinct character, complement the natural landscape. The beauty and accessibility of the Mendocino coast have made it a heavily used tourist and recreational area. The Mendocino coast attracts people to sightsee. Scenic resources are the basis of the coast's tourist and retirement economies as well as a source of continuing pleasure for residents.

In addition to incorporating the California Coastal Act requirements, the Mendocino County General Plan, Coastal Element, provides specific policies and recommendations for improving and/or maintaining Mendocino County's unique scenic resources and visual character. The Coastal Element protects views to and along the ocean and scenic coastal areas by ensuring new development is subordinate to the character of the setting by designating 'highly scenic areas'. The highly scenic areas have standards for minimizing visual impacts of development through careful building placement, height limits and maintaining natural landforms.

The project site is located approximately 6 miles north of Westport on both sides of Highway 1, within a coastal riverine valley, with steep forested mountains north, east, and south of the site. The subject property is surrounded by undeveloped forest land and land zoned as Timber Production Zone (TPZ) is located immediately north, east, and south of the site¹. The site is located adjacent to Mendocino Redwood Company and other large, private, undeveloped forest tracts.² The nearest residence to the site is located approximately 0.7 miles northwest of the site. Elevations at the site range from sea level to approximately 80 feet above mean sea level (amsl), with the site's existing development (including four residences, a collapsed barn, gravel and dirt driveways, and fencing) located at approximately 30 to 60 feet amsl. Hardy Creek and a tributary to Hardy Creek traverse the site, within the southern and eastern portions of the site, respectively. The site's existing development is currently in varying condition. Per the project's *Biological Scoping Survey, Wetland Delineation and Botanical Report* (Biological Report), prepared by Wynn Coastal Planning on June 7, 2017, three Environmentally Sensitive Habitat Areas

¹ Mendocino County Department of Planning & Building Services. 1991. *Timber Production Zones* [map].
² Wynn Coastal Planning. June 7, 2017. *Biological Scoping Surveys, Wetland Delineation & Botanical Report for 43200 N. Highway 1*.

(ESHA) were identified on-site within the 4.5-acre study area, including two stream ESHAs, riparian ESHA along the two streams, and two wetland ESHAs (1.2 and 0.2 acres in size, respectively) within the central portion of the study area. Per the Biological Report, six general plant communities were identified within the survey area, including: Introduced Perennial Grassland (wetland and upland), Red alder (*Alnus rubra*) Forest Alliance, California blackberry (*Rubus ursinus*)/Introduced Perennial Grassland, California blackberry (*Rubus ursinus*) Alliance, and a "Garden Wetland" that has hydrophytic plants with many garden cultivars. It is important to note that the identified on-site plant communities have received significant disturbance and fragmentation due to their proximity to Highway 1 and history of residential use.³

The southern and eastern portions of the site are located within a Highly Scenic Area⁴ however, existing structures appear to be located outside of the portions of the site designated as Highly Scenic Areas. The maximum height of the existing residences on-site is 24 feet, which is consistent with the height requirements of structures located within non-Highly Scenic Areas within the Range Lands (RL) zoning district (28 feet above natural grade). Views of the ocean from the site are obstructed by existing terrain and vegetation.

a), b) and c) No Impact

The proposed project would have no impact on a scenic vista or scenic resources within a state scenic highway. Under CEQA, visual resources that uniquely contribute to the public benefit are considered to be scenic resources. Since Highway 1 bisects the site, the site's existing development is currently and would continue to be visible from Highway 1. There are no officially designated scenic highways in Mendocino County, although, within the County, Highways 1, 20, and 101 have been identified by the California Department of Transportation (Caltrans) as being eligible for designation as State Scenic Highways.⁵ The project would have no effect on a scenic vista, including views of the coast, as views of the coast are obstructed by existing terrain and vegetation.

The proposed project would not significantly degrade the existing visual character or quality of the site and its surroundings, conflict with existing zoning, or create a new source of significant light or glare. The intent of the RL District is to encompass lands within the Coastal Zone which are suited for and are appropriately retained for the grazing of livestock and which may also contain some timber producing areas. In the RL District, the existing pattern of development would be *Family Residential: Dwelling Groups*. This land use would require a Coastal Development Use Permit, but staff has determined, pursuant with MCCZC Chapter 20.20.480 *Nonconforming Uses and Structures*, that the Applicant proposes continuance and maintenance of nonconforming uses and structures, which predate adoption of the MCC in 1991. The existing structures on-site, proposed for repair and renovation, would not exceed the height limitations or lot coverage established under the site's RL zoning designation and are similar to the limited existing development in the vicinity of the project site. Although one of the structures is located less than 50 feet from the property line and does not meet the required 50 foot minimum front, rear, and side yard setback of 50 feet (per MCC Section 20.368.030), all proposed modifications would occur within the historical footprint. No trees or vegetation would be removed under the project. No impact would occur.

d) Less Than Significant Impact

The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Any exterior lighting to be added as part of the repairs and renovations would be downcast and shielded, which would reduce impacts on day and nighttime views in the area. A less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on aesthetics. **(Less Than Significant Impact)**

³ Wynn Coastal Planning. June 7, 2017. *Biological Scoping Surveys, Wetland Delineation & Botanical Report for 43200 N. Highway 1*.

⁴ Mendocino County Department of Planning & Building Services. 1991. *Highly Scenic and Tree Removal Areas* [map].

⁵ California Department of Transportation (Caltrans). *California Scenic Highway Mapping System*. Mendocino County. Accessed January 28, 2019. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 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 Public Resources Code 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 forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project is within the Coastal Zone of Mendocino County. The Coastal Element of the Mendocino County General Plan describes development in the Coastal Zone and generally marked by a higher intensity of development than other lands within Mendocino County. The Coastal Element contains specific development standards for coastal properties and also relies on certain countywide policies. Conversion of agricultural uses for other land uses is discouraged unless agricultural productivity is no longer feasible, prime agricultural land would be preserved, or development is concentrated.

The 21.26-acre project site is designated and zoned as Rangeland and Range Lands with a 160-acre minimum parcel size (RL160) under the Coastal Element of the Mendocino County General Plan and the MCC, respectively. As a result, the site is a legal nonconforming parcel.

a), b), c), d) and e) No Impact

As noted above, the site is currently designated and zoned as RL160 under the Coastal Element of the Mendocino County General Plan and the MCC, respectively, and is not designated for agricultural use or forest land. The subject property does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The site and adjacent parcels are primarily classified “Grazing Land”, with “Non-Agricultural and Natural Vegetation” land located within the very western portion of the site and to the north and south of the site, along the coast.⁶ Additionally, the subject property is not located within a Williamson Act contract, although the parcel directly north of the site is included under a Williamson Act contract.⁷ There are no elements of the project that would conflict with existing for or cause rezoning of forestland, timberland, or land zoned as Timberland Production, as the site is not currently zoned as such. Furthermore, the project would not result in the loss of forest land or conversion of forest land to non-forest use, since the proposed project would occur within the footprint of existing development on-site and no trees would be removed. The project would not 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 forest land to non-forest use. No impact would occur as a result of constructing the proposed project.

Conclusion: The proposed project would have no impact on agriculture and forestry resources. **(No Impact)**

⁶ Mendocino County Department of Planning & Building Services. 1991. *Important Farmland* [map].

⁷ Mendocino County Department of Planning & Building Services. 1991. *Lands in Williamson Act Contracts* [map].

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of any 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

The project is located within a part of the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. The subject parcel is located within the Mendocino County Air Quality Management District (MCAQMD). Any new emission point source is subject to an air quality permit, consistent with the District’s air quality plan, prior to project construction. The MCAQMD also enforces standards requiring new construction, including houses, to use energy efficient, low-emission EPA-certified wood stoves and similar combustion devices to help reduce area source emissions. The generation of dust during grading activities, another type of area-source emission, is limited by the County’s standard grading and erosion control requirements. These policies limit ground disturbance and require immediate revegetation after the disturbance. Consequently, these existing County requirements help to ensure particulate matter less than 10 microns in size (PM₁₀) generated by the project would not be significant and that the project would not conflict with nor obstruct attainment of the air quality plan PM₁₀ reduction goals.

The proposed project does not include any activities that would impact air quality resources long term, however, there may be short-term impacts associated with the equipment used during construction. The site is located on both sides of Highway 1 and is accessed via dirt and gravel driveways. The project would result in the continuation of residential use on-site, in addition to renovating, repairing, and maintaining four single-family residences, removing an unpermitted foundation and collapsed barn, and periodically maintaining existing driveways. The proposed project does not include installation of a wood burning stove.

a) and b) Less Than Significant Impact

The proposed project would not conflict with or obstruct implementation of any air quality plan. The construction phase of the project would produce the following anticipated emissions:

- Combustion emissions associated with operation of off-road equipment and on-road motor vehicles
- Fugitive dust from off-road equipment and on-road motor vehicles
- Off-gassing from architectural coatings

Anticipated emissions during operation of the project would include the following, which is currently observed on-site under the existing residential use:

- Combustion emissions associated with operation of on-road motor vehicles
- Emissions from “area sources”, including architectural coating off-gassing.

The MCAQMD is in attainment for all State standards with the exception of PM₁₀. The most common source of PM₁₀ is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. The installation of a wood stove is not proposed under the project; however, the continued use of the on-site dirt and gravel driveways would continue. There is no proposed use that would be anticipated to result in a significant increase of any criteria pollutant. A *Particulate Matter Attainment Plan* was finalized in 2005 that provides mitigation measures for construction and grading activities and unpaved roads. Additionally, the project and its emission sources are subject to MCAQMD

rules and regulations contained in the most recent version of the *Rules and Regulations of the MCAQMD*. Compliance with these regulations would ensure the project would not result in a substantial increase of PM₁₀ within the vicinity of the site.

During the construction phase of the project, the proposed project has the potential to increase PM₁₀ in the immediate vicinity of the site due to site grading and preparation, in addition to truck traffic to the site. Local impacts to the area during construction would be mitigated using standard dust control measures. After construction is completed, any bare soil created by the construction phase of the project would be revegetated as soon as feasible with native vegetation and/or native seed mixes. A less than significant impact would occur.

c) and d) Less Than Significant Impact

The subject property is primarily surrounded by undeveloped forest land and is bisected by Highway 1. Sensitive receptors can include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. Of these possible sensitive receptors, the nearest to the site is a residence, located approximately 0.7 miles northwest of the site. The highest period of pollutant emissions in the form of PM₁₀ would occur during the construction phase of the project from construction equipment and would be a temporary impact. Exhaust from construction equipment and motor vehicles would not have a significant impact on neighbors due to standard emission control measures. Additionally, impacts associated with fugitive dust would be mitigated using standard dust control measures. Furthermore, the project would create insignificant objectionable odors during its normal operation or during construction and is not in a location that would affect substantial numbers of people. A less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on air quality. **(Less Than Significant Impact)**

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

Coastal areas in Mendocino County are subject to the California Coastal Act and the Mendocino County Zoning Ordinance, which includes regulations regarding Environmentally Sensitive Habitat Areas (ESHAs). The purpose of Mendocino County Code (MCC) Section 20.496, *Environmentally Sensitive Habitats and Other Resource Areas*, is to ensure that environmentally sensitive habitat and other designated resource areas (listed on Pages 39, 40 and 41 of the Coastal Element dated November 5, 1985), which constitute significant public resources are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations⁸. Environmentally Sensitive Habitat Areas 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 animals⁹.

The subject parcel is approximately 21.26 acres in area. The property is located approximately 6 miles north of the town of Westport, on both sides of Highway 1, at 43200 Highway 1, Westport (APN: 013-410-11). One biological survey was completed for the proposed project, including a *Biological Scoping Survey, Botanical Survey and Wetland Delineation Report for 43200 N. Highway One* (Biological Report), prepared by Wynn Coastal Planning on June 7, 2017. Surveying for special status plants and ESHAs occurred five times between April and December 2016, for a total of 20 survey hours. The area surveyed (study area) totaled 4.5 acres and immediately surrounds four existing residences on the far eastern portion of the 21.26-acre parcel. Six general plant communities were identified within the survey area, including: Introduced Perennial Grassland (wetland and upland), Red alder (*Alnus rubra*) Forest Alliance, California blackberry (*Rubus ursinus*)/Introduced Perennial Grassland, California blackberry (*Rubus ursinus*) Alliance, and a "Garden Wetland" that has hydrophytic plants with many garden cultivars. The study area's plant communities have received significant disturbance and fragmentation due to their proximity to Highway 1 and history of residential use. Additionally, the study area's location between two creeks and at the base of a steep slope is cause for the capture of significant drainage in the low-lying areas on-site. The two streams border the study area which is in a valley at the base of forested slopes to the north and south. The topographic position of the study area causes it to be relatively wet as it receives drainage from the surrounding slopes.¹⁰

Three ESHA types were identified within the study area, including the following:

- Stream ESHA – Two perennial streams border the eastern portion of the study area. Hardy Creek, a perennial blue-line stream runs through the southern portion of the parcel and the study area and flows above ground to the ocean. A tributary to Hardy Creek flows south along the eastern boundary of the parcel and study area and meets Hardy Creek on the far southeastern edge of the study area. Hardy Creek and its tributary are likely large enough streams to support anadromous salmon and steelhead.
- Riparian ESHA – Both streams have significant red alder dominant riparian zones.
- Wetland ESHA- Two wetlands of approximately 1.2 and 0.2 acres each occur within the central flat portion of the study area, just west of the Highway, mostly adjacent to the riparian zones and between the existing structures.¹¹

No special-status wildlife species were identified during the field biological surveys; however, suitable habitat is present for several special status wildlife species with moderate to high potential to occur on-site. Such species include: Obscure bumblebee (*Bombus coliginosus*) (G4? S1S2), Western bumblebee (*Bombus occidentalis*) (GU S1), Lotis Blue butterfly (*Lycaeides argyrognomon lotis*) (G5TH SH) (although not seen since 1983), Behren's silverspot butterfly (*Speyeria zerene behrensii*) (G5T1 S1), Coho salmon (*Oncorhynchus kisutch*) (G4T2Q S2?), Chinook salmon (*Oncorhynchus tshawytscha*) (G4T2Q S2), Steelhead salmon (*Oncorhynchus mykiss irideus*) (G5 S2), Tailed frog (*Ascaphus truei*) (G4 S2S3), Northern red-legged frog (*Rana aurora aurora*) (G4T2T3 S2S3), Foothill yellow-legged frog (*Rana boylei*) (G3 S2S3), Southern torrent salamander (*Rhyacotriton variegatus*) (G3G4 S2S3), Cooper's hawk (*Accipiter gentilis*) (G5 S3), Northern goshawk (*Accipiter gentilis*) (G5 S3), Sharp-shinned hawk (*Accipiter*

⁸ Mendocino County Coastal Zoning Code, § II-20.96.010 (1995).

⁹ Mendocino County Coastal Zoning Code, § II-20.96.010 (1995).

¹⁰ Wynn Coastal Planning. June 7, 2017. *Biological Scoping Surveys, Wetland Delineation & Botanical Report for 43200 N. Highway 1*.

¹¹ Wynn Coastal Planning. June 7, 2017. *Biological Scoping Surveys, Wetland Delineation & Botanical Report for 43200 N. Highway 1*.

striatus) (G5 S3), Rufous hummingbird (*Selasphorus rufus*) (G5 S1S2), Purple martin (*Progne subis*) (G5 S3), Bryant's savannah sparrow (*Passerulus sanwihensis alaudinus*) (G5T2T3 S2S3), Pallid bat (*Antrozous pallidus*) (G5 S3), silver-haired bat (*Lasionycteris noctivagans*) (G5 S3S4), Western red bat (*Lasiurus blossevillii*) (G5 S3), and Sonoma tree vole (*Arborimus pomo*) (G3 S3).

Since ESHAs have been identified on the project site, the project would be required to implement a 100 foot buffer from each identified ESHA pursuant to MCC Section 20.496.05(A)(1), unless it can be demonstrated that 100 feet is not necessary to protect the resources of the particular habitat area from possible significant disruption caused by the proposed development, but shall not be less than 50 feet in width. A reduced buffer analysis was prepared by the project biologist, in which 50 foot buffers from each identified ESHA are requested. As noted in the Biological Report, the study area totaled approximately 4.5 acres in size and is entirely within the 100-foot ESHA buffer. Approximately 0.5 acres of the study area, located directly adjacent to Highway 1, is upland and outside of all protective 50 foot ESHA buffers, and contains a portion of the collapsed barn. In addition, the proposed staging area is located within this upland, non-buffer area. Two of the existing residences and a portion of the collapsed barn are located within the 50 foot buffers associated with riparian and wetland ESHAs. Two other existing residences are within the boundaries of the 1.2 acre wetland ESHA. While it is not possible to repair and maintain these two residences outside of the wetland ESHA boundaries, the 1.2 acre wetland was found to be of relatively low quality as it is fragmented by the existing driveway and residences, lacks surface hydrology, is dominated by invasive plant species (grasses, forbs, and Himalayan blackberry), and does not meet the U.S. Army Corps of Engineers' (ACOE) definition of a wetland.¹²

Based on review of the California Natural Diversity Database (version 3/2017), potential habitat for several special-status plant and wildlife species is located on and within the vicinity of the site.¹³ However, these species were not observed on-site during the site surveys. No trees or vegetation would be removed from the site. While no special-status wildlife species were observed on the site during the field observation, there is the potential for several special-status birds, bats, amphibians, fish and identified ESHAs to be impacted by the project. In addition, soil and vegetation may also be impacted and subject to ground compaction and vegetation disturbance from materials and vehicles. In order to minimize potential impacts, several protective measures have been recommended by the project biologist.¹⁴

a), b), c), and d) Less Than Significant with Mitigation Incorporated

As noted above, a *Biological Scoping Survey, Botanical Survey and Wetland Delineation Report for 43200 N. Highway One* (Biological Report), prepared by Wynn Coastal Planning on June 7, 2017. During site surveys, several ESHAs were identified on the project site, including:

- Stream ESHA – Two perennial streams border the eastern portion of the study area. Hardy Creek, a perennial blue-line stream runs through the southern portion of the parcel and the study area and flows above ground to the ocean. A tributary to Hardy Creek flows south along the eastern boundary of the parcel and study area and meets Hardy Creek on the far southeastern edge of the study area. Hardy Creek and its tributary are likely large enough streams to support anadromous salmon and steelhead.
- Riparian ESHA – Both streams have significant red alder dominant riparian zones.
- Wetland ESHA- Two wetlands of approximately 1.2 and 0.2 acres each occur within the central flat portion of the study area, just west of the Highway, mostly adjacent to the riparian zones and between the existing structures.¹⁵

Since ESHAs have been identified on the project site, the project would be required to implement a 100 foot buffer from each identified ESHA pursuant to MCC Section 20.496.05(A)(1), unless it can be demonstrated that 100 feet is not necessary to protect the resources of the particular habitat area from

¹² Wynn Coastal Planning. June 7, 2017. *Biological Scoping Surveys, Wetland Delineation & Botanical Report for 43200 N. Highway 1.*

¹³ Mendocino County Department of Planning & Building Services. March 2017 Version. *Natural Diversity Database* [map].

¹⁴ Wynn Coastal Planning. June 7, 2017. *Biological Scoping Surveys, Wetland Delineation & Botanical Report for 43200 N. Highway 1.*

¹⁵ Wynn Coastal Planning. June 7, 2017. *Biological Scoping Surveys, Wetland Delineation & Botanical Report for 43200 N. Highway 1.*

possible significant disruption caused by the proposed development, but shall not be less than 50 feet in width. A reduced buffer analysis was prepared by the biologist and 50-foot buffers from each ESHA are requested. Approximately 0.5 acres of the study area, located directly adjacent to Highway 1, is upland and outside of all protective 50 foot ESHA buffers, and contains a portion of the collapsed barn. In addition, the proposed staging area is located within this upland, non-buffer area. Two of the existing residences and a portion of the collapsed barn are located within 50 foot buffers of riparian and wetland ESHAs. Two other existing residences are within the boundaries of the 1.2 acre wetland ESHA. While it is not possible to repair and maintain these two residences outside of the wetland ESHA boundaries, the 1.2 acre wetland was found to be of relatively low quality as it is fragmented by the existing driveway and residences, lacks surface hydrology, is dominated by invasive plant species (grasses, forbs, and Himalayan blackberry), and does not meet the ACOE's definition of a wetland.

Construction within the biological study area has the potential to disturb special status birds during the nesting season, in addition to special status bats. No trees are proposed for removal, which would minimize negative potential impacts. However, construction activity near trees and vegetated areas and adjacent to existing buildings has the potential to disturb bird species. Additionally, empty structures and the eaves of structures often become popular roosting sites for bats and should be inspected before construction activities begin. Potential impacts to amphibians and fish, including light and noise, disturbance, erosion of sediment and debris, and ground disturbance, may also occur. Soil and vegetation may also be impacted and subject to ground compaction and vegetation disturbance from materials and vehicles. While no special-status wildlife species were observed on the site during the field observation, there is the potential for several special-status birds, bats, amphibians, fish and identified ESHAs to be impacted by the project. As such, staff recommends the inclusion of several mitigation measures, including implementation of standard Best Management Practices (BMPs) to minimize erosion, in addition to several avoidance measures recommended by the project biologist to reduce potential impacts associated with development of the proposed project and minimize impacts to the wetland, riparian, stream, and any potential rare fauna on-site¹⁶, which are included as Mitigation Measures 1 through 13 below:

Mitigation Measure 1: Standard Best Management Practices (BMPs) shall be employed to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization.

Mitigation Measure 2: The bird breeding season typically extends from February to August. No surveys are required if activity occurs in the non-breeding season (September to January). If development is to occur during the breeding season (February to August), a pre-construction survey is required within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development.

Mitigation Measure 3: If active special status bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.

Mitigation Measure 4: Construction shall only occur during daylight hours to limit disturbing construction noise and minimize artificial lights.

Mitigation Measure 5: Bat roost sites can change from year to year, so pre-construction surveys are usually necessary to determine the presence or absence of bat roost sites in a given area.

¹⁶ Wynn Coastal Planning. June 7, 2017. *Biological Scoping Surveys, Wetland Delineation & Botanical Report for 43200 N. Highway 1.*

Construction will ideally occur between September 1st and October 31 after the young have matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys shall be performed by a qualified biologist 14 days prior to the onset of development activities. If active bat roosts are observed, no ground disturbance activities shall occur within a minimum 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 roost until all young are no longer dependent upon the roost.

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

Mitigation Measure 6: Straw wattles shall be placed between the areas of construction and adjacent ESHAs where there is a slope greater than 5 percent to prevent erosion of sediments into the riparian and streams.

Mitigation Measure 7: Protective fencing shall be placed around all construction sites and around the staging area to reduce the impact site to within the fenced area and to prevent debris from moving towards the riparian and stream ESHAs.

Mitigation Measure 8: Ground disturbing construction within 100 feet of the stream shall only occur during the dry season, which is generally April 1 to October 31 of any year.

Mitigation Measure 9: Stage all building materials and construction vehicles in upland areas greater than 50 feet from all ESHAs (see "Figure 16 Staging Area Plan" in the Biological Scoping Survey, Wetland Delineation & Botanical Report for 43200 N Highway One, dated June 7, 2017, Wynn Coastal Planning, page 25). Clearly mark the staging area site with cones and surround with temporary fencing.

Mitigation Measure 10: Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog, foothill yellow-legged frog, Tailed frog, and the southern torrent salamander.

Mitigation Measure 11: During ground disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians.

Mitigation Measure 12: During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.

Mitigation Measure 13: If a rain event occurs during the construction period, all ground disturbing activities shall cease for a period of 48 hours, starting after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians.

- a. If no special status amphibians are found during inspections, ground-disturbing activities may resume.
- b. If a special status amphibian is detected, construction crews shall stop all ground disturbing work and shall contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from the CDFW will be required prior to reinitiating work. The CDFW will need to be consulted and will need to be in agreement with protective measures needed for any potential special status amphibians.

Since driveway maintenance is proposed under the project, staff also recommends conditions prohibiting the use of impervious materials within an identified ESHA, limiting driveway and parking areas to those areas visible from aerial imagery, prohibiting an increase in driveway width or addition of parking area in

the wetland ESHA or within 100 feet of the ESHA, and establishing an open space easement within 100 feet of Hardy Creek, its tributary, wetlands, and surveyed riparian areas to further reduce potential impacts to sensitive habitats on-site. In addition, to further protect sensitive resources on-site, staff recommends that prior to issuance of a CDP for the project, that the property owner submit a Tentative Restoration Plan, and that prior to the issuance of a Building Permit or Encroachment Permit, a Final Restoration Plan shall be accepted by the approving authority, pursuant to MCC Section 20.532.065. Before the Building Permit is finalized, staff recommends that the Final Restoration Plan be recorded as a separate deed restriction on the property.

With mitigation incorporated, a less than significant impact would occur.

e) and f) No Impact

Under the proposed project, no trees or vegetation would be removed from areas other than the proposed improvement areas and the project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Additionally, there are no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applicable to the site. No impact would occur.

Conclusion: With mitigation incorporated, the proposed project would have a less than significant impact on biological resources. **(Less Than Significant Impact with Mitigation Incorporated)**

<u>V. CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Coastal archaeological sites and areas are subject to archaeological surveys have been mapped by the California Archaeological Sites Survey, and the data is kept in the Cultural Resources Facility, Sonoma State University. These records, the most complete available, show seventy-nine (79) sites, distributed mainly along creek and river mouths and near present settlements, particularly between Cleone and Mendocino¹⁷. The maps also delineate twenty-six (26) archaeological survey areas ranging from 0.1 to 1,400 acres, only some of which include archaeological sites. To protect sites, the maps are confidential; however, landowners are entitled to know whether the sites are located on their property.

The project was referred to the Northwest Information Center (NWIC) at Sonoma State University and the Archaeological Commission for review and comment. In a letter response from NWIC, dated March 29, 2018 (File No: 17-2313), it is noted that NWIC has record of one prior cultural resource study (Study #S-38865; Leach-Palm et al. 2011), covering approximately 5 percent of the project area. Based on an evaluation of the environmental setting and features associated with known sites, NWIC states there is a moderate potential for unrecorded Native American resources, in addition to unrecorded historic-era archaeological resources, in the proposed project area. In their letter, NWIC recommended that a qualified archaeologist conduct further archival and field study to identify cultural resources and contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values.

An *Archaeological Survey Report and Historic Resource Evaluation* (Archaeological Report) for the project was prepared by Alta Archaeological Consulting (Alta) on September 4, 2018. As noted in the Archaeological Report, review of historic registers and inventories indicate that no historical resources are

¹⁷ Mendocino County Coastal Element, §3.5 (2011).

present in the project area and no National Register-listed or eligible properties are located within a one-half mile radius of the site. Additionally, no cultural resources are documented within the project area; however, one cultural resource [Site P-23-004613 (CA-MEN-3551H)] is documented within one-half mile radius of the project area, which encompasses an abandoned segment of Old State Highway 1. The records search and literature review indicate historic occupation on the parcel associated with the Hardy Creek Mill. The earliest map of the area (1873) depicts the project area as having a small dirt road running into the center of the property from the dense forest to the east and a residence (Hardy's House) in the south along Hardy Creek. Regarding Native American resources, the project area was occupied by the Coast Yuki prior to Euro-American occupation; however, no ethnographically described villages were known to be located within a mile of the project area in any reference materials consulted.¹⁸

Alta conducted a field survey of the site on June 11, 2018. Survey reconnaissance consisted of an intensive survey of the entire Area of Potential Effect (APE). Aerial photos and parcel maps were used to correctly identify the project area. The project was surveyed with transects no greater than 10 meter intervals. The ground surface visibility was fair on-site due to low lying grasses and forest undergrowth. Shovel tests were periodically conducted to probe the ground, expose mineral soils and examine sediment for evidence of cultural materials. Multiple historic-era structures were identified during the survey: three cabins, a single-family residence and two collapsed structures. The standing structures were evaluated for historic significance, and corresponding site records were completed.¹⁹

Cultural resources were identified on the property, outside of the project area. The railroad grade and remains of the Hardy Creek wharf were identified through pedestrian survey on the hillside north of the project area. The railroad grade, running east to west, leads to the edge of a cliff. Remaining visible features include a rusting rail projecting horizontally from the road grade towards the ocean, and a chain anchored into the cliff. However, these resources will not be impacted by the project.²⁰

The existing structures located on-site are located on a site associated with the local lumber industry and were found to be in varying condition. None of the site's existing structures were found to meet the criteria for inclusion on the National Register of Historic Resources or the California Register of Historic Resources, are not associated with people particularly important to the economic development of the area, most structures retain few elements that define their period of construction, and are not an exemplar of a method of construction, nor of the work of a skilled individual, nor of a high artistic style. The 1930s single family residence, the northern-most residence located on-site, retains elements that define its period of construction, including double-hung windows, panel doors, and shiplap siding, and its structural integrity has only been mildly diminished through weather exposure. The replacement of features on its exterior has helped to preserve its integrity as a potential historic building.²¹

Alta provides several recommendations in their Archaeological Report. They recommend that elements that define the existing 1930s single family residence be retained, repaired, and preserved to the greatest extent feasible. Should replacement of damaged features be necessary, it is recommended that replacement items have a similar feeling, design, and scale as the original feature to be replaced. In addition, Alta provides specific recommendations and protocol in the event that previously unidentified cultural resources or human remains are encountered during project implementation.²²

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. To date, one response, dated March 26, 2018, from the Redwood Valley Little River Band of Pomo Indians has been received. In the response, it was noted that the project area is not located within

¹⁸ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

¹⁹ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

²⁰ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

²¹ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

²² Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

the immediate cultural territory of the Tribe, but the area does contain Tan Oak and other traditional food sources that must be protected. It was further noted that “the poisons applied can be harmful to those harvesting in accordance with their cultural practices.” At their October 10, 2018, hearing, the Archeological Commission accepted Alta’s Archeological Survey and acknowledged that no cultural, historical, or archaeological sites were observed on-site, but recommended that the Discovery Clause be adhered to, as well as the recommendations of the Archeological Report.

a) Less Than Significant with Mitigation Incorporated

Although none of the site’s existing structures were found to meet the criteria for inclusion on the National Register of Historic Resources or the California Register of Historic Resources, one existing single family residence, constructed in the 1930s, retains elements that define its period of construction, including double-hung windows, panel doors, and shiplap siding, and its structural integrity has only been mildly diminished through weather exposure. As noted in the Archeological Report, the replacement of features on its exterior has helped to preserve its integrity as a potential historic building.²³

As noted above, Alta provides recommendations specific to the existing 1930s residence, which staff recommends be included as Mitigation Measure 9, below. Specifically, as provided in Mitigation Measure 9, Alta recommends that elements that define the existing 1930s single family residence be retained, repaired, and preserved to the greatest extent feasible. Additionally, should replacement of damaged features be necessary, it is recommended that replacement items have a similar feeling, design, and scale as the original feature to be replaced.

Mitigation Measure 6: Defining elements of the existing 1930s single family residence (including double-hung windows, panel doors, and shiplap siding), located on the west side of Highway 1 within the northeastern portion of the parcel, shall be retained, repaired, and preserved to the greatest extent feasible. Should replacement of damaged features be necessary, replacement items shall have a similar feeling, design, and scale as the original feature to be replaced.

With mitigation incorporated, a less than significant impact would occur.

b), and c) Less Than Significant Impact

As discussed above, a letter from NWIC, dated March 29, 2018 (File No: 17-2313), notes record of one prior cultural resource study (Study #S-38865; Leach-Palm et al. 2011), covering approximately 5 percent of the project area. Based on an evaluation of the environmental setting and features associated with known sites, NWIC states there is a moderate potential for unrecorded Native American resources, in addition to unrecorded historic-era archaeological resources, in the proposed project area. In their letter, NWIC recommended that a qualified archaeologist conduct further archival and field study to identify cultural resources and contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values.

As noted in the Archeological Report, prepared by Alta on September 4, 2018, review of historic registers and inventories indicate that no historical resources are present in the project area and no National Register-listed or eligible properties are located within a one-half mile radius of the site. Additionally, no cultural resources are documented within the project area; however, one cultural resource [Site P-23-004613 (CA-MEN-3551H)] is documented within one-half mile radius of the project area, which encompasses an abandoned segment of Old State Highway 1.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. As noted above, to date, one response, dated March 26, 2018, has been received from the Redwood Valley Little River Band of Pomo Indians, in which it was noted that the project area is not located within the immediate cultural territory of the Tribe, but does contain Tan Oak and other traditional food sources that must be protected. It was further noted that “the poisons applied can be harmful to those harvesting in accordance with their cultural practices.”

²³ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

Standard Condition advises the applicants of the County’s “Discovery Clause,” which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Standard Condition: If any archaeological sites or artifacts are discovered during site excavation or construction activities, the Applicant shall cease and desist from all further excavation and disturbances within 100-feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the inclusion of the recommended conditions of approval, the project is found consistent with Mendocino County policies for the protection of archaeological resources. A less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact with mitigation incorporated on cultural resources. **(Less Than Significant Impact with Mitigation Incorporated)**

<u>VI. ENERGY.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

On October 7, 2015, Governor Edmund G. Brown, Jr. signed into law Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015 (De León, Chapter 547, Statutes of 2015), which sets ambitious annual targets for energy efficiency and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy efficiency savings and demand reductions in electricity and natural gas final end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The proposed SB 350 doubling target for electricity increases from 7,286 gigawatt hours (GWh) in 2015 up to 82,870 GWh in 2029. For natural gas, the proposed SB 350 doubling target increases from 42 million of therms (MM) in 2015 up to 1,174 MM in 2029.

As provided in Chapter 4 (Resource Management Element) of the Mendocino County General Plan, the County primarily relies on imported electricity and natural gas for most of its energy needs. Additionally, facilities and activities using alternative energy sources are not widespread in the County, although a number of agencies and businesses promote the use of alternative energy.

a) and b) Less Than Significant Impact

Neither project construction nor operation would be anticipated to result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources, and the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The proposed project would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The 2016 Building Energy Efficiency Standards are designed to ensure new and existing buildings achieve energy efficiency and preserve outdoor and indoor environmental quality. A less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on energy. **(Less Than Significant Impact)**

VII. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 3 (Development Element) of the Mendocino County General Plan discusses the area’s seismic hazards. Mendocino County is located just south of the Cascadia Subduction Zone and will likely be subjected to a strong earthquake in the foreseeable future. A number of faults are located throughout the County, including the San Andreas Fault in the southwest corner of the County, the Maacama Fault in the inland valley from Sonoma County to Laytonville, the Round Valley Fault in the northeastern part of the County, and the Etsel Ridge Fault in the eastern portion of the County²⁴. Any structure built in Mendocino County will likely be subjected to seismic activity during its expected lifespan. The property neither lies within nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone²⁵, nor has prior fault rupture been recorded at the site²⁶. The San Andreas Fault is located offshore to the west of the site. The site is underlain by marine terrace deposits (Zone 2) and is subject to strong ground shaking.²⁷

Several soil types are present on the project site. The soils on the project site are predominately classified as Dehaven-Hotel complex, 50 to 75 percent slopes (#135), with small portions of the site in the northwestern corner designated as Irmulco-Tramway complex, 30 to 50 percent slopes (#173). In the very western portion of the site, the soil type is designated as Dystropepts, 30 to 75 percent slopes (#139), while along the northern portion of the parcel and the southeastern-most portion of the site, the soil type is designated as Abalobadiah-Bruhel-Vizcaino complex, 50 to 75 percent slopes (#102).^{28,29} It appears

²⁴ Mendocino County General Plan, §3-17 (2009).

²⁵ State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

²⁶ Mendocino County Department of Planning & Building Services. 1991. *LCP Land Capabilities & Natural Hazards* [map].

²⁷ Mendocino County Department of Planning & Building Services. 1991. *LCP Land Capabilities & Natural Hazards* [map].

²⁸ Mendocino County Planning and Building Services. 1991. *Local Soils* [map].

²⁹ United States Department of Agriculture, Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. No Date. Accessed January 28, 2019. Available at: https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA694/0/MendocinoWP_CA.pdf.

that the existing development is located within the Dehaven-Hotel and Irmulco-Tramway complexes.³⁰ The Dehaven-Hotel complex is comprised of approximately 45 percent Dehaven gravelly loam and 35 percent Hotel very gravelly loam, and are very intricately intermingled. The Dehaven and Hotel soils are described as very deep and well drained, with moderate permeability and low available water capacity.³¹

The Irmulco-Tramway complex is approximately 70 percent Irmulco loam and 15 percent Tramway loam, and is very intricately intermingled. The Irmulco and Tramway soils are very deep and moderately deep, respectively, and well drained with moderate permeability. The Irmulco soil has high available water capacity, whereas the Tramway soil has low available water capacity.³²

a), c), d), and e) No Impact

The site is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.³³ The project site is not located on an expansive soil³⁴ as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

An existing septic system is currently located on the project site. Since a septic system has previously been utilized on the site, the soils are capable of adequately supporting the use of septic tanks and no impact would occur.

b) Less Than Significant Impact with Mitigation Incorporated

As previously discussed, the proposed project would be required to employ Standard Best Management Practices (BMPs), including the use of straw wattles, to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas, and would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project with native vegetation and/or native seed mixes for soil stabilization as soon as feasible (see Mitigation Measure 1 above). With the incorporation of Mitigation Measure 1, the proposed project would not result in substantial soil erosion or the loss of topsoil and a less than significant impact would occur.

f) Less Than Significant Impact

As discussed under Section V, Cultural Resources, above, a letter from NWIC, dated March 29, 2018 (File No: 17-2313), notes record of one prior cultural resource study (Study #S-38865; Leach-Palm et al. 2011), covering approximately 5 percent of the project area. Based on an evaluation of the environmental setting and features associated with known sites, NWIC states there is a moderate potential for unrecorded Native American resources, in addition to unrecorded historic-era archaeological resources, in the proposed project area. In their letter, NWIC recommended that a qualified archaeologist conduct further archival and field study to identify cultural resources and contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. To date, a response, dated March 26, 2018, from the Redwood Valley Little River Band of Pomo Indians has been received. In the response, it was noted that the project area is not located within the immediate cultural territory of the Tribe, but the area does contain Tan Oak and other traditional food sources that must be protected. It was further noted that “the poisons applied can be harmful to those harvesting in accordance with their cultural practices.”

³⁰ United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Accessed January 28, 2019. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

³¹ United States Department of Agriculture, Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. No Date. Accessed January 28, 2019. Available at: https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA694/0/MendocinoWP_CA.pdf.

³² United States Department of Agriculture, Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. No Date. Accessed January 28, 2019. Available at: https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA694/0/MendocinoWP_CA.pdf.

³³ Mendocino County Department of Planning & Building Services. 1991. *LCP Land Capabilities & Natural Hazards* [map].

³⁴ United States Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Accessed January 28, 2019. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

An *Archaeological Survey Report and Historic Resource Evaluation* (Archaeological Report) for the project was prepared by Alta Archaeological Consulting (Alta) on September 4, 2018. As noted in the Archaeological Report, review of historic registers and inventories indicate that no historical resources are present in the project area and no National Register-listed or eligible properties are located within a one-half mile radius of the site. Additionally, no cultural resources are documented within the project area; however, one cultural resource [Site P-23-004613 (CA-MEN-3551H)] is documented within one-half mile radius of the project area, which encompasses an abandoned segment of Old State Highway 1.

Alta conducted a field survey of the site on June 11, 2018. Survey reconnaissance consisted of an intensive survey of the entire Area of Potential Effect (APE). Aerial photos and parcel maps were used to correctly identify the project area. The project was surveyed with transects no greater than 10 meter intervals. The ground surface visibility was fair on-site due to low lying grasses and forest undergrowth. Shovel tests were periodically conducted to probe the ground, expose mineral soils and examine sediment for evidence of cultural materials. Multiple historic-era structures were identified during the survey: three cabins, a single-family residence, and two collapsed structures. The standing structures were evaluated for historic significance, and corresponding site records were completed. Cultural resources were identified on the property, outside of the project area.³⁵

Standard Condition advises the applicants of the County’s “Discovery Clause,” which establishes procedures to follow in the event that resources, including archaeological, paleontological, or cultural materials, are unearthed during site preparation or construction activities.

Standard Condition: If any archaeological sites or artifacts are discovered during site excavation or construction activities, the Applicant shall cease and desist from all further excavation and disturbances within 100-feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the inclusion of the recommended conditions of approval, the project is found consistent with Mendocino County policies for the protection of paleontological resources. A less than significant impact would occur.

Conclusion: With mitigation incorporated, the proposed project would have a less than significant impact on geology and soils. **(Less Than Significant Impact with Mitigation Incorporated)**

<u>VIII. GREENHOUSE GAS EMISSIONS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, 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"/>

The framework for regulating greenhouse gas (GHG) emissions in California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the state’s climate change policy and set GHG reduction targets (Health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing GHG emissions. Because Mendocino County is primarily rural, the amount of GHG generated by human activities, primarily the burning of fossil fuels for vehicles, heating, and other uses, is small compared to other, more urban

³⁵ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

counties.³⁶ The MCAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

a) and b) Less Than Significant Impact

Construction activities associated with the renovation, repair, and maintenance of four existing single family residences, removing an unpermitted foundation and collapsed barn, and periodic maintenance of existing driveways are not anticipated to generate significant GHG emissions or conflict with an applicable plan, policy or regulation. Residential land use types are principally permitted at this location. These activities proposed under the project are limited in scope and duration and would not contribute significantly to GHG emissions. Given the relatively small size of the project scale, the proposed project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional, or state level. There are no adopted local plans for reducing the emission of greenhouse gases. A less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on greenhouse gas emissions. **(Less Than Significant Impact)**

XI. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard 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"/>

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or has characteristics defined as hazardous by a federal, state, or local agency. Chemical and physical properties such as toxicity, ignitability, corrosiveness, and reactivity cause a substance to be considered hazardous. These properties are defined in the California Code of Regulations (CCR), Title 22, §66261.20-66261.24. A “hazardous waste” includes any hazardous material that is discarded, abandoned, or will be recycled. Therefore, the criteria that render a material hazardous also cause a waste to be classified as hazardous (California Health and Safety Code, §25117).

³⁶ Mendocino County General Plan §4-16 (2009).

Under the proposed project, four existing single family residences would be renovated, repaired, and maintained, an unpermitted foundation and collapsed barn would be removed, and periodic maintenance of existing driveways would occur. The proposed project would continue a residential use involving the routine transport, use, and disposal of hazardous materials in small or limited quantities. These include construction materials, household cleaning supplies, and other materials including, but not limited to, fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. The project site does not include any known hazardous waste sites, as mapped by the State Water Resources Quality Control Board (SWRQCB)³⁷ or the California Department of Toxic Substances Control (DTSC)³⁸, nor are there any listed sites within one-half mile of the project site.

a), b), c), d), e), and f) No Impact

The subject property is bisected by Highway 1 and surrounded by undeveloped forest land, with land zoned as Timber Production Zone (TPZ) located immediately north, east, and south of the site³⁹. The site is located adjacent to Mendocino Redwood Company and other large, private, undeveloped forest tracts.⁴⁰ The nearest residence to the site is located approximately 0.7 miles northwest of the site. The proposed project would continue a residential use involving the routine transport, use, and disposal of hazardous materials in small or limited quantities. The project would not 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. Improper storage of potentially hazardous materials such as construction materials, household cleaning supplies, and fuel may result in contaminated stormwater runoff being discharged into nearby water bodies, including Hardy Creek and its tributary, located on-site, and the Pacific Ocean to the west. This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site and then disposed at an approved collection facility, such as the Westport Transfer Station, located approximately 6 miles south of the site. Cleaning supplies and other household hazardous materials are less of a concern as they are routinely collected with the household waste and transported by waste haulers to approved disposal facilities.

Construction activities associated with the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project is not 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 not create a significant hazard to the public or the environment. The project is not located with an airport land use plan or within two (2) miles of a public airport or public airport. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur.

g) Less Than Significant Impact

The California Department of Forestry and Fire Protection (CalFire) is the State agency in charge of enforcing the State's regulations regarding timber harvesting and fire protection. The project site is located within the State Responsibility Area (SRA) and is not within the service boundaries of a local fire protection district.⁴¹ Additionally, the parcel is located in an area characterized by a high fire hazard severity rating⁴² and is located immediately adjacent to forested land. CalFire was invited to provide comment on the project application. A response received from CalFire, dated March 27, 2018, notes that CalFire had no comment on the project. There are no elements of the project that would exacerbate wildlife risks or expose people or structures to significant risks involving wildfire. Although the site is located adjacent to forested land and within a high fire hazard area, the project's *Fire Safe Plan*

³⁷ State Water Resources Quality Control Board. *GeoTracker*. Accessed January 25, 2019. Available at: <https://geotracker.waterboards.ca.gov/>.

³⁸ State of California. Department of Toxic Substances Control. *EnviroStor*. Accessed January 25, 2019. Available at: <https://www.envirostor.dtsc.ca.gov/public/>.

³⁹ Mendocino County Department of Planning & Building Services. 1991. *Timber Production Zones* [map].

⁴⁰ Wynn Coastal Planning. June 7, 2017. *Biological Scoping Surveys, Wetland Delineation & Botanical Report for 43200 N. Highway 1*.

⁴¹ Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

⁴² Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

demonstrates that the proposed meets CalFire Standards, including driveway and defensible space standards, including the requirement to maintain defensible space. The site would continue to observe a 50-foot yard setback from the property lines and will maintain a 30 foot home defensive zone. Since the project would be required to obtain all necessary permits, including permits from CalFire, a less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on hazards and hazardous materials. **(Less Than Significant Impact)**

X. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 impeded sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

According to the Mendocino County General Plan, the most critical surface water quality problem in Mendocino County is sedimentation. Major sources of sediment include erosion from barren or poorly vegetated soils, erosion from the toes of slides along stream channels, and sediments from roads. Manmade sources of sedimentation are a byproduct of current and historical land uses, including logging, agriculture, mining, processing of alluvial aggregate material, road construction and erosion from unpaved roads, and other development-related projects within the County. Per Mitigation Measure 1, above, the project contractor would be required to employ Best Management Practices (BMPs) to minimize erosion and avoid runoff into sensitive habitat areas. Straw wattles would be placed between the areas of construction and adjacent ESHAs where there is a slope greater than 5 percent to prevent erosion of sediments into the riparian and streams and would be maintained throughout the construction period to contain runoff from the construction area. Staff finds incorporation of the BMPs would be sufficient to prevent water runoff.

The site is located within a “Critical Water Resources (Bedrock)” area.⁴³ The site would continue to be served by an on-site well and septic system. Under the proposed project, four existing single family residences would be renovated, repaired, and maintained, an unpermitted foundation and collapsed barn would be removed, and periodic maintenance of existing driveways would occur. No new development is

⁴³ Mendocino County Department of Planning & Building Services. 1991. *Ground Water Resources* [map].

proposed on-site. Staff finds that an adequate water supply is available to serve the proposed project and the continued residential use of the site.

The County's storm drainage system is maintained by the Mendocino County Department of Transportation (MCDOT). Though storm drainage infrastructure is limited within the vicinity of the project site, both sides of Highway 1 within the vicinity of the site appears to have been previously graded to slope away from the road. The project is subject to Mendocino County Ordinance No. 4313 *Storm Water Runoff Pollution Prevention Procedure* (Mendocino County Code Chapter 16.30 et seq.), which requires that, "...any person performing construction and grading work anywhere in the County shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or contaminants from construction materials, tools, and equipment from entering the storm drainage system."⁴⁴ This ordinance was developed and adopted by Mendocino County to comply with requirements of the County's Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the State Water Resources Control Board (SWRCB).

While the northern and southeastern portions of the site are designated as an "Area of Minimal Flood Hazard" (Zone X), the central portion of the site is located within a 100-year flood hazard area as mapped on a Flood Insurance Rate Map.⁴⁵

a), b) and c.ii) No Impact

The proposed project involves site improvements and continuation of a residential use. The proposed project would not violate any water quality standards, waste discharge requirements, or otherwise substantially degrade surface or ground water quality. All necessary permits for the existing on-site well and septic system have been obtained from DEH. The well and septic system would continue be operated in compliance with all standards and requirements. The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Additionally, the amount of impervious area on the site would not increase, as all site improvements would occur within the existing development footprint. As a result, implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area and would not result in substantial flooding on- or off-site. No impact would occur.

c.i) Less Than Significant Impact with Mitigation Incorporated

The site is mapped as subject to coastal erosion, with present development categorized as critical.⁴⁶ As previously discussed, the proposed project would be required to employ BMPs, including the placement of straw wattles, to assure 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 with native vegetation and/or native seed mixes for soil stabilization as soon as feasible (see Mitigation Measure 1 above). Since local regulations would not require the project (continuation and maintenance of existing legal non-conforming uses) to establish conforming building setbacks that would protect development based on the specific characteristics of the site, staff recommends that a condition requiring the property owner to record a deed restriction acknowledging the hazard, agreeing to hold the County harmless, and agreeing to redress erosion damage on- or off-site at their expense. With the incorporation of Mitigation Measure 1 and the recommended condition, the proposed project would not result 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, and a less than significant impact would occur.

c.iii), c.iv) and e) No Impact

The project would not create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage systems since storm drainage infrastructure is limited within the vicinity of

⁴⁴ Mendocino County Department of Planning & Building Services. Mendocino County General Plan. Chapter 3.16. 2009.

⁴⁵ Federal Emergency Management Agency. Flood Insurance Rate Map, Panel 06045C0625G, effective June 18, 2017. Accessed January 25, 2019. Available at: <https://msc.fema.gov/portal/search>.

⁴⁶ Mendocino County Department of Planning & Building Services. 1991. *LCP Land Capabilities & Natural Hazards* [map].

the project site. Additionally, the project would not provide substantial additional sources of polluted runoff, substantially degrade water quality, or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impact would occur.

d) Less Than Significant Impact

The proposed project is not in an area where seiches or mudflows are likely to occur; however, the site, the majority of which is located at or near sea level, is located within a mapped tsunami inundation zone. Additionally, the northern and southeastern portions of the site are designated as an “Area of Minimal Flood Hazard” (Zone X); however, the central portion of the site is located within a 100-year flood hazard area as mapped on a Flood Insurance Rate Map.⁴⁷ Two of the four existing single family residences appear to be located within the flood zone. Although the property owner would not be required by local regulations to discontinue use and maintenance of the nonconforming uses and structures that are located within a tsunami inundation or flood zone, staff recommends the project be conditioned to require the property owner to record a deed restriction acknowledging the hazard, agreeing to hold the County harmless, and agreeing to redress any on-site or off-site damage from flooding or tsunami, by removing debris or detritus that is off-shore or on adjacent lands at their expense. A less than significant impact would occur.

Conclusion: With mitigation incorporated, the proposed project would have a less than significant impact on hydrology and water quality. **(Less Than Significant Impact with Mitigation Incorporated)**

<u>XI. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project, as conditioned, is consistent with the policies of the Local Coastal Program of the General Plan and the MCC Chapter 20.368 and Sections 20.532.095 and 20.532.100. The subject parcel is classified as Rangeland and Range Lands specifying a minimum parcel size of 160 acres (RL160) by the Coastal Element of the Mendocino County General Plan and the MCC, respectively. However, since the parcel is only 21.26 acre in size, it is substandard in size.

The project involves the renovation, repair, and maintenance of four existing single family residences, removing an unpermitted foundation and collapsed barn, and periodic maintenance of existing driveways, which is consistent with the intent of the RL Classification and District and is consistent with surrounding development.

a) and b) No Impact

The project would not divide an established community. The site is in an area with limited development; however, a residence is located approximately 0.7 miles northwest of the site, which is consistent with the project and site’s existing development. Under the project, all proposed improvements would occur within the footprint of the existing development. The project would not conflict with any land use plan, policy, or regulation since the continued use (single family residence and appurtenant infrastructure) is principally permitted within the RL Classification and District. No impact would occur.

Conclusion: The proposed project would have no impact on land use and planning. **(No Impact)**

⁴⁷Federal Emergency Management Agency. Flood Insurance Rate Map, Panel 06045C0625G, effective June 18, 2017. Accessed January 25, 2019. Available at: <https://msc.fema.gov/portal/search>.

XII. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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"/>

A variety of minerals resources are known to exist 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.⁴⁸ The Mendocino County General Plan sets forth policies to encourage mineral resource development while protecting Mendocino County’s visual character and natural environments.

a) and b) No Impact

There are no known mineral resources on the site that would be of value to the region or the residents of the state. The property does not include a mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The proposed project does not include mining. No impact would occur.

Conclusion: The proposed project would have no impact on mineral resources. **(No Impact)**

XIII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a 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"/>

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

Generally speaking, 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. The subject property is surrounded by undeveloped forest land and land zoned as Timber Production Zone (TPZ) is located immediately north, east, and south of the site⁴⁹. The site is located adjacent to Mendocino

⁴⁸ Mendocino County General Plan, §4-8, *Mineral Resources* (2009).

⁴⁹ Mendocino County Department of Planning & Building Services. 1991. *Timber Production Zones* [map].

Redwood Company and other large, private, undeveloped forest tracts.⁵⁰ The nearest residence to the site is located approximately 0.7 miles northwest of the site. The proposed project does not involve any new development, but would instead repair, renovate, and maintain existing development on-site. Predicted noise levels from on-site project operations would continue to be less than 55 dBA for residential uses in the area, and would not measurably contribute to existing or future noise levels in the area.

a) Less Than Significant Impact

Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and demolition. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. With the exception of short-term construction-related noise, the proposed development would not create a new source of noise that would impact the community, as the site contains existing development and would continue to be utilized for residential use.

Given the small size of the project, it is anticipated that the effects of construction noise levels and vibration would be less than significant through the implementation of standard permit conditions. Standard permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 7:00 am and 7:00 pm weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise sensitive land use areas.

With the inclusion of the standard permit conditions, the project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. A less than significant impact would occur.

b) and c) No Impact

The proposed project, which involves the renovation, repair, and maintenance of four existing single family residences, removing an unpermitted foundation and collapsed barn, and periodic maintenance of existing driveways, would not result in the exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels. The project site is located approximately 16.4 miles north of the Fort Bragg Airport and is outside of the airport's 55 dB CNEL noise contour. The project would not be exposed to excessive noise levels from aircraft. No impact would occur.

Conclusion: The proposed project would have a less than significant impact on noise. **(Less Than Significant Impact)**

<u>XIV. POPULATION AND HOUSING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and 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"/>

As noted in the Mendocino County General Plan, the County has undergone cycles of population boom followed by period of slower growth. The population of unincorporated Mendocino County has increased from 27,845 in 1950 to 61,990 in 2008. Mendocino County's total population, as a whole, increased from 40,854 in 1950 to 90,163 in 2008. The California Department of Finance (DOF) project's the County's

⁵⁰ Wynn Coastal Planning. June 7, 2017. *Biological Scoping Surveys, Wetland Delineation & Botanical Report for 43200 N. Highway 1.*

total population will increase by an average of 9.5 percent every 10 years, to a population of 134,358 in 2050.⁵¹ There is no population data available for the unincorporated community of Westport.

a) and b) No Impact

Since the proposed project involves the renovation, repair, and maintenance of four existing single family residences, removing an unpermitted foundation and collapsed barn, and periodic maintenance of existing driveways, the project would not result in the displacement of people or housing. The project would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. No impact would occur.

Conclusion: The proposed project would have no impact on population and housing. **(No Impact)**

<u>XV. PUBLIC SERVICES.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The renovation, repair, and maintenance of four existing single family residences, removing an unpermitted foundation and collapsed barn, and periodic maintenance of existing driveways would not create additional significant service demands or result in adverse physical impacts associated with the delivery of fire, police, parks or other public services. Fire protection to the site is provided by CalFire, as the site is located within the State Responsibility Area (SRA) and is not located within the service boundaries of a local fire district. The nearest fire station to the site is located approximately 4.9 miles south of the site, at 33751 Highway 1 in Westport.

Police protection services for the site are provided by the Mendocino County Sheriff Department. Officers patrolling the project area are dispatched from the Mendocino County Sheriff's Department Office – Fort Bragg Substation, located approximately 19.3 miles northwest of the project site at 700 South Franklin Street in Fort Bragg.

a) No Impact

The demand for fire and police services would not change with the implementation of the proposed project, since no new development would occur under the project, only renovations and repairs to existing development on the site. The proposed project would have no on local schools and would not increase the use of local parks. Additionally, the proposed project would not increase the use or otherwise affect other public facilities (e.g., libraries) in the project area. As such, no impact would occur.

Conclusion: The proposed project would have no impact on public services. **(No Impact)**

⁵¹ Mendocino County General Plan, §3-2, *Population Trends* (2009).

<u>XVI. RECREATION.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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"/>

Mendocino County is a predominantly rural county, rich in lands and waters that provide a variety of recreational opportunities. The County's recreational system encompasses many levels of park and recreational facilities. Federal lands include recreation resources that are used by visitors and County residents. The Mendocino National Forest, which occupies approximately 81,000 acres in Mendocino County, offers an array of recreational opportunities including fishing, camping, picnicking, boating, hiking, horseback riding, wildlife viewing, hang-gliding, off-road vehicle riding, winter snow play, hunting, wilderness experiences, and mountain biking⁵². The State Parks are the best known most heavily used recreation sites along the coast in addition to boating access points and campgrounds. The Coastal Element of the Mendocino County General Plan encourages managing and maintaining both active and passive recreation to allow access to trails and the coastline for both residents and visitors.

a) and b) No Impact

The project site is bisected by Highway 1 and is not designated as a current or potential public access trail location on the Local Coastal Plan maps. There is no evidence of prescriptive access on the site, nor would the project generate an increased recreation demand that would require the construction of additional facilities. No impact would occur.

Conclusion: The proposed project would have no impact on recreation. **(No Impact)**

<u>XVII. TRANSPORTATION.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

The site is bisected by Highway 1 and existing development on-site is accessed via existing dirt and gravel driveways. Pedestrian access to the site is minimal. There are no sidewalks that are adjacent to the site at this time. Under the proposed project, existing driveways would be periodically maintained. The Mendocino County Department of Transportation (MCDOT) was invited to provide comment on the project application. A response received from MCDOT, dated March 20, 2018, notes that MCDOT had no comment on the project. Staff finds the proposed project would continue to be provided with adequate access roads.

⁵² Mendocino County General Plan, §3-10, *Parks and Recreation* (2009).

a), b), c) and d) No Impact

The proposed project, which involves renovating, repairing, and maintaining four single-family residences, removing an unpermitted foundation and collapsed barn, and periodically maintaining existing driveways, would not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system or conflict with CEQA Guidelines section 15064.3, subdivision (b). The project would not increase hazards due to a design feature or result in inadequate emergency access.

As discussed under Section IV, Biological Resources, above, since driveway maintenance is proposed under the project, staff recommends conditions prohibiting the use of impervious materials within an identified ESHA, limiting driveway and parking areas to those areas visible from aerial imagery, prohibiting an increase in driveway width or addition of parking area in the wetland ESHA or within 100 feet of the ESHA, and establishing an open space easement within 100 feet of Hardy Creek, its tributary, wetlands, and surveyed riparian areas to further reduce potential impacts to sensitive habitats on-site. Per staff’s experience, Caltrans standards would not allow a gravel road approach onto Highway 1 and an encroachment permit may be required for the proposed staging area and proposed driveway maintenance. If an encroachment permit is required, the road approach shall meet Caltrans standards, including sight distance, pavement, and four foot shoulders. Staff also recommends a condition prohibiting the staging area, asphalt road approach (if required), and driveway maintenance activities from encroaching into ESHA buffers. As conditioned, no impact would occur.

Conclusion: The proposed project would have no impact on transportation and traffic. **(No Impact)**

<u>XVIII. TRIBAL CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Per Chapter 3 (Development Element) of the Mendocino County General Plan, the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the County concentrated mainly along the coast and along major rivers and streams. Mountainous areas and the County’s redwood groves were occupied seasonally by some tribes. Ten Native American tribes had territory in what is now Mendocino County. The entire southern third of Mendocino County was the home of groups of Central Pomo. 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. The Coast Yuki claimed a portion of the coast 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 Sinkiyone, the Eel River, and the Pitch Wailaki.⁵³

As European-American settlement occurred in the County, most of these tribes were restricted to reservations and rancherias. During the 19th century, other tribes from the interior of California were forced to settle on the Round Valley Reservation in the northeastern county. Today, there are ten reservations and rancherias in Mendocino County, most of which are inhabited by tribes native to the area.⁵⁴

As discussed under Section V (Cultural Resources), above, the project was referred to the Northwest Information Center (NWIC) at Sonoma State University and the Archaeological Commission for review and comment. In a letter response from NWIC, dated March 29, 2018 (File No: 17-2313), it is noted that NWIC has record of one prior cultural resource study (Study #S-38865; Leach-Palm et al. 2011), covering approximately 5 percent of the project area. Based on an evaluation of the environmental setting and features associated with known sites, NWIC states there is a moderate potential for unrecorded Native American resources, in addition to unrecorded historic-era archaeological resources, in the proposed project area. In their letter, NWIC recommended that a qualified archaeologist conduct further archival and field study to identify cultural resources and contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values.

An *Archaeological Survey Report and Historic Resource Evaluation* (Archaeological Report) for the project was prepared by Alta Archaeological Consulting (Alta) on September 4, 2018. As noted in the Archaeological Report, review of historic registers and inventories indicate that no historical resources are present in the project area and no National Register-listed or eligible properties are located within a one-half mile radius of the site. Additionally, no cultural resources are documented within the project area; however, one cultural resource [Site P-23-004613 (CA-MEN-3551H)] is documented within one-half mile radius of the project area, which encompasses an abandoned segment of Old State Highway 1. The records search and literature review indicate historic occupation on the parcel associated with the Hardy Creek Mill. The earliest map of the area (1873) depicts the project area as having a small dirt road running into the center of the property from the dense forest to the east and a residence (Hardy's House) in the south along Hardy Creek. Regarding Native American resources, the project area was occupied by the Coast Yuki prior to Euro-American occupation; however, no ethnographically described villages were known to be located within a mile of the project area in any reference materials consulted.⁵⁵

Alta conducted a field survey of the site on June 11, 2018. Survey reconnaissance consisted of an intensive survey of the entire Area of Potential Effect (APE). Aerial photos and parcel maps were used to correctly identify the project area. The project was surveyed with transects no greater than 10 meter intervals. The ground surface visibility was fair on-site due to low lying grasses and forest undergrowth. Shovel tests were periodically conducted to probe the ground, expose mineral soils and examine sediment for evidence of cultural materials. Multiple historic-era structures were identified during the survey: three cabins, a single-family residence, and two collapsed structures. The standing structures were evaluated for historic significance, and corresponding site records were completed.⁵⁶

Cultural resources were identified on the property, outside of the project area. The railroad grade and remains of the Hardy Creek wharf were identified through pedestrian survey on the hillside north of the project area. The railroad grade, running east to west, leads to the edge of a cliff. Remaining visible features include a rusting rail projecting horizontally from the road grade towards the ocean, and a chain anchored into the cliff. However, these resources will not be impacted by the project.⁵⁷

⁵³ Mendocino County General Plan, §3-7 (Cultural Resources). August 2009.

⁵⁴ Mendocino County General Plan, §3-7 (Cultural Resources). August 2009.

⁵⁵ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

⁵⁶ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

⁵⁷ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

The existing structures located on-site are located on a site associated with the local lumber industry and were found to be in varying condition. None of the site's existing structures were found to meet the criteria for inclusion on the National Register of Historic Resources or the California Register of Historic Resources, are not associated with people particularly important to the economic development of the area, most structures retain few elements that define their period of construction, and are not an exemplar of a method of construction, nor of the work of a skilled individual, nor of a high artistic style. The 1930s single family residence retains elements that define its period of construction, including double-hung windows, panel doors, and shiplap siding, and its structural integrity has only been mildly diminished through weather exposure. The replacement of features on its exterior has helped to preserve its integrity as a potential historic building.⁵⁸

Alta provides several recommendations in their Archaeological Report. They recommend that elements that define the existing 1930s single family residence be retained, repaired, and preserved to the greatest extent feasible. Should replacement of damaged features be necessary, it is recommended that replacement items have a similar feeling, design, and scale as the original feature to be replaced. In addition, Alta provides specific recommendations and protocol in the event that previously unidentified cultural resources or human remains are encountered during project implementation.⁵⁹

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. To date, a response, dated March 26, 2018, from the Redwood Valley Little River Band of Pomo Indians has been received. In the response, it was noted that the project area is not located within the immediate cultural territory of the Tribe, but the area does contain Tan Oak and other traditional food sources that must be protected. It was further noted that "the poisons applied can be harmful to those harvesting in accordance with their cultural practices."

At their October 10, 2018, hearing, the Archeological Commission accepted Alta's Archaeological Survey and acknowledged that no cultural, historical, or archaeological sites were observed on-site, but recommended that the Discovery Clause be adhered to, as well as the recommendations of the Archaeological Report.

a.i-ii) Less Than Significant Impact

As discussed above and under Section V (Cultural Resources), the project area was occupied by the Coast Yuki prior to Euro-American occupation; however, no ethnographically described villages were known to be located within a mile of the project area in any reference materials consulted.⁶⁰ Based on an evaluation of the environmental setting and features associated with known sites, NWIC state in their letter, dated March 29, 2018 (File No: 17-2313), there is a moderate potential for unrecorded Native American resources, in addition to unrecorded historic-era archaeological resources, on the site. An Archaeological Report was prepared for the project by Alta on September 4, 2018. As noted in the Archaeological Report, Alta conducted a field survey of the site on June 11, 2018, which consisted of an intensive survey of the entire Area of Potential Effect (APE). Aerial photos and parcel maps were used to correctly identify. No archaeological or tribal cultural resources were identified on-site. In their March 26, 2018, comment letter, the Redwood Valley Little River Band of Pomo Indians notes that the project area is not located within the immediate cultural territory of the Tribe, but does contain Tan Oak and other traditional food sources that must be protected. It was further noted that "the poisons applied can be harmful to those harvesting in accordance with their cultural practices."

Although one existing building, an existing 1930s single family residence, was found to be a "potential historic building",⁶¹ it is not known to be of cultural value to a California Native American tribe. Standard

⁵⁸ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

⁵⁹ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

⁶⁰ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

⁶¹ Alta Archaeological Consulting. September 4, 2018. *Archaeological Survey Report and Historic Resource Evaluation*.

Condition advises the applicants of the County’s “Discovery Clause,” which establishes procedures to follow in the event that archaeological or tribal cultural materials are unearthed during site preparation or construction activities. As such, a less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on tribal cultural resources. **(Less Than Significant Impact)**

<u>XVIX. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 telecommunication facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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"/>

Mendocino County offers the typical utilities and services systems offered by more populated regions. However, the site is not located within the service boundaries of a community services district. Existing development on-site is currently, and will continue to be, served by an on-site well, septic system, and propane tank, with propane provided by a local fuel company. Additionally, the site is currently and would continue to be served by electricity from Pacific Gas and Electric Company (PG&E) and telephone service.

Septic System

The proposed project would continue to be served by an on-site septic system. No changes to the existing system are proposed under the project.

The Department of Environmental Health (DEH) was invited to provide comment on the application. A response was received on April 19, 2018, where DEH noted they had no comment on the project and referenced standard septic and water requirements.

Water Service

Water service would continue to be provided to the subject property via an on-site well. No changes to the existing water supply systems are proposed under the project. Staff finds that an adequate water supply is available to serve the proposed project.

Storm Drainage System

The County’s storm drainage system is maintained by the Mendocino County Department of Transportation (MCDOT). Though storm drainage infrastructure is limited within the vicinity of the project site, both sides of Highway 1 within the vicinity of the site appears to have been previously graded to slope away from the road. The project is subject to Mendocino County Ordinance No. 4313 *Storm Water Runoff Pollution Prevention Procedure* (Mendocino County Code Chapter 16.30 et seq.), which requires that, “...any person performing construction and grading work anywhere in the County shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or

contaminants from construction materials, tools, and equipment from entering the storm drainage system.”⁶² This ordinance was developed and adopted by Mendocino County to comply with requirements of the County’s Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the State Water Resources Control Board (SWRCB).

Landfills/Solid Waste

Currently, there are no remaining operating landfills in Mendocino County. Solid waste generated in the County is exported for disposal to the Potrero Hills Landfill in Solano County. Mendocino County’s solid waste disposal system has shifted to a system of eight small volume transfer stations and two large volume transfer stations that receive waste for export. The Westport Transfer Station is located approximately 6 miles south of the project site and would continue to provide for the disposal of solid waste resulting from the existing residential use. 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 the Mendocino County General Plan emphasize source reduction and recycling of hazardous wastes and express a preference for onsite hazardous waste treatment over offsite treatment.

a), c), and e) No Impact

Single family residences do require daily water use; however, the anticipated water use for a residential dwelling is much less than a commercial or industrial use. The proposed project would not require the development of new or expanded water or wastewater treatment facilities, stormwater drainage, electric power, natural gas, or telecommunication facilities. The site would continue to be served by an on-site well and septic system, with no increase in use anticipated. The project site is served by a landfill with sufficient permitted capacity to accommodate the project’s anticipated solid waste disposal needs and the project would comply with federal, state and local statutes and regulations related to solid waste. No impact would occur.

b) Less Than Significant Impact

The parcel is located within a Critical Water Resources (Bedrock) Area⁶³ and would be served by an on-site well and septic system. Staff finds that an adequate water supply is available to serve the proposed project. No increase in water use is anticipated under the project. A less than significant impact would occur.

Conclusion: The proposed project would have a less than significant impact on utilities and service systems. **(Less Than Significant Impact)**

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁶² Mendocino County Department of Planning & Building Services. Mendocino County General Plan. Chapter 3.16. 2009.

⁶³ Mendocino County Department of Planning & Building Services. 1991. *Ground Water Resources* [map].

<u>XX. WILDFIRE.</u> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is located within the State Responsibility Area (SRA). The site is served by the California Department of Forestry and Fire Protection (CalFire) and is not located within the service boundary of any local fire protection districts.⁶⁴ The site is classified as being located within a high fire hazard severity area.⁶⁵

a), b), c), and d) Less Than Significant Impact

There are no elements of the project that would impair an adopted emergency response plan or emergency evacuation plan, exacerbate wildlife risks, or expose people or structures to significant risks. The project’s *Fire Safe Plan* demonstrates that the proposed meets CalFire Standards, including driveway and defensible space standards, including the requirement to maintain defensible space. The site would continue to observe a 50-foot yard setback from the property lines and will maintain a 30 foot home defensive zone.

Conclusion: The proposed project would have a less than significant impact on wildfire. (**Less Than Significant Impact**)

<u>XIX. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to 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, 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 type="checkbox"/>	<input checked="" 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"/>

a), b), and c) Less Than Significant

The project’s potential to degrade the quality of the environment, as described in the first Mandatory Finding of Significance, would be less than significant provided it incorporates the mitigation measures and conditions of approval identified in this Initial Study.

None of the project’s mitigated impacts are cumulatively considerable because the project’s potential impacts are limited to the project site, and the approval and establishment of the project would not alter

⁶⁴ Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

⁶⁵ Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

the existing setting nor amend an existing regulation that would create a circumstance where the incremental effect of a probable future project would generate a potentially significant environmental impact.

The project would not generate any potential direct or indirect environmental effect that would have a substantial adverse impact on human beings including, but not limited to, exposure to geologic hazards, air quality, water quality, traffic hazards, noise and fire hazards.

A less than significant impact would occur.

DETERMINATION:

On the basis of 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.

2-25-2019

DATE



JULIANA CHERRY
PLANNER III

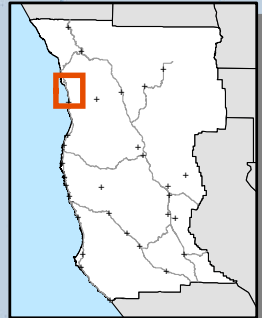


SUBJECT PARCEL/S

SH 1

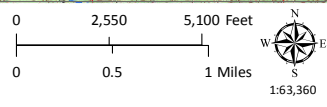
BRANSCOMB ROAD

Westport



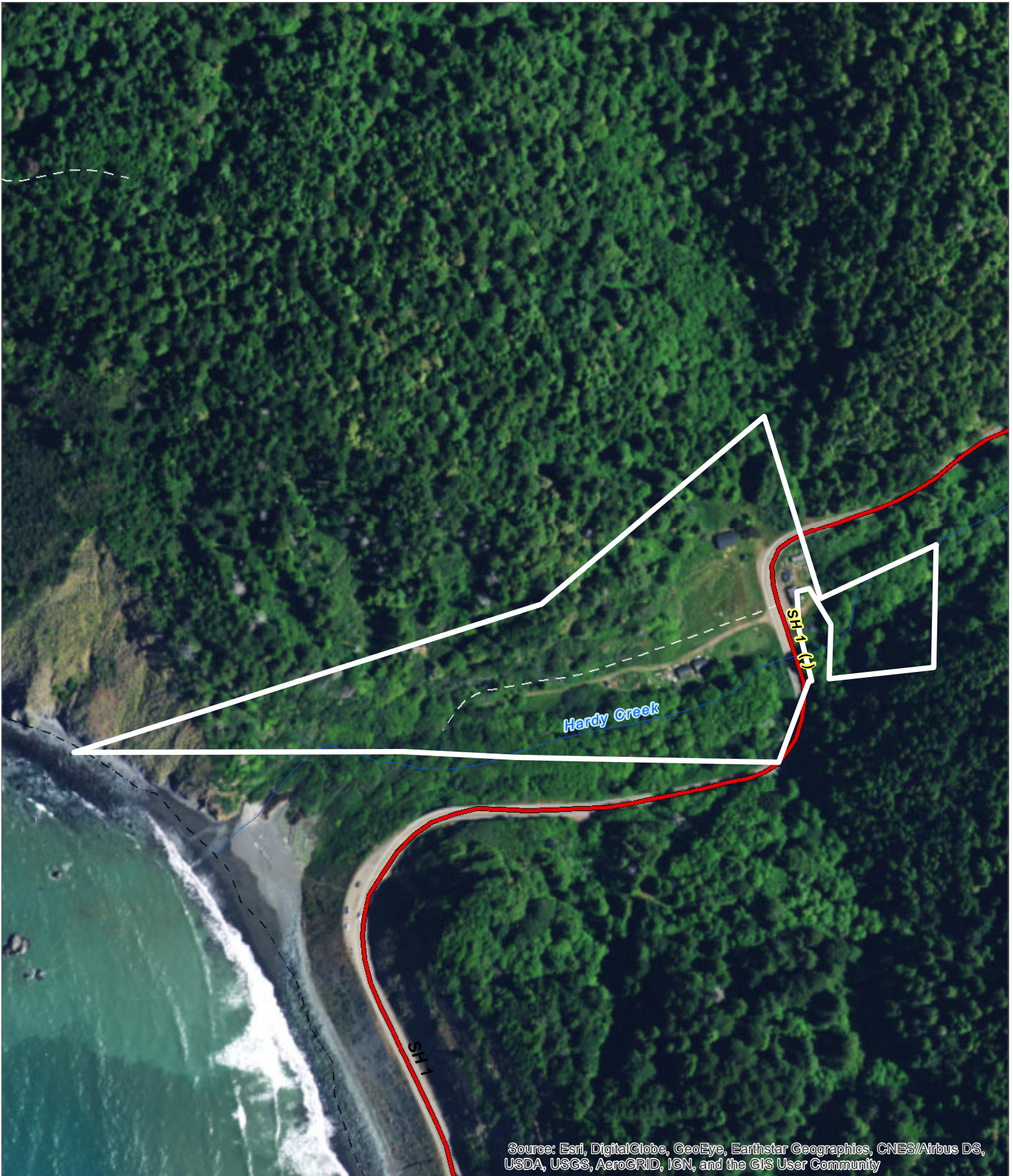
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 OWNER: HEISER, Joseph, ET AL
 APN: 013-410-11
 APLCT: Joseph Heiser, Jr.
 AGENT: Blair Foster
 ADDRESS: 43200 N. Highway 1, Westport

- Major Towns & Places
- Highways
- Major Rivers
- Major Roads
- Named Rivers







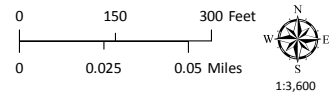
LOCATION MAP

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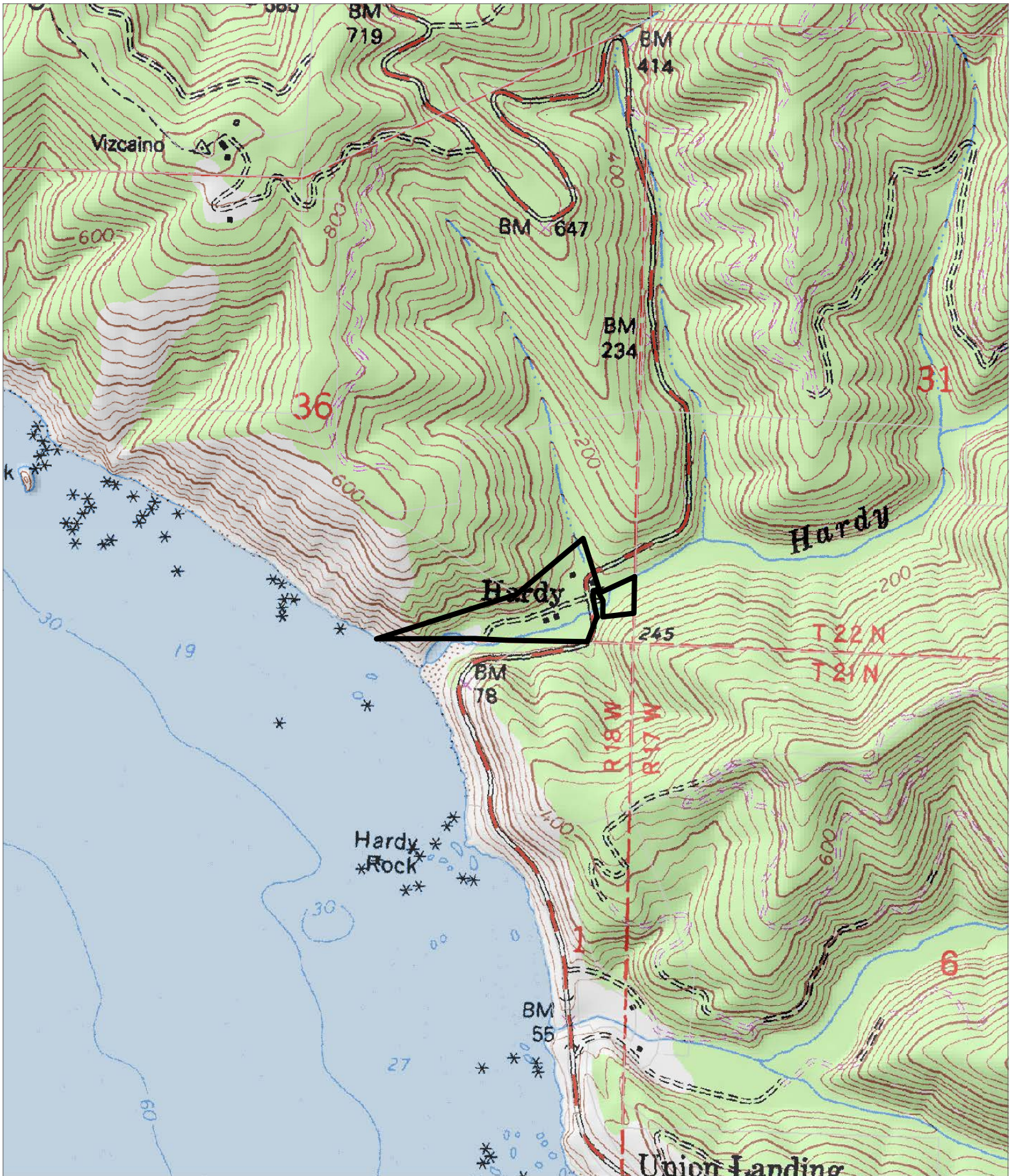
CASE: CDP 2017-0036
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-  Named Rivers
-  Driveways/Unnamed Roads
-  Highways
-  Public Roads

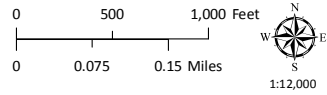


AERIAL IMAGERY

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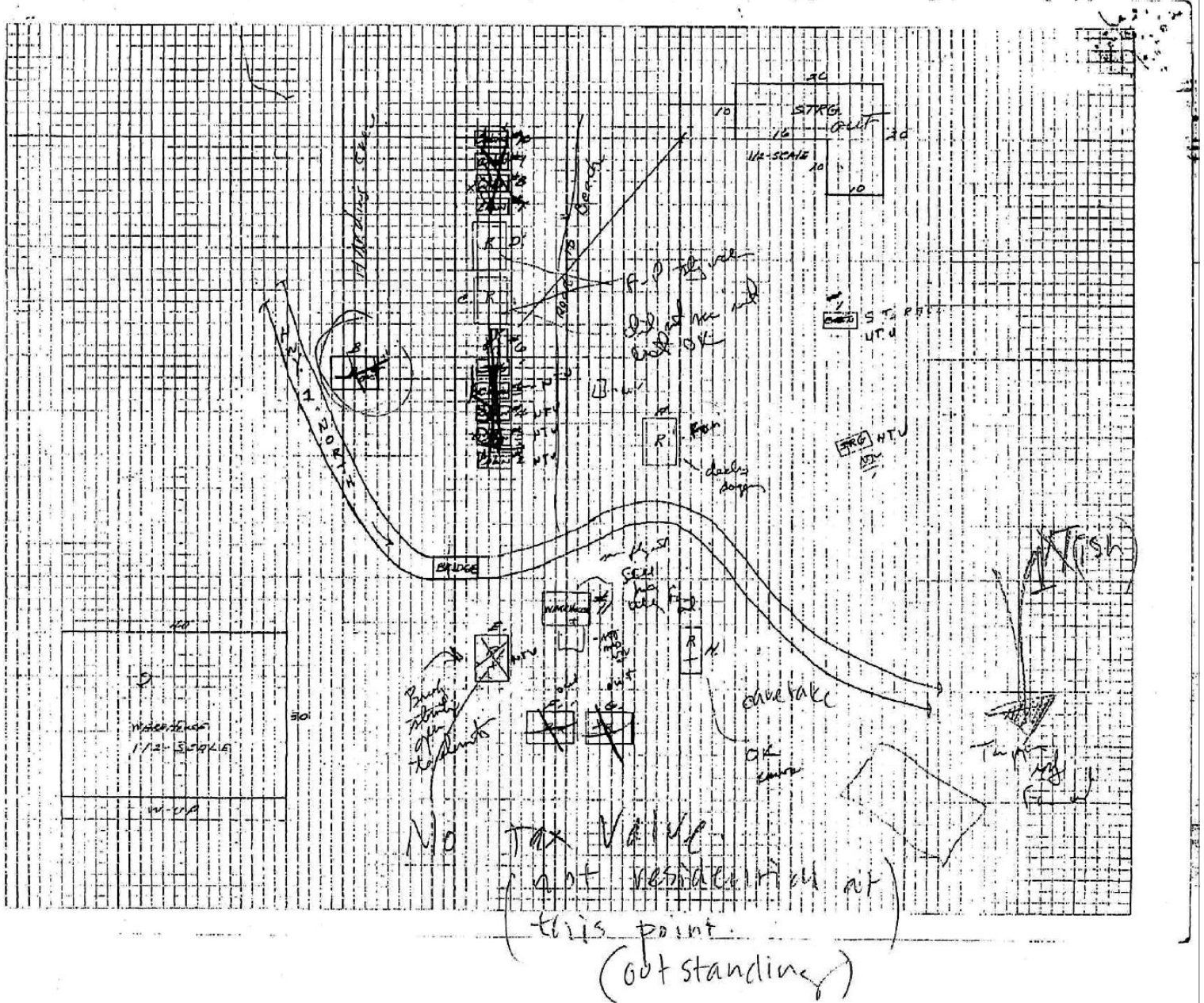


TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

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- Dave Brown - 3/

- Dirk - 239-6813-



CASE: CDP 2017-0036
OWNER: HEISER, Joseph, ET AL
APN: 013-410-11
APLCT: Joseph Heiser, Jr.
AGENT: Blair Foster
ADDRESS: 43200 N. Highway 1, Westport

NO SCALE

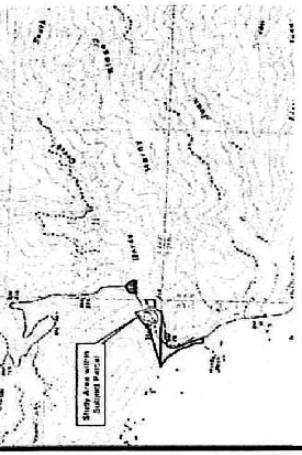
PLOT PLAN

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Design review - 202 nearest to construction

LEGEND:

- RIPIARIAN ESHA
- COASTAL ACT WETLAND ESHA
- STUDY AREA
- STREAMS
- 50' BUFFER
- 100' BUFFER
- CORRIDOR PRESERVATION SETBACK
- 50' YARD SETBACK



APN: 013-000-16-00

APN: 013-410-11-00

APN: 013-410-11-00

Levels of Review	Levels of Review	APN: 013-000-16-00
General Plan Designation	RL100	APN: 013-410-11-00
Zoning District	Rural	
Local Ordinance	None	
Unincorporated	Yes	
Approved	Yes	
Proposed Land Use	EPR	
Consistent with General Plan	Yes	
Applicable to Coastal Commission	Yes	
California Coastal Act	Yes	
CulFis Submittals	32' all sides (Exempt: not new construction)	
Height Limit	20' from crestline of Hwy 1	
Environmental Constraints	ESHA (streams, riparian, and coastal wetlands)	
Geologic Hazard	None	
Seismic Hazard	Ch-16 wall	
Water Quality	Drainage	
Air Quality	None	
Soils	None	
CCP/CLC Coverage	3020 sq ft (3.31% total coverage)	
Maximum allowable lot coverage	4.187%	
Lot Coverage	906 sq ft	
Frontage - Residences	775 sq ft	
Building A	754 sq ft	
Building C	1700 sq ft	
Building D	1700 sq ft	
Conserved Forested/Creek	-10,000 sq ft	
Pool/Spa - 0.00	4,297 sq ft	
Total Building Footprint	6,531 sq ft	
Driveway & Paving	10,028 sq ft (9.87%)	
Total Lot Coverage (Footprint)	None	
Landform Alteration	None	
CulFis	None	
Sensitive Resources	None	
Legend	Distance from Development	
REPAIRABLE ESHA	8' x	
COASTAL ACT WETLAND ESHA	6' x	

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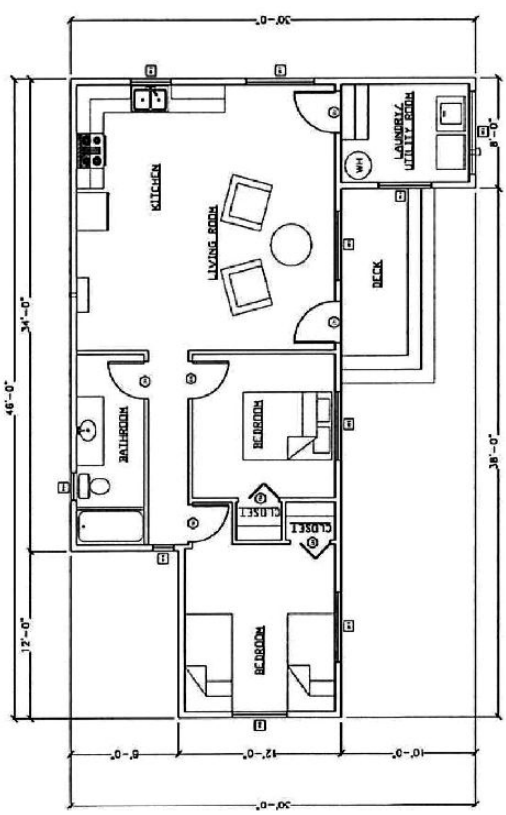
NO SCALE

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Scale: 1/4" = 1'-0" (minimum for dimensions)

WINDOW SCHEDULE	
NUMBER	WIDTH (HEIGHT) DESCRIPTION
W1	4'-0" (6'-0") 10'x12' WINDOW
W2	4'-0" (6'-0") 10'x12' WINDOW
W3	4'-0" (6'-0") 10'x12' WINDOW
W4	4'-0" (6'-0") 10'x12' WINDOW
W5	4'-0" (6'-0") 10'x12' WINDOW
W6	4'-0" (6'-0") 10'x12' WINDOW
W7	4'-0" (6'-0") 10'x12' WINDOW
W8	4'-0" (6'-0") 10'x12' WINDOW
W9	4'-0" (6'-0") 10'x12' WINDOW
W10	4'-0" (6'-0") 10'x12' WINDOW
W11	4'-0" (6'-0") 10'x12' WINDOW
W12	4'-0" (6'-0") 10'x12' WINDOW
W13	4'-0" (6'-0") 10'x12' WINDOW
W14	4'-0" (6'-0") 10'x12' WINDOW
W15	4'-0" (6'-0") 10'x12' WINDOW
W16	4'-0" (6'-0") 10'x12' WINDOW
W17	4'-0" (6'-0") 10'x12' WINDOW
W18	4'-0" (6'-0") 10'x12' WINDOW
W19	4'-0" (6'-0") 10'x12' WINDOW
W20	4'-0" (6'-0") 10'x12' WINDOW
W21	4'-0" (6'-0") 10'x12' WINDOW
W22	4'-0" (6'-0") 10'x12' WINDOW
W23	4'-0" (6'-0") 10'x12' WINDOW
W24	4'-0" (6'-0") 10'x12' WINDOW
W25	4'-0" (6'-0") 10'x12' WINDOW
W26	4'-0" (6'-0") 10'x12' WINDOW
W27	4'-0" (6'-0") 10'x12' WINDOW
W28	4'-0" (6'-0") 10'x12' WINDOW
W29	4'-0" (6'-0") 10'x12' WINDOW
W30	4'-0" (6'-0") 10'x12' WINDOW
W31	4'-0" (6'-0") 10'x12' WINDOW
W32	4'-0" (6'-0") 10'x12' WINDOW
W33	4'-0" (6'-0") 10'x12' WINDOW
W34	4'-0" (6'-0") 10'x12' WINDOW
W35	4'-0" (6'-0") 10'x12' WINDOW
W36	4'-0" (6'-0") 10'x12' WINDOW
W37	4'-0" (6'-0") 10'x12' WINDOW
W38	4'-0" (6'-0") 10'x12' WINDOW
W39	4'-0" (6'-0") 10'x12' WINDOW
W40	4'-0" (6'-0") 10'x12' WINDOW
W41	4'-0" (6'-0") 10'x12' WINDOW
W42	4'-0" (6'-0") 10'x12' WINDOW
W43	4'-0" (6'-0") 10'x12' WINDOW
W44	4'-0" (6'-0") 10'x12' WINDOW
W45	4'-0" (6'-0") 10'x12' WINDOW
W46	4'-0" (6'-0") 10'x12' WINDOW
W47	4'-0" (6'-0") 10'x12' WINDOW
W48	4'-0" (6'-0") 10'x12' WINDOW
W49	4'-0" (6'-0") 10'x12' WINDOW
W50	4'-0" (6'-0") 10'x12' WINDOW
W51	4'-0" (6'-0") 10'x12' WINDOW
W52	4'-0" (6'-0") 10'x12' WINDOW
W53	4'-0" (6'-0") 10'x12' WINDOW
W54	4'-0" (6'-0") 10'x12' WINDOW
W55	4'-0" (6'-0") 10'x12' WINDOW
W56	4'-0" (6'-0") 10'x12' WINDOW
W57	4'-0" (6'-0") 10'x12' WINDOW
W58	4'-0" (6'-0") 10'x12' WINDOW
W59	4'-0" (6'-0") 10'x12' WINDOW
W60	4'-0" (6'-0") 10'x12' WINDOW
W61	4'-0" (6'-0") 10'x12' WINDOW
W62	4'-0" (6'-0") 10'x12' WINDOW
W63	4'-0" (6'-0") 10'x12' WINDOW
W64	4'-0" (6'-0") 10'x12' WINDOW
W65	4'-0" (6'-0") 10'x12' WINDOW
W66	4'-0" (6'-0") 10'x12' WINDOW
W67	4'-0" (6'-0") 10'x12' WINDOW
W68	4'-0" (6'-0") 10'x12' WINDOW
W69	4'-0" (6'-0") 10'x12' WINDOW
W70	4'-0" (6'-0") 10'x12' WINDOW
W71	4'-0" (6'-0") 10'x12' WINDOW
W72	4'-0" (6'-0") 10'x12' WINDOW
W73	4'-0" (6'-0") 10'x12' WINDOW
W74	4'-0" (6'-0") 10'x12' WINDOW
W75	4'-0" (6'-0") 10'x12' WINDOW
W76	4'-0" (6'-0") 10'x12' WINDOW
W77	4'-0" (6'-0") 10'x12' WINDOW
W78	4'-0" (6'-0") 10'x12' WINDOW
W79	4'-0" (6'-0") 10'x12' WINDOW
W80	4'-0" (6'-0") 10'x12' WINDOW
W81	4'-0" (6'-0") 10'x12' WINDOW
W82	4'-0" (6'-0") 10'x12' WINDOW
W83	4'-0" (6'-0") 10'x12' WINDOW
W84	4'-0" (6'-0") 10'x12' WINDOW
W85	4'-0" (6'-0") 10'x12' WINDOW
W86	4'-0" (6'-0") 10'x12' WINDOW
W87	4'-0" (6'-0") 10'x12' WINDOW
W88	4'-0" (6'-0") 10'x12' WINDOW
W89	4'-0" (6'-0") 10'x12' WINDOW
W90	4'-0" (6'-0") 10'x12' WINDOW
W91	4'-0" (6'-0") 10'x12' WINDOW
W92	4'-0" (6'-0") 10'x12' WINDOW
W93	4'-0" (6'-0") 10'x12' WINDOW
W94	4'-0" (6'-0") 10'x12' WINDOW
W95	4'-0" (6'-0") 10'x12' WINDOW
W96	4'-0" (6'-0") 10'x12' WINDOW
W97	4'-0" (6'-0") 10'x12' WINDOW
W98	4'-0" (6'-0") 10'x12' WINDOW
W99	4'-0" (6'-0") 10'x12' WINDOW
W100	4'-0" (6'-0") 10'x12' WINDOW

↑ NORTH

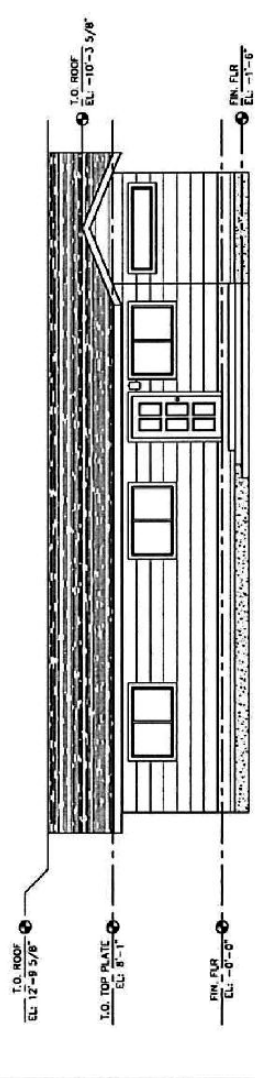


COLOR: AVENUE TAN AND FENLAND
SHOE: WHITE
ARRESTING ALURUM (SHERWIN WILLIAMS): CHARCOAL BRONZE

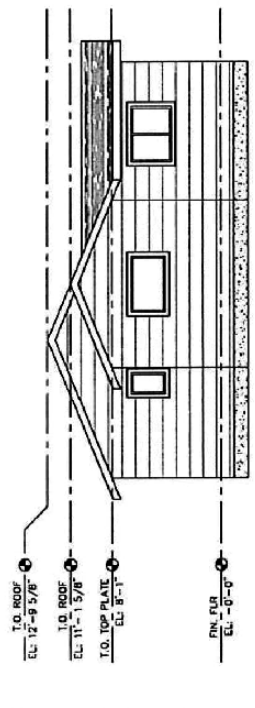
MATERIAL: HORIZONTAL HARDY-PANEL
WALLS: HORIZONTAL HARDY-PANEL
FLOORING: MILGARD WINDOWS, VINYL
DOORS: FIBERGLASS & GLASS
ROOFING: COMPOSITION SHINGLE
LIGHTING: SHIELDED DOWNCAST LIGHTING

SOING: AVENUE TAN AND FENLAND
TRIM: WHITE
WINDOW FRAMES: WHITE
DOORS: FIBERGLASS & GLASS
ROOFING: COMPOSITION SHINGLE
LIGHTING: SHIELDED DOWNCAST LIGHTING

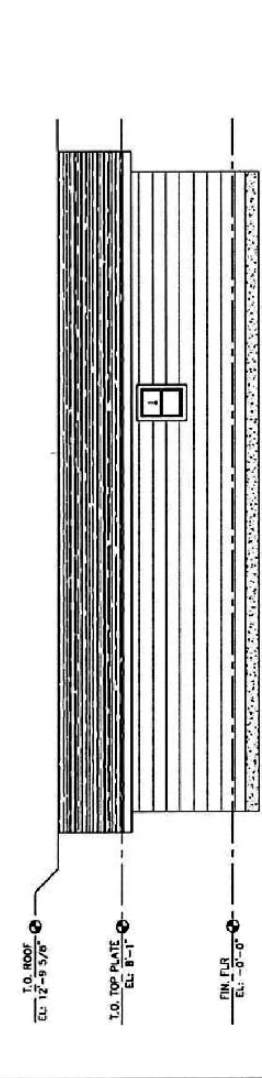
FLOOR PLAN 1/4" = 1'-0"



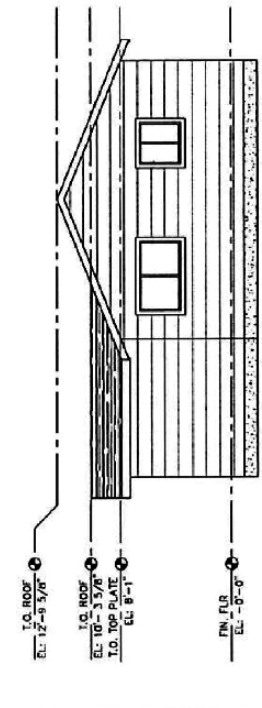
SOUTH ELEVATION 1/4" = 1'-0" 2



WEST ELEVATION 1/4" = 1'-0" 3



NORTH ELEVATION 1/4" = 1'-0" 4



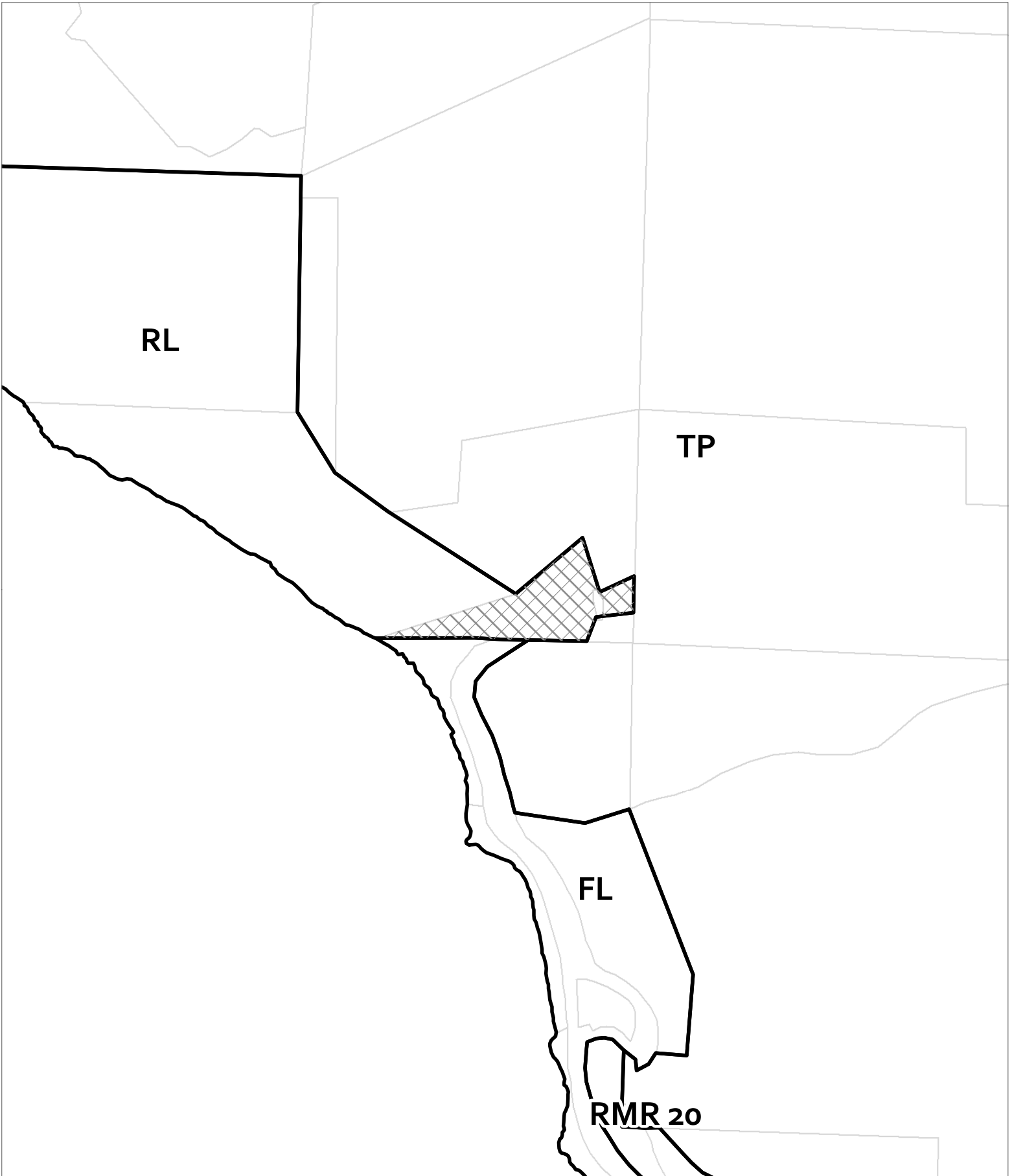
EAST ELEVATION 1/4" = 1'-0" 5

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NO SCALE

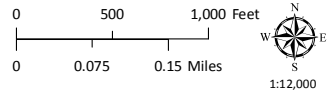
ELEVATIONS AND FLOOR PLAN

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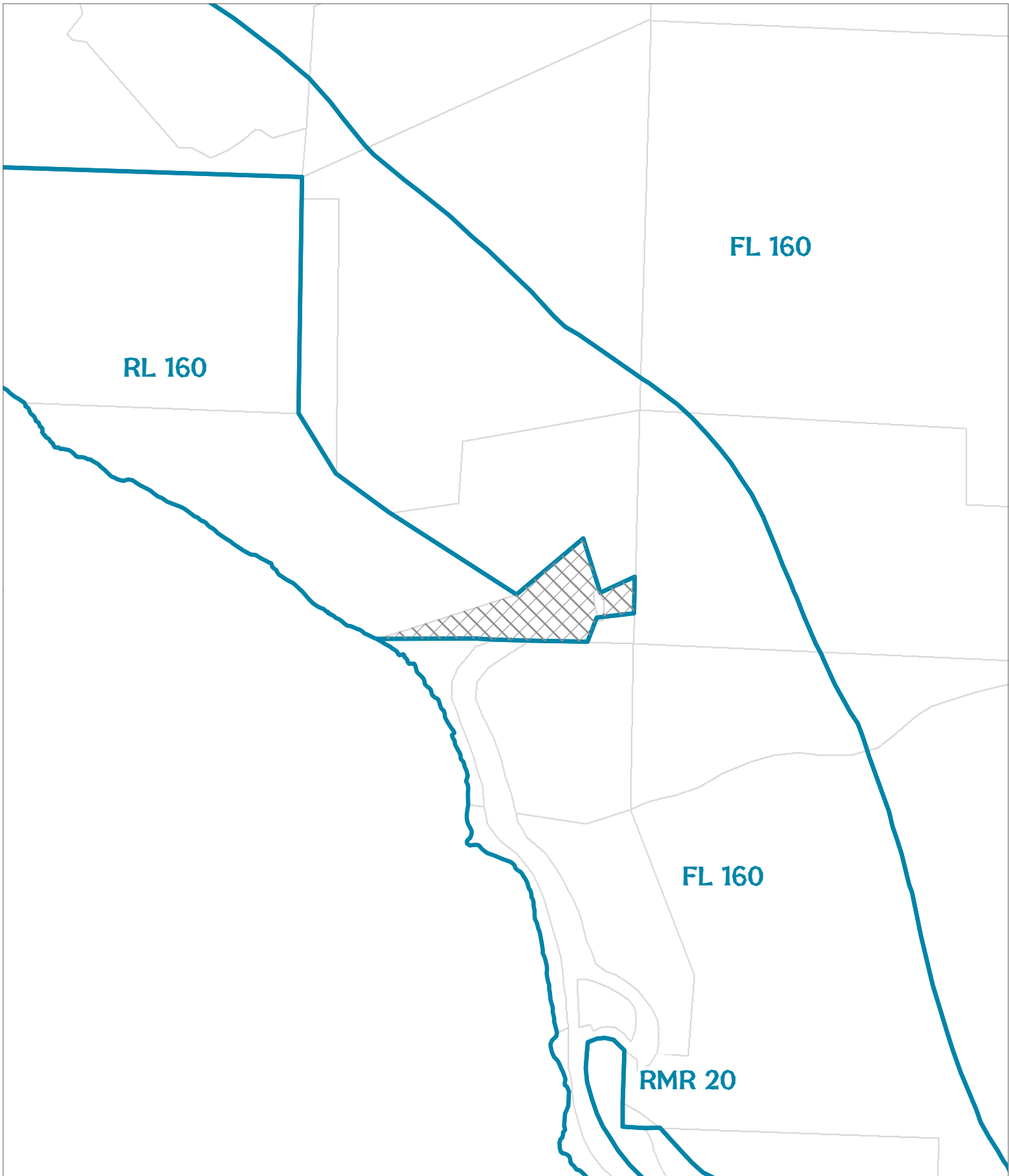
 Zoning Districts




ZONING DISPLAY MAP

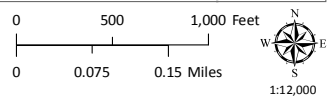
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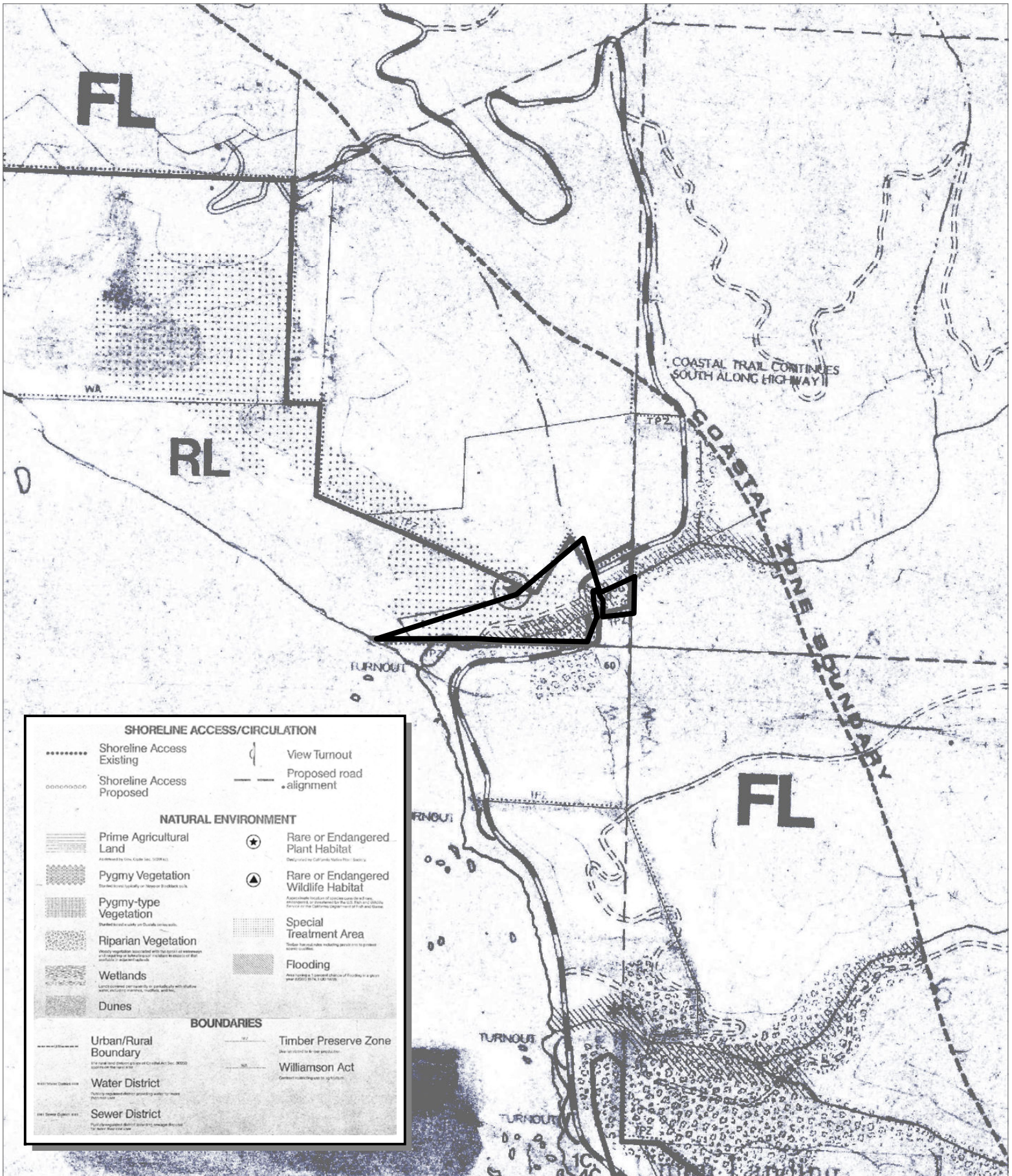
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 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

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SHORELINE ACCESS/CIRCULATION

- Shoreline Access Existing
- Shoreline Access Proposed
- View Turnout
- Proposed road alignment

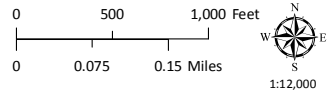
NATURAL ENVIRONMENT

- Prime Agricultural Land (Assessment by Soil, Code Sec. 102B(4))
- Pygmy Vegetation (Shaded forest typically on higher elevation soils)
- Pygmy-type Vegetation (Shaded forest typically on dunes or wetlands)
- Riparian Vegetation (Wetland vegetation associated with the forest or wetland and riparian or subriparian or riparian forest or that includes or adjacent wetlands)
- Wetlands (Land covered or near to, or partially with shallow water, including marshes, swamps, bays, etc.)
- Dunes
- Rare or Endangered Plant Habitat (Designated by Florida Native Plant Society)
- Rare or Endangered Wildlife Habitat (Approximate location of species used in the Florida Department of Wildlife Conservation, Florida or that contains important fish and wildlife resources)
- Special Treatment Area (Under federal rules reducing access into the protected area)
- Flooding (Assessment of potential of flooding in a given area per FEMA 152B(1)(b))

BOUNDARIES

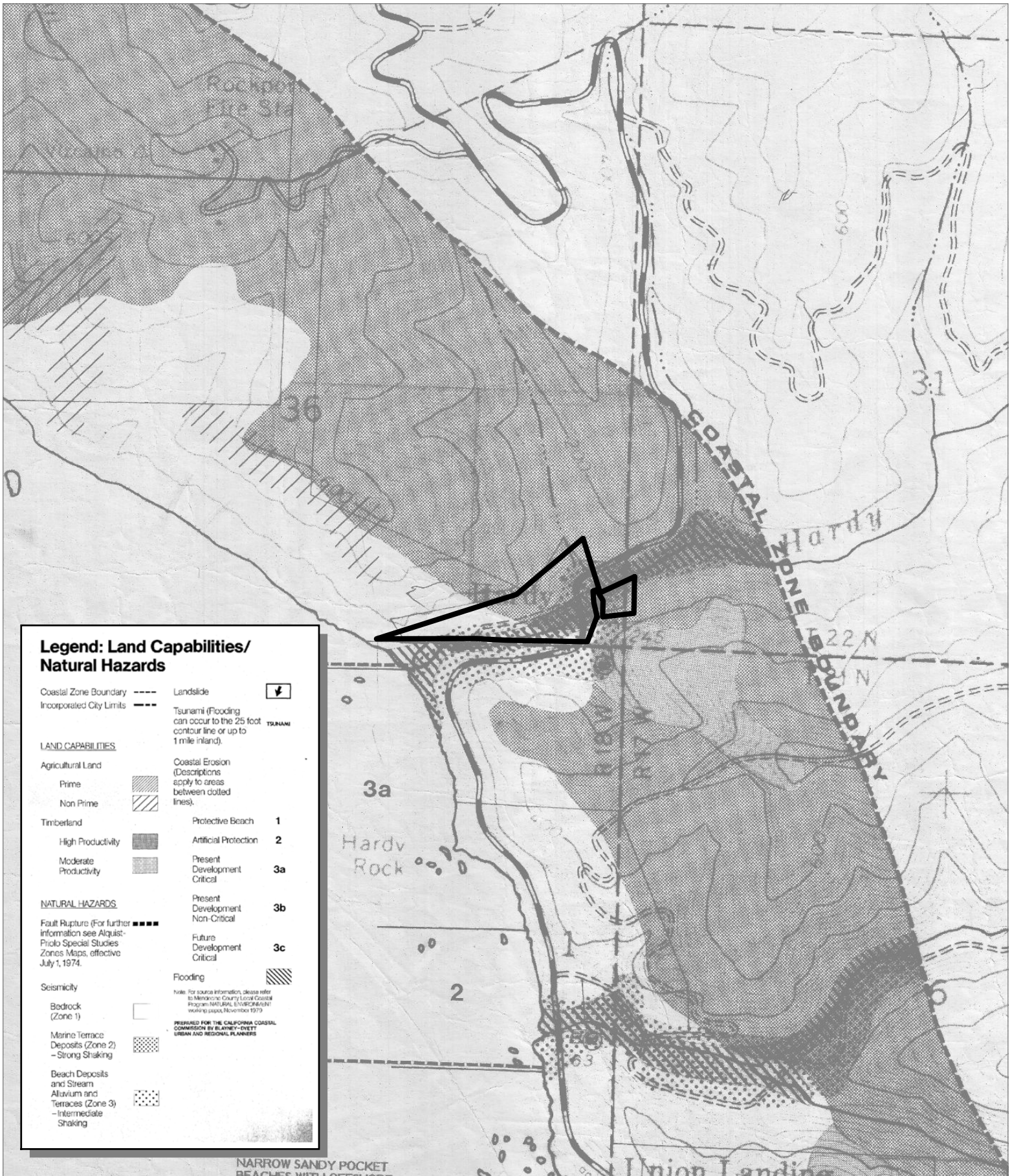
- Urban/Rural Boundary (The rural land boundary per the Code of Official Code, Section 300.02, and the State Map)
- Water District (Authority required before providing water to these properties)
- Sewer District (Full development district authority subject to approval by the State for use)
- Timber Preserve Zone (Use restricted to timber production)
- Williamson Act (Contract restricting use to agriculture)

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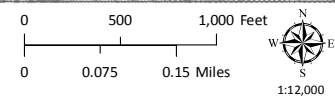


LCP LAND USE MAP 6: ROCKPORT

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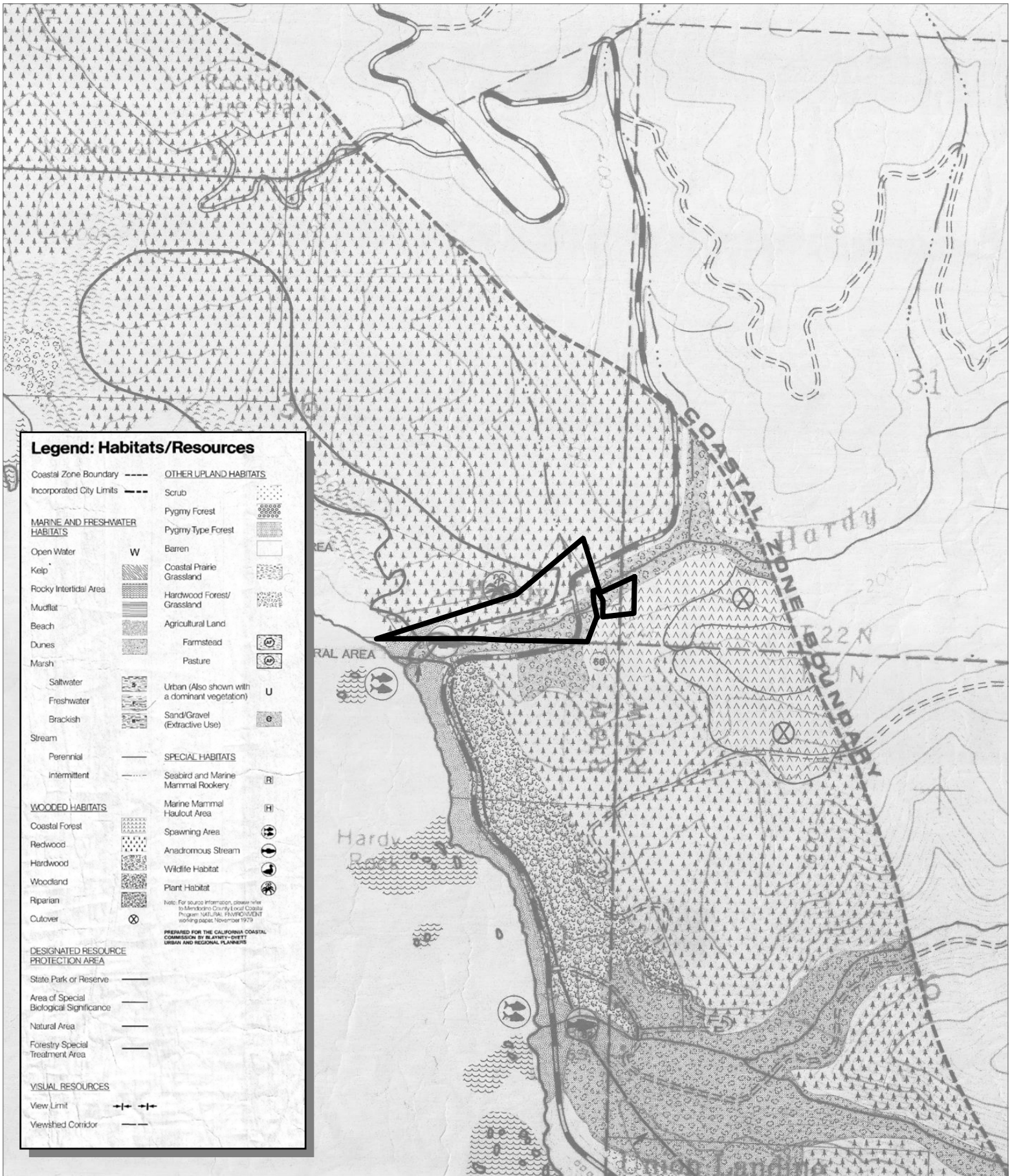


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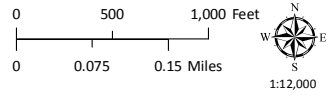


LCP LAND CAPABILITIES & NATURAL HAZARDS

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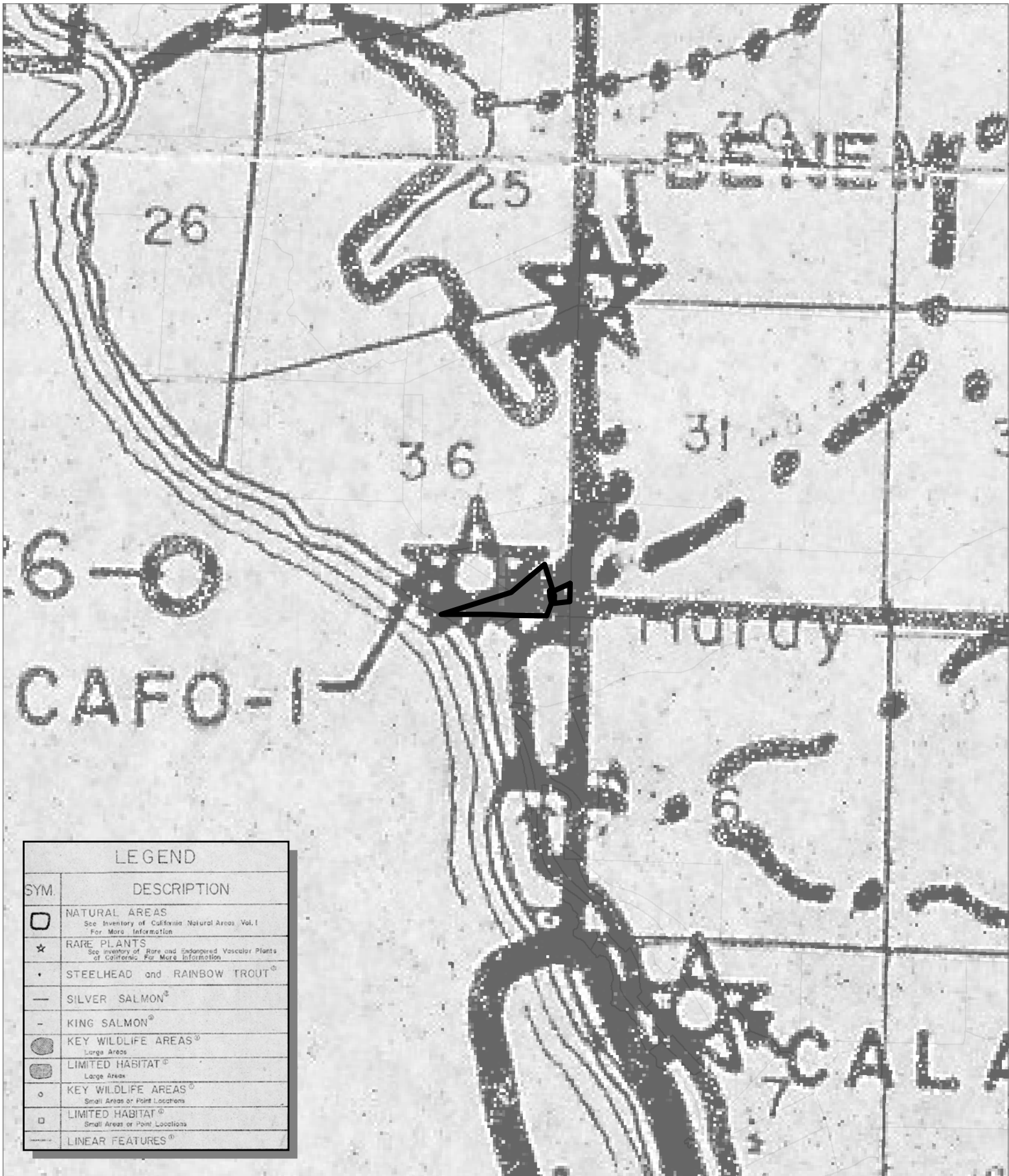


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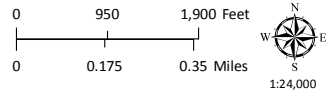
LCP HABITATS & RESOURCES

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LEGEND	
SYM.	DESCRIPTION
□	NATURAL AREAS <small>See Inventory of California Natural Areas, Vol. I For More Information</small>
☆	RARE PLANTS <small>See Inventory of Rare and Endangered Vascular Plants of California For More Information</small>
•	STEELHEAD and RAINBOW TROUT [®]
—	SILVER SALMON [®]
-	KING SALMON [®]
●	KEY WILDLIFE AREAS [®] <small>Large Areas</small>
◐	LIMITED HABITAT [®] <small>Large Areas</small>
○	KEY WILDLIFE AREAS [®] <small>Small Areas or Point Locations</small>
◑	LIMITED HABITAT [®] <small>Small Areas or Point Locations</small>
—	LINEAR FEATURES [®]

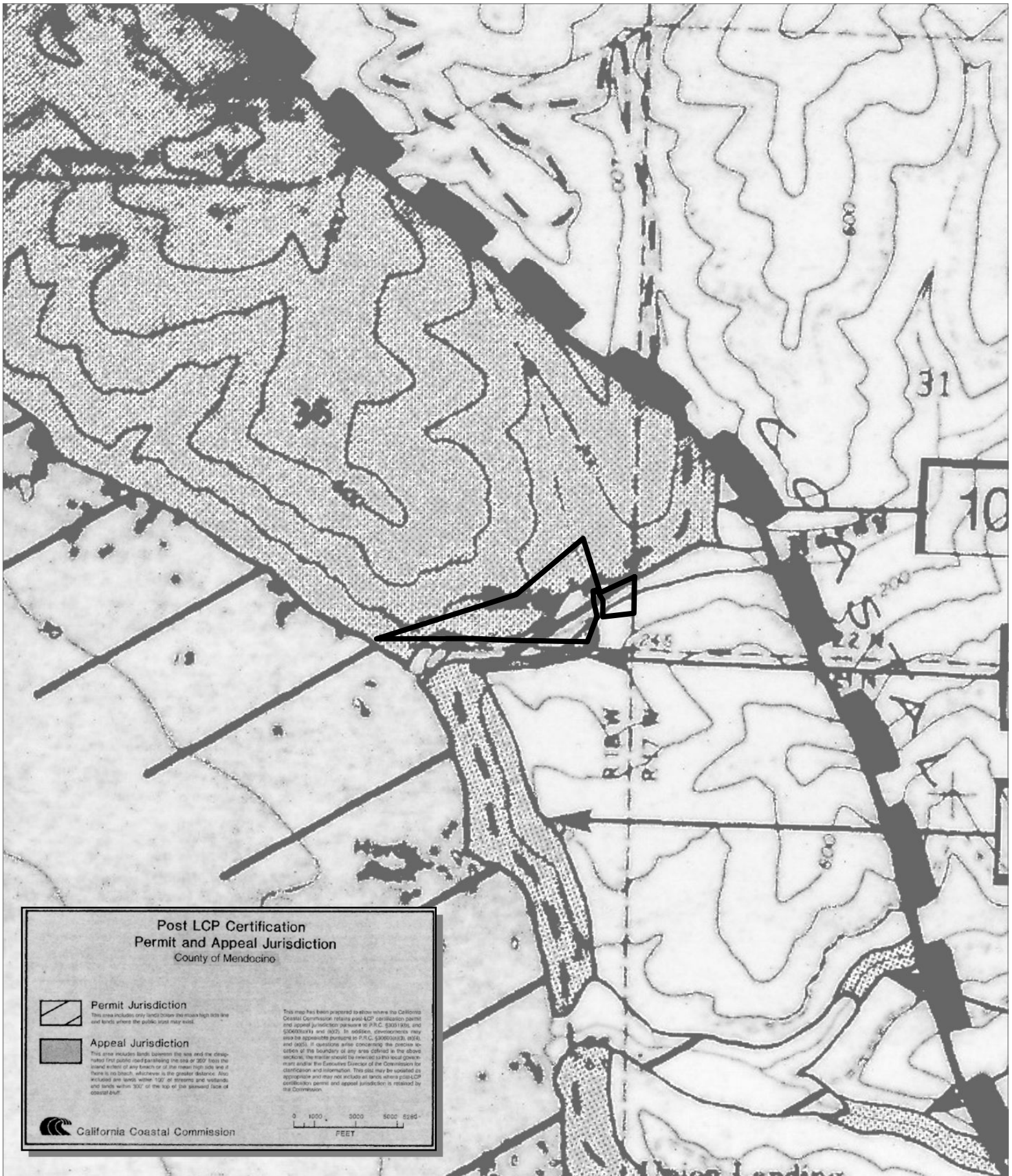
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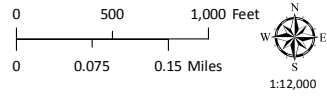
BIOLOGICAL RESOURCES

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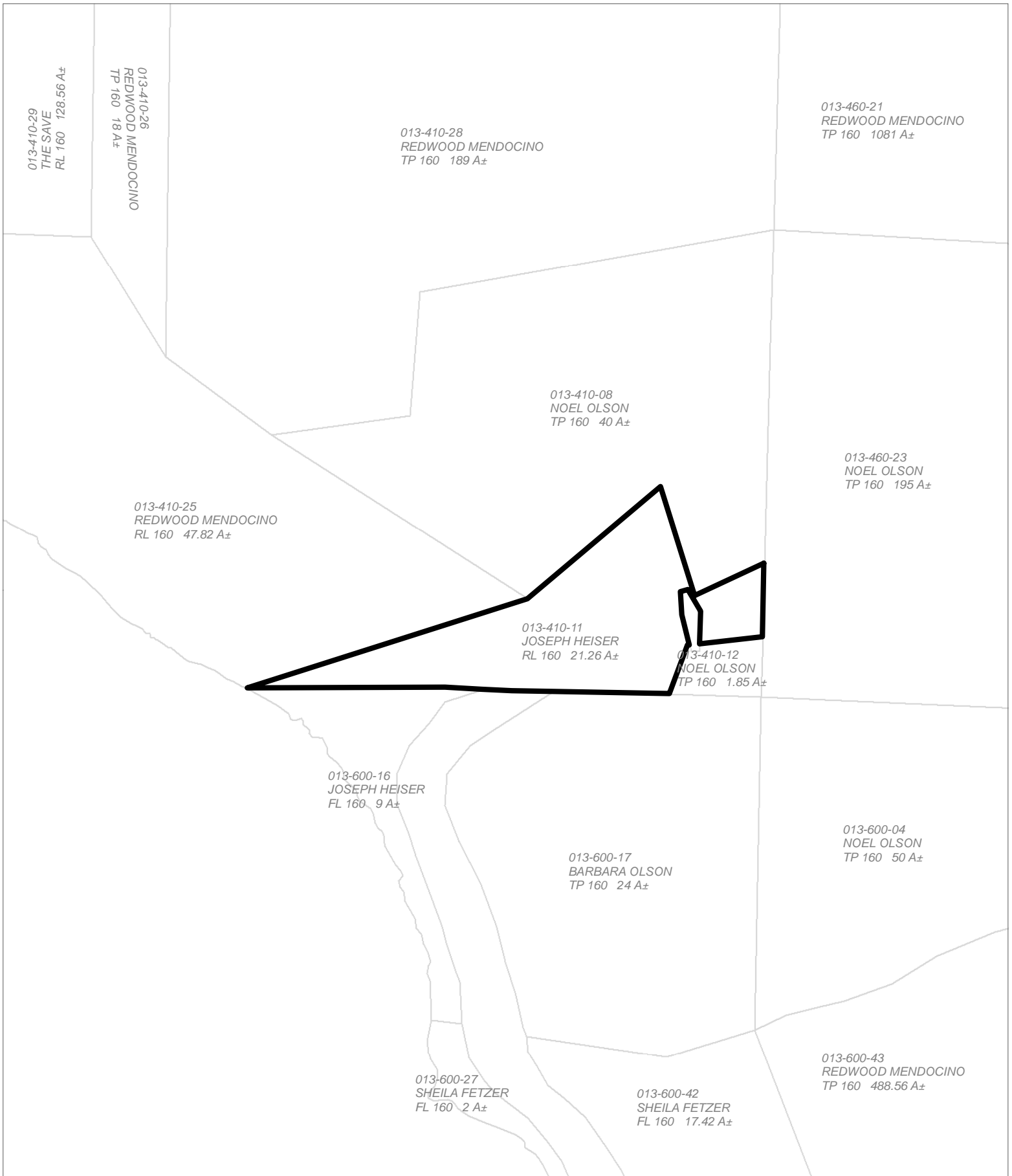


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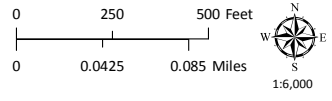


APPEALABLE AREAS

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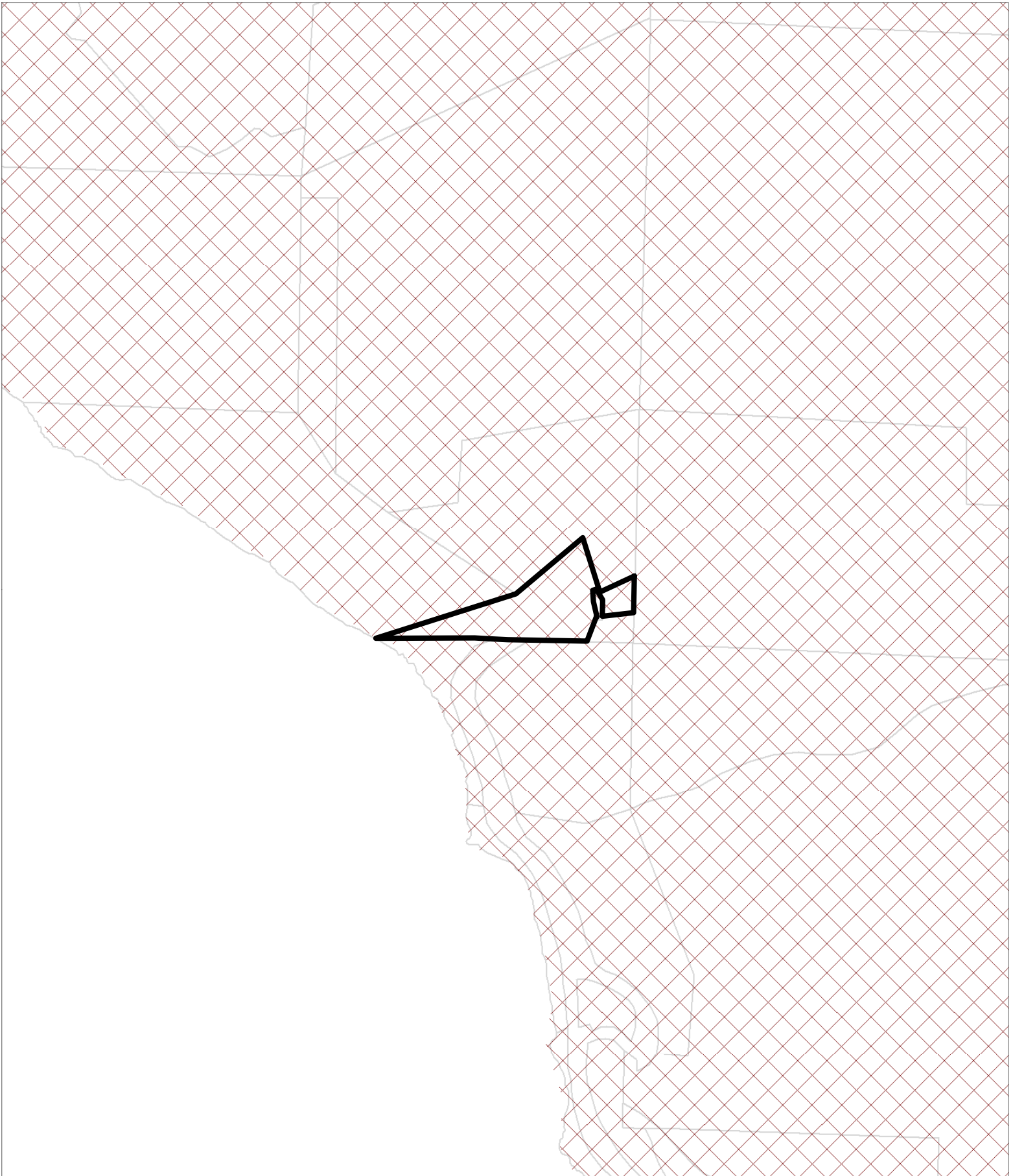


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ADJACENT PARCELS

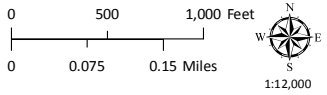
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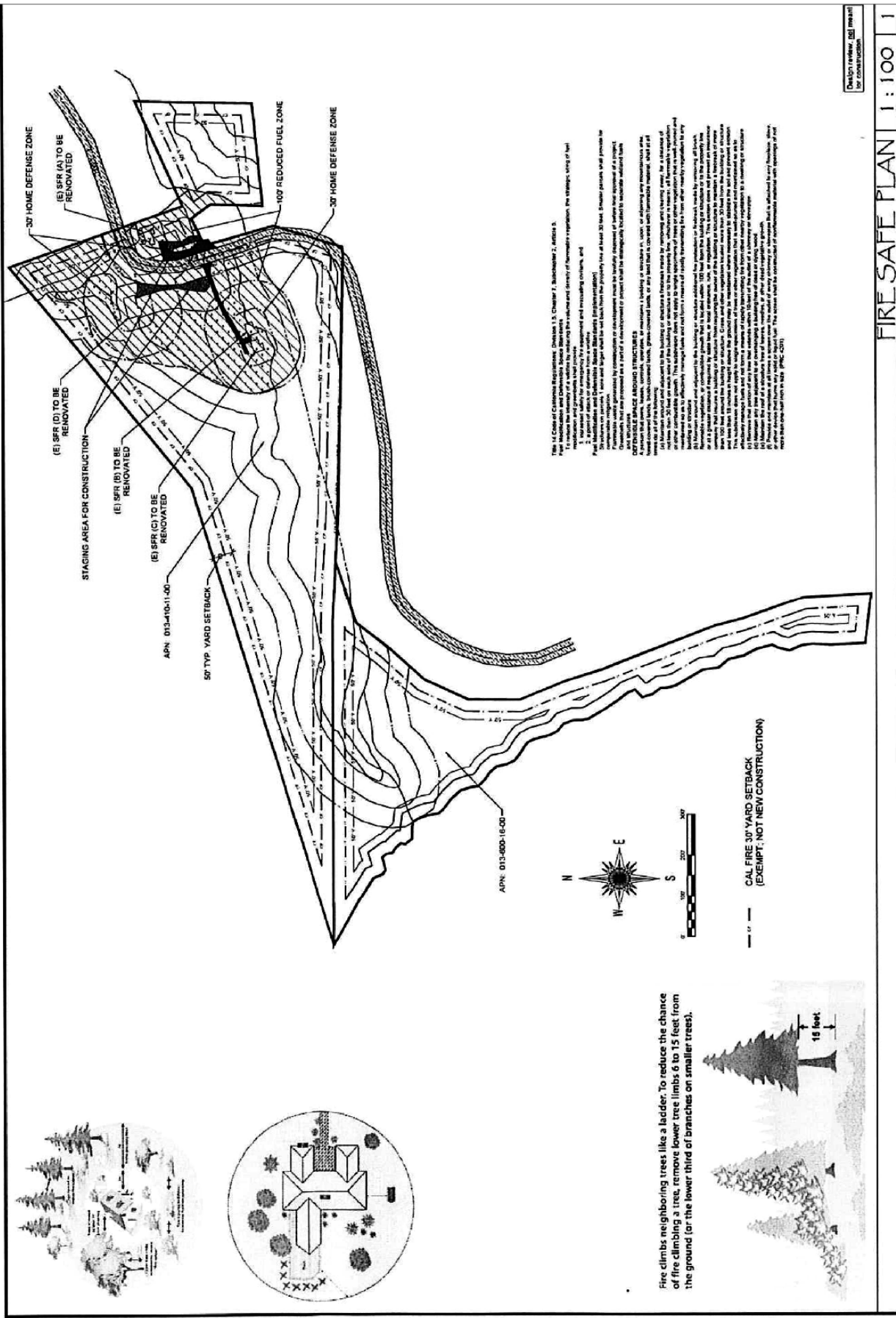
 High Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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Design review: [] present
for construction

FIRE SAFE PLAN | 1:100 | 1

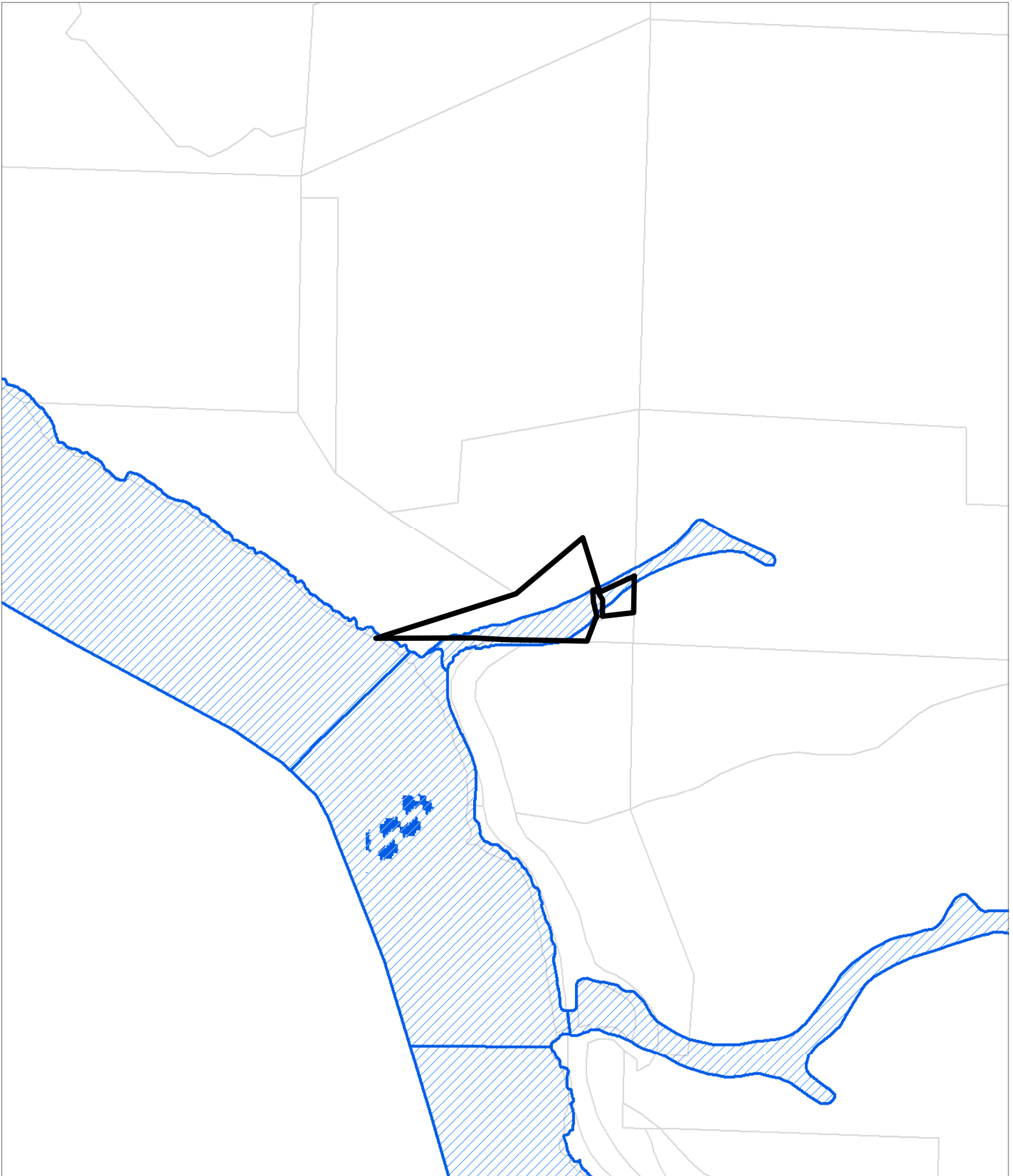
FIG. 14 Code of Ordinances (Repealed), Section 15, Chapter 7, Subchapter 2, Article 5.
New Manufactured and Domestic Space Structures.
1. The minimum yard setback for any structure shall be determined by the following:
a. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
b. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
c. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
d. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
e. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
f. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
g. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
h. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
i. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
j. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
k. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
l. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
m. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
n. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
o. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
p. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
q. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
r. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
s. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
t. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
u. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
v. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
w. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
x. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
y. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.
z. The minimum setback shall be determined by the structure and density of surrounding vegetation, the structure's use of fuel, and the structure's proximity to other structures.

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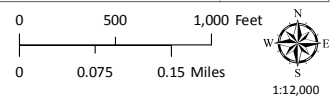
NO SCALE

FIRE SAFE PLAN

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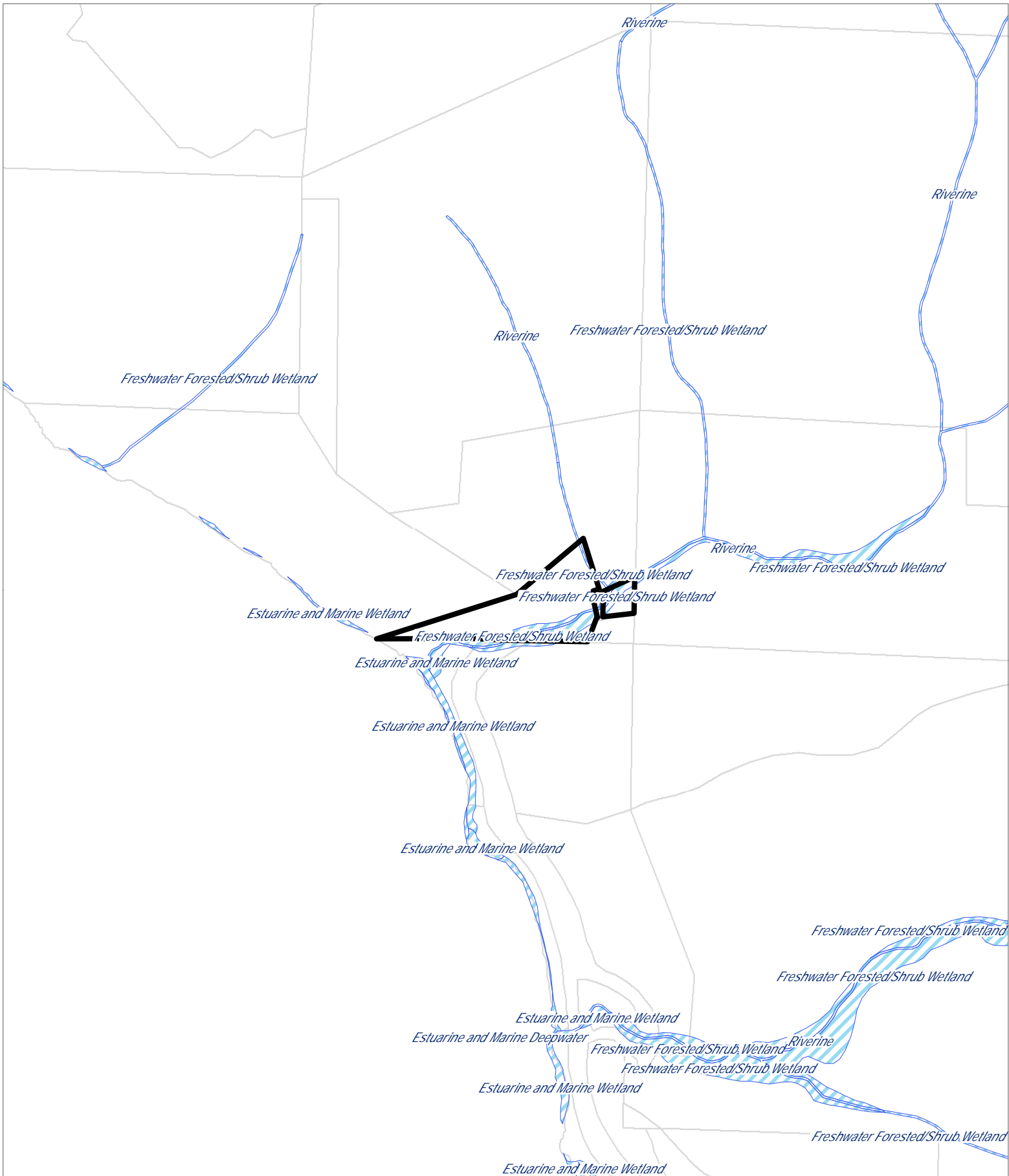


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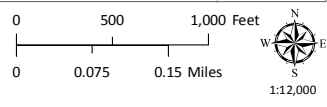
FEMA FLOOD ZONE
NFIP MAPS, JULY 18th, 2017

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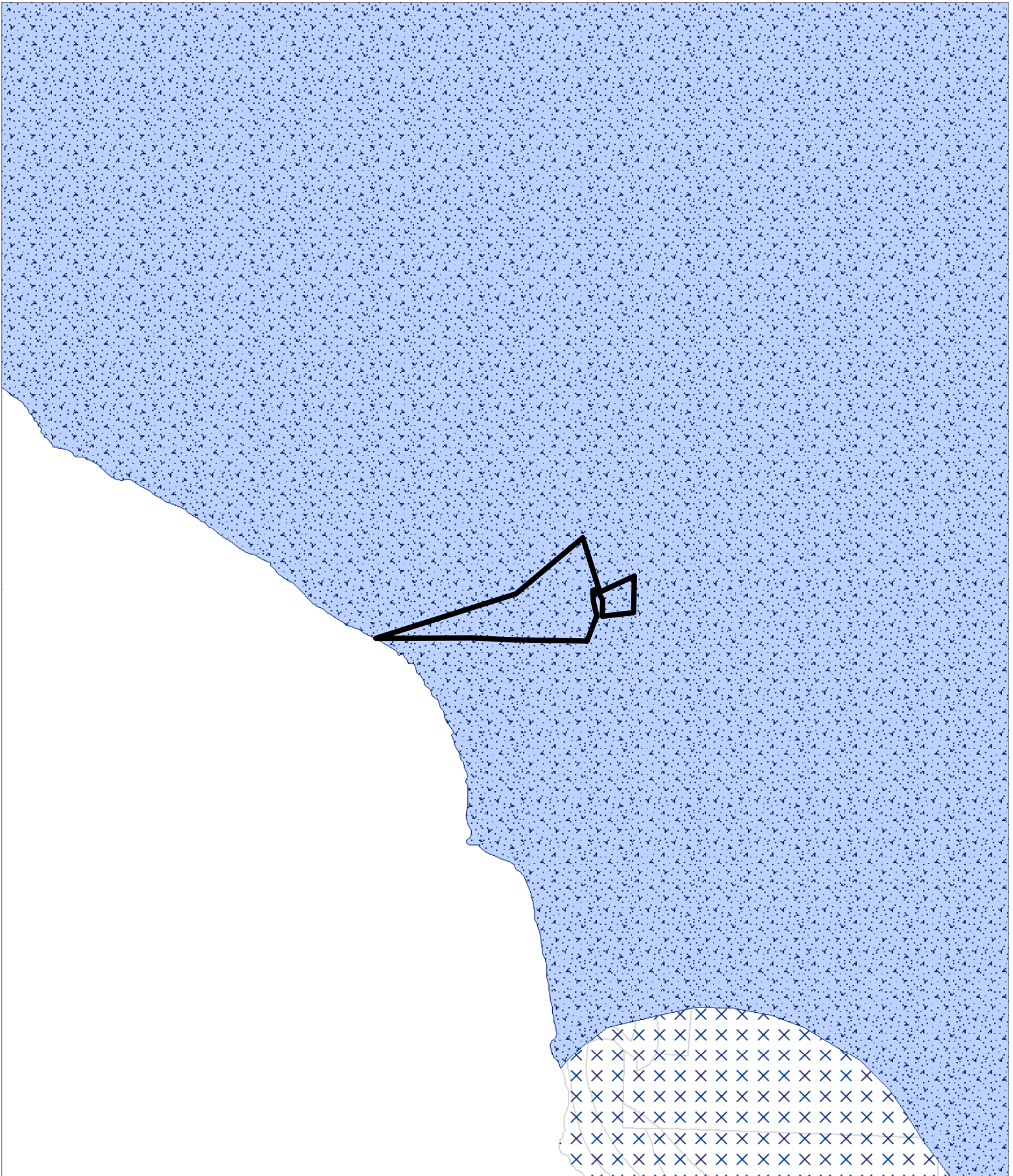
CASE: CDP 2017-0036
 OWNER: HEISER, Joseph, ET AL
 APN: 013-410-11
 APLCT: Joseph Heiser, Jr.
 AGENT: Blair Foster
 ADDRESS: 43200 N. Highway 1, Westport

 Wetlands





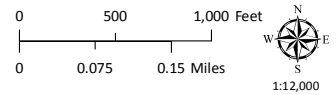
CLASSIFIED WETLANDS

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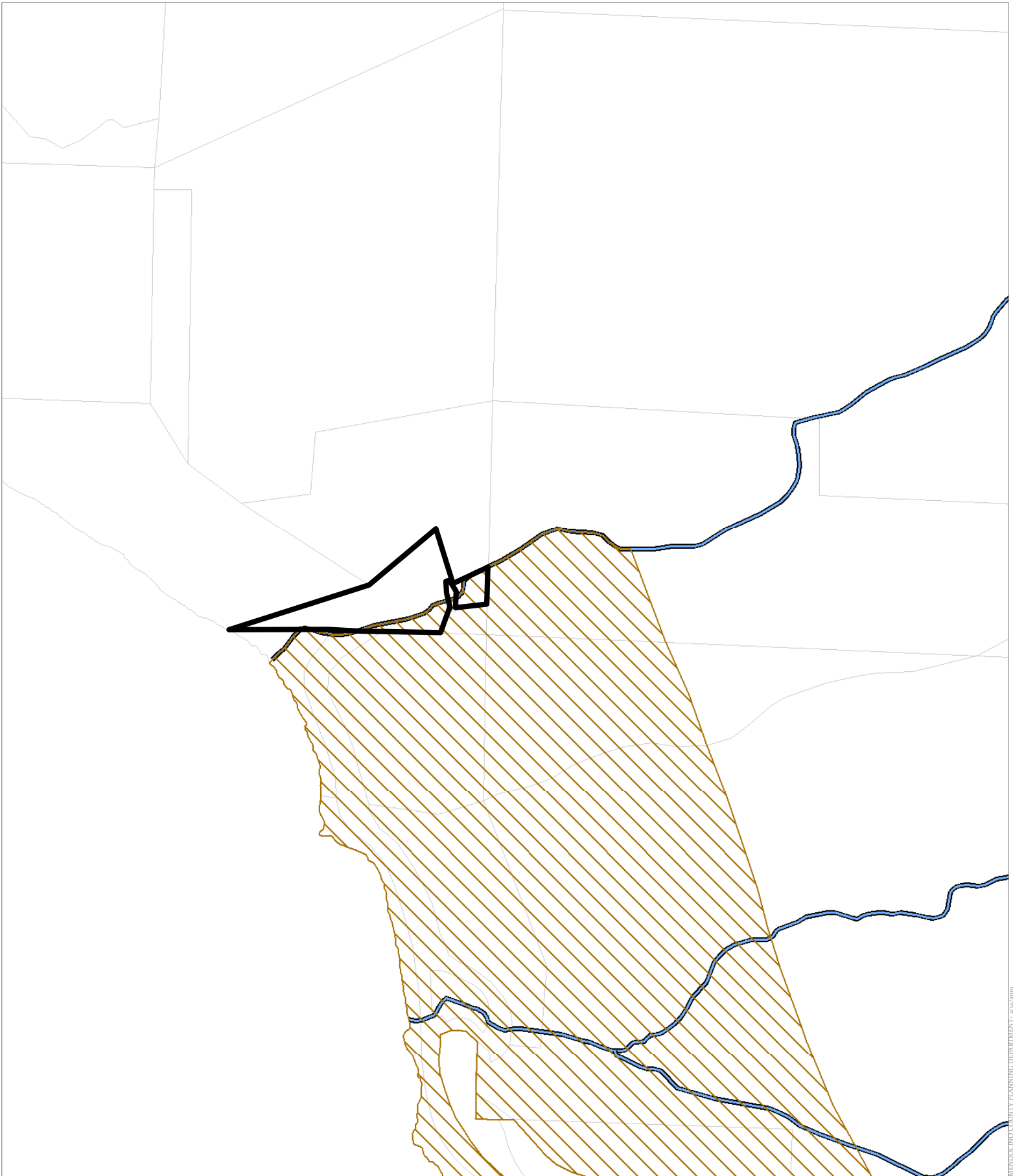
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-  Critical Water Areas
-  Critical Water Resources Bedrock





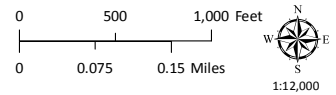
GROUND WATER RESOURCES

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-  Highly Scenic Area
-  Named Rivers



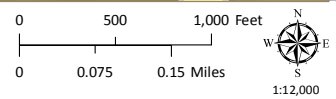
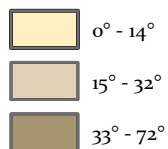
HIGHLY SCENIC & TREE REMOVAL AREAS

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MENDOCINO COUNTY PLANNING DEPARTMENT - 2/11/2019



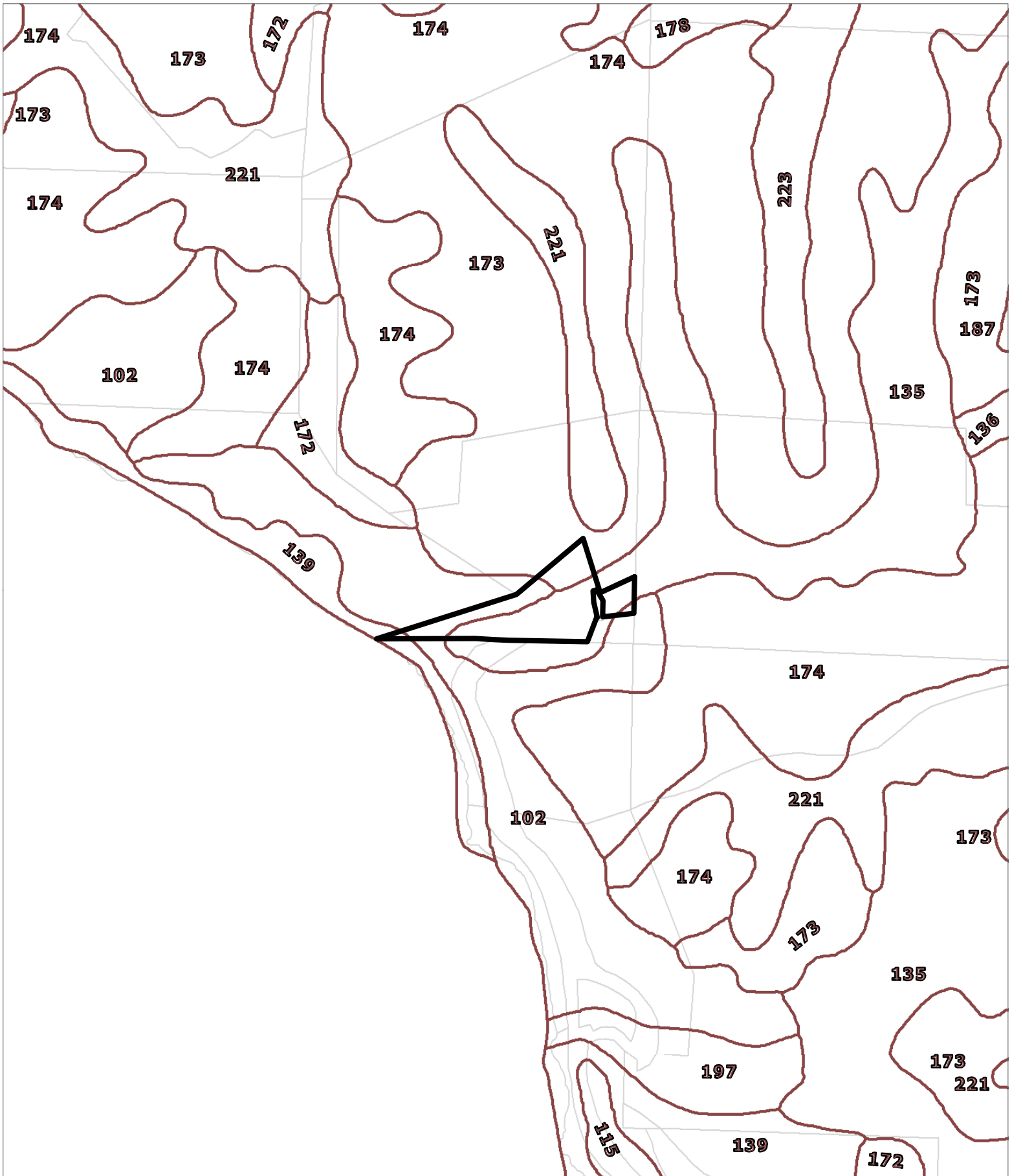
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ESTIMATED SLOPE

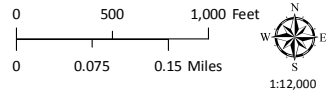
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MENARD COUNTY PLANNING DEPARTMENT - 2/11/2019



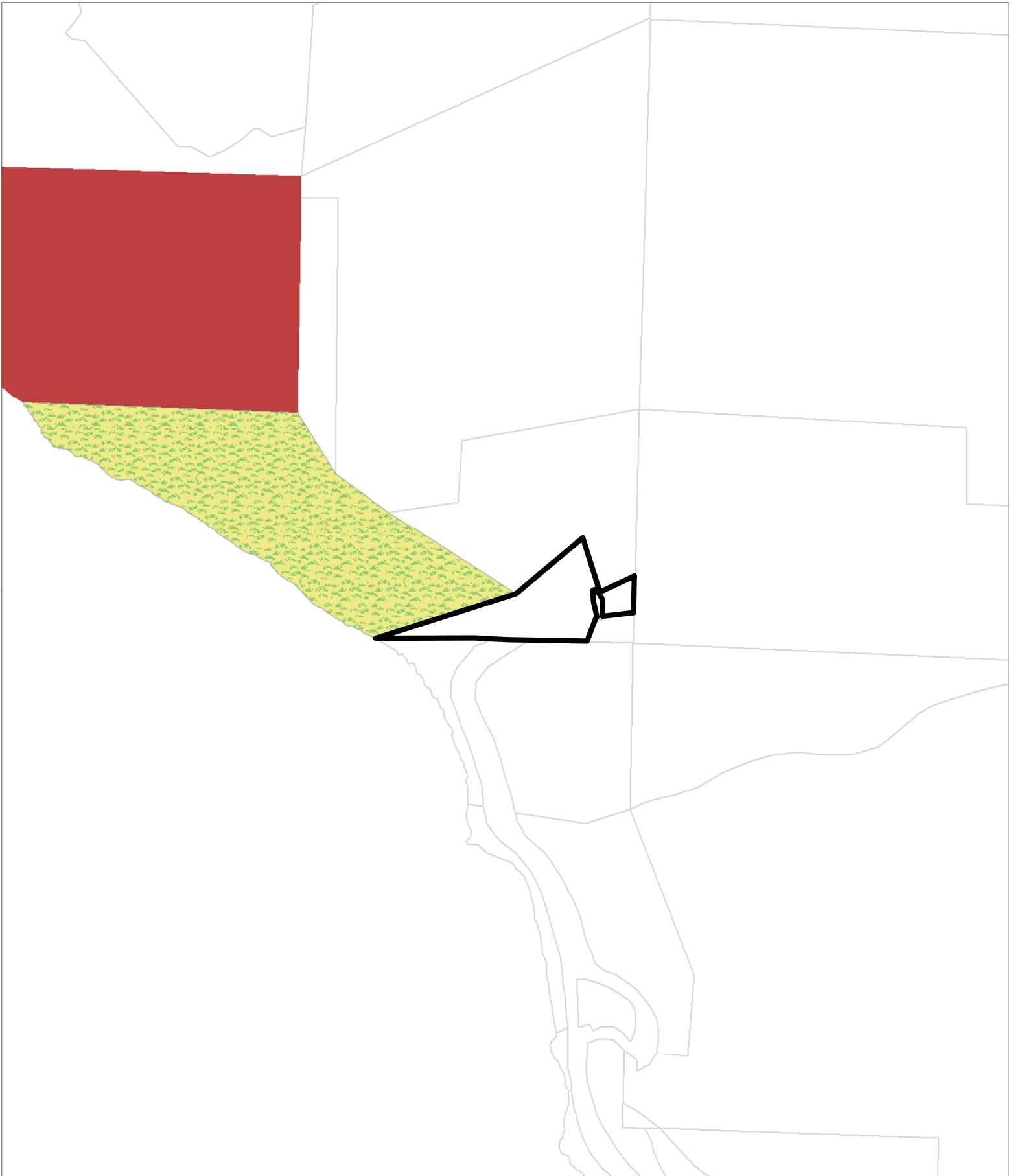
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 Western Soil Classes






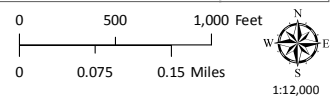
LOCAL SOILS

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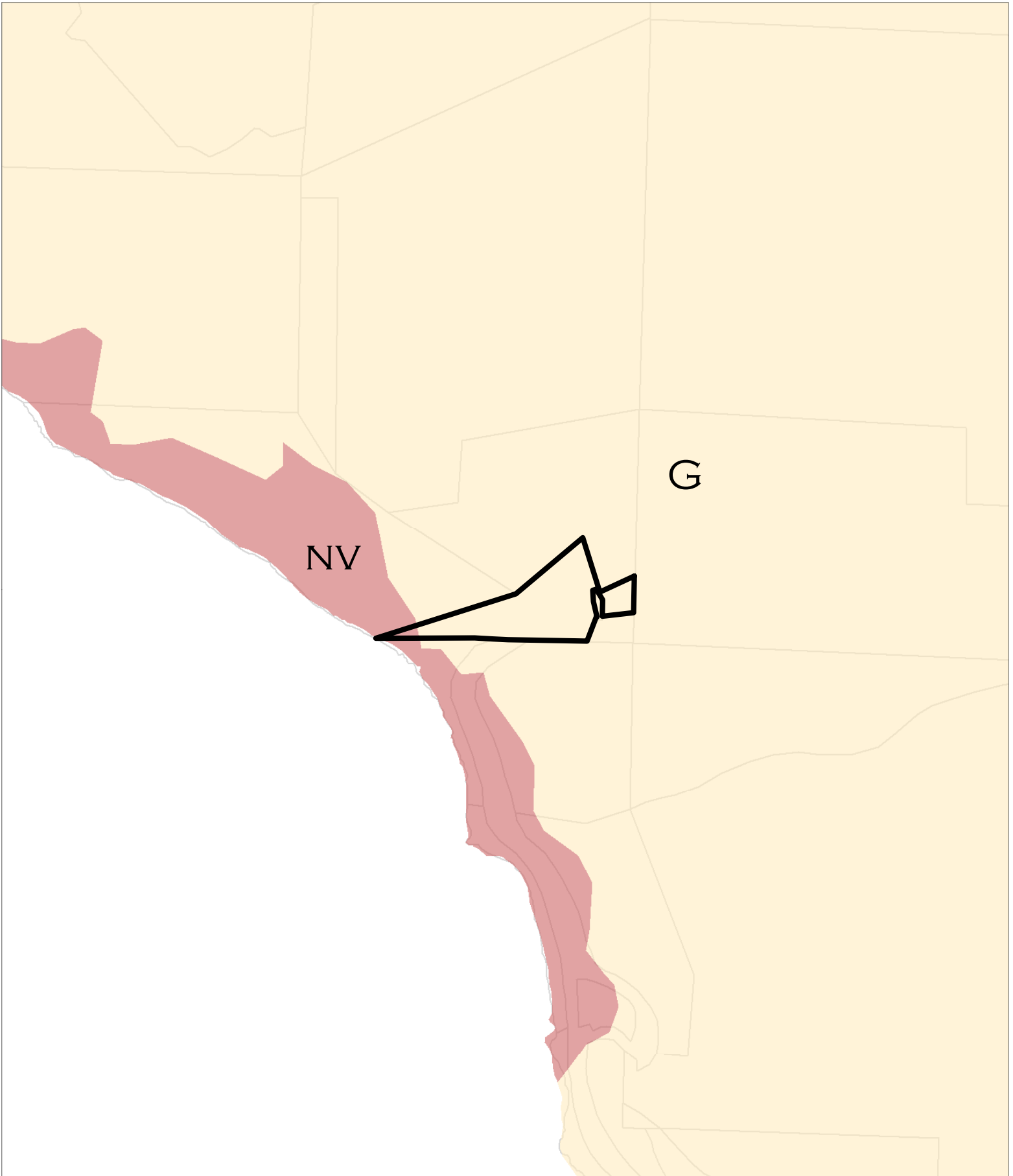
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-  Williamson Act 2016
-  Non-Prime Ag 2016
-  Non-Renewal Ag 2015



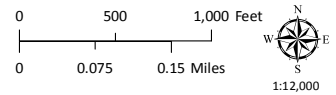
LANDS IN WILLIAMSON ACT CONTRACTS

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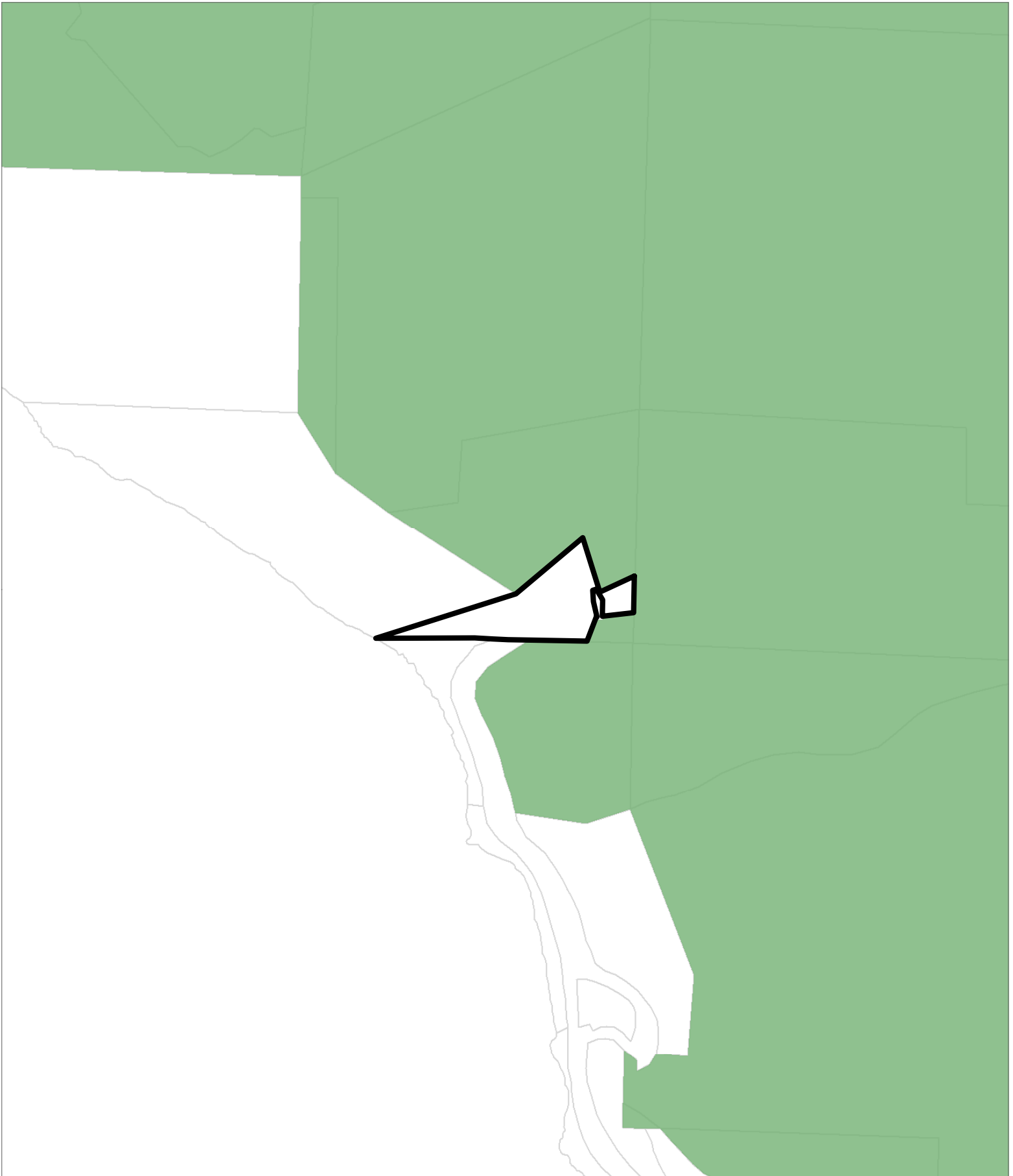
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Grazing Land (G)
 Non-Ag & Natural Vegetation (nv)



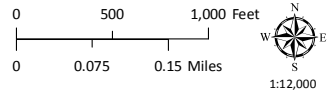
IMPORTANT FARMLAND

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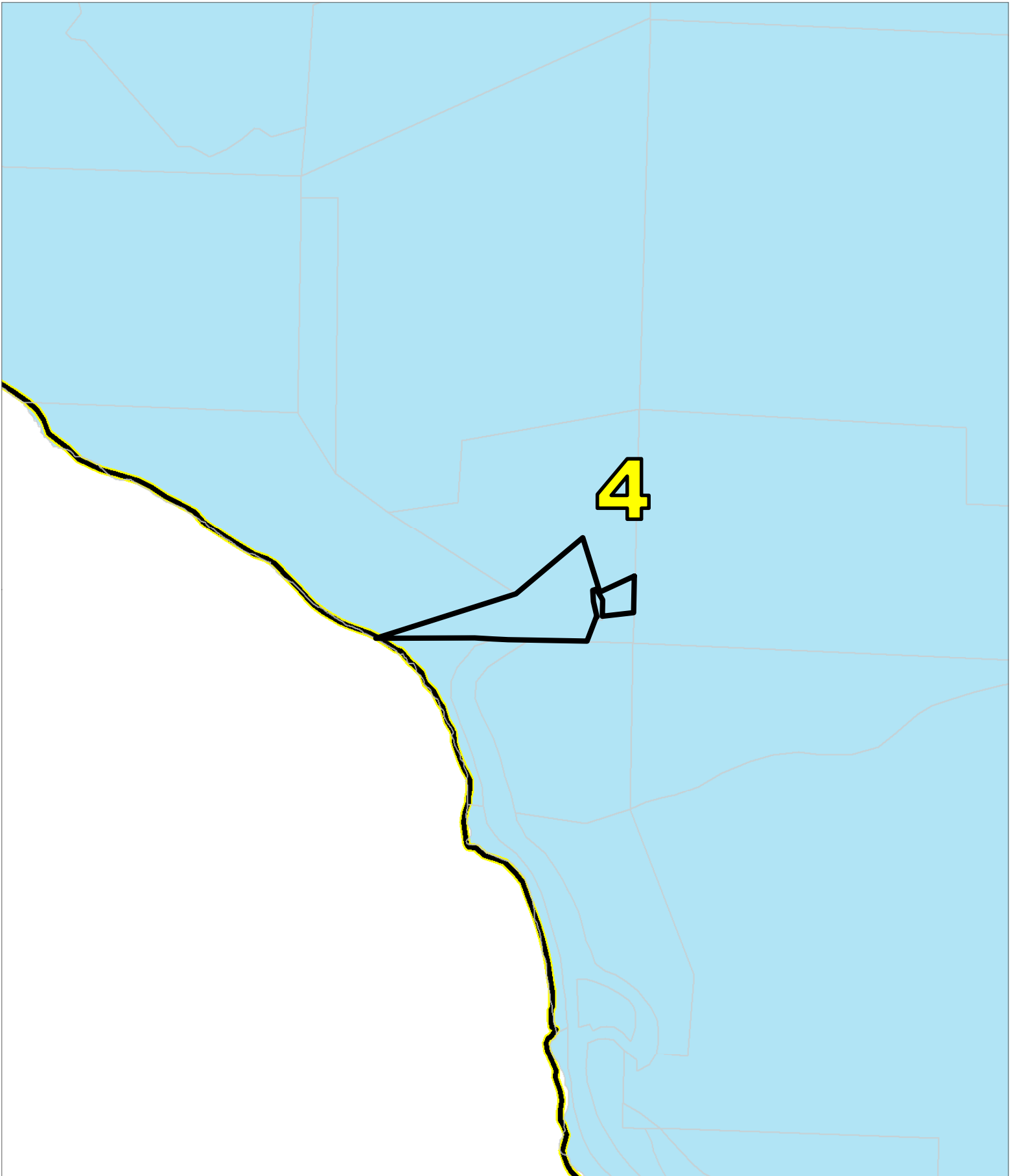
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 TPZ 2015





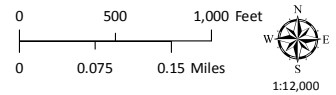
TIMBER PRODUCTION ZONES

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 Supervisorial Districts 2010
 Westport MAC



MISC

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