



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

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March 15, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at its regular meeting on Thursday, April 11, 2019 at 10:00 a.m., to be held in the Planning and Building Services Public Conference Room, 860 N. Bush St., Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

CASE#: U_2018-0016

DATE FILED: 7/20/2018

OWNER: ANDERSON VINEYARDS INC

APPLICANT: ROBERT GIBSON

AGENT: JIM BARRETT

REQUEST: Use Permit to allow for the construction of 3 duplexes to be used as Farm Labor Housing.

LOCATION: 4.4± miles north of Philo town center, on the east side of State Route 128 (SR 128), 1.6± miles north of its intersection with Philo Greenwood Road (CR 132), located at 4501 Hwy. 128, Philo (APN: 026-330-45).

ENVIRONMENTAL DETERMINATION: Negative Declaration

STAFF PLANNER: MIO MENDEZ

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, 95482, no later than April 10, 2019. Oral comments may be presented to the Zoning Administrator during the public hearing.

The Zoning Administrator's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Zoning Administrator's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Zoning Administrator's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



**ZONING ADMINISTRATOR
STAFF REPORT- MINOR USE PERMIT**

**APRIL 11, 2019
U_2018-0016**

SUMMARY

OWNER: ANDERSON VINEYARDS INC
PO BOX 67
PHILO, CA 95466

APPLICANT: ROBERT GIBSON
PO BOX 67
PHILO, CA 95466

AGENT: JIM R BARRETT
PO BOX 1448
UKIAH, CA 95482

REQUEST: Use Permit to facilitate the construction of three (3) duplexes to be used as 'Farm Labor Housing'.

LOCATION: 4.4± miles north of Philo town center, on the east side of State Route 128 (SR 128), 1.6± miles north of its intersection with Philo Greenwood Road (CR 132), located at 4501 Hwy. 128, Philo (APN: 026-330-45).

TOTAL ACREAGE: 10 ± Acres

GENERAL PLAN: Agriculture: 40 Acre Minimum (AG40) & Rangeland: 160 Acre Minimum (RL160)

ZONING: Agriculture: 40 Acre minimum (AG40) & Rangeland: 160 Acre Minimum (RL160)

SUPERVISORIAL DISTRICT: 5th Supervisorial District (Williams)

ENVIRONMENTAL DETERMINATION: Negative Declaration

RECOMMENDATION: Approve With Conditions

STAFF PLANNER: Mio Mendez

BACKGROUND

PROJECT DESCRIPTION: A Minor Use Permit to facilitate the phased construction of three (3) duplexes for a total of six (6) residential units as 'Farm Labor Housing'. Under U_2018-00016, the agricultural endeavor being supported is Anderson Vineyards, Incorporated. The three (3) duplexes will be built over two (2) phases. 'Phase One' will consist of constructing the initial two (2) duplexes, while 'Phase 2' will consist of demolishing the existing single family residence, and then constructing the (3) third duplex. Each duplex will be 1,944 ft² in size and appropriately connected to septic, well, gas, and electric utilities. Additionally, the applicant will provide a minimum of twelve (12) parking spaces.

RELATED APPLICATIONS:

On-Site: Boundary Line Adjustment (B_2013-0049); Building Permit; BU_2010-0365 (Single-Family Residence); Agricultural Preserve (71-129).

SITE CHARACTERISTICS: The subject property is located 4.4± miles north of Philo town center, on the east side of State Route 128 (SR 128), 1.6± miles north of its intersection with Philo Greenwood Road (CR 132). It is addressed at 4501 Hwy. 128, Philo, CA. A single APN constitutes the legal parcel with a total size of 10 acres. The lot is split zoned, however, between the Rangeland and Agricultural zoning districts, with approximately 25% of the site consisting of the Rangeland designation. The lot is surrounded by similarly sized and zoned parcels. There are contiguous parcels to the north within the same ownership as the subject parcel, and under the operational purview of Anderson Vineyards, Incorporated. The subject property is generally flat and utilized for agricultural production, as approximately fifty percent (50%) of the subject property is cultivated for viticulture. There are no plans to remove land currently under agricultural use on the subject property, as development is proposed in an area with existing residential uses.

Existing structures on the property include a driveway, a 24 ft. x 64 ft. mobile home, covered parking, fencing, well and a septic system. Per the phased development plan, the existing mobile home would be demolished and replaced by one of the three duplexes. The existing septic system will require relocation to accommodate this proposed development.

The site does contain important and unique farmland, which will not be affected by this proposal. Approximately 50% of the subject property has been determined to be "Unique (U)". Across the southwestern half of the site, the remainder of the property is split between "Grazing Land (G)" and "Rural Residential (R)". Additionally, within the vicinity of this project site there exist Semi-Agricultural and Rural Commercial Land (SAC) designations. The site is under a Williamson Act contract as a Non-Prime designation, and is adjacent to Williamson Act contract lands.

Review of the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory shows that a small corner of the subject property features a portion of two wetlands, including a Freshwater Forested/Shrub wetland (Lazy Creek) and a Riverine wetland. A review of California Natural Diversity Database indicates occurrences of special status species on the subject property. There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped, however, they would appear to be outside the designated project site.

The entirety of the site is designated within a moderate fire hazard severity zone. It is located outside the service boundaries of the Anderson Valley Community Services District, and is considered part of the State Responsibility Area (SRA). Additionally, the site is located within the Wildland Urban Interface (WUI) area, and is primarily classified as "very low density, vegetated", with a small area classified as "uninhabited, vegetated/uninhabited, no vegetation" in the site's southeastern most corner.

SURROUNDING LAND USE AND ZONING:

| | GENERAL PLAN | ZONING | LOT SIZES | USES |
|--------------|----------------------------------|----------------------------------|---------------------------|-------------|
| NORTH | Range Land / Agriculture | Range Land / Agriculture | 46.42± acres | Agriculture |
| EAST | Range Land / Agriculture | Range Land / Agriculture | 13.3± acres | Agriculture |
| SOUTH | Remote Residential / Agriculture | Agriculture / Upland Residential | 12.86± acres, 1.76± acres | Agriculture |
| WEST | Agriculture | Agriculture / Upland Residential | 37± acres | Agriculture |

PUBLIC SERVICES:

Access: STATE ROUTE 128 (SR 128)
 Fire District: CALFIRE (STATE RESPONSIBILITY AREA)
 Water District: NONE
 Sewer District: NONE
 School District: ANDERSON VALLEY UNIFIED

AGENCY COMMENTS: On August 27, 2018, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below;

| REFERRAL AGENCIES | COMMENT |
|---|----------------|
| Department of Transportation | Comment |
| Environmental Health-Ukiah | Comment |
| Building Services-Ukiah PBS | Comment |
| Department of Transportation | Comment |
| Farm Advisor | No Comment |
| Air Quality Management District | Comment |
| County Water Agency | No Comment |
| Archaeological Commission | Comment |
| Sonoma State University-NWIC | Comment |
| Resource Lands Protection Committee | No Comment |
| Caltrans | Comment |
| Department of Forestry/CalFire | No Comment |
| Dept. of Fish & Wildlife | Comment |
| Regional Water Quality Control | No Comment |
| County Addressor | Comment |
| Cloverdale Rancheria | No Comment |
| Redwood Valley Rancheria | No Comment |
| Sherwood Valley Rancheria | No Comment |
| Anderson Valley Community Services District | Comment |

KEY ISSUES

1. General Plan & Zoning: The 10± acre subject property is split-zoned, with the project site classified as Agriculture (AG) with a 40-acre minimum parcel size under the Mendocino County General Plan. As provided in Section 20.052.020 of the Mendocino County Inland Zoning Code, Farm Labor Housing, is permitted in AG District with a Minor Use Permit.

In addition to the principally permitted uses, other uses that are determined to be related and compatible to agriculture are allowed as conditional uses. Farm Labor Housing is a use type that is compatible with agricultural uses and is permissible in the AG district subject to Minor Use Permit approval. Further, Principle 2-2d of the Mendocino County General Plan states in part that the County shall “encourage farmers to provide farmworker housing on their properties for their workers’ families, reducing transportation costs, greenhouse gas emissions, and other impacts caused by commuting to farm jobs.”

Existing development on the 10± acre subject property consists of a single mobile-home. The proposed three (3) Farm Labor Housing units would be served by septic, well, gas and electric utilities. According to the applicant, the project would provide housing for employees working on the adjacent Anderson Vineyards Inc. agricultural operations.

The use of the proposed dwellings on the property for Farm Labor Housing is contingent on occupancy by farm laborers. To ensure the continued use of the authorized dwelling units is for farm labor only, a condition is recommended to require the annual submission of documentation verifying the necessity of agricultural employment on the property. In the event that the use of the dwelling units as Farm Labor Housing is discontinued, a condition is recommended to ensure that the structures are removed or converted to uses and structures meeting the use and development criteria of the AG district.

Within the AG zoning district, a Minor Use Permit is required to allow Farm Labor Housing. Farm Labor Housing is defined as “Occupancy on a parcel in one (1) or more dwelling units or trailer coaches by more than one (1) farm employee and his/her families occurring exclusively in association with the performance

of agricultural labor. Farm labor housing shall not be required to meet density requirements.¹

The existing mobile home may be subject to the jurisdiction of the California Department of Housing and Community Development (HCD) and therefore a condition is recommended to ensure that the existing mobile home has been removed and relocated or disposed of in a location permissible by federal, state and/or local law. Therefore, the project would be consistent with the intent of the agricultural policies of the General Plan and the zoning district.

2. Habitats and Natural Resources: Review of the California Natural Diversity Data Base (CNDDDB) for this revealed the potential for a special-status animal species to occur within the vicinity of the project, including: red-bellied newt (*Taricha rivularis*). There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped, however, they would appear to be outside the designated project site.

Policy RM-24 of the Mendocino County General Plan states:

“Protect the county’s natural landscapes by restricting conversion and fragmentation of timberlands, oak woodlands, stream corridors, farmlands, and other natural environments.”

Policy RM-29 of the Mendocino County General Plan states:

“All public and private discretionary projects shall avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations.”

Policy RM-72 of the Mendocino County General Plan states:

“New development shall protect sensitive environments and resource corridors while maintaining compatibility with adjacent uses.”

Vegetation at the site is generally comprised of a mosaic of native and non-native grasslands, oak woodland savannah, and oak woodlands. Additionally, streams, including Lazy Creek and associated water drainages, flow through the site. The project was referred to the Regional Water Quality Control Board RWQCB) and the California Department of Fish and Wildlife (CDFW) for review and comment. Per referral responses received from CDFW, no potential impact to habitats or natural resources are anticipated; therefore standard conditions and BMP’s are applicable.

3. Cultural and Tribal Resources: An archaeological survey report was prepared for the site by Analytical Environmental Service (AES), dated June 2010. The cultural resources survey was undertaken in conjunction with the state Water Resources Control Board, Division of Water Rights environmental review for the Petition for Change For Permit 20295 (Application 27758). AES staff conducted a record search via the Northwest Information Center (NWIC) at Sonoma State University for comment on March 12, 2017. The record search revealed that no previously recorded cultural resources were located within the subject parcel; however, the presence of six cultural resources were identified within one quarter mile of the project area. Additional, a total of eight cultural resource investigations have taken place within one quarter mile of the parcel. A pedestrian survey of the project area was conducted by AES on April 22, 2010 and no pre-historic or historic era resources were observed.

On November 28, 2018, the Archaeological Commission accepted the survey, and although the project is not expected to have an adverse impact on cultural resources, several measures were recommended by the Archaeological Commission to ensure that cultural resources are not adversely impacted by the proposed project. These recommendations are incorporated as recommended project conditions.

¹ MCC Section 20.016.020.

4. Use Permit Findings: The proposed use permit is required to meet the use permit findings set forth in the Mendocino County Code (MCC Section 20.196.020). Following, is the discussion of each finding and how the use permit appropriately meets those requirements:

(A) That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;

The project would facilitate the construction of three (3) duplexes for a total of six (6) residential units as 'Farm Labor Housing'. Farm Labor Housing' is permitted after issuance of a minor use permit. Principle 2-2d of the Mendocino County General Plan states in part that the County shall "encourage farmers to provide farmworker housing on their properties for their workers' families, reducing transportation costs, greenhouse gas emissions, and other impacts caused by commuting to farm jobs." Therefore, the project would be in conformance with the Mendocino County General Plan.

(B) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

The project site is accessed via a private internal roadway network off of State Route 128. The Mendocino County Department of Transportation (MCDOT), CalFire and CalTrans have reviewed the project and have provided conditions to ensure appropriate site improvements are installed, if appropriate. CalTrans indicated that the applicant had previously submitted an encroachment permit, and indicated no additional concerns. Standard conditions have been recommended by the Mendocino County Division of Environmental Health relating to water availability and septic capacity. All the above agency conditions have been incorporated into the project Conditions of Approval. With the incorporation of these conditions, this finding can be made.

(C) That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;

The project site is located in a rural area between the towns of Philo and Navarro directly accessed via SR 128. The site is in an area sparsely developed with residential improvements and is primarily surrounded by agriculturally oriented parcels. The development of farm labor housing is not anticipated to create a public nuisance, given its limited scale, and therefore, this finding can be made.

(D) That such use preserves the integrity of the zoning district.

Through granting a minor Use Permit, to authorize the proposed use of Farm Labor Housing per Section 20.052.020(A) of the Mendocino County Code, and as conditioned, the project would be in conformance with the Agricultural (AG) zoning district and would not undermine the integrity of the zone.

5. Anderson Valley Community Plan: The subject site is located within the Anderson Valley Community Planning Area (AVCPA). Therefore, findings must be made that demonstrate the proposed project's compliance with and adherence to the development standards of that plan. A brief discussion of the identified goals and policies follows:

Goal CP-AV-3: Focus development and community services in and around the four (4) existing communities – Yorkville, Boonville, Philo, and Navarro – in a manner compatible with physical features and natural resources.

Policy CP-AV-7: Continue to promote diverse agribusiness as well as wine production and sales.

Policy CP-AV-8: the county will encourage diverse agriculture endeavors, including sustainable local food production.

The proposed project provides much needed housing development and supports agribusiness, further

indicating the parcel's consistency with the AVCPA. Farm Labor Housing allows for the development of supportive and affordable housing. Due to this allowance, new development will be concentrated and create a more efficient winery operation. Vehicle Miles Traveled (VMT) will be reduced due to the fact that current and future employees are in a more proximate location. This will promote a more sustainable operation and fulfill a need of housing and local grape growing operation by the local community and Anderson Vineyards.

6. Environmental Protection: Staff has completed an Initial Study for the project and determined that the project could have some less than significant impacts on the environment. The Negative Declaration was released for public comment on April 11, 2019. Staff recommends that the Zoning Administrator certify a Negative Declaration for the project.

RECOMMENDATION

By resolution, the Zoning Administrator adopt a Negative Declaration and grant U_2018-0016 for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

3-5-2019

DATE



MIO MENDEZ, PLANNER I

Appeal Period: 10 Days
Appeal Fee: \$1616.00

ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Site/Tentative Map
- D. Site Plan
- E. Zoning Map
- F. General Plan Map
- G. Adjacent Owner Map
- H. Fire Hazards Map
- I. Wildland-Urban Interface Zones
- J. Soils Map
- K. Williamson Act Map
- L. Import Farmland Map
- M. Wetlands

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A)

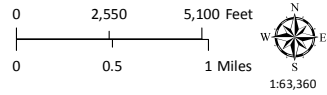
Initial Study available online at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>



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

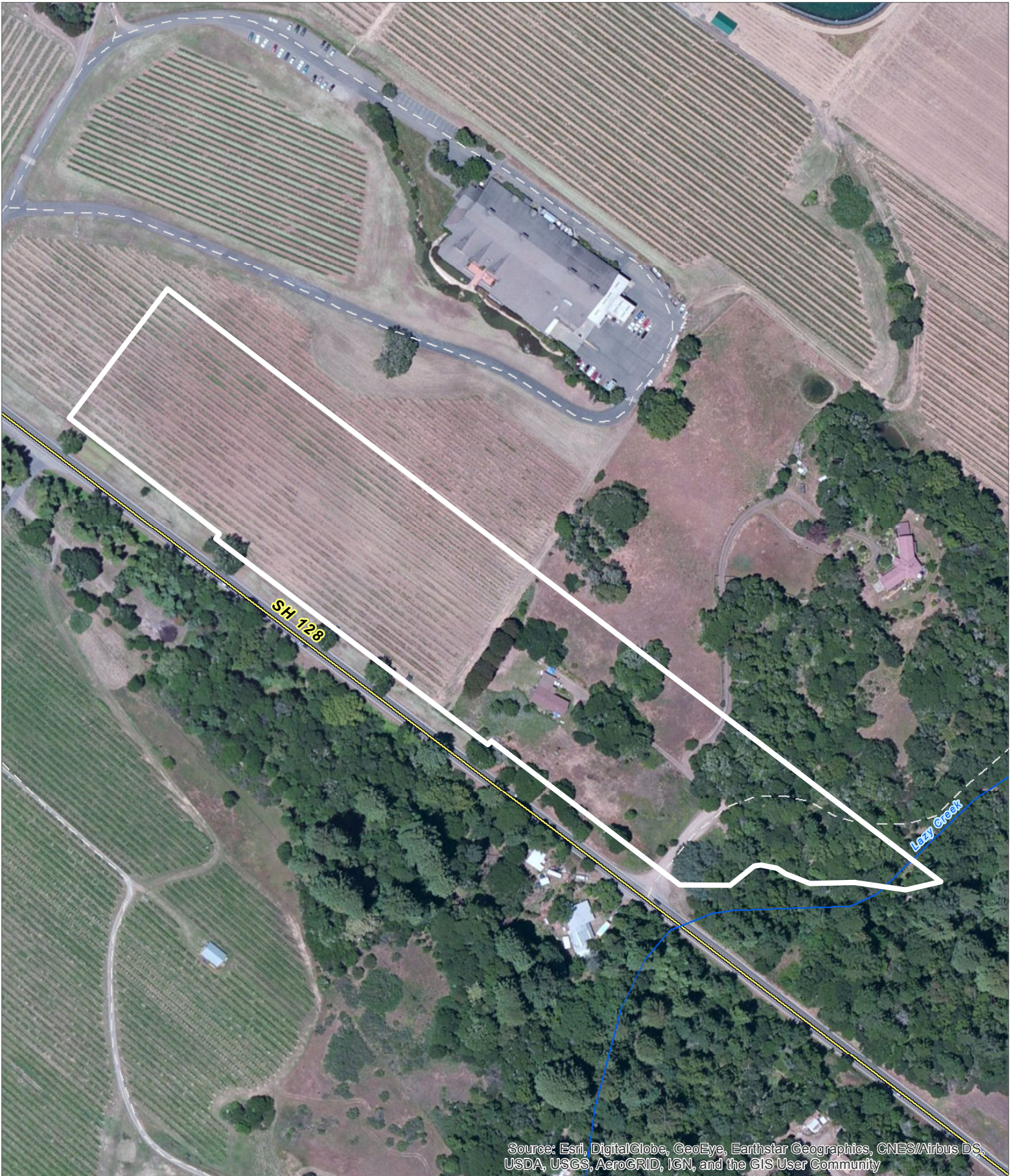
CASE: U 2018-0016
 OWNER: Anderson Vineyards, Inc.
 APN: 026-330-45
 APLCT: Robert Gibson
 AGENT: J.R. Barrett
 ADDRESS: 4501 Hwy. 128, Philo

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






LOCATION MAP
 ATTACHMENT A

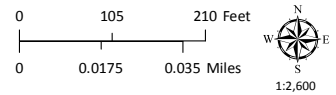
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CASE: U 2018-0016
OWNER: Anderson Vineyards, Inc.
APN: 026-330-45
APLCT: Robert Gibson
AGENT: J.R. Barrett
ADDRESS: 4501 Hwy. 128, Philo

-  Named Rivers
-  Public Roads
-  Driveways/Unnamed Roads



AERIAL IMAGERY
ATTACHMENT B

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Engineering Svcs. Dept., July, 2018

ACCESS RD / 128 20'±

DRIVEWAYS 10'±

as otherwise indicated

cont legal or salable parcels.

PROPERTY BOUNDARIES

SITE MAP

ANDERSON VINEYARDS

FARM LABOR HOUSING

4511 HWY 128, PHILO, CA.

APN # 26

Hydrology

Public Roads

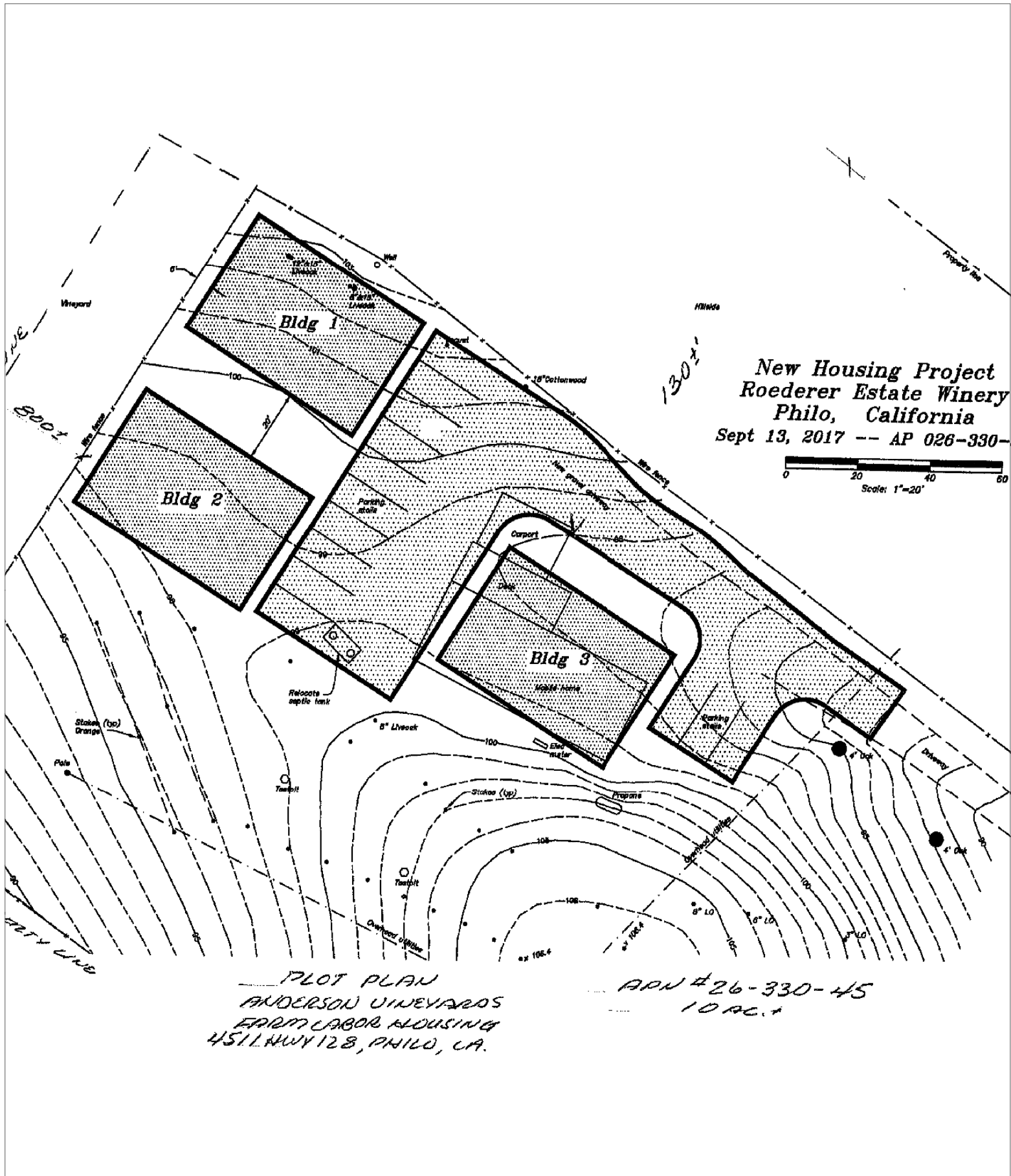
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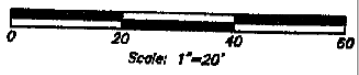
NO SCALE

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SITE MAP
 ATTACHMENT C



New Housing Project
 Roederer Estate Winery
 Philo, California
 Sept 13, 2017 -- AP 026-330-



PLOT PLAN
 ANDERSON VINEYARDS
 FARM LABOR HOUSING
 4511 HWY 128, PHILO, CA.
 APN #26-330-45
 10 AC.

CASE: U 2018-0016
 OWNER: Anderson Vineyards, Inc.
 APN: 026-330-45
 APLCT: Robert Gibson
 AGENT: J.R. Barrett
 ADDRESS: 4501 Hwy. 128, Philo


NO SCALE

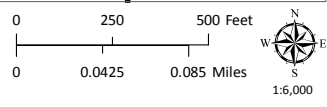
SITE PLAN
 ATTACHMENT D

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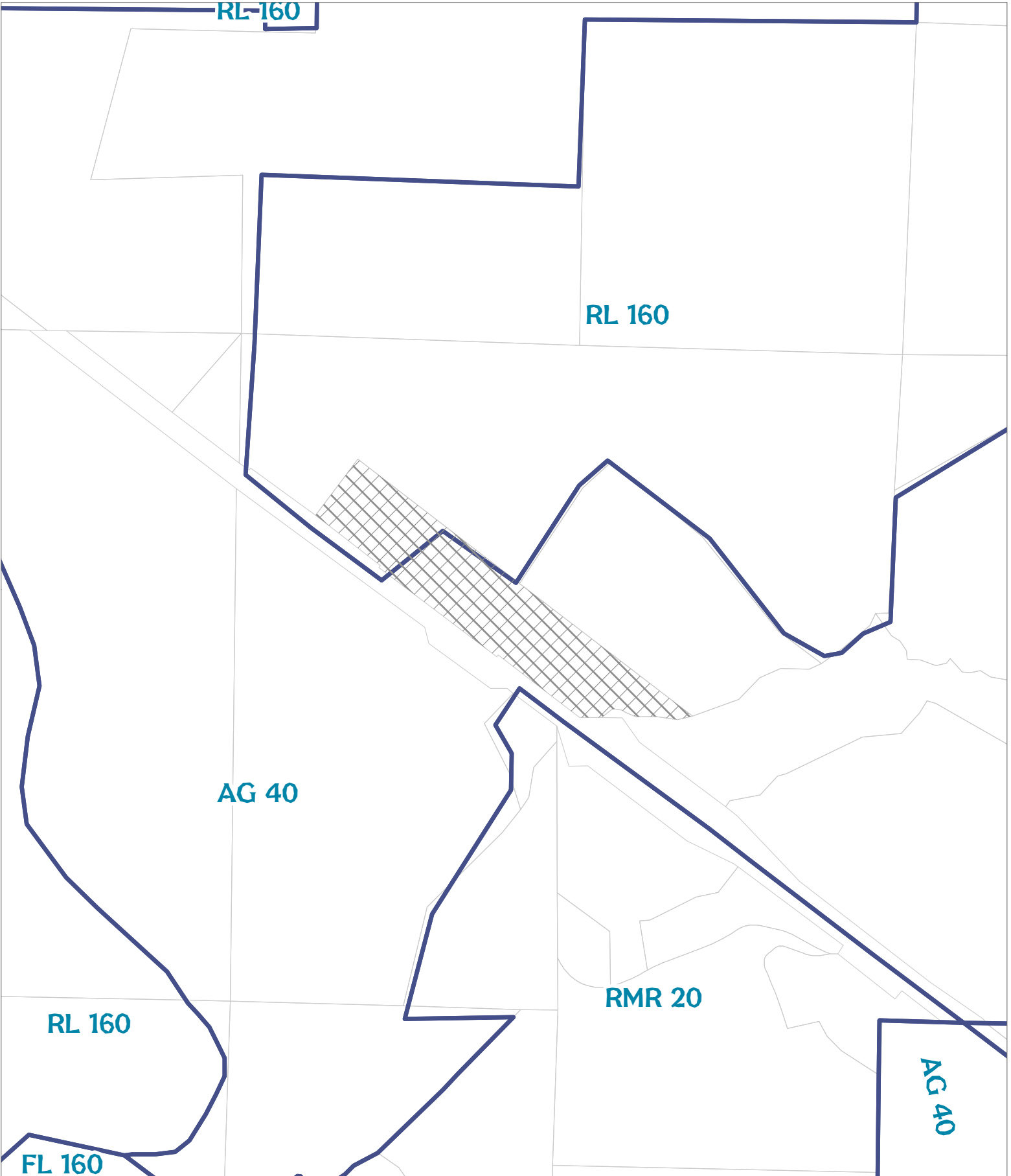
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 Zoning Districts
 Public Roads

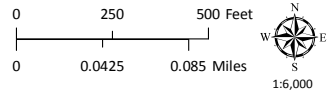



ZONING DISPLAY MAP
 ATTACHMENT E

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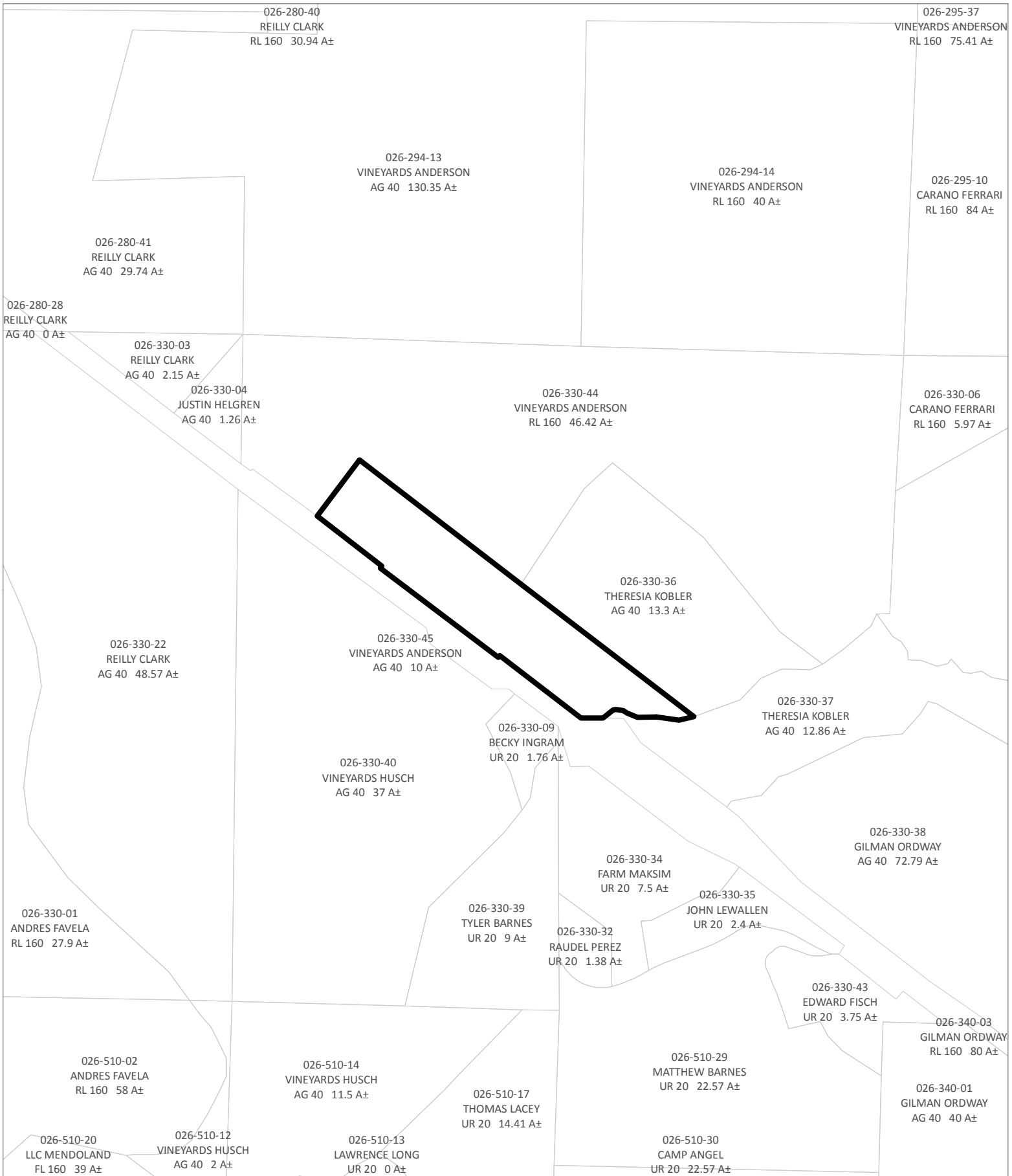
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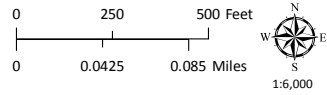
 General Plan Classes

GENERAL PLAN CLASSIFICATIONS
 ATTACHMENT F

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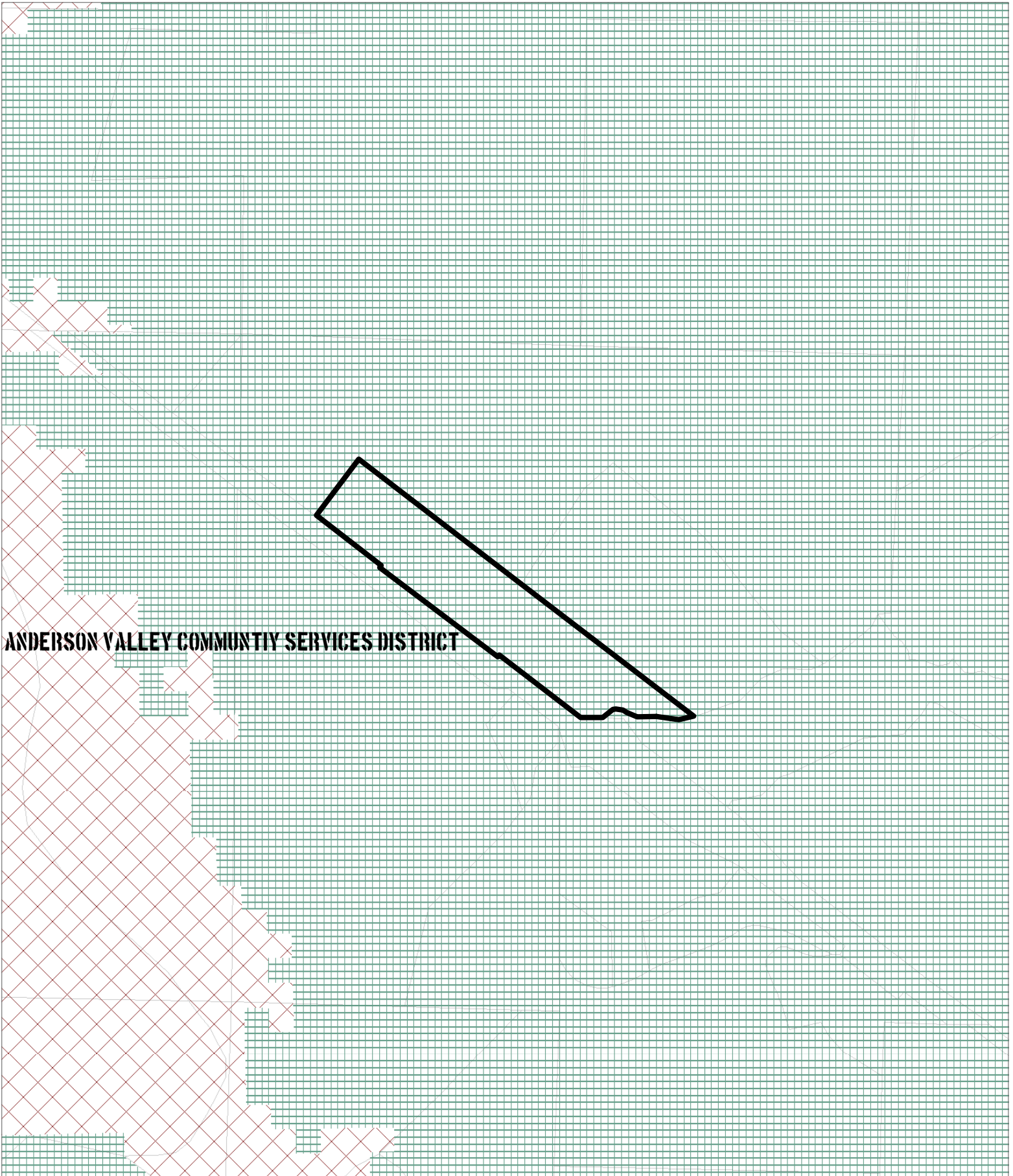


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 APLCT: Robert Gibson
 AGENT: J.R. Barrett
 ADDRESS: 4501 Hwy. 128, Philo



ADJACENT PARCELS
 ATTACHMENT G

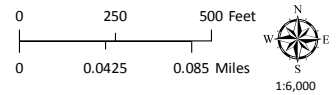
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ANDERSON VALLEY COMMUNITY SERVICES DISTRICT

CASE: U 2018-0016
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 APLCT: Robert Gibson
 AGENT: J.R. Barrett
 ADDRESS: 4501 Hwy. 128, Philo

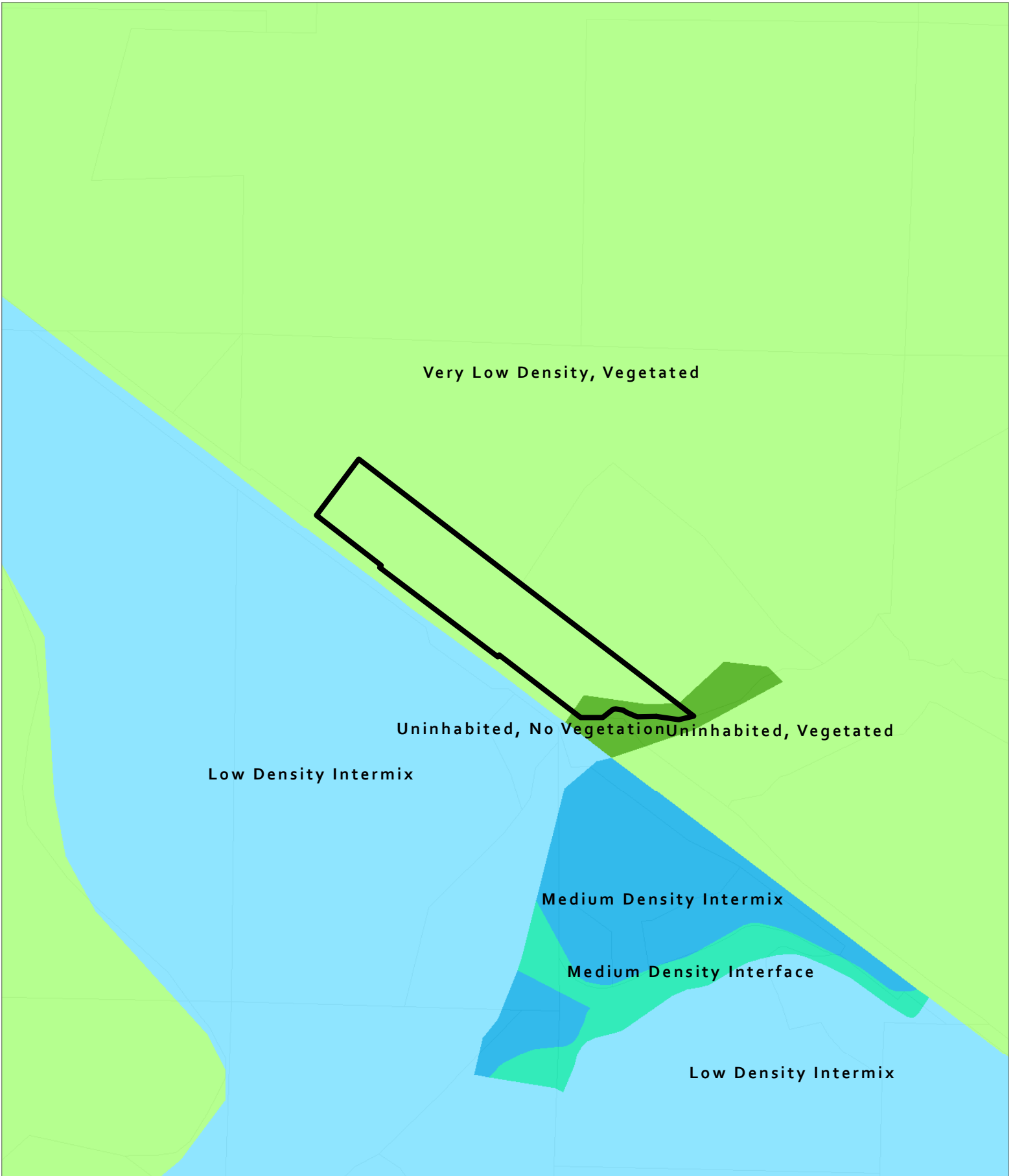
-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



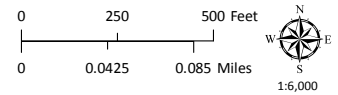
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

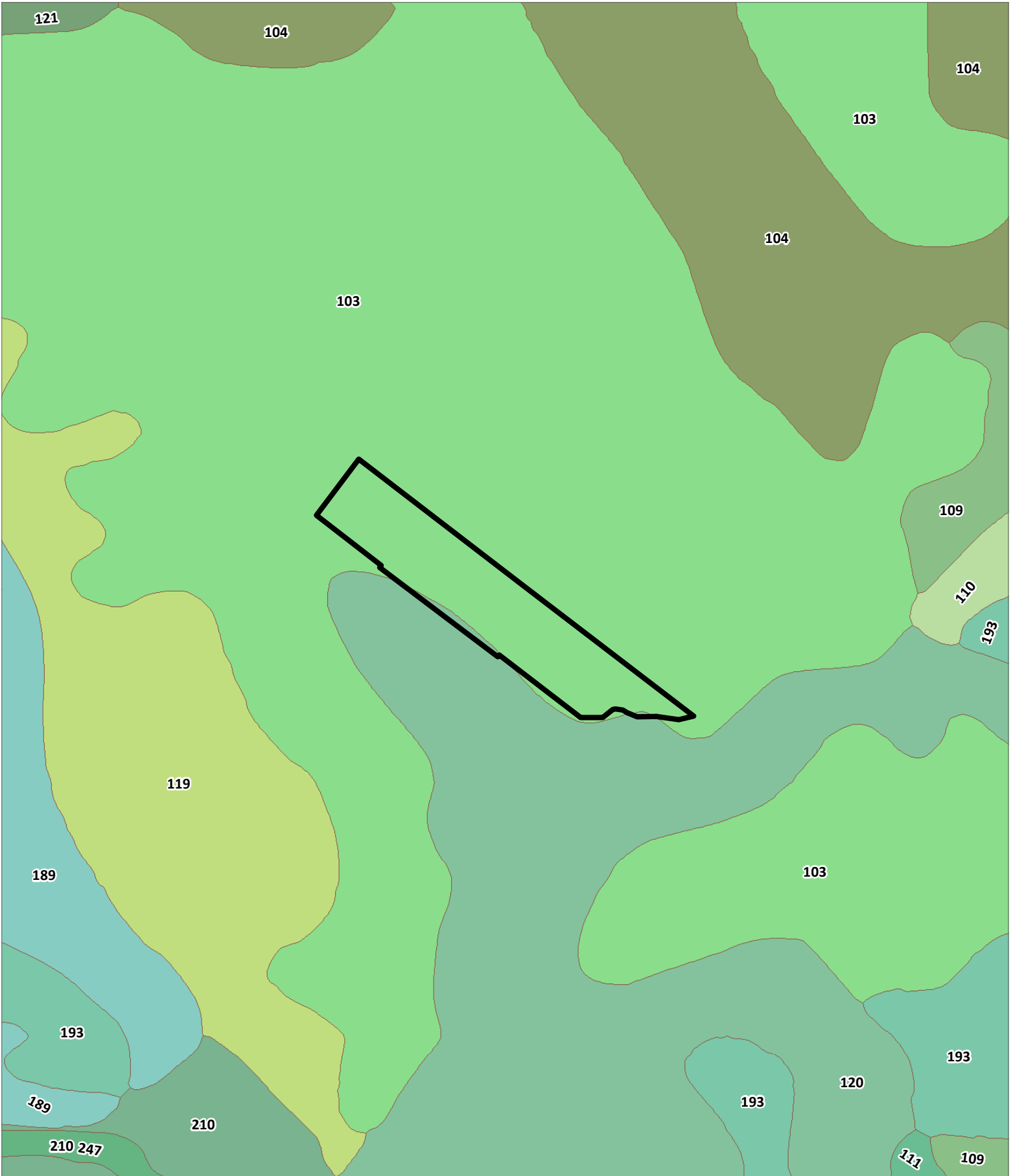
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ATTACHMENT H



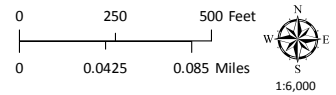
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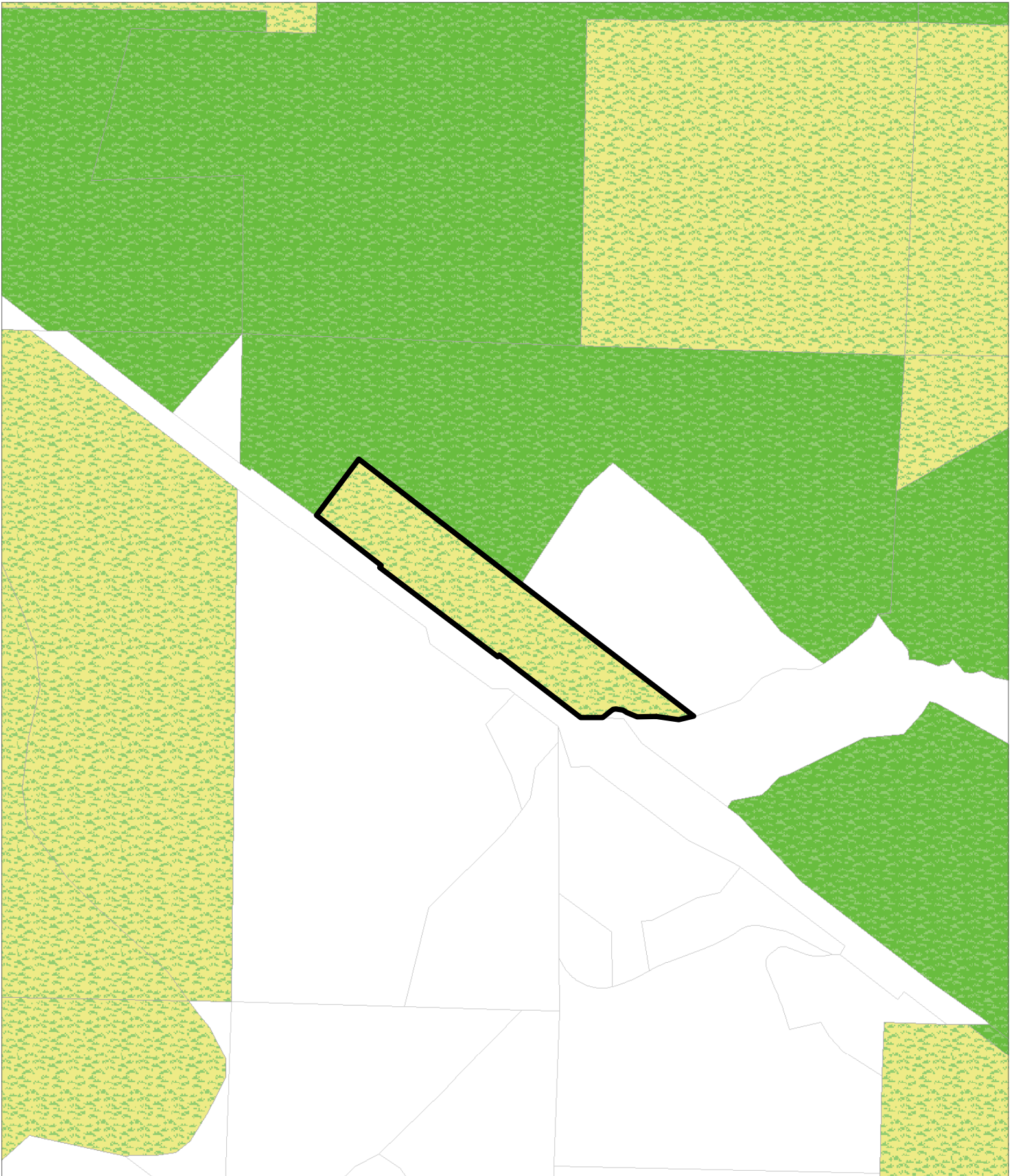
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 Western Study Soil Types



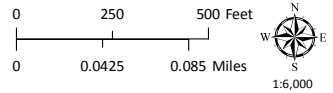
LOCAL SOILS
 ATTACHMENT J

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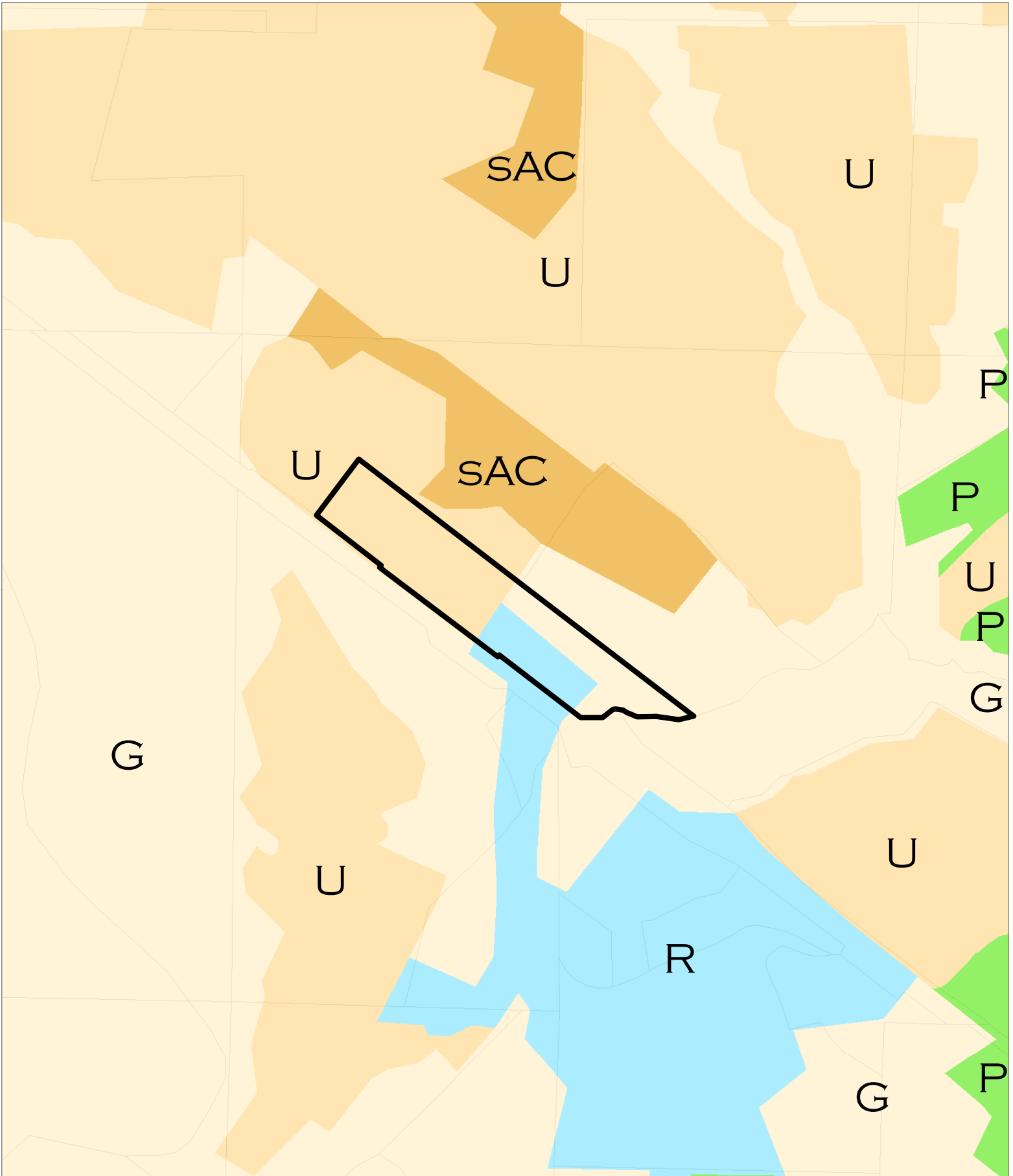
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-  Williamson Act 2017
-  Prime Ag 2017
-  Non-Prime Ag 2017



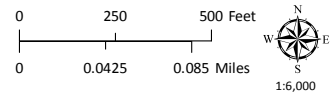
LANDS IN WILLIAMSON ACT CONTRACTS
ATTACHMENT K

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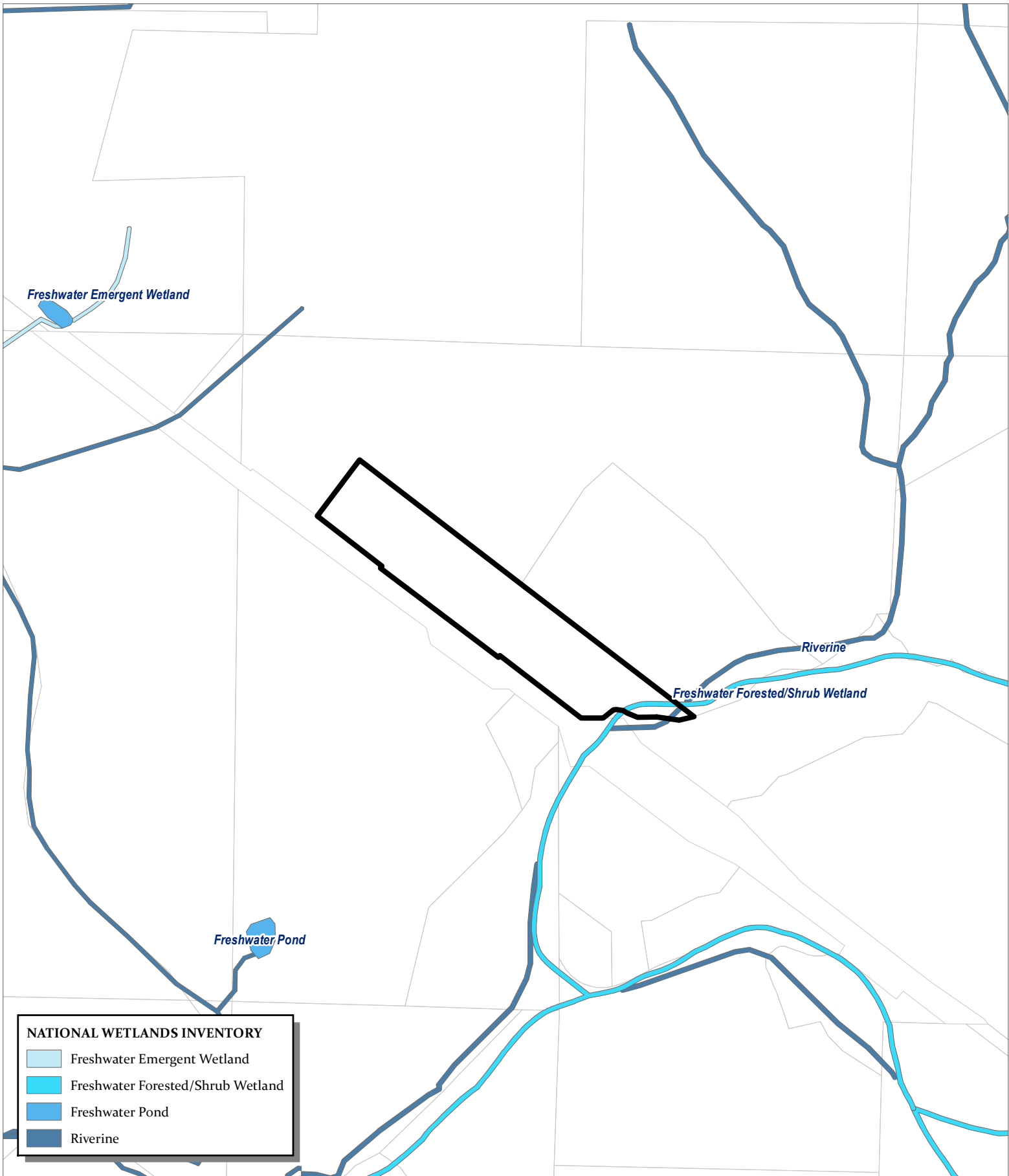
CASE: U 2018-0016
 OWNER: Anderson Vineyards, Inc.
 APN: 026-330-45
 APLCT: Robert Gibson
 AGENT: J.R. Barrett
 ADDRESS: 4501 Hwy. 128, Philo

Grazing Land (G)



IMPORTANT FARMLAND
 ATTACHMENT L

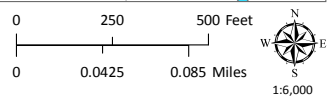
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NATIONAL WETLANDS INVENTORY

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine

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| | |
|---|---------------------------------|
| Section I | Description Of Project. |
| <p>DATE: 1/31/2019 CASE#: U_2018-0016 DATE FILED: 7/20/2018 OWNER: Anderson Vineyards INC. APPLICANT: ROBERT GIBSON AGENT: JAMES R. BARRETT REQUEST: Use Permit to allow for the construction of 3 duplexes to be used as Farm Labor Housing LOCATION: 4.4± miles north of Philo town center, on the east side of State Route 128 (SR 128), 1.6± miles north of its intersection with Philo Greenwood Road (CR 132), located at 4501 Hwy. 128, Philo (APN: 026-330-45). ENVIRONMENTAL DETERMINATION: Negative Declaration STAFF PLANNER: MIO MENDEZ</p> | |
| Section II | Environmental Checklist. |
| <p><i>“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).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of “no” responses.</i></p> | |

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially 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 type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities / Service Systems |
| | <input type="checkbox"/> 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.

| I. AESTHETICS. 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) Substantially degrade the existing visual character or quality of the site and its surroundings? | <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"/> |

a-b) **No Impact:** A scenic vista is a location that offers a high quality, harmonious, and visually interesting view. Per Policy DE-85 of Chapter 3: Development Element of the Mendocino County General Plan (hereinafter MCGP) related to *Community Character Policies*, “*Viewshed preservation shall be considered when development is located in a highly scenic environment, adjacent to or atop a ridgeline or hill, and in similar settings.*” The proposed project is not located on any scenic vista, as defined by the MCGP, thus there is no potential for the project to damage any scenic resources or have adverse effects on any scenic highways. Additionally, the project will not require the removal of any natural elements such as trees or rocks, thus there is no impact to those resources.

Caltrans designates State Scenic Highways where roadways pass through particularly scenic landscapes. Although scenic resources throughout Mendocino County are visible from roads and highways, no highways in Mendocino County have been officially designated as State Scenic Highways by either the County or Caltrans.¹ No such highways exist in Mendocino County, although some are proposed. Therefore, the project would result in no impact on scenic resources along a scenic highway.

c-d) **Less Than Significant Impact:** The proposed new development will be in harmony with the existing visual character as the subject parcel contains and is surrounded by vineyards. The project consists of the construction of three (3) new structures which include exterior lighting. County development standards for new construction are included as conditions of approval to ensure this impact is less than significant by requiring all outdoor lighting to be downcast and shielded to limit light pollution.

¹ California Department of Transportation. 2011. *California Scenic Highway Mapping System*. Date Accessed: October 31, 2016. 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"/> |

a-e) **No Impact:** The parcel on which the proposed project is located is zoned Agricultural per the Mendocino County Zoning Code, Division 1. The land is considered non-prime agricultural land per “Attachment K: Lands in Williamson Act Contracts”², thus there will be no conversion of prime, unique, or state farmland to a non-agricultural use. Additionally, the proposed project does not entail the removal of any tree species and it is not considered part of a ‘forestland’, thus there is no impact to timber resources.

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a ten year agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses. Mendocino County policies set minimum parcel size requirements of ten (10) acres for prime agricultural land and forty (40) acres for non-prime agricultural land. Fifty percent (50%) of the land to be contracted is to be continuously used or maintained for agricultural uses, unless the Board of Supervisors makes specific findings. The Williamson Act states that a board or council by resolution shall adopt rules governing the administration of agricultural preserves. The rules of each agricultural preserve specify the uses allowed. Generally, any commercial agricultural use will be permitted within any agricultural preserve. In addition, local governments may identify compatible uses permitted with a use permit. Per Mendocino County Zoning Code Sec. 20.052.020, farm labor housing is allowable with the benefit of a minor use permit in the Agricultural Zoning District (AG). As well, Section 9.4(A) of the Williamson Act Policies and Procedures deems farm labor housing a compatible use. Therefore, the proposed housing cannot be construed as being discordant with the intent of either the AG zone or the general provisions of the Williamson Act.

² Mendocino County Maps, Attachment “K”

| 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-e) **No Impact:** Air pollution control in the State of California is based on federal, state, and local laws and regulations. The federal Environmental Protection Agency, Cal EPA, and regional clean air agencies, all regulate air quality. Federal and State agencies establish maximum concentrations for a wide variety of pollutants such as particulate matter (PM10 and PM2.5), ozone, and other smog precursors (NOX and ROG). Mendocino County is part of the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma Counties, and is within the jurisdiction of the Mendocino County Air Quality Management District (MCAQMD). Air basins bordering the North Coast Air Basin include the Northwest Plateau, Sacramento Valley, Lake, and San Francisco Area air basins. The topography of the North Coast Air Basin is similar to that of Mendocino County in that it varies with mountain peaks, valleys, and coastline (County of Mendocino General Plan, 2009). The climate of Mendocino County transitions between that of the coast and that of the interior of California. The eastern portion of the County is characterized by warm, dry summers and cool, wet winters. Coastal Mendocino County has a mild Mediterranean climate with abundant rainfall (County of Mendocino General Plan, 2009). MCAQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. Based on the results of monitoring, the entire County has been determined to be in attainment for all Federal criteria air pollutants and in attainment for all State standards except Particulate Matter less than 10 microns in size (PM10). Throughout the inland portions of the County, MCAQMS identifies the following as sources of PM10:

- 1) Woodstoves;
- 2) Fireplaces;
- 3) Outdoor burning, including agricultural waste;
- 4) Fugitive dust;
- 5) Automobile traffic; and
- 6) Industry

In January of 2005, MCAQMD adopted a Particulate Matter Attainment Plan establishing a policy framework for the reduction of PM10 emissions, and has adopted Rule 1-430 which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly-dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;

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

Like many counties in Northern California, Mendocino County has areas that contain Naturally Occurring Asbestos (NOA). State regulations, enforced by MCAQMD, may affect grading and surfacing projects. The District uses a map prepared by County Information Services to identify areas likely to have asbestos containing geologic features. The map was derived from maps produced by the CA Bureau of Mines and Geology and the USDA Natural Resource Conservation Service. For projects in areas identified as potentially containing NOA, the District requires an evaluation and report by a State registered geologist to determine that any observed NOA is below levels of regulatory concern in the areas being disturbed (Title 17, CCR, Section 93105(c)(1)). The Air Pollution Control Officer may, upon being provided a report detailing the geologic evaluation, grant an exemption from other requirements of the regulation. If the State registered geologist determines that NOA is present at levels above regulatory concern, or the applicant chooses not to have the testing and evaluation conducted, the District requires dust control measures in accordance with Title 17, CCR, Section 93105(d) and (e). Such measures generally include, maintaining vehicle speeds at less than 15 mph, washing down vehicles prior to moving off the property and cleaning visible track-out as needed at least once a day. All fill removed from areas containing NOA must be disposed of in accordance with applicable laws and regulations, approved dust suppressants must be used on unpaved surfaces and all on-site workers must be informed of possible presence of NOA.

The proposed project does not entail any activity that would create substantial pollution, or damage air quality in any way, thus the project would not conflict with any air quality plan, nor would it violate any air quality standards. Subsequently, there will be no impact to the environment or neighboring residents with regards to pollutants or objectionable odors. Several conditions have been included to ensure there are no impacts to air quality.

| 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 Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 Wildlife or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |

- a) **Less Than Significant Impact:** The California Natural Diversity Database (hereinafter CNDDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, other agencies, and conservation organizations. The data help drive conservation decisions, aid in the environmental review of projects and land use changes, and provide baseline data helpful in recovering endangered species and for research projects.³ Currently, the CNDDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Threatened to Endangered.⁴ None of the 32 species listed as being of concern, nor any of the other 253 that appear on the list as present in the County, are expected to be intrinsically impacted as a result of the current proposal, MCGP Resource Management Policy RM-28 states:

“All discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction (if applicable) including, but not limited to, the following strategies:

- *Preservation of habitat and connectivity of adequate size, quality, and configuration to support the special-status species. Connectivity shall be determined based on the specifics of the species’ needs.*

³ <https://www.wildlife.ca.gov/Data/CNDDDB/About>

⁴ <https://map.dfg.ca.gov/bios/?tool=cnddbQuick>

- *Provision of supplemental planting and maintenance of grasses, shrubs, and trees of similar quality and quantity to provide adequate vegetation cover to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife.*
- *Provide protection for habitat and the known locations of special-status species through adequate buffering or other means.*
- *Provide replacement habitat of like quantity and quality on- or off-site for special-status species.*
- *Enhance existing special-status species habitat values through restoration and replanting of native plant species.*
- *Provision of temporary or permanent buffers of adequate size (based on the specifics of the special-status species) to avoid nest abandonment by nesting migratory birds and raptors associated with construction and site development activities.*
- *Incorporation of the provisions or demonstration of compliance with applicable recovery plans for federally listed species.”*

As well, Action Item RM-28.1 further expounds:

“The County shall develop CEQA standards that require disclosure of impacts to all sensitive biotic communities during review of discretionary projects. These standards shall require the following mitigation:

- *Sensitive Biotic Communities – For all sensitive biotic communities, restore or create habitat at a no net loss standard of habitat value lost. Where it is determined that restoration or creation are ecologically infeasible, preserve at a 2:1 ratio for habitat loss.*
- *Oak Woodland – Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity and wildlife habitat through the following measures:*
 - *Preserve, to the maximum extent possible, oak trees and other vegetation that occur near the heads of drainages or depressions to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.*
 - *Comply with the Oak Woodlands Preservation Act (PRC Section 21083.4) regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain, to the maximum extent feasible, existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial approvals.*
 - *Provide appropriate replacement of lost oak woodlands or preservation at a 2:1 ratio for habitat loss.”*

According to spatial data generated by the County of Mendocino, specie has been identified near the project site that is considered protected by local, state, and federal agency⁵. The California Department of Fish and Wildlife (hereinafter CDFW) provided comments on January 4, 2019, stating that the wetland areas present on the parcel could potentially support red-bellied newt habitats. However, these concerns are considered less than significant as the proposed project occurs more than five hundred (500) feet away from the nearest mapped wetland area. There are also Oak Woodland habitats present on the parcel. CDFW has noted that all Oak Woodland trees currently on the project site are not proposed to be affected. However, CDFW has requested that any future removal of Oak Woodland trees meet County of Mendocino mitigation standards, mentioned above. Despite the presence of sensitive species and Oak Woodlands on the parcel, the project site is located far enough away that potential impacts can be

⁵ County of Mendocino Maps

mitigated though standard Best Management Practices (BMP's) and adherence to existing County development standards, therefore reducing any potential impact to less than significant.

- b) **Less Than Significant Impact:** The California State Wildlife Action Plan (SWAP) published in 2015 found that housing is a potential impact to riparian habitats in the Northern California ecoregion⁶. A riparian habitat or riparian zone is a type of wildlife habitat found along the banks of a river, stream, or other actively moving source of water such as a spring or waterfall. The term generally refers only to freshwater or mildly brackish habitats surrounded by vegetation and may include marshes, swamps, or bogs adjacent to rivers. Riparian is not generally used to describe coastal shorelines, beach areas, or pelagic environments. Barren areas, such as a river moving through bare rock, are also not considered riparian zones.⁷ Mendocino County is rich in natural resources and diverse biomes and can be generally divided into sixteen watersheds adjacent to the three main rivers located partially in the County; the Coastal, Eel and Russian River basins.⁸ The Eel River has been designated as both a federal and California Wild and Scenic River, to be "preserved in (its') free-flowing state, together with (their) immediate environments"⁹; although official preservation or management guidelines for protection are yet to be drafted. The County employs the use of Best Management Practices (BMP's) under the guidance of the National Pollutant Discharge Elimination Standards (NPDES Phase II regulations) that limit and regulate how and in what manner development and construction projects handle surface runoff water and developments in the region of sensitive riparian corridors. County policy RM-1 and the associated Action Item RM-1.1, state:

"Protect stream corridors and associated riparian habitat."

"Require adequate buffers for all projects potentially impacting stream corridors and/or their associated riparian habitat."¹⁰

As the construction of housing in rural or un-urbanized areas has the potential to negatively impact riparian habitats, Federal, State and County policies have been drafted and adopted in response to anticipated impacts. Whilst it can be stated that intrusion into riparian or sensitive natural communities can potentially be detrimental, the current proposal for construction of three duplexes partially on the footprint of an existing residential structure to be removed cannot be construed as being an inherently significant impact to existing potentially sensitive environmental areas.

- c) **Less Than Significant Impact:** Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include infill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 (e.g., certain farming and forestry activities).¹¹ If an activity is exempt but represents a *new use* of the water, and the activity would result in a *reduction in reach or impairment of flow or circulation* of regulated waters, including wetlands, the activity is *not* exempt. Both conditions must be met in order for the activity to be considered non-exempt. In general, any discharge of dredged or fill material associated with an activity that converts a wetland to upland is not exempt and requires a Section 404 permit.¹² The project, as proposed, would not be defined as an exempt activity under the parameters of the CWA, and would be subject, if applicable, to a permit for dredging and filling activity as defined by the CWA. There are nationally designated wetlands, including freshwater forested/shrub wetlands and riverine wetlands present onsite, but the location of the project site, the current use of the larger parcel as an active vineyard engaged in highly managed agricultural activities, as well as the implementation of BMP's will reduce the potential impact to less than significant.
- d) **No Impact:** The proposed construction of farm labor housing is not expected to have an impact to movement of native residents, migratory patterns of fish or wildlife species, established native resident or

⁶ <https://www.wildlife.ca.gov/SWAP>

⁷ <https://www.thespruce.com/riparian-habitat-characteristics-386910>

⁸ Mendocino County General Plan, Page 4-2 and Figure 4-1

⁹ Ibid, Page 4-31

¹⁰ Ibid, Page 4-34

¹¹ <https://www.epa.gov/cwa-404/section-404-permit-program>

¹² <https://www.epa.gov/cwa-404/exemptions-permit-requirements>

migratory wildlife corridors, or impede the use of native wildlife nursery sites. The MCGP is clear in stating the established policies regarding biological and aquatic resources to which all proposed projects much adhere. Specifically, Resource Management Policies 71-99 speak to the protection and preservation of existing biological and aquatic resources and direct development to avoid sensitive areas and environments such that no net loss occurs; preservation and enhancement be preferred to removal and replacement; and promotion of conservation corridors to formalize limitations on incompatible uses. Policy 75 may best state the overall intent of the Mendocino County General Plan regarding native species. It states (in part) that: *“Protection of existing resources is the highest priority.”*¹³

- e) **No Impact:** Whilst there is no formal tree preservation policy or ordinance for the County, approximately 46% of Mendocino County consists of forestland managed by the U.S. Forest service or in private Timber Protection Zones.¹⁴ These forests are subject to a variety of state and federal laws, including the Endangered Species Act, Clean Water Act, Z'berg-Nejedly Forest Practice Act, Wild and Scenic Rivers Act, as well as policies and directives enshrined in both the adopted Zoning Code and General Plan of the County. The California Department of Forestry and Fire Protection (CalFire) also must be consulted, and a Timber Harvest Plan submitted and approved for any commercial timber harvests. In this way, the forests and trees of the County are managed and protected for their potential use as commercial products. The forgoing discussions in Sections A-D of resource protection also apply to any native, or heritage trees located in existing or potentially sensitive environmental areas.

- f) **No Impact:** County policies, federal and state laws, local regional plans, and land trust easements form the basis of conservation efforts in the County. Additionally, the intent of the Open Space Zoning *“district is intended to be applied to lands not suited for development or to lands most valuable in their undeveloped natural state. Generally structures and significant grading shall be prohibited, but may be permitted with a minor use permit provided the structures or grading furthers the open space intent.”*¹⁵ This policy is echoed in General Plan County Policy RM-126, which states: *“Protect the scenic values of the county’s natural and rural landscapes, scenic resources, and areas of significant natural beauty.”*¹⁶

The current proposal to construct 3 duplexes intended for farm labor housing on an existing agricultural parcel cannot be stated to have an impact of significance to the stated County policies regarding open space and or habitat or community conservation plan areas.

| <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 as defined in § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a-d) **No Impact:** The proposed project includes the removal of an existing structure and new construction of 3 duplexes for farm labor housing, which results in ground disturbing activities. An archaeological survey was conducted, reviewed and approved by the County’s Archaeological Commission. Although the archeological survey found no evidence of cultural or archaeological resources, the rich and diverse history of native peoples in the county, as well as the location of the project site in the vicinity of wetland and riverine watershed areas indicates a higher potential for undiscovered artifacts or other items of

¹³ MCGP, pg. 4-46
¹⁴ Ibid, Page 4-27
¹⁵ Mendocino County Zoning Code, Title 20, Division I, Sec. 20.104.005
¹⁶ Mendocino County General Plan, Page 4-54

historical or cultural relevance. Therefore, the Archaeological Commission is requiring a licensed Archaeologist be on hand for all work involving ground disturbance.

Per California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(b)(1); a *“substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an (sic) historical resource would be materially impaired.”* Potential archeological resources are governed by MCC Sec. 22.12.090, which echoes state law regarding discovery of artifacts and states, in part, *“It shall be unlawful, prohibited, and a misdemeanor for any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archaeological site without complying with the provisions of this section”.*

Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), *“If an archeological resource is neither a unique archeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.”* No unique paleontological resources or geologic features have been identified as being directly or indirectly impacted as a result of the proposed project. Identification of any unique resources or features with the potential to be affected would trigger the application of California Code of Regulations, Title 14, Chapter 3; California Environmental Quality Act Section 21083.2; and Mendocino County Code, Division IV, governing discovery or identification of potential resources or features.

MCC Section 22.12.090 governs discovery and treatment of archeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. Per Mendocino County General Plan Development Policy DE-113: *The County and other public agencies are encouraged to protect, maintain and restore historical, archaeological and cultural resources under their ownership or management.* And Policy DE-114 further requires; (to) *fully evaluate and protect historical, archaeological and cultural resources through the development process, including resources of national, state or local significance.*

By following the recommendations of the Archeological Commission and the survey completed onsite, it can be stated that there will be no impact to potential cultural resources, with abundant and pithy regulations to follow should that designation change during the course of the project.

| <u>VI. GEOLOGY AND SOILS.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Expose people or structures to 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input 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"/> |

a-e) **No Impact:** The State of California is located in one of the most seismically active environments in the nation. In addition to the famed San Andreas Fault that traverses the southwest corner of the County and continues offshore, there are five other active or potentially active fault zones with a probability to adversely affect life in the County.¹⁷ The California Department of Conservation and the California Geologic Survey are tasked with maintaining databases of seismic activity and to develop strategies and policies to mitigate the effects of living in so-called “earthquake country”. State laws, including requiring geotechnical studies to determine ideal building locations, as well as building code requirements that hold health, life and safety as paramount standards for construction proposals are benchmarks to which all projects must adhere. Preliminary soil reports are required for all unmapped areas in the State of California¹⁸, which serves to direct development in appropriate areas, and provide guidelines for construction practices. Most of the County derives water and septic services in a piecemeal fashion, with several private water districts and much of the rural county environs being served by private on-site well water. New septic systems are subject to review and approval from the County Department of Environmental Health. Specific County policies have been crafted to address the existing geologic conditions that are present in the area. Policy DE-232 states:

“All new buildings and structures shall comply with the uniform construction codes and other regulations adopted by the County and State to minimize geologic hazards. Action Item DE-232.1: Where appropriate, require geologic, seismic and soil engineering information to evaluate, locate and design development, especially critical and high occupancy structures, to minimize seismic and other geologic hazards.”

As well, Action Item DE-233.3 requires “geologic, seismic, and/or soil engineering reports in areas of known or potential geologic hazards prior to final approval of discretionary permits”¹⁹

The proposed project is not uniquely exposed to any major geological concerns such as ground shaking, ground failure, landslides, or soil erosion as it is not located on any fault zone or near any heavily sloped terrain. Furthermore, the subject parcel is not located on soils that would be considered unstable or expansive, thus these concerns do not apply to the project site. As the project is not located on a fault, the project would not trigger any issues such as a landslide or liquefaction, thus there is no impact in this regard. The soil upon which the proposed project is located supports the existing septic system, and has been vetted by a septic provider to be viable for construction or expansion of the existing septic to support the proposed additional residential units. Therefore, it can be stated that the proposal will have no impact to existing geological and soils concerns.

¹⁷ Mendocino County General Plan Pages 3-49 to 3-50

¹⁸ California Building Code 2016, Section 1803.1.1.1

¹⁹ Mendocino County General Plan, Pages 3-114 and 3-115

| <u>VII. 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-b) **No Impact:** The MCGP identifies climate change as an emerging issue for the County, and the emission of greenhouse gases as a primary contributing factor. On April 29, 2015 Governor’s Executive Order #B-30-15 was passed for the State of California and set a greenhouse gas emissions target for 2030 to be 40% below accepted 1990 levels.²⁰ The current proposal involves construction and habitation of structures, which can result in increased emissions. However, as the proposed residential structures are designated as onsite farm labor housing, the future tenants are not anticipated to generate additional greenhouse gases due to a lack of commute. The anticipated results of the proposal would also not conflict with any applicable plan, policy or regulation adopted by the County of Mendocino. It can be stated that the construction of onsite farm labor housing will not contribute significantly to increased greenhouse gas emissions either at large, or to levels that could be considered significant in terms of emissions targets set by EO #B-30-15.

| <u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u> 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, 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"/> |

²⁰ California Climate Change Executive Orders; http://www.climatechange.ca.gov/state/executive_orders.html

| <u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| g) 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"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- a-b) **No Impact:** The proposal to construct 3 farm labor housing duplexes cannot be construed as exacerbating existing hazardous conditions in the County. The provisions in Government Code Section 65962.5 are commonly referred to as the “Cortese List”. The list, or a site’s presence on the list, has bearing on the local permitting process as well as on compliance with the California Environmental Quality Act (CEQA).²¹ The Department of Toxic Substances Control (DTSC), under Government Code Section 65962.5(a), Section 65962.5(a)(1) requires that DTSC “shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following:(1) [a]ll hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code (“HSC”).”²² Should a site be present on the “Cortese List”, no residential development would likely be proposed or approved, thereby reducing the potential impact of hazards and hazardous material as a result of the current project to negligible levels.
- c) **No Impact:** The project does not propose any activities that would emit any hazardous emissions or use any hazardous materials, thus there is no impact in this regard. Furthermore, the closest school is located roughly eight (8) miles southeast of the project site.
- d) **No Impact:** The project site has not been identified as a hazardous materials site, thus there will be no significant hazard to the public or the environment in terms of exposure to on-site hazardous materials.
- e-f) **No Impact:** The proposed project is not located within an airport land use plan, the closest airport being Boonville Airport, roughly ten (10) miles to the southeast, thus there are no concerns regarding airplanes or airstrips.
- g) **No Impact:** The proposed project takes access from State Route 128 (SR128) and allows for onsite parking, thus there will no physical interference with an emergency response or evacuation plan.
- h) **Less Than Significant Impact:** The proposed project is located in a Very Low Density, Vegetated Wildland-Urban Interface Zone. The subject parcel is also located within an area identified as a Moderate Fire Hazard area, thus the impact is considered to be less than significant. Additionally, the Anderson Valley Community Services District station is located roughly ten (10) miles to the south.

Anderson Valley Community Services District replied to referral and commented that there would be no impact on the fire department. However, the project is located near a state responsibility area, thus a referral was sent to CalFire. No comments were provided in the response dated August 27, 2018, indicating CalFire had no major concerns with the proposed project and uses.

²¹ <https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/>
²² <https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/>

| <u>IX. HYDROLOGY AND WATER QUALITY.</u> 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) 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"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100 year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100 year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| l) Have a potentially significant impact on groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| m) Impact aquatic, wetland or riparian habitat? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

a, f) **No Impact:** The County employs the “Best Management Practices” (BMP’s) method of monitoring and controlling surface runoff and, as previously discussed, subjects all applicable projects to the NPDES Phase II stormwater control permits. The main source of all groundwater in Mendocino County is rainfall.

No new harvesting of surface water resources has been implemented since the construction of the Lake Mendocino and Van Arsdale reservoirs.²³ Therefore, the existing water resources in the County are a valued and well maintained natural asset. No new proposals, development or construction occurs within the County without a thorough vetting through the Environmental Health Department for sufficient and robust water sources that do not increase pollutant discharges into the systems.²⁴ “The most critical surface water quality problem in Mendocino County is sedimentation—the carrying of dust and soils into bodies of water. 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.”²⁵ The project will not violate any water quality standards or degrade water quality itself as there are no aspects of the proposed project with the potential to affect water quality.

- b) **No Impact:** The proposed project does not require the intensive use of any water resources, thus no substantial depletion of water resources will occur. The project was referred to Regional Water Board and no comment was provided, therefore this is considered to have no impact.
- c-e) **No Impact:** The proposed project does not entail alterations to any drainage pattern that would result in erosion or siltation of the site or neighboring properties, thus this concern is considered to have no impact. Furthermore, it is unlikely the proposed project will alter any drainage pattern in terms of stream alterations as impervious surfaces are not allowed to be expanded. Thus the drainage system would not be impacted, nor would it impact the capacity of any such system.
- g-j) **No Impact:** The proposed project is not located near or within a flood plain, therefore the project is considered to have no impact. The project is more than five hundred (500) feet from the nearest wetland. Additionally, the subject parcel is far enough away from the coastline that no ocean related flooding would occur. The project is not located within a dam inundation zone, thus inundation concerns are considered to have no impact. Furthermore, the proposed project is not located near any environ that would be anticipated to contribute to the inundation of the subject parcel or project site.
- k-l) **No Impact:** The proposed project does not entail any large water discharging that would result in pollutant discharges or any activities that would significantly impact groundwater quality, therefore this project is considered to have no impact.
- m) **Less Than Significant Impact:** Federally mapped wetlands, including freshwater forested and riverine wetlands are present on the property, but the impacts are considered to be less than significant as development will be confined to a defined area, at least 500 feet away from any watercourse. As discussed in Section IV, b and c, the County employs the use of Best Management Practices (BMP’s) under the guidance of the National Pollutant Discharge Elimination Standards (NPDES Phase II regulations) that limit and regulate how and in what manner development and construction projects handle surface runoff water and developments in the region of sensitive riparian corridors. Appropriate buffers to protect sensitive biotic communities are required, reducing any potential impacts to less than significant levels.

²³ Mendocino County General Plan, Pages 4-6 and 4-7

²⁴ Ibid, Policies RM-17 and RM-18

²⁵ Ibid, Page 4-7

| <u>X. 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) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a-b) **No Impact:** The proposed project is located approximately 4.5± miles from Philo town center, one of the four communities highlighted in the Anderson Valley Specific Plan as being the preferred location for community expansion. Goal CP-AV-2 states, “Expand economic and housing opportunities in Anderson Valley consistent with the desired rural agrarian character of the valley.” The current proposal to construct 3 farm labor housing duplexes is reflective of this stated goal, and does not seek to physically divide or bifurcate an established community. There exist no land use plans, policies, or regulations, established by a jurisdictional agency to mitigate environmental impacts, with which the proposed project conflicts.
- c) **No Impact:** As discussed in Sections VI and IX IV, there are no identified habitats or natural community conservation plans for the project location, and there is no possibility for the project to conflict with any such plans.

| <u>XI. MINERAL RESOURCES.</u> 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-b) **No Impact:** The County is the administrator of the California Surface Mining and Reclamation Act (SMARA). Therefore, all activities undertaken regarding this essentially non-renewable resource are subject to review and approval from the local jurisdiction. Mendocino County has many aggregate mineral resources, the demand for which varies. However, any negative impacts to either active mining activities or mining reclamation efforts would be required to be reviewed and approved by the County. These uses are inherently incompatible with residential uses, and it is highly unlikely that the current proposal will result in any effect on current mining activities in the County. County Resource Management Policy RM-66 and related Action Item RM-66.1 state:

Policy RM-66: Restrict development that conflicts with the extraction of important mineral deposits when maps become available from the State Geologist under the California Surface Mining and Reclamation Act.

Action Item RM-66.1: Restrict development that conflicts with the extraction of important mineral deposits when maps become available for the State Geologist under California Surface Mining and Reclamation Act.²⁶

²⁶ Mendocino County General Plan Page 4-45

The proposed project is not located on or within any identified mineral resource lands, thus it will not result in the loss or degradation of any available mineral resource.

| XII. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels 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) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 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"/> |
| f) For a project within the vicinity of a private airstrip, 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"/> |

a-d) **Less Than Significant Impact:** Per the MCGP, “Noise policies are intended to protect county communities from excessive noise generation from stationary and non-stationary sources. Land uses would be controlled to reduce potential for incompatible uses relative to noise. Residential and urban uses will be restricted near agriculture lands to prevent incompatible uses being placed near inherently noisy agricultural operations. Noise-sensitive environments, including schools, hospitals, and passive recreational use areas, would be protected from noise-generating uses. Structural development would be required to include noise insulation and other methods of construction to reduce the extent of excessive noise.”²⁷ Appendix C of the Mendocino County Zoning Code, Division I lists adopted allowable noise limit standards for residential and public land use categories.²⁸ These standards and the associated levels not to be exceeded for a sustained period of time are echoed in the County General Plan through Tables 3-J, 3-K and 3-L.²⁹ The proposed farm labor housing project is being undertaken to support an active vineyard and wine production business. There is a possibility of some increased permanent and temporary noise due to the construction of three (3) duplexes, demolition of a single-family residence, and increases to both people and car traffic, respectively; but these issues are considered to be less than significant due to the proximity of the project to current winery operations and associated agricultural activities .

e-f) **No Impact:** The proposed project is not located near any airport zone or within any airport land use plan, thus it would not be exposing people to any level of noise regarding aircrafts or airstrips.

²⁷ Mendocino County General Plan, Page 3-10

²⁸ Mendocino County Zoning Code, Division I, Appendix C

²⁹ Mendocino County General Plan, Pages 3-90 to 3-93

| <u>XIII. 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 (for example, by proposing new homes and businesses) or indirectly (for example, 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 housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-c) **No Impact:** The project consists of the construction of three duplexes to serve as farm labor housing, with infrastructure improvements limited to increased driveway access and parking for the new residential units. Currently, one single-family residence is on the property, which will be retained until the first phase of construction is completed. As such, no net loss of housing stock will occur and there will be no impact to population and housing as a result of the project.

| <u>XIV. 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Medical Services? | <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"/> |

a) **Less Than Significant Impact:** The proposed project does not create any issues for public service delivery. The parcel takes access from State Route 128 (SR 128). Anderson Valley Community Services District replied to referral and commented that there would be no impact on the fire department. Previously noted, CalFire responded to their referral with no comment indicating CalFire had no concerns for the project at the time. There is not anticipated to be an impact of significance to schools, parks or other public facilities as a result of the construction of the 3 farm labor housing duplexes.

| <u>XV. RECREATION.</u> | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Would the project 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) Does the project 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"/> |

a-b) **No Impact:** The proposed project is not located near any state or regional parks, thus it would be unlikely that recreational facilities would deteriorate from usage due to the proposed project. Additionally, the proposed project does not entail the creation of any recreational spaces, thus it would be unnecessary to expand recreational facilities.

| <u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a 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"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-f) **No Impact:** The proposed project is located in a rural area for which State Route 128 is the main thoroughfare. Both local and regional traffic utilize the roadway, with a fair amount of traffic being logging and winery trucks. The inclusion of an additional six units of farm labor housing is unlikely to add more intensive use of State Route 128 (SR 128) than already exists. Comments received from jurisdictional agencies indicate no identifiable issues as a result of project approval and completion. There are no

identified congestion management programs which could be violated by the proposed project, thus there are no impacts with regards to these concerns. The project does not entail any obstructions to emergency access. Additionally, the proposed project would not alter any movement patterns, nor increase traffic hazards to others within the surrounding area. A condition has been included to ensure the applicant adhere to standards required by both the Mendocino County Department of Transportation and California Department of Transportation when necessary.

| <u>XVII. 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 section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 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 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a-b) **No Impact:** The proposed project was referred to Sonoma State University, which responded with comments on September 10, 2018 recommending an archeological survey. The survey was submitted to and reviewed by the Mendocino County Archaeological Commission at the November 14, 2018 meeting and the survey recommendations were accepted as conditions to the project. The Mendocino County Archaeological Commission added that an Archeologist be on site during any ground disturbance. These measures to ensure proper adherence to the Discovery Clause mentioned in Section V indicate no identified impact to tribal cultural resources.

| <u>XVIII. UTILITIES AND SERVICE SYSTEMS.</u> Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) 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"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a-b) **No Impact:** The proposed project is not located within a wastewater sanitation district nor requires expansion of a wastewater sanitation district and thus there would be no impact. The property is served by an onsite well and septic system. The proposed new residences will require construction of a new septic system, but the impacts of this are negligible. BMP's will be employed during demolition and construction, and no impacts are anticipated.
- c) **No Impact:** The project is not located within the MS4 stormwater area, thus there should be no impacts with regards to such issues. As mentioned, the project shall adhere BMP's with regard to impervious surfaces, and no expansion is allowed.
- d-g) **No Impact:** The proposed project is not located within any wastewater district, thus there are no impacts with regard to these issues. Additionally, there is a recycling business and solid waste removal businesses located ten (10) miles south of the project site, thus there will be no impacts with regards to solid waste.

| <u>XVIV. 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 type="checkbox"/> | <input checked="" 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) **Less Than Significant Impact:** As noted in previous sections, the proposed project is anticipated to have a Less Than Significant Impact on the quality of the environment and it would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, negatively impact any plant or animal communities, reduce the number or restrict the range of a rare or endangered plant or animal; nor would the project eliminate or even impact important examples of the major periods of California history or prehistory. Any impacts that would occur are considered to be less than significant and can be adequately addressed through implementation of the project Conditions of Approval.
- b) **No Impact:** The proposed project is confined to phased construction and demolition of residential housing stock for the specific purpose of providing onsite housing for farm labor. Approval of the proposal will not create any cumulative impacts on the surrounding area and is anticipated to have no impacts defined as cumulatively considerable.
- c) **Less Than Significant Impact:** Though most aspects of the project will not have an impact on the environment and surrounding residence, there are a number of Less Than Significant impacts. Some of the less than significant impacts are: potential sustained increases in ambient noises and temporary increases in ground borne vibrations, temporary use of heavy construction equipment which has the potential to effect air quality, and potential increase in usage of State Highway 128. However, all of the concerns are considered to have less than significant impacts and standard project conditions of approval will reduce any potential impacts to less than significant.

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.

3/5/2019

DATE



MIO MENDEZ
PLANNER I

Resolution Number _____

County of Mendocino
Ukiah, California
April 11, 2019

U_2018-0016 – FARM LABOR HOUSING

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, GRANTING A MINOR USE
PERMIT TO ALLOW FOR FARM LABOR HOUSING

WHEREAS, the applicant, ANDERSON VINEYARDS INC, filed an application for a Use Permit with the Mendocino County Department of Planning and Building Services to allow for Farm Labor Housing, 4.4± miles north of Philo town center, on the east side of State Route 128 (SR 128), 1.6± miles north of its intersection with Philo Greenwood Road (CR 132), located at 4501 Hwy. 128, Philo (APN: 026-330-45).; General Plan; Agriculture: 40 Acre Minimum (AG40) and Rangeland: 160 Acre Minimum (RL160); and Zoning; Agriculture: 40 Acre Minimum (AG:40) and Rangeland: 160 Acre Minimum (RL:160); Supervisorial District 5; (the “Project”); and

WHEREAS, an Initial Study was prepared for the Project and noticed and made available for agency and public review on April 11, 2019, in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; “CEQA”) and the State and County CEQA Guidelines, which the Initial Study recommended adoption of a Negative Declaration; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on, April 11, 2019, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing for the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. **General Plan & Zoning Consistency Findings:** The subject parcel has General Plan Land Use Designations of Agriculture and Rangeland and the project is consistent with the General Plan definition. Additionally, the Zoning Districts of the subject parcel are Agriculture and Rangeland, and the Project is consistent with the Agricultural Zoning District per Mendocino County Code § 20.052.020
2. **Anderson Valley Community Plan:** The Project does not conflict with any policy of the Anderson Valley Community Plan, and is consistent with Goal CP-AV-3 and Policy CP-AV-7 and CP-AV-8.
3. **Use Permit Findings:** The Project satisfies the Use Permit required findings per the Mendocino County Code §20.196.020.
4. **Environmental Protection Findings:** An Initial Study was conducted for the Project in accordance with CEQA, which determined the Project will not have any significant adverse impacts on the environment.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit “A”, attached hereto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: ADRIENNE THOMPSON
Administrative Services Manager II

BY: IGNACIO GONZALEZ
Zoning Administrator

EXHIBIT A

**CONDITIONS OF APPROVAL
U_2018-0016 - ANDERSON VINEYARDS, INC.
APRIL 11, 2019**

APPROVED PROJECT DESCRIPTION: Minor Use Permit to allow construction of three duplexes for Farm Labor Housing

CONDITIONS OF APPROVAL:

Standard Conditions:

1. The permit shall become effective on the 11th day after Zoning Administrator approval and shall expire and become null and void at the expiration of two years after the effective date except where use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division I of Title 20 of the Mendocino County Code.
3. 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 Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required permits from the Building Inspection Division of the Department of Planning and Building Services for all construction, structural modifications, establishment of signs and compliance with handicapped accessibility for the facility if required.
6. 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, or the operation of one or more such conditions.
7. This permit 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.

Environmental Health:

8. The applicant shall obtain any necessary permit(s) required by the Mendocino County Environmental Department.

Building Department:

9. The applicant shall either reinstate or cancel Building Permit BU_2010-0365 (Sign Permit)
10. The applicant shall obtain any necessary permit(s) required by the Mendocino County Building Department.

Air Quality:

11. The applicant shall obtain any necessary permit(s) required by the Mendocino County Air Quality Management District. A clearance letter from the Air Quality Management District shall be submitted to Department of Planning & Building Services to show compliance with this condition.

Tribal Cultural Resources:

12. The applicant shall have an archaeologist be present during any ground disturbance and also provide a letter that this condition be met.
13. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code "Discovery" relating to archaeological discoveries have been satisfied.

California Department of Fish and Wildlife:

14. If the applicant cuts down any Oak Woodland trees, they would have to replant Oak Woodland trees at a 3:1 ratio.

Notice of Determination

To:

Office of Planning and Research
U.S. Mail: PO Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113 Sacramento, CA 95812

County Clerk:
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

From:

Mendocino County Planning & Building
860 North Bush Street
Ukiah, CA 95482
Contact: MIO MENDEZ
Phone: 707-234-6650

Lead Agency (if different from above):
Address: _____
Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resource Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title: U_2018-0016

Project Applicant: ANDERSON VINEYARDS INC/ Robert Gibson

Project Location (include county): 4.4± miles north of Philo center, on the east side of Hwy. 128 (SH 128), 1.6± miles north of its intersection with Philo Greenwood Rd. (CR 132), located at 4501 Hwy. 128, Philo (APN: 026-330-45).

Project Description: Use Permit to allow for the construction of 3 duplexes to be used as Farm Labor Housing.

This is to advise that the County of Mendocino (Lead Agency) has approved the above described project on March 14, 2019, and has made the following determinations regarding the above described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative declaration is available to the General Public at: www.co.mendocino.ca.us/planning, 860 N. Bush Street, Ukiah CA 95482, and 120 W. Fir Street Ft. Bragg, CA 95437.

Signature (Public Agency): _____ Title: _____

Date: _____ Date Received for filing at OPR: _____