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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT FOR STANDARD CDP**

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**CDP\_2017-0024  
JULY 25, 2019**

**SUMMARY**

**OWNER/APPLICANT:** DOUGLAS EARLE  
602 MASON STREET, APT. 101  
SAN FRANCISCO, CA 94108

**AGENT:** WYNN COASTAL PLANNING  
703 NORTH MAIN STREET  
FORT BRAGG, CA 95437

**REQUEST:** Standard Coastal Development Permit to construct a 2,024 square foot two-story single-family residence with an attached garage and 1,224 square feet of patio and walkway space. Additional improvements include a retaining wall; converting existing test wells to production wells; drilling a supplemental production well; septic system; propane tank; rainwater catchment system; storage tank; outdoor emergency generator; roof-mounted solar panels; trenching for utilities; and extending the existing driveway.

**LOCATION:** In the Coastal Zone, 4± miles north of the City of Fort Bragg, located west of State Route 1 at 24950 N Highway 1, Fort Bragg (APN: 069-142-02).

**TOTAL ACREAGE:** 12.33 Acres

**GENERAL PLAN:** Coastal Element, Mendocino County General Plan Remote Residential 40 Acre minimum (RMR40)

**ZONING:** Mendocino County Coastal Zoning Code Remote Residential (RMR40)

**SUPERVISORIAL DISTRICT:** 4<sup>th</sup> Supervisorial District (Gjerde)

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**APPEALABLE:** Yes, mapped Appeal Jurisdiction

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Juliana Cherry

**BACKGROUND**

**PROJECT DESCRIPTION:** A request to construct within a dune area a 2,024 square foot two-story single family residence with an attached 520 square foot garage. The proposal includes 1,224 square feet of patio and walkway space surrounded by low-stature retaining walls, where the patio would accommodate a propane tank, outdoor generator, rain catchment system, and potable water storage tank. Proposed are three production wells, where two of the three wells would be converted from existing test wells. An on-site septage and leach field system is proposed. The project would include south-facing roof-mounted solar panels; grading for utilities, waterlines, and building footings; and extending the existing driveway

(See attachment *Site Plan Detail*). The driveway area would be increased by 3,307 square feet. Total driveway area would be 6,938 square feet.

**APPLICANTS' STATEMENT:** "Construct a 2,024 square foot single-family residence with a 520 square foot attached garage; maximum building height of 28' above natural grade; total square footage of single-family residence with attached garage is 2,544 sf. Install 1,224 sf of patio and walkways; 446 sf of second story deck, and 90sf third story viewing deck.

Install retaining walls, convert existing test wells to production wells, drill supplemental production well, install septic system, including primary and replacement fields, install propane tank, rainwater catchment system and storage tank, outdoor emergency generator, south-facing roof-mounted solar panels (away from public views); trenching for utilities, extension of existing driveway."

**RELATED APPLICATIONS:**

**On-Site:**

- CDP 21-2012 Two Test Wells

**Adjacent Parcels:**

- CDP 13-2010 Single-Family Residence (APN: 069-142-01)
- CDP 77-93/6699-F Septic Repair (APN: 069-142-03)
- FCU 949-050 Family Care Unit (APN: 069-142-03)

**SITE CHARACTERISTICS:** The 12.33 acre site is located within the Coastal Zone, 4± miles north of the City of Fort Bragg and west of State Route 1 (See attachment *Location Map*). This site is 0.5± miles north of the intersection of Ward Avenue and State Route 1 (See attachment *Location Map*). The parcel is currently developed with a pre-1972 unimproved 3,631 square foot driveway, two test wells, an 864-square-foot shed, and an existing entry gate (See attachment *Site Plan*). Project area elevations range from 495± feet elevation near the wetland, 510± feet building pad elevation, and adjacent dunes are 525± feet elevation (See attachments *Topographic Map* and *Grading Plan*). The zoning designation and land use classification for the site is Remote Residential (See attachments *Zoning Display Map* and *General Plan Classifications*). The wetland is bisected by the driveway, which is 7± feet above the Hydric Soil Wetland (See attachment *Site Plan Detail*). *LCP Land Use Map 12: Cleone* indicates that the parcel and surrounding lands to the north, west and east are dunes (See referenced attachment and *LCP Habitats & Resources*). Mapped natural hazards include marine terrace deposits (See attachment *LCP Land Capabilities & Natural Hazards*). *LCP Habitats & Resources* map the land as dunes with grasslands near the northern property boundary and coastal prairie grasslands near the southern property boundary (See attachment). The 2016 botanical survey identified a Wetland ESHA, Dune Mat ESHA, and the following rare plants: Mendocino spine flower, Mendocino dodder, Menzies wall flower, and short leaved evax. These rare plants and ESHA are more than 100 feet from the proposed development, excepting the existing driveway adjacent to the Wetland ESHA. (See attachment *Plant Communities* and Biological Report Figure 4). Plant communities include beach grass, scotch broom, eucalyptus, open dune, silk tassel and coyote brush, and tan oak (See attachment *Plant Communities*). The site is located within the *Post LCP Certification Appeal Jurisdiction* (See attachment *Appealable Areas*). MacKerricher State Park borders the parcel to the north (See attachments *Adjacent Parcels* and *Misc*). The area is mapped with a moderate fire hazard rating (See attachment *Fire Hazard Zones & Responsibility Areas*). The wildland-urban interface zone is categorized as medium density intermix (See attachment). Groundwater resources for the surrounding area are mapped "dunes" (See attachment). This parcels and all adjoining parcels are designated Highly Scenic Areas (See attachment *Highly Scenic & Tree Removal Areas*). Western soils mapped are #138 and #204 (See attachment *Local Soils*). The site is not mapped as important farmland; it is classified as nonagricultural or natural vegetation (See attachment *Important Farmland*).

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below and as shown on the attached *General Plan Classifications* and *Zoning Display Map* exhibits, the site and surrounding lands to the east and west are classified Remote Residential (RMR40). To the north, lands are classified Open Space (OS-DPR). Immediately to the south, lands are classified as Rural Residential (e.g. RR5 and RR5[RR2]).

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	OS-DPR	OS	39.72 acres	State Park
EAST	RMR40	RMR40	1.06 and 39.6 acres	Residential
SOUTH	RR5[RR2] and RR5	RR5[RR2] and RR5	1.37 and 11.38 acres	Residential
WEST	RMR40 and RR5[RR1]	RMR40 and RR5[RR1]	12.07 and 5.0 acres	Vacant

The parcels immediately to the east and south of the site are currently developed with single-family residences. The adjacent westerly lot, APN: 069-142-01, is currently undeveloped and shares a vehicle access easement with APN: 069-142-02 (See attachment *Adjacent Parcels*). CDP 13-2010, proposing a residential land use, was locally filed and subsequently appealed to the California Coastal Commission; this project proposed residential development on APN: 069-142-01.

### **LOCAL COASTAL PROGRAM CONSISTENCY**

The proposed single-family residence, accessory and ancillary development would be consistent with the goals and policies of the Local Coastal Program as detailed below:

**LAND USE:** The parcel is classified as Remote Residential (RMR40) by the Mendocino County General Plan, Coastal Element. The RMR classification is “*intended to be applied to lands having constraints for commercial agriculture, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses by the absence of such limitations as inadequate access, unacceptable hazard exposure or incompatibility with adjoining resource land uses. The classification is also applied to some areas which might not otherwise qualify except for the fact that the land has been divided and substantial development has occurred* (Coastal Element Chapter 2.2).” The proposed residential development would be consistent with the Remote Residential Land Use Classification.

Coastal Element Policies relevant to the proposed project include policies 3.1-2, 3.1-4, and 3.1-12 that are intended to protect environmentally sensitive habitat areas, including wetlands. Policy 3.1-12 is particularly relevant as the pre-1972 driveway is located within a Wetland ESHA buffer:

3.1-12 *Vehicle traffic, exclusive of that necessary for conducting timber harvest plans and farm implements, in wetlands and riparian areas shall be confined to roads. Multi-use non-motorized trails and access to riparian areas are permitted if no long-term adverse impacts would result from their construction, maintenance and public use. Trails should be made from porous materials.*

These policies are implemented by MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*. See report section “**HABITATS AND NATURAL RESOURCES**” for discussion about avoiding ESHA and confining vehicle traffic to the driveway.

Coastal Element Policy 3.4-1 states that threats from and impacts on geologic hazards would be determined prior to issuing a coastal development permit. This policy, and others included in Coastal Element Chapter 3.4 are principally implemented by MCC Chapter 20.500 *Hazard Areas*. See report section “**HAZARD MANAGEMENT**” for discussion about how the parcel has a low potential for liquefaction hazards, fire hazards, and others.

Coastal Element Policies relevant to the proposed project include policies 3.5-3, 3.5-4, 3.5-8, 3.5-9, 3.5-10 (Archaeological Resources), and 3.5-15 that are intended to protect visual resources, special communities, and archaeological resources. Policy 3.5-3 is particularly relevant:

3.5-3 *... Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks,*

*coastal streams, and waters used for recreational purposes. ... In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. ... New development should be subordinate to natural setting and minimize reflective surfaces. ...*

Coastal Element Chapter 3.5 policies are implemented by MCC Chapter 20.504 *Visual Resource and Special Treatment Areas*. See report section "**VISUAL RESOURCES**" for discussion about how, in a mapped Highly Scenic Area, the proposed two-story residence would satisfy visual resource policies. See report section "**ARCHAEOLOGICAL RESOURCES**" for discussion of how Policy 3.5-10 is implemented by this project.

Coastal Element Policy 3.9-1 states, "...One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Determination of service capacity shall be made prior to the issuance of a coastal development permit." Policies for locating and planning new development and policies for transportation, utilities and public services are partially implemented by MCC Chapter 20.516 *Transportation, Utilities, and Public Services*. Report sections "**GROUND WATER RESOURCES**" and "**TRANSPORTATION/CIRCULATION**" describe how Policy 3.9-1 and others would be implemented by the proposed residential development.

**ZONING:** The project site is located within a Remote Residential District (RMR40), which is intended to be applied to lands within the Coastal Zone which have constraints for commercial agriculture, timber production or grazing, but which are well-suited for small scale farming, light agriculture and low density residential uses, or where land has already been divided and substantial development has occurred. Single-Family Residential uses are principally permitted land use types in the RMR District. Table 2 lists the RMR District development standards and compares them to the project. As proposed, the project satisfies these development criteria.

Table 2: Comparison of RMR Development Standards and Proposed Residential Development		
Chapter 20.380	Standard	Proposed
Minimum Front and Rear Yards	50 feet	>50 feet
Minimum Side Yard	50 feet	>50 feet
Building Height Limit	28 feet	28 feet
Maximum Lot Coverage	20 percent	±1.79 percent

The existing shed/pump house, which is less than 120 square feet in area, is located in the southern panhandle of the site and within the 50 foot side yard setback. The proposed project would comply with MCC Chapter 20.456 *Accessory Use Regulations*, which specify that accessory uses are appropriate, incidental, and subordinate to the proposed single-family residential use (i.e., the proposed attached garage, expanded driveway, retaining wall, wells, septic system, propane tank, rainwater catchment system, storage tank, emergency generator, solar panels, and utilities). Pursuant with MCC Chapter 20.472 *Off-Street Parking*, two parking spaces are required for the project and two are proposed (See attachment *Site Plan Detail*). The proposed land use and residential development would be consistent with MCC Chapters 20.308, 20.456, and 20.472 standards.

**GRADING, EROSION, AND RUN-OFF AND MCC CHAPTER 20.492:** Proposed grading includes 308 cubic yards cut, 85 cubic yards fill, and a net export of 223 cubic yards (See Sheet C-1 Grading Plan). On-site fill would include compacted aggregate base intended to stabilize the driveway and reduce the potential for soil erosion into the wetland adjacent to the pre-1972 unimproved driveway. Trenching would allow for overhead distribution lines to be located underground, principally along the center line of the 10 foot wide driveway. The water line proposed to connect the pump house, adjacent to State Route 1, and the 2,500 gallon water-storage tank adjacent to the north side of the residence would also be located under the approximate centerline of the driveway. Trenching would be a part of constructing the primary

and replacement leach fields that are proposed to be located west and north of the residential footprint (See attachment *Site Plan Detail*). Grading would include drilling and installing footings for the residence and proposed low-stature retaining walls. MCC Chapter 20.492 requires BMPs to prevent erosion and run-off during project construction. BMP measures identified in the Biological Report are intended to limit construction impacts (See Biological Report Section 10, Appendices H and I). Identified measures include vegetating soils left bare after construction activities have concluded and installing silt fencing between the wetlands and areas to be trenched (See Biological Report Figure 14). Staff recommends including these measures as conditions of project approval (See recommended Conditions #13 and #24, #25 and others).

In the future, the adjoining property owner, who shares a vehicle access easement along the lot's panhandle, may also be required to underground overhead transmission lines along the driveway. This could be accommodated when trenching to underground transmission lines for the proposed; therefore, Staff recommends encouraging the applicant to install sufficiently sized conduit to accommodate undergrounding transmission lines for the benefit of both lots (See recommended Condition #14). As conditioned, the proposed project would be consistent with Chapter 20.492, including specified standards for grading, erosion, sedimentation, and runoff.

**HABITATS AND NATURAL RESOURCES AND MCC CHAPTER 20.496:** The parcel is mapped as adjacent to rare or endangered plant habitat (See attachment *Biological Resources*). The *LCP Habitats & Resources Map* depicts dune areas over the majority of the parcel with limited riparian and grass land areas (See attachment). On November 13, 2018, the Biological and Wetland Delineation Report, including Reduced Buffer Analysis (Appendix G) and Report of Compliance (Appendix H) was distributed to agencies for comment. Written comments were received from California Coastal Commission (CCC) staff and California Department of Fish and Wildlife (CDFW) staff.

Determining Extent of ESHA. In 2016, the following rare plants and environmentally sensitive habitat areas, or ESHA, were identified and mapped on this 12.3± acre parcel (Biological Report, Figures 4 and 13):

- Coastal Act Wetland ESHA was surveyed west and east of the driveway, which is less 50 feet from each hydric soil sample location.
- Short-leaved evax (*Hesperovax sparsiflora var. brevifolia*) ESHA would be more than 100 feet from development and was surveyed in one location south of the northerly property boundary and MacKerricher State Park.
- Mendocino spine flower (*Chorizanthe howellii*) ESHA was surveyed in locations adjacent to MacKerricher State Park, near the approximate center of the parcel, and adjacent to the westerly property boundary. All mapped locations of the Mendocino spine flower would be more than 100-feet from the proposed development.
- Mendocino dodder (*Cuscuta pacifica var. papillata*) ESHA was surveyed in the northerly portion of the site that is characterized as vegetated dunes and beach grass. The ESHA would be more than 100 feet from the proposed development.
- Menzies wallflower (*Erysimum menziesii*) ESHA is located adjacent to the Mendocino dodder ESHA.
- Dune Matt ESHA was surveyed in locations adjacent to MacKerricher State Park and the Mendocino spine flower. The Dune Matt ESHA would be more than 100 feet from the proposed development.

Pursuant with MCC Section 20.496.015, agencies, including California State Parks, and PBS staff have conducted multiple site visits. Staff and agencies agree that Figure 4 maps the extent ESHA and the approximate location of 100-foot ESHA buffers (Biological Report). Staff recommends that a 100 foot buffer width be established to protect special status plants and mapped ESHAs (See recommended Condition #15). With the exception of the driveway, the proposed development would be located more than 100-feet from the mapped ESHAs.

ESHA Development Criteria. The proposed development would be located more than 100 feet from each

identified ESHA, with the exception of the Wetland ESHA adjacent to the pre-1972 unimproved driveway. Pursuant with MCC Section 20.496.020(A)(4), permitted development within the Wetland ESHA buffer area shall comply with eleven specified criteria and the Biological Report Appendix G, or *Reduced Buffer Analysis*, offers recommendations regarding this specified criteria. A summary of the *Reduced Buffer Analysis* follows:

- a) The reinforcement of the existing dirt road with gravel is the only development proposed within 100 feet of the Wetland ESHA. The 10 foot driveway width would not be increased. Gravel is permeable. When compacted, it is expected to stabilize the hard-packed sand and significantly reduce the potential for water runoff. The driveway surface contours would not be altered; therefore, the direction of water runoff would remain unchanged.
- b and c) No alternative ingress/egress location exists as this is a flag-shaped lot. The existing driveway is 5 feet from a Wetland ESHA and 7-feet higher in elevation. Any alternative location would require grading, including compacting fill, to construct a new road directly through the Wetland ESHA. *"Reinforcing the road with gravel should stabilize the road and reduce the likelihood that it will erode into the wetland. Installing protective fencing and straw wattles during construction will provide additional protection during construction (Biological Report, Appendix G)."*
- d) *"... It is the professional opinion of Wynn Coastal Planning that this wetland is low habitat quality as no significant hydrophytic vegetation, hydrology, or sensitive species were observed in the wetland. ... (ibid)."*
- e) *"There is no other feasible location available for the driveway that would be less impacting. No protective values would be lost by improving the existing driveway, ... (ibid)."*
- f) *"... Best Management Practices (BMPs) will be employed to minimize impacts to the wetland. ... (ibid)."*
- g) *"The proposed project would not impact any riparian vegetation (ibid)."*
- h) *"The project is not located in a one-hundred year flood zone (ibid)."*
- i) *"... No significant changes to the wetland's hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, are expected to occur as a result of this project. ... (ibid)."*
- j) *"The road is approximately 7 feet higher than the wetland. The wetland appears to function as drainage for the road already and no significant changes to drainage patterns are expected to occur as a result of this project (ibid)."*
- k) Mitigation measures, including temporary silt fencing for erosion control and stabilizing the dirt road for residential vehicle traffic, are recommended to reduce the effects of potential impacts to the hydric soil wetlands.

The proposal is to stabilize the soils within the Wetland ESHA buffer during construction and to provide permanent stabilization of the pre-1972 driveway subsurface by installing compacted aggregate road base (See Biological Report, Appendix I Engineering Plan for Access Road). Stabilization of the driveway subsurface soils would lessen the potential for daily residential use of the driveway to cause soil erosion into the adjacent Wetland ESHA. Pursuant with Coastal Element Policy 3.1-12, vehicle traffic in wetlands shall be confined to roads. The proposed grading plan and the proposed use of the driveway would be consistent with Policy 3.1-12, which intends to protect ESHA and confine vehicle traffic in wetland areas to roadways.

The property owner has agreed to protect on-site rare plants, Dune ESHA, Wetland ESHA, and their buffer areas by establishing an Open Space Easement (See recommended Conditions #12 and #16).

Those activities authorized for Open Space Districts would be similarly allowed with the easement. This would allow the property owner and State Parks to coordinate the restoration of Dune habitats adjacent to their common property boundaries.

Wetland Development Criteria. Pursuant with MCC Section 20.496.025, development activities within wetland areas shall be limited. For example, activities may include “*incidental public service purposes which temporarily impact the resource including, but not limited to, burying cables and pipes ...*” Staff recommends that the temporary impact associated with trenching along the centerline of the driveway, to underground power distribution lines and pipes between the pump house and water storage tank, would be similar to the limited development activities potentially allowed within wetland areas. While trenching would occur within the Wetland ESHA buffer, the temporary trench would be dug approximate to the center line of a pre-1972 unimproved driveway (See recommended Condition #17).

Dune Area Development Criteria. Pursuant with MCC Section 20.496.040, development activities within dunes shall be limited. For example, one single-family residence would be allowed where there is access to water and sewage disposal capacity consistent with Coastal Element policies and development standards of Mendocino County Coastal Zoning Code. Staff recommends that by condition, the property be subject to the requirements for development in dune areas, including prohibiting vehicle traffic, minimizing the removal of natural vegetation and alteration of natural land forms, and requiring a Coastal Development Use Permit for sand removal in dune areas that are not vegetated (See recommended Condition #18).

Mitigation, Monitoring, and Reporting Program. Proposed are several Mitigation Measures, Monitoring, and Reporting activities that the Coastal Commission, CDFW, State Parks, PBS and the property owner have agreed are suitable to compensate for the proposed residential development that would be located within the Dune ESHA resource areas and within the Wetland ESHA buffer area. These measures would also lessen the effect of development on sensitive resources and rare plants that are located more than 100 feet from the proposed development and are located on this 12.3± acre parcel (See recommended Condition #25). Initially proposed Mitigation Measures are provided in Section 10 of the Biological Report and include the following:

- Limit of construction impacts
- Restricted activities in EHSAs
- Staff education
- Exterior lighting
- Restoration of temporarily impacted vegetation
- Limit the potential for importing invasive and non-native plant species
- Preconstruction surveys for birds, bats, snails, beetles, and others
- Landscaping restrictions
- Signage
- Replanting of septic area
- Revegetation

On November 26, 2018, CDFW provided the following comments: “*My understanding is that, since the entire dune area is a sensitive habitat, that the proposed restoration of another section of dune will mitigate the impacts of the proposed development. Therefore, I am wondering whether three years of restoration work is considered a permanent mitigation, since the development is obviously a permanent impact. I worry that invasive grasses will have once again dominated the restoration area in ten or twenty years without continued management.*”

*It seems that a deed restriction or some other means is warranted to assure continued maintenance of the restoration area, and to assure that this mitigation does not disappear with a change in ownership.*

*I recognize that the supplied document is a preliminary MMP, and that a more detailed and complete document will be prepared. From a review of the preliminary MMP, the final MMP should include: detailed success criteria; contingency plans (adaptive management) should efforts fall short of the success criteria; an appropriate restoration and monitoring period adequate to meet restoration goals (as indicated*

by reference projects); a long-term management plan that assures that the long term effects of the mitigation effort (Harrington).” Staff recommends requiring that a final Mitigation, Monitoring, and Reporting Program be submitted and approved by the Coastal Permit Administrator, or their designee, prior to the issuance of the Coastal Development Permit (See recommended conditions #12 and #25).

On January 15-17, 2019, CDFW Staff conferred with State Parks and the applicant’s agent regarding the proposed mitigation and monitoring activities for the proposed residential development. Following their conference, CDFW Staff shared the following comments which shall be incorporated into the final Mitigation Measures, Monitoring, and Reporting activities: “*We had a productive conference call regarding the Mitigation and Monitoring Plan for the Earle CDP, and I wanted to check in and let you know the major points:*

- *We’ll go with Bill Maslach’s experience and recommendation for Ammophila removal, which is to treat chemically as the initial effort in the fall (in the dune mat area this will need to be very selective and may require manual removal in some spots), and another chemical treatment in the spring, if necessary. (1% Imazapyr solution suggested by Bill).*
- *This will be the start of a 5 year removal phase, with manual removal efforts twice a year with streamlined reporting each year to summarize efforts and success.*
- *Success criterion will be 100% eradication within the restoration area after 5 years.*
- *Adaptive management and consultation with CDFW will be written in as a means to modify the project if it appears the success criterion will not be met.*
- *We agreed that maintenance of this eradication should be in perpetuity - manual removal as necessary by the landowner or an agent, with bi-annual and simple reporting.*
- *I’d like to see this maintenance condition formalized in deed restriction, or a means of your choosing. I’d like to make sure the eradicated area stays Ammophila-free even through changes of ownership, etc (Harrington, January 15, 2019).”*

And on January 17, 2019, “*It’s important for the manager to have a reporting requirement as a reminder to keep up on the maintenance. It’s easy for the manager to see that there is no reporting required, and therefore feel that the work isn’t required (Harrington, January 17, 2019).”*

On February 29, 2019, California Coastal Commission staff requested four conditions, as follows:

- A deed restriction prohibiting future development of the ESHA outside the building envelope
- Symbolic low-split rail fencing that is friendly to wildlife but allows for a physical barrier to avoid accidental encroachment into the deed restricted area
- Prohibition on the use of rodenticides
- Exterior lighting that is downcast and avoids impacts to nearby habitat

In response to CCC staff’s request, recommended conditions include requiring the property owner to record a deed restriction prior to the issuance of a building permit, grading permit, encroachment permit, or well or septic permit (See recommended condition #12). In the dune areas, the proposed signage may be more effective than the low-split rail fencing suggested (See recommended Condition #35). Proposed are prohibitions on the use of rodenticides. The exterior lighting proposed would not be a source of glare (See recommended Condition #22).

As conditioned, the proposed project would be consistent with MCC Chapter 20.496 and Coastal Element Policy 3.1-2 that requires development in sensitive areas to be subject to review, Policy 3.1-4 that limits development within wetland areas, and Policy 3.1-12 that confines vehicle traffic to roads in wetland areas.

**HAZARDS MANAGEMENT AND MCC CHAPTER 20.500:** The property is not identified with the following hazards: faults, bluffs and bluff erosion, tsunami, landslides, severe fire hazards, and flooding.

Section 20.500.025 Fire Hazard. The parcel is located in an area classified with a “Moderate Fire Hazard” severity rating (See attachment *Fire Hazard and Responsibility Areas*). Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Fort Bragg Rural

Fire Protection District (FBRFPD). The project application was referred to CalFire and the FBRFPD for input; FBRFPD responded with no comment, while no response was received from CalFire. On July 20, 2016, CalFire granted conditional approval that includes address, driveway, defensible space, and maintain defensible space standards were recommended (CalFire File #166-16). With the inclusion of Condition #5, the project would be consistent with Mendocino County policies for fire protection.

Section 20.500.020(A) Faults. A Liquefaction Evaluation was performed for the property by SHN Consulting Engineers & Geologists, dated July 12, 2016, to satisfy the permit requirements of the Mendocino County Building Department for the proposed project. [An addendum to the Liquefaction Evaluation was prepared on July 14, 2016, which provided additional documentation in support of the previous findings.] A field investigation was conducted on April 26, 2016, in which one machine boring was performed to a maximum depth of 22.5 feet below ground surface (bgs). The subsurface investigation revealed the site to be underlain by loose, poorly graded dune sands and soft to medium stiff layer of sandy silt overlying shale/siltstone bedrock at a depth of 19.5 feet. Groundwater was encountered at a depth of 19 feet. Based on the depth of bedrock and the approximately six inches of groundwater perched on the bedrock, it was concluded that the potential for seismically induced liquefaction to occur at the site is negligible.

As proposed, the project would be consistent with MCC Chapter 20.500 and Coastal Element Policy 3.4-1 that requires threats from and impacts on geologic hazards be determined prior to issuing a coastal development permit.

**VISUAL RESOURCES, SPECIAL TREATMENT AREAS AND MCC CHAPTER 20.504:** The project site is mapped as a Highly Scenic Area and is subject to the development criteria of MCC Section 20.504.015(C) (See attachment *Highly Scenic & Tree Removal Areas*). Pursuant to MCC Section 20.504.010 the purpose of *Visual Resource and Special Treatment Areas* is to “insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.” Table 3 lists the development criteria of Section 20.504.015(C) and compares the proposed to the adopted criteria.

Table 3: Comparison of Highly Scenic Area Development Standards and Proposed Project	
Section 20.504.015(C) Standard	Proposed
20.504.015(C)(1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.	Siting of development would not diminish views of the coast from public areas, including views from MacKerricher State Park.
20.504.015(C)(2) In highly scenic areas west of Highway 1 as identified on the Coastal Element land use plan maps, new development shall be limited to eighteen (18) feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.	28-foot tall structure would be sited with the finish floor elevation 15-feet below adjacent slopes (See Grading Plan). The upper 13 feet of the residence would be visible from State Parks, which is more than 1000 feet north of the development site.
20.504.015(C)(3) New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.	Building materials would blend with their surroundings. Materials would include: concrete, brown asphalt shingles, stone, hardyplank painted a shade of green.
20.504.015(C)(5) Buildings and building groups that must be sited in highly scenic areas shall be sited (a) near the toe of a slope, (b) below rather than on a ridge; and (c) in or near a wooded area.	Site is near the toe of a slope 510 ft elevation; the roof line would shadow near by ridges; and south of the site is a grove of eucalyptus trees.

Table 3: Comparison of Highly Scenic Area Development Standards and Proposed Project	
Section 20.504.015(C) Standard	Proposed
20.504.015(C)(10) Tree planting to screen buildings shall be encouraged; however, new development shall not allow trees to interfere with coastal/ocean views from public areas.	Structures will be screened by intervening ridge lines, distant views, and adjacent grove of trees.
20.504.015(C)(12) Power distribution lines shall be placed underground in designated "highly scenic areas" west of Highway 1 and in new subdivisions. East of Highway 1, power lines shall be placed below ridgelines if technically feasible.	Power distribution lines would be placed underground.
20.504.015(C)(13) Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access State Route 1 where an alternate configuration is feasible.	Existing driveway directly accesses State Route 1 and alternative access points are not feasible.

A Visual Impact Analysis was prepared by Wynn Coastal Planning (not dated), which provided visual renderings of what the proposed project would look like from different viewpoints. As shown in the visual renderings, the project would be subordinate to the natural setting, would minimize reflective surfaces, would utilize building materials which have been selected to blend in hue and brightness with their surroundings, and would be sited near a wooded area.

The height of the proposed residence would be 28 feet above natural grade. While MCC Section 20.380.045 limits building heights to 28 feet, MCC Section 20.504.015(C)(2), further limits the maximum building height to 18 feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. At this location, exceeding the 18 foot building height limitation would not affect public views to the ocean or be out of character with the site's surroundings. Adjacent ridgelines are 15 feet above the proposed finish floor elevation (See Grading Plan Sheet C-1). South and west of the proposed building site is a grove of eucalyptus trees that obscure westerly views from State Route 1. The proposed building site would be 1000± feet east of State Park lands and the California shoreline.

The proposed development was compared to 46 surrounding residentially development properties, each of which is developed with a three bedroom, two bathroom residence. Though the proposed single family residence would be similar in size (total square feet) to the development on the surrounding 46 properties, the proposed residence and attached garage would have a much smaller building footprint than the surrounding properties (approximately 973 to 1,625 square feet less area). Though the project would exceed the 18 foot height limitation for projects located west of State Route 1 and mapped "Highly Scenic," the proposed two story residence was designed to reduce the footprint area and reduce potential encroachment into the ESHA areas identified on the project site. Memorializing the approved exterior colors and materials is recommended (See recommended condition #19).

As proposed, the project would be consistent with MCC Chapter 20.54 and Coastal Element Policy 3.5-3 where an increase in height would not affect public views to the ocean or be out of character with surrounding structures; Policy 3.5-4 where the residence would be sited near the toe of a slopes and near the edge of a wooded area; Policy 3.5-8 where power distribution lines and water lines would be placed underground near the approximate center line of the existing driveway (See recommended condition #12); and Policy 3.5-9 where the location of the pre-1972 unimproved driveway has been reviewed prior to any grading work to ensure a safe location and minimum visual disturbance. Direct access to State Route 1 from the existing driveway would continue to be the practical access point for two lots (APN: 069-142-01 and APN: 069-142-02).

**ARCHAEOLOGICAL/CULTURAL RESOURCES:** On October 11, 2017, the Archaeological Commission accepted the July 15, 2014 survey report prepared by Thad Van Bueren, which concluded that no archaeological or other types of historical resources were observed at the site. The Commission

recommended including a "Discovery Clause) as a condition of project approval (See recommended Condition #9).

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; to date, no response has been received from the Cloverdale Rancheria. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated July 24, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the letter notes that the area includes Tan Oak and other traditional food sources that must be protected.

On October 2, 2017, a response was received from the Sherwood Valley Band of Pomo Indians, in which it is noted that the proposed project is located within the aboriginal boundaries of the tribe and, as a result, there is a high probability of encountering cultural features, deposits, or other items of cultural patrimony. The project site is in proximity of the sand dune ecosystem located within MacKerricher State Park, which area is noted as being historically important to the tribe's culture and religion and rich in artifacts and culturally important deposits. The tribe is recommending approval of the proposed project and requests that a Tribal monitor be present during any ground disturbance caused during the project (See recommended Condition #10).

As conditioned, the proposed project would be consistent with Coastal Element Policy 3.5-10 and the protection of paleontological and archaeological resources.

**GROUNDWATER RESOURCES AND MCC SECTION 20.516.015(A) AND (B):** As proposed, the development would include a primary and replacement leach field area and 1,500 gallon fiberglass septic tank/circulation tank. This would meet the development criteria of MCC Section 20.516.015(A).

The project site is located within a mapped "dunes" groundwater resources area (See attachment *Ground Water Resources*). There are two existing test wells that produce 0.41 and 0.2 gallons of water per hour, or more than 0.5 gallons per hour total. The applicant requests to convert two test wells to production wells and install a third production well adjacent to the residence (See attachment *Site Plan Detail*). A rainwater catchment system would be installed, too. As proposed, the development would have access to a sufficient source of ground water, would be consistent with MCC Section 20.516.015(B), and the project would be consistent with Coastal Element Policy 3.9-1 that would authorize one housing unit on a legal parcel provided that adequate access, water, and sewage disposal capacity exists (See recommended Conditions #22 and #23).

**TRANSPORTATION/CIRCULATION AND MCC SECTION 20.516.015(C):** The project would not contribute a significant amount of new traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. The project was referred to the Mendocino County Department of Transportation (MCDOT) and California Department of Transportation (CalTrans) for review and comment. On July 25, 2017, MCDOT recommended conditional approval of the project and noted that the CalTrans should be contacted regarding construction of a driveway approach onto State Route 1. On November 28, 2018, CalTrans requested that the property owner apply for an encroachment permit and install a residential driveway approach meeting specified standards, including minimum sight distances and drainage. With the inclusion of CalTrans request as a condition of project approval, the proposed residential development, including driveway approaches to State Route 1, would be consistent with MCC Section 20.516.015(C) and Coastal Element policies for transportation and circulation (See recommended Condition #24).

**PUBLIC ACCESS AND MCC CHAPTER 20.528:** The project site is located west of State Route 1 and is not designated as a potential public access trail location. There is no existing or proposed shoreline access within the vicinity of the site as shown on LCP Land Use Map 12 *Cleone*, and there is no element of the proposed project that would impede public access to the shore (See attachment *LCP Land Use Map 12 Cleone*).

**TAKINGS ANALYSIS:** Undergrounding overhead utilities and water lines that would connect the pump house to the water storage tank would require digging within the Wetland ESHA buffer area. Based on the site constraints, it is the opinion of the project biologist that the project, as proposed, is the least environmentally damaging and that no alternative location for vehicle access or connections to ground water exist. As proposed, the project would utilize a pre-1972 unimproved driveway to provide vehicle access and route utility connections to the proposed residence. The Wetland ESHA buffer area, includes the driveway which consists of previously disturbed soils, including vegetation dominated by invasive and non-native species, and is located in close proximity to State Route 1 and adjacent other residential lots. The project, as proposed, would minimize excavation of dunes and maximize the distance, by more than 100 feet, from special-status plants and rare plant communities identified on and adjacent to the parcel (Biological Report). Though a 28 foot tall building is proposed, the residence is designed to occupy a smaller area, thereby maximizing the distance between the residential development and identified ESHA. The property was purchased in 2011 for \$51,000, with the impression that since the land is classified RMR, it would be developable for residential use. Prohibiting vehicle access and trenching for utilities within the Wetland ESHA buffer could have the effect of significantly limiting the potential for residential development on this parcel (and the adjoining parcel to the west that shares an access easement along the panhandle of APN: 069-142-02).

### **RECOMMENDED FINDINGS AND CONDITIONS**

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, staff recommends that the Coastal Permit Administrator approve the proposed project and adopt the following findings and conditions.

#### **FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), the project is in conformity with the certified Local Coastal Program. A single-family residence and associated infrastructure are principally permitted uses within the Remote Residential land use classification and are consistent with the intent of the RMR Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the project is provided with adequate utilities, access roads, drainage, and other necessary facilities. Two existing test wells will be converted to production wells and a supplemental production well will be drilled; and
3. Pursuant with MCC Section 20.532.095(A)(3), the project is consistent with the purpose and intent of the Remote Residential Zoning District, as well as all other provisions of the Mendocino Coastal Zoning Code, including development criteria for Environmentally Sensitive Habitat Areas and Highly Scenic Areas, and preserves the integrity of the Remote Residential Zoning District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the project, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and a Mitigated Negative Declaration with mitigation, monitoring, and reporting activities is required; and
5. Pursuant with MCC Section 20.532.095(A)(5), the project would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site and Standard Condition #9 is in place when archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. Construction of a single-family residence and associated improvements are not anticipated to significantly affect demands on public services; and

7. Pursuant to MCC Section 20.532.100(A), no development shall be allowed in an ESHA unless the resource as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. The project will continue to use the pre-1972 unimproved driveway. Adjacent to the Wetland ESHA, the driveway subsoils will be stabilized to reduce potential soil erosion from typical residential use of the driveway. Dune Mat ESHA and other rare plants are protected by distance from development and an Open Space Deed Restriction is required.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The property owners have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
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 Coastal Permit Administrator.
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 property owners shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
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 the enforcement or 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.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100-feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the

archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

9. A Tribal monitor from the Sherwood Valley Band of Pomo Indians shall be present during any ground disturbing activity within 100 feet of the proposed development. Prior to commencing the project, the property owner shall contact Mr. Javier Silva, Sherwood Valley Environmental Director and Interim Tribal Historic Preservation Officer by phone at 707-459-3631 or by email at jsilva@sherwoodband.com.
10. Conditions approving CDP\_2017-0024 shall be attached to any building permit application and shall be a part of on-site construction drawings.
11. *This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,404.75 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services *within 5 days of the end of any appeal period*. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The property owner has the sole responsibility to insure timely compliance with this condition.*
12. Prior to the issuance of a Building Permit, Well Permit, Septic Permit, or Encroachment Permit associated with CDP\_2017-0024, the property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
  - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
  - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys’ fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
  - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
  - d. Any future improvements, other than repair and maintenance exemptions allowed pursuant with MCC Section 20.532.020, shall require a development permit because they involve risk of adverse environmental effects; and
  - e. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
  - f. The deed restriction and its exhibits shall memorialize and boundaries of the Open Space Easement. (The deed restriction exhibit shall be approved by the Coastal Permit Administrator and may be similar to either the August 2, 2018 revised Site Plan or “Figure 4 Environmentally Sensitive Habitat Areas (ESHAS) on Earle Parcels” in the Biological and Wetland Delineation Report, dated November 7, 2018, Wynn Coastal Planning, page 5).
  - g. A Mitigation, Monitoring, and Report Program shall be prepared to the satisfaction of the

Coastal Permit Administrator, California Department of Fish and Wildlife, and, in consultation with, California Department of Parks and Recreation. The accepted Mitigation, Monitoring, and Report Program shall be an exhibit to the deed restriction.

13. In accordance with **MCC Chapter 20.492** and **MCC Section 20.500.020(E)(3)**, all grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineer's report (for example, SHN consulting Engineers & Geologists and the Grading Plan dated May 2018 or the "Geologic Conditions In Support of Low Potential for the Hazard of Liquefaction" dated July 14, 2016 or the "Liquefaction Evaluation" dated July 12, 2016).
14. If the property owners choose to, they may install sufficiently sized conduit to accommodate undergrounding transmission lines along the approximate center line of the driveway for the purpose of providing for future utility connections for both APN: 069-142-02 and 069-142-01, which enjoys an access easement over APN: 069-142-02.
15. In accordance with **MCC Section 20.496.020(A)**, a buffer area shall be established adjacent to all environmentally sensitive habitat areas, including: Wetlands, Dune Matt, Short-leaved evax, Mendocino spine flowers, Mendocino dodder, and Menzies wallflowers. The minimum width of the buffer areas shall be a minimum 100 feet.
16. On-site rare plants, Dune ESHA, Wetland ESHA, and their buffer areas shall be protected by an Open Space Easement. Subject to MCC Chapter 20.532, *Passive Recreation* and ESHA restoration activities are allowed within the Open Space Easement.
17. In accordance with **MCC Sections 20.496.025(A)** and **20.496.035(A)** and to protect environmentally sensitive habitat areas, including Wetlands and habitat adjacent to the driveway, immediately prior to, during, and immediately following construction-related activities the property owner shall:
  - a. Erect high-visibility fencing with a sediment curtain at the footing to ensure that vehicles and heavy equipment do not incidentally enter the wetland; ensure that equipment and materials are not incidentally, nor intentionally, laid down in the wetland; and ensure that sediment does not migrate into the wetland.
  - b. Conduct all work during the dry season, generally regarded as April 15 through October 15, but dependent upon in season weather conditions, to ensure that wet, loosened sediment does not migrate into the wetland.
  - c. Within the vehicle access easement, which is a disturbed area adjacent to an ESHA, trenching and backfilling to underground overhead utilities is permitted. When the ground is disturbed, a biologist shall be on-site and make recommendations to ensure the protection of the ESHA from trenching and backfilling. Areas trenched shall be backfilled and restored with seed, gravel paving, or at the biologist's recommendation to protect the ESHA.
18. In accordance with **MCC Section 20.496.040(B)**, requirements for development in dune areas are as restated herein:
  - a. Motorized or non-motorized vehicle traffic is prohibited.
  - b. New development on dune parcels shall be located in the least environmentally damaging location and shall minimize the removal of natural vegetation and alteration of natural landforms.
  - c. No new parcels shall be created entirely in dune habitats.
  - d. All sand removal shall be subject to a Coastal Development Use Permit but shall not be allowed on vegetated dunes.

19. In accordance with **MCC Section 20.504.035(C)(3)**, new development shall be subordinate to the natural setting and minimize reflective surfaces. Building materials, including siding and roof materials, shall blend in hue and brightness with their surroundings.
  - a. Roofs shall be clad in brown asphalt shingles, or similar color and materials approved by the Coastal Permit Administrator or their designee.
  - b. As shown on elevation drawings, stone and cement boards (e.g. Hardieplank) painted a shade of green shall be used (or colors and materials that the Coastal Permit Administrator, or their designee, has determined are similar).
20. In accordance with **MCC Section 20.504.035(C)(12)**, power distribution lines shall be placed underground and located within the approximate center of the driveway.
21. In accordance with **MCC Section 20.504.035**, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend 100 feet beyond the development footprint. Exterior lighting on the north- and west-facing sides of the development area shall be avoided or shaded such that lights do not shine upwards or sideways toward native dune habitat and the adjacent MacKerricher State Park. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Coastal Permit Administrator.
22. In accordance with **MCC Section 20.516.015(B)**, two existing test wells shall be converted to production wells and a third production well, as noted on the site plan, may be installed.
23. In accordance with **MCC Chapter 20.516**, the California Department of Transportation (Caltrans) shall be contracted regarding construction of a driveway approach onto State Route 1.
  - a. The property owner shall construct a compliant, paved driveway approach that meets current CalTrans standards. This shall require an approved encroachment permit.
  - b. A deposit for the encroachment permit shall be paid and prior to permit issuance a bond shall be required.
  - c. Residential driveway approaches shall meet the requirements outlined in Appendix 1 of the Caltrans Encroachment Permit Manual.
24. The property owner shall adhere to the following Mitigation Measures, Monitoring, and Reporting Program:
  - a. *MMRP Limit of Construction Impacts*: Prior to resurfacing the driveway, silt fencing shall be placed just below the edges of the road to prevent any materials spilling into the wetland. To prevent the driveway from eroding into the wetland, resurfacing and stabilizing of the access driveway with class 2 base rock should occur before construction materials are transported to the development area.
  - b. *MMRP Restricted Activities in ESHAs*: No activities shall be allowed that would disturb the vegetation, topography, or hydrology beyond the designated development area, both during and following construction, including, but not limited to, vehicle parking or storage of other heavy materials, regular foot traffic, and clearing of vegetation. Some vegetation removal activities may be allowed or may require a Coastal Development Permit (or permit amendment). Potential vegetation removal activities are native plant restoration, pruning or removal of hazardous or diseased trees, or thinning of trees if deemed beneficial to the ESHA by a certified arborist or qualified biologist.
  - c. *MMRP Restricted Activities in ESHAs*: Solid materials, including wood, masonry/rock, glass,

paper, or other materials shall not be stored outside of the limit of permanent construction impacts. Solid waste materials shall be properly disposed of off-site. Fluid materials, including concrete, wash water, fuels, lubricants, or other fluid materials used during construction shall not be disposed of on-site and shall be stored or confined as necessary to prevent spillage into natural habitats, including the on-site ESHAs. If a spill of such materials occurs, the area shall be cleaned immediately and contaminated materials disposed of properly. The affected area shall be restored to its natural condition.

- d. *MMRP Limit of Construction Impacts:* Prior to any ground disturbance and vegetation clearing, construction fencing shall be installed around the limit of the development area, including septic fields. Fence locations and any ESHA boundaries in the vicinity of construction must be determined and flagged by a qualified biologist and shall be placed such that construction impacts to native plants are minimized. No grading, placement of fill material, or other ground disturbance may occur beyond the designated construction impact area. The fencing shall only be removed once all construction activities are completed.
- e. *MMRP Staff Education:* Prior to construction, project contractors shall be informed of the sensitive resources within the Study Area. Furthermore, the significance of the mitigation measures and fencing and flagging of ESHAs shall be clearly explained to all parties working within the Study Area, both during and following construction.
- f. *MMRP Restoration of Temporarily Impacted Vegetation:* All disturbed ground remaining after construction, including the septic fields, shall be replanted under the guidance of a qualified biologist or landscaper with knowledge of native plants and restoration. Only native dune mat or other appropriate dune species shall be used and shall be installed at a density appropriate to the sandy substrate. Planting shall occur only in the winter months to reduce the need for irrigation, and irrigation of these plants shall not be continued once the native species are established (typically after one to two years). Revegetation of these areas shall be monitored by a qualified biologist annually for three years and corrective measures shall be taken as necessary to achieve establishment of native vegetation at similar densities to surrounding native habitats.
- g. *MMRP Limit the potential for importing invasive and non-native plant species:* All construction vehicle undercarriage and tires (tracks) shall be cleaned via pressure washing to remove any dirt or debris which may harbor invasive or non-native species prior to driving on the site. This shall occur each time a vehicle leaves the site and returns, but only if the vehicle is used at a different job site. If the vehicle is not used a different job site, then the need for cleaning is not necessary.
- h. *MMRP Pre-construction Surveys:* The bird breeding season typically extends from February to August. The clearing of vegetation and the initiation of construction shall be done in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall preform pre-construction special-status bird surveys within 14 days of the onset of construction or clearing of vegetation. If active special-status bird nests are observed, no ground disturbance activities shall occur with a minimum 100 foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
- i. *MMRP Pre-construction Surveys:* Ground disturbing activities shall occur between September 1 and October 31 after young bats have matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys shall be performed by a qualified biologist 14 days prior to the onset of development activities. If active bat roost sites are observed, no ground disturbance activities

shall occur with a minimum 100 foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zones shall remain in place around the active roost until all young are no longer dependent upon the roost.

- j. *MMRP Pre-construction Surveys*: Prior to the initiation of ground disturbance, a pre-construction survey shall be performed by a qualified biologist to determine the presence of Ten Mile shoulderband snails and Globose dune beetle. If these species are found, they should be relocated at least 100 feet from the proposed project footprint. Additionally, vegetation removed for the proposed project shall be stored within the Study Area for at least three days to ensure that special-status invertebrate adult or larvae have the opportunity to leave the vegetation voluntarily prior to removal.
- k. *MMRP Landscaping Restrictions*: Since the entire project area is located within a sand dune ESHA, no non-native plants shall be installed on the property, with the exception of gardens used for food production. Landscaping and revegetation within temporarily impacted areas both during and following construction shall ideally consist of native dune mat species. Otherwise, they shall be native coastal species present in the Study Area, or species native to coastal Mendocino County. When possible, planning shall be of local stock to preserve local genetic diversity. The local California Native Plant Society (CNPS) chapter, a qualified biologist, or a landscaper with knowledge of native plant communities shall be consulted to identify appropriate species for planting.
- l. *MMRP Signage*: To discourage activities outside of the development area, four to six permanent signs shall be placed at regular intervals along the northern and western boundaries of the development area. Signs shall indicate that the undeveloped areas are an ESHA and that any vehicle use, storage of materials, or vegetation clearing (other than restoration activities) are prohibited.
- m. *MMRP Replanting Septic Area*: During the construction of the septic area and leach fields, the contractor shall remove at least the upper eight (8) inches (surface layer) of sand within the native plant restoration area. This surface layer of sand shall be stockpiled and used for backfill following installation of the septic area. The remaining underlying sands (sub-surface layer) to be removed during the installation of the septic area shall be stockpiled in a second location. Following the installation of the septic area and leach fields, the area shall be backfilled with the stockpiled surface layers to serve as the new sub-surface layer. The stockpiled sub-surface sand layer shall then be placed on top to serve as the new sub-surface layer. The property owner shall plant vegetation within the septic area, consisting only of native dune species. Such species may include but are not limited to: yellow sand verbena (*Arbonia latifolia*), dune sagebrush (*Artemisia pycnocephala*), beach primrose (*Camissonia cherianthifolia*), coast eriogonum (*Eriogonum latifolia*), California poppy (*Eschscholzia californica*), beach gumweed (*Grindelia stricta*), silky beach pea (*Lathyrus littoralis*), and seashore lupine (*Lupinus littoralis*).

The optimal time to plant dune species is during the winter after approximately 10 inches of rain has fallen. This allows the plants to establish easier due to the moist soil conditions and eliminates the need for irrigation.

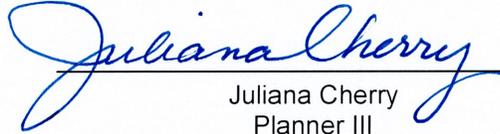
- n. *MMRP Revegetation*: All temporary impacted areas, such as the septic fields and around the driveway and house, shall be monitored for invasion of non-native species for three years following construction. Any new occurrence of species that could threaten adjacent native dune habitats, such as the highly invasive European beach grass or various broom species shall be eradicated from the disturbed areas. Follow-up and monitoring shall occur for at least three years to prevent introduction of new species or weed populations.
- o. *MMRP*: The final MMP should include a detailed success criteria, contingency plans (adaptive management) should efforts fall short of the success criteria; and appropriate restoration and monitoring period adequate to meet restoration goals; a long-term management plan that

assures the long term effects of the mitigation effort.

Staff Report Prepared By:

6-28-2019

Date

  
Juliana Cherry  
Planner III

Appeal Period: 10 Days  
Appeal Fee: \$1616.00

**ATTACHMENTS:**

- |                                 |   |
|---------------------------------|---|
| A. Location Map                 | N. Biological Resources                     |
| B. Aerial Imagery               | O. Plant Communities                        |
| C. Topographic Map              | P. Appealable Areas                         |
| D. Zoning Display Map           | Q. Adjacent Parcels                         |
| E. General Plan Classifications | R. Fire Hazard Zones & Responsibility Areas |
| F. Site Plan                    | S. Fire Safe Plan                           |
| G. Site Plan Detail             | T. Wildland Urban Interface Zones           |
| H. Elevations (NE)              | U. Ground Water Resources                   |
| I. Elevations (SW)              | V. Highly Scenic & Tree Removal Areas       |
| J. Floor Plan                   | W. Local Soils                              |
| K. LCP Land Use Map 12: Cleone  | X. Important Farmland                       |
| L. LCP Capabilities & Hazards   | Y. Miscellaneous                            |
| M. LCP Habitats & Resources     |   |

**SUMMARY OF REFERRAL AGENCY COMMENTS:**

- |   |             |
|---|-------------|
| Planning (Ukiah)                                | Comments    |
| Department of Transportation                    | Comments    |
| Environmental Health (FB)                       | Comments    |
| Building Inspection (FB)                        | No Response |
| Assessor  | No Response |
| County Water Agency                             | No Response |
| Archaeological Commission                       | Comments    |
| U.S. Fish & Wildlife Service                    | No Response |
| Native Plant Society                            | No Response |
| State Clearinghouse                             | No Response |
| Calif. Department of Forestry & Fire Prevention | No Response |
| Calif. Department of Fish & Wildlife            | No Response |
| Calif. Coastal Commission                       | No Response |
| Calif. Department of Transportation             | Response    |
| Calif. Department of Parks & Recreation         | No Response |
| Army Corps of Engineers                         | No Response |
| Sherwood Valley Band of Pomo Indians            | Comments    |
| Redwood Valley Rancheria                        | Comments    |
| Cloverdale Rancheria                            | No Response |
| Fort Bragg Rural Fire District                  | No Comment  |

**REFERENCES:**

California Department of Forestry and Fire Protection (CalFire). *State Fire Safe Regulations Applications Form and Conditions of Approval*. CalFire File Number 166-16. July 20, 2016.

Mendocino County, Planning and Building Services, Planning Division. *Mendocino County Coastal Zoning Code*. 1991. Ukiah, CA.

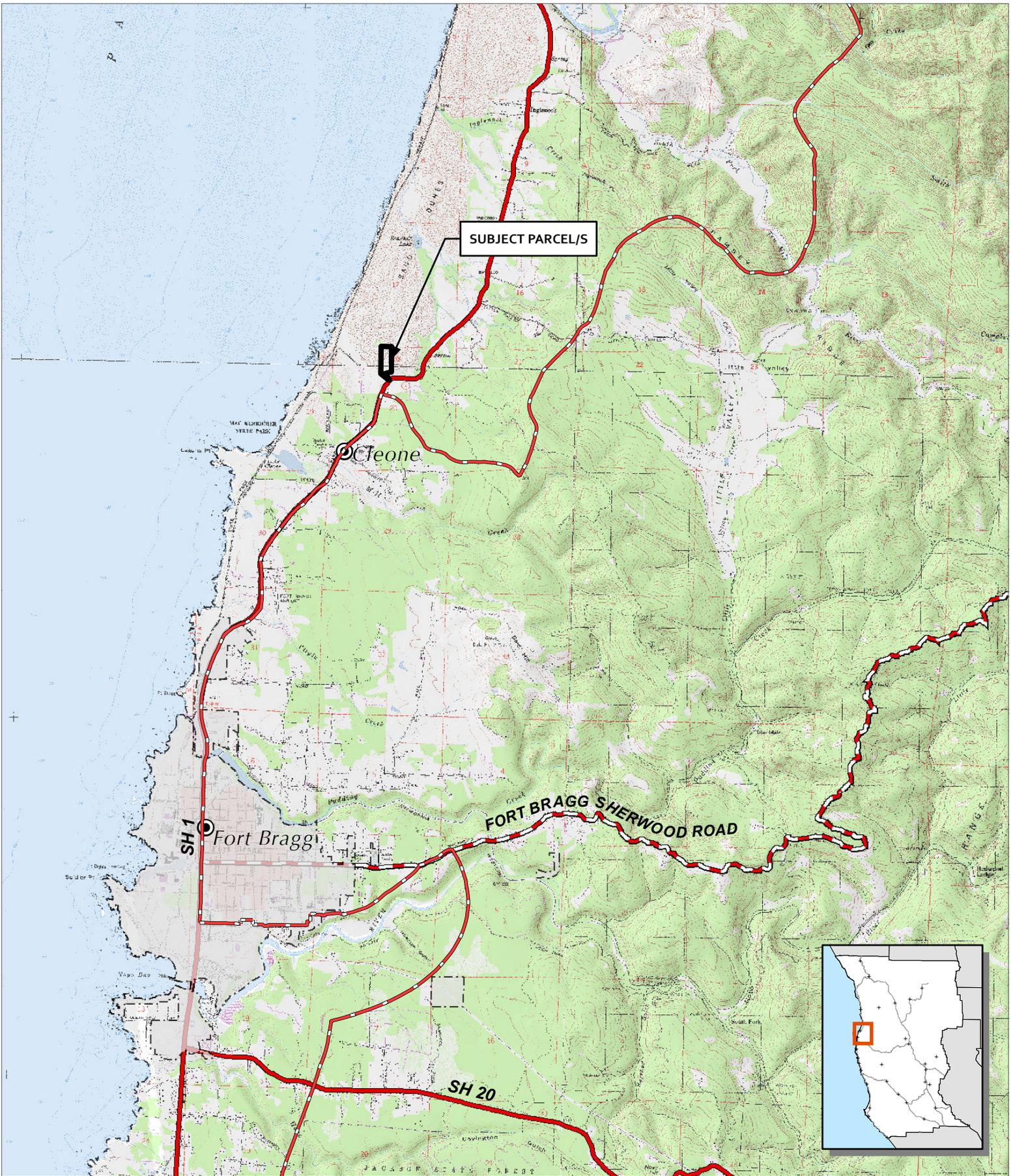
Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino General Plan, Coastal Element*. 1985. Ukiah, CA.

SHN Consulting Engineers & Geologists, Inc. *Geologic Conditions in Support of a Low Potential for the Hazard of Liquefaction, 24950 North Highway 1, Cleone, CA*. July 14, 2016.

SHN Consulting Engineers & Geologists, Inc. *Liquefaction Evaluation, 24950 North Highway 1, Cleone, CA*. July 12, 2016.

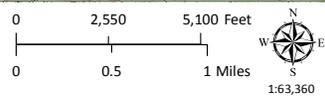
Van Bueren, Thad M., M.A. *Archaeological Survey of the Assessor's Parcel 069-142-02 at 24950 North Highway 1 near Cleone in Mendocino County, California*. July 15, 2014.

Wynn Coastal Planning and Biology. *Biological and Wetland Delineation Report (including Reduced Buffer Analysis and Report of Compliance) for 24950 North Highway 1, Cleone, CA 95437, APN 069-142-02-00, Mendocino County*. March 22, 2017 and Format Update November 7, 2018.



CASE: CDP 2017-0024  
 OWNER: EARLE, Douglas  
 APN: 069-142-02  
 APLCT: Doug Earle  
 AGENT: Amy Wynn  
 ADDRESS: 24950 N. Highway 1, Fort Bragg

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



LOCATION MAP  
 ATTACHMENT A

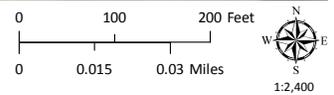
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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



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

CASE: CDP 2017-0024  
OWNER: EARLE, Douglas  
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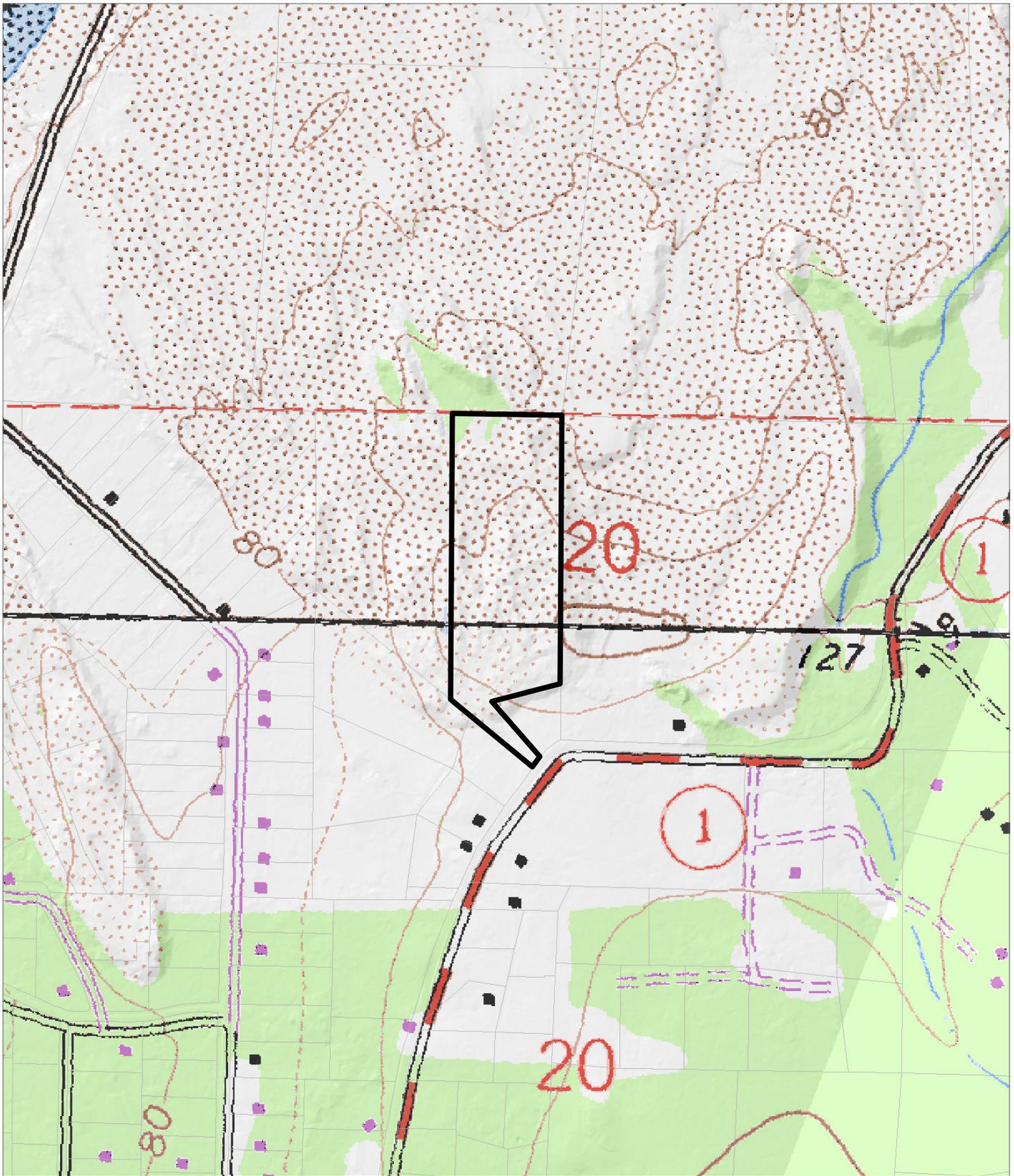
Public Roads



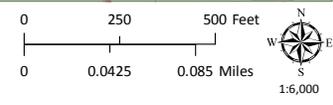
AERIAL IMAGERY

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ATTACHMENT B



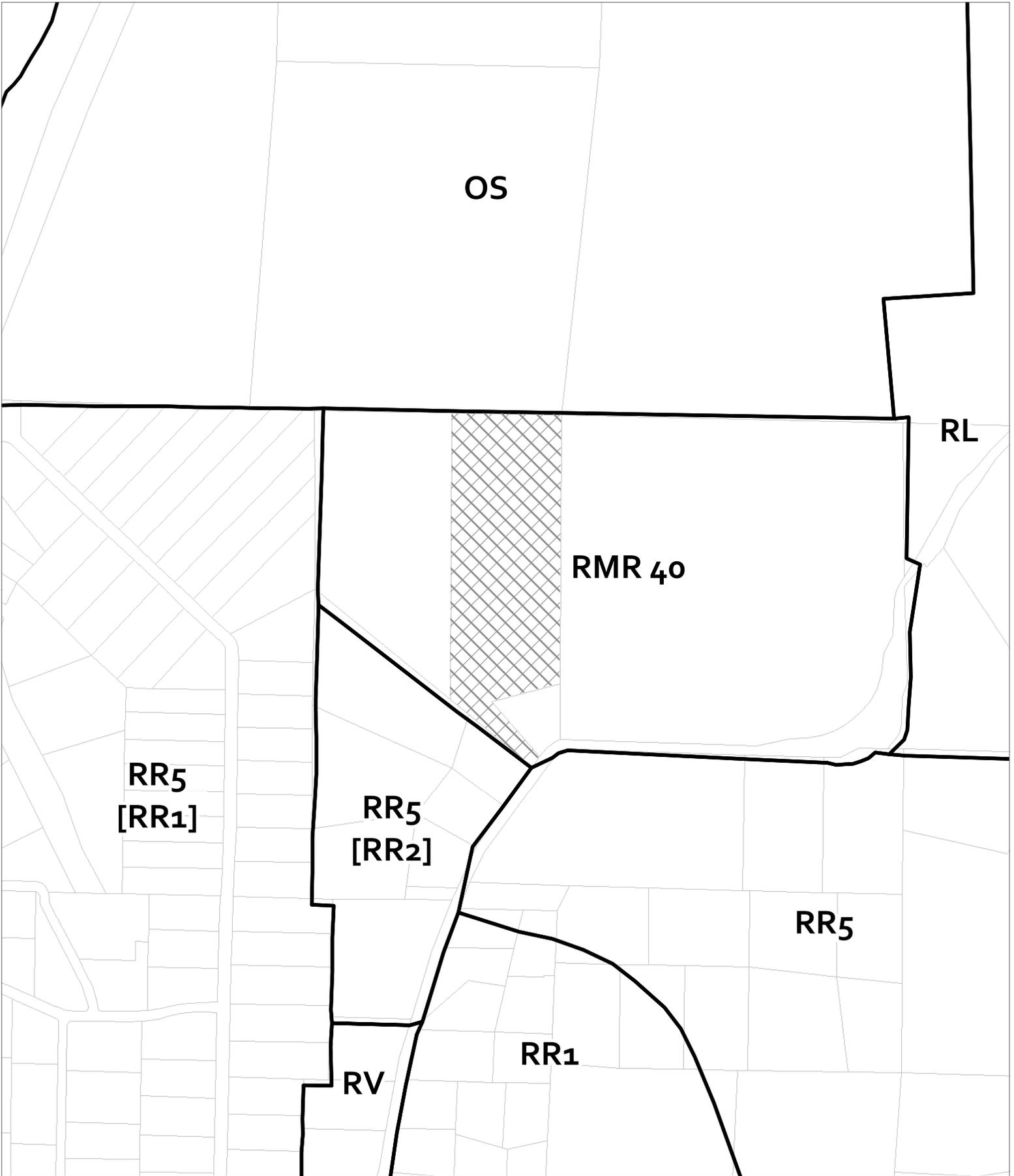
CASE: CDP 2017-0024  
OWNER: EARLE, Douglas  
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APLCT: Doug Earle  
AGENT: Amy Wynn  
ADDRESS: 24950 N. Highway 1, Fort Bragg



TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

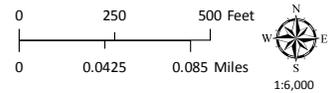
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**ATTACHMENT C**



CASE: CDP 2017-0024  
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 ADDRESS: 24950 N. Highway 1, Fort Bragg

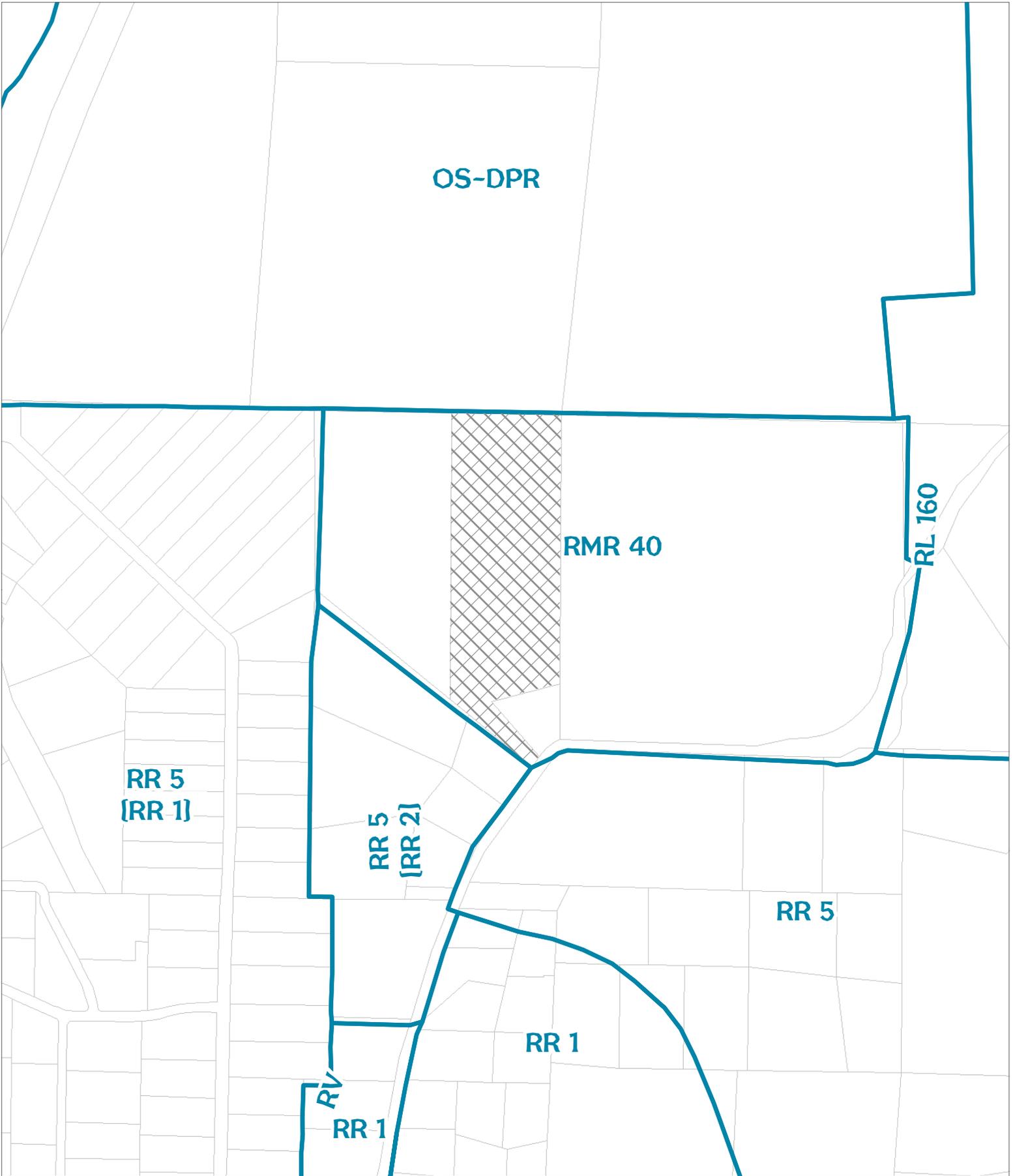
 Zoning Districts



ZONING DISPLAY MAP

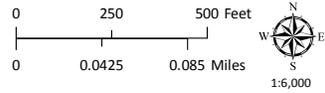
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ATTACHMENT D



CASE: CDP 2017-0024  
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 AGENT: Amy Wynn  
 ADDRESS: 24950 N. Highway 1, Fort Bragg

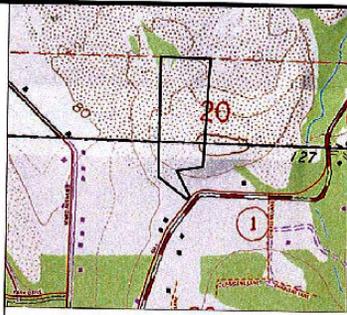
 General Plan Classes



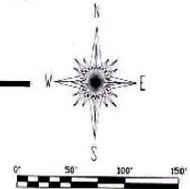
GENERAL PLAN CLASSIFICATIONS

ATTACHMENT E

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STATE PARK PROPERTY BOUNDARY (OTHER RESOURCE AREA ESHA)



**Lands of Earle**  
 being a portion of the North 1/2 of Section 20, Township 19 North,  
 Range 17 West, Mount Diablo Base & Meridian  
 Mendocino County, CA

**General Notes**

General Plan Designation: RMR-40  
 Zoning District: RMR-40  
 Urban/Rural: Rural  
 Highly Scenic Area: Yes  
 Proposed Land Use: SFR  
 Applicable to Coastal Commission: Yes  
 Entitlement Permit Type: CDP  
 Yard Setbacks: 50' all sides  
 30' all sides  
 CalFire Setbacks: 45' from centerline of Hwy 1  
 18' setback on increase in height would not affect public views to the ocean or be of character.  
 Corridor Preservation Setback: ESHA (dunes, rare plants, rare plant communities).  
 Height Limit: Addressed by WCPan Biological Report, 2017 03  
 Liquefaction potential. Addressed by SHN Liquefaction Evaluation, 2016 07 12  
 Environmental Constraints: Marine, dune compatible species  
 Potential Geologic Hazards: On-site well  
 Landscaping: On-site septic  
 Water Source: None  
 Wastewater Disposal: None  
 Tree Removal: None

CDP Lot Coverage Tabulation  
 Gross Site Area: 12,336ac (537,064 sf)  
 Maximum allowable lot coverage: 10%  
 Lot Coverage:  
 Footprint - Residence: 930 sf  
 Footprint - Covered Porches/Decks: 1,224 sf  
 Footprint - Garage: 520 sf  
 Total Building Footprint: 2,674 sf  
 Driveway & Parking: 3,307 sf (proposed)  
 Driveway & Parking: 3,831 sf (existing)

Total Lot Coverage (Footprint): 9,512 sf (1.77%)

Landform Alteration:  
 Cut: 308 C.Y.  
 Fill: 85 C.Y.  
 Net Export: 223 C.Y.

See also SHN Preliminary Grading Plan, dated June 21, 2016.

Sensitive Resources:  
 Legend Type Distance from Development  
 HESPEREVAX SPARSIFLORA VAR. BREVIFOLIA 97' ±  
 CHORIZANTHE HOWELLII 164' ±  
 CUSCUTA PACIFICA VAR. PAILLATA 760' ±  
 ERYSIMUM MENZIESII 776' ±  
 COASTAL ACT WETLAND 122' ±  
 DUNE MAT 637' ±

(P) GARAGE 620 S.F.  
 (P) DRIVEWAY  
 PAOLI'S TREE DRIP LINE  
 (E) FENCE POST  
 (E) WELL  
 (P) 100% REPLACEMENT AREA  
 (P) PRESSURIZED LEACHBED  
 EL: 519.36  
 (P) 1.5" PVC SCH. 40 FORCE LINE  
 (P) PROPANE TANK  
 (P) ADVANTEX TREATMENT UNIT  
 (P) RAINWATER STORAGE TANK  
 (P) RETAINING WALL  
 (P) 1,500 GALLON FIBERGLASS SEPTIC TANK/RECIRCULATION TANK  
 (P) GENERATOR

(P) SFR 2024 S.F.  
 (P) WELL  
 (E) DRIVEWAY  
 EL: 495.84  
 (E) FENCE  
 (E) WELL  
 (E) SHED  
 EL: 501.39  
 (E) GATE

**LEGEND:**

	HESPEREVAX SPARSIFLORA VAR. BREVIFOLIA
	CHORIZANTHE HOWELLII
	CUSCUTA PACIFICA VAR. PAILLATA
	ERYSIMUM MENZIESII
	COASTAL ACT WETLAND
	DUNE MAT
	(E) GRAVEL DRIVEWAY
	(P) GRAVEL DRIVEWAY
	(E) TREE COVERAGE
	(P) TREE LIMBING
	50' BUFFER
	100' BUFFER
	(P) JOINT TRENCH

SITE PLAN 1:50 1

CASE: CDP 2017-0024  
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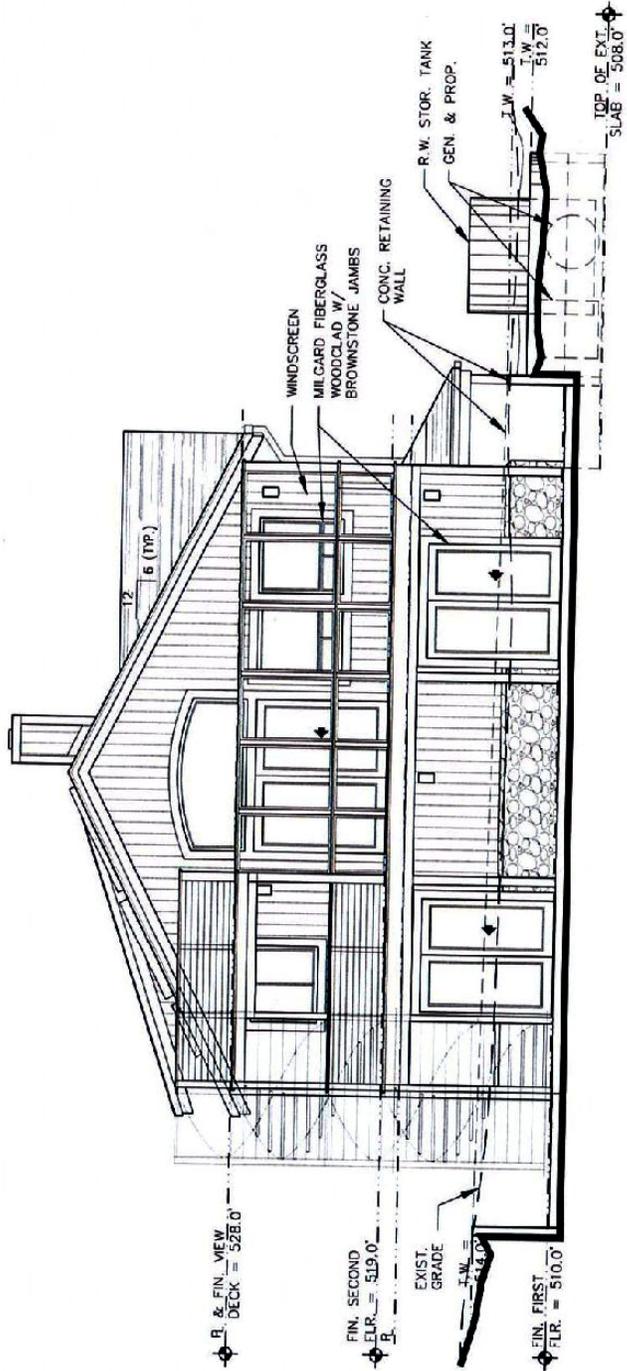
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SITE PLAN  
 ATTACHMENT F

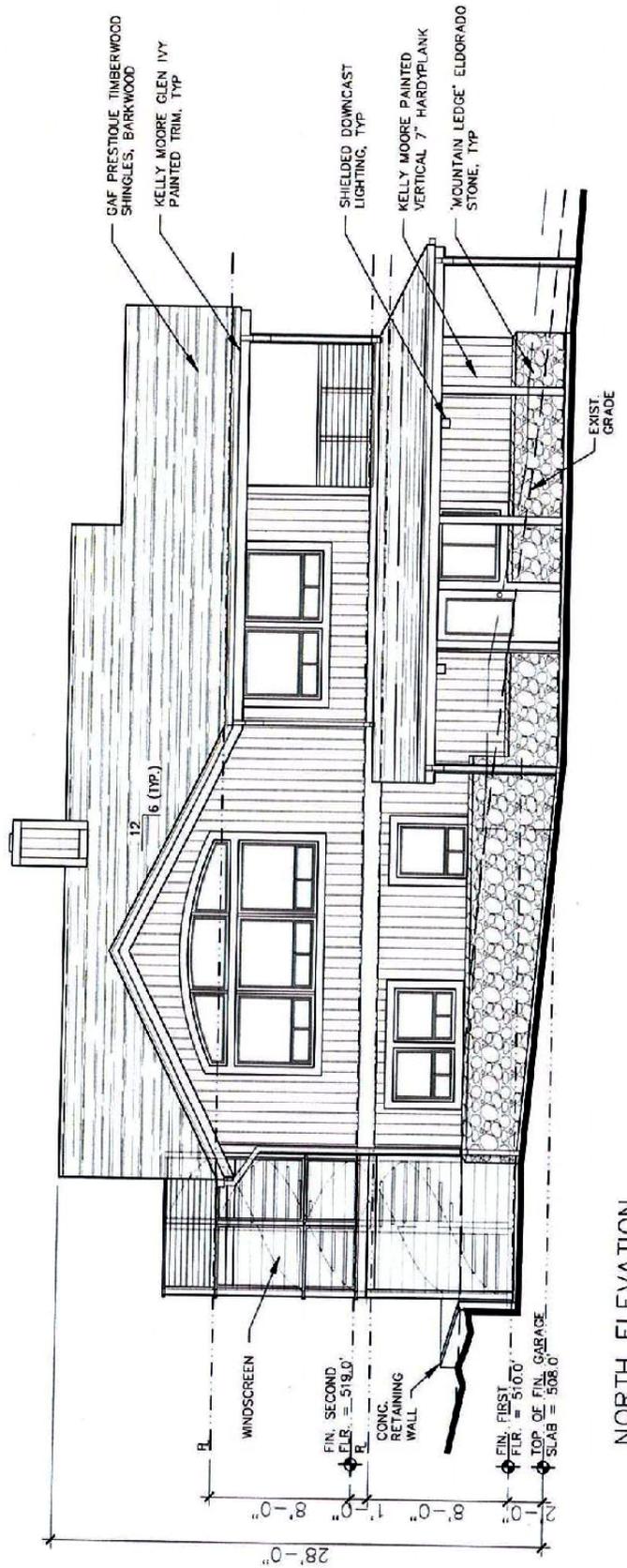
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**EAST ELEVATION**  
1/4" = 1'-0"



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

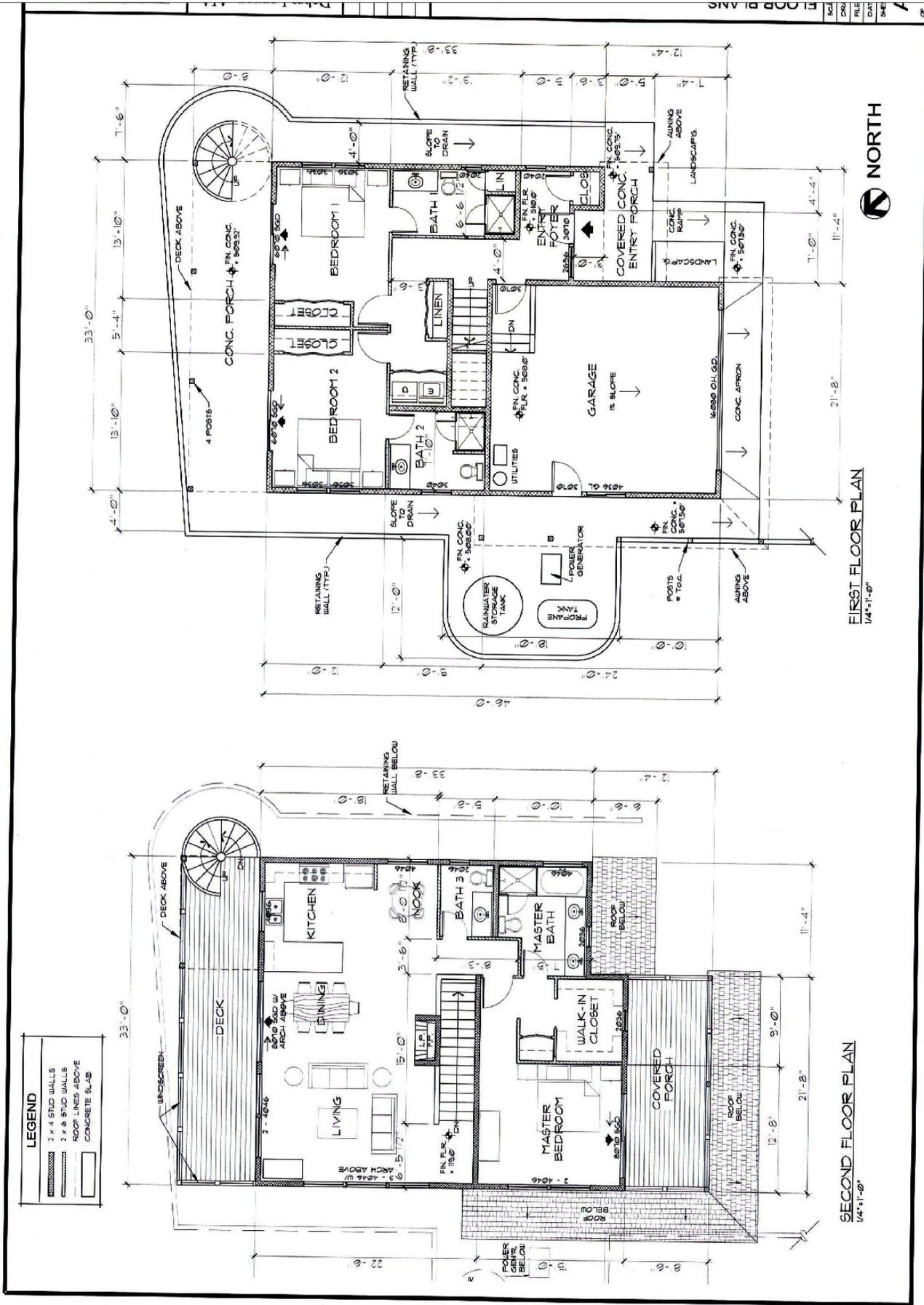
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ELEVATIONS

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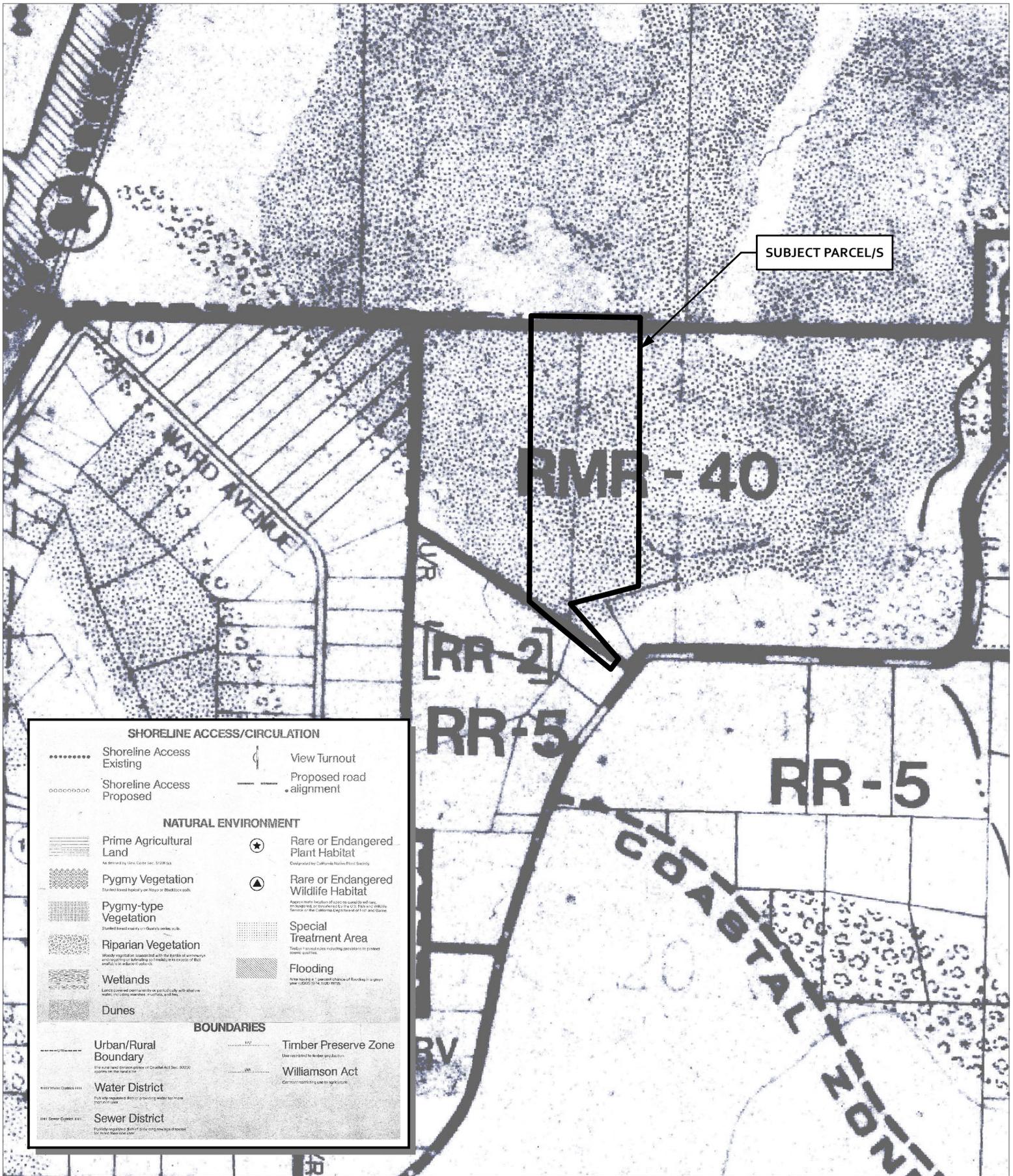
ATTACHMENT I



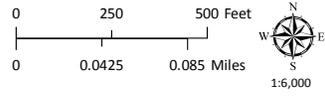
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NO SCALE

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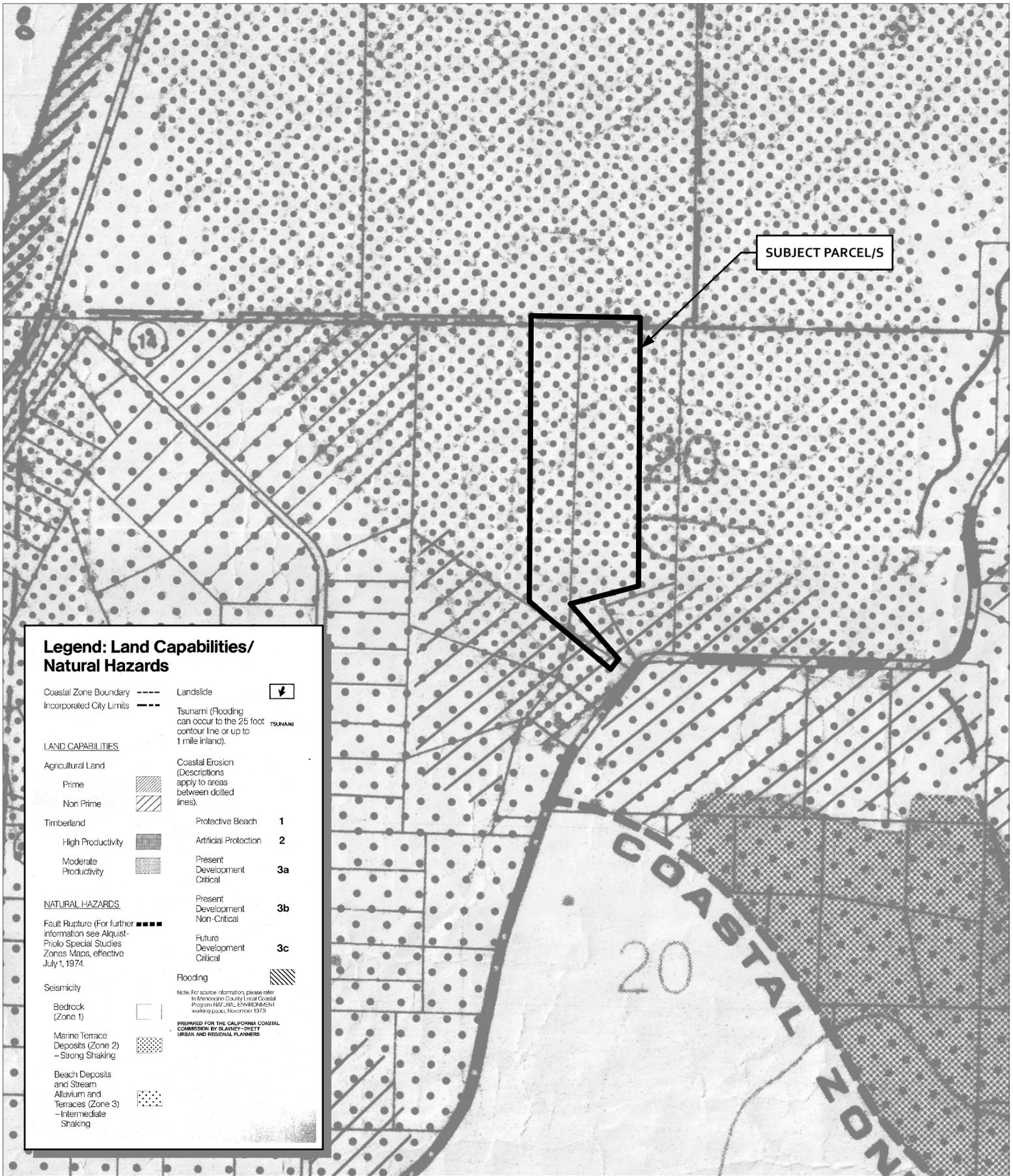
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LCP LAND USE MAP 12: CLEONE

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ATTACHMENT K

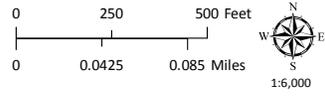


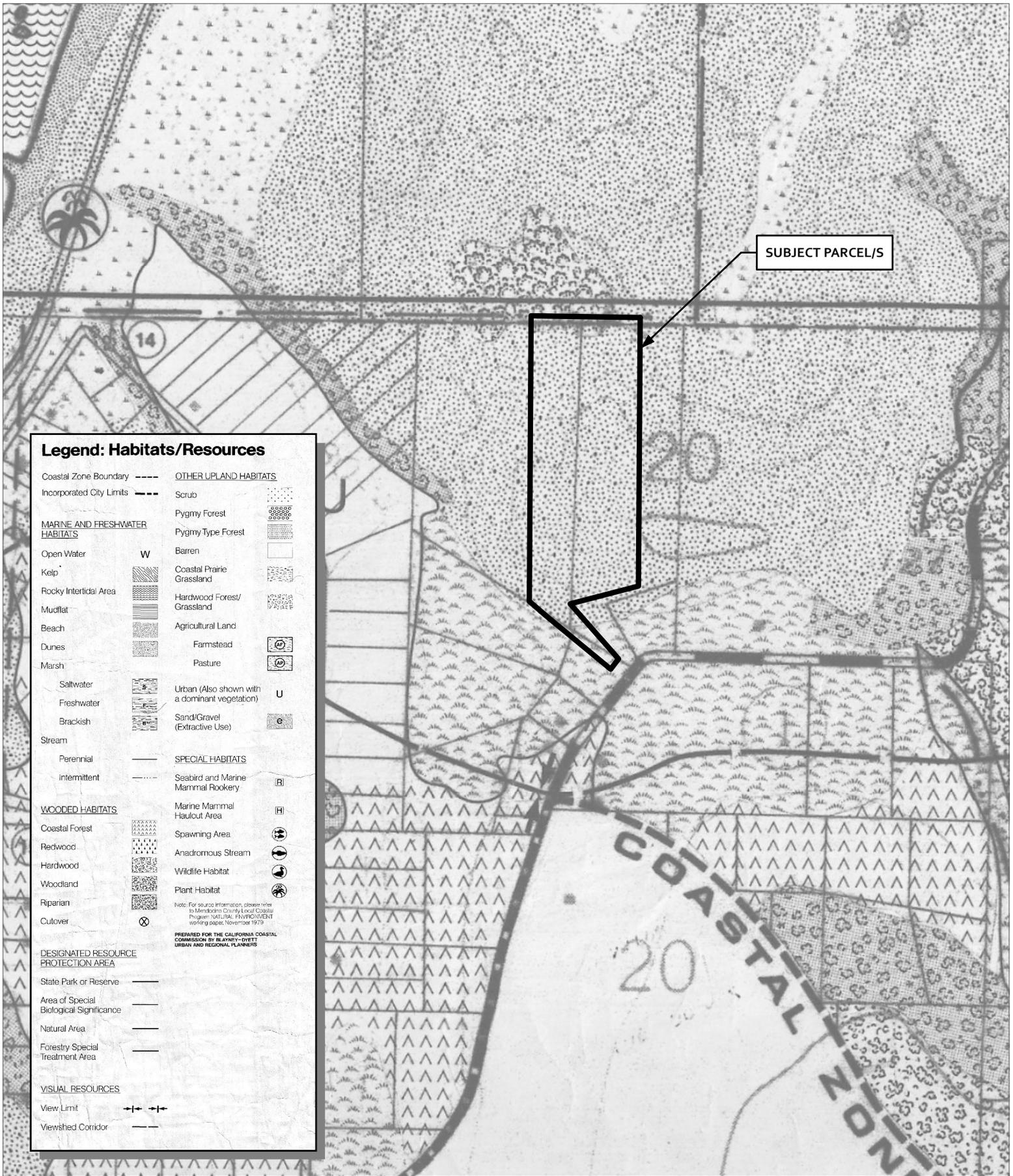
**Legend: Land Capabilities/  
Natural Hazards**

- Coastal Zone Boundary
- Incorporated City Limits
- LAND CAPABILITIES**
- Agricultural Land
  - Prime
  - Non Prime
- Timberland
  - High Productivity
  - Moderate Productivity
- NATURAL HAZARDS**
- Fault Rupture (For further information see Alquist-Friolo Special Studies Zones Maps, effective July 1, 1974.
- Seismicity
  - Bedrock (Zone 1)
  - Marine Terrace Deposits (Zone 2) - Strong Shaking
  - Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking
- Landslide
- Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland).
- Coastal Erosion (Descriptions apply to areas between dotted lines).
  - Protective Beach 1
  - Artificial Protection 2
  - Present Development Critical 3a
  - Present Development Non-Critical 3b
  - Future Development Critical 3c
- Flooding

Note: For source information, please refer to Mendocino County Local Coastal Program (MCLCP) SWIRK/RENT working paper, November 1979  
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAVNEY-SWETT URBAN AND REGIONAL PLANNERS

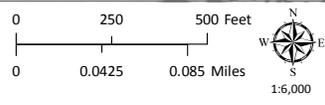
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SUBJECT PARCEL/S

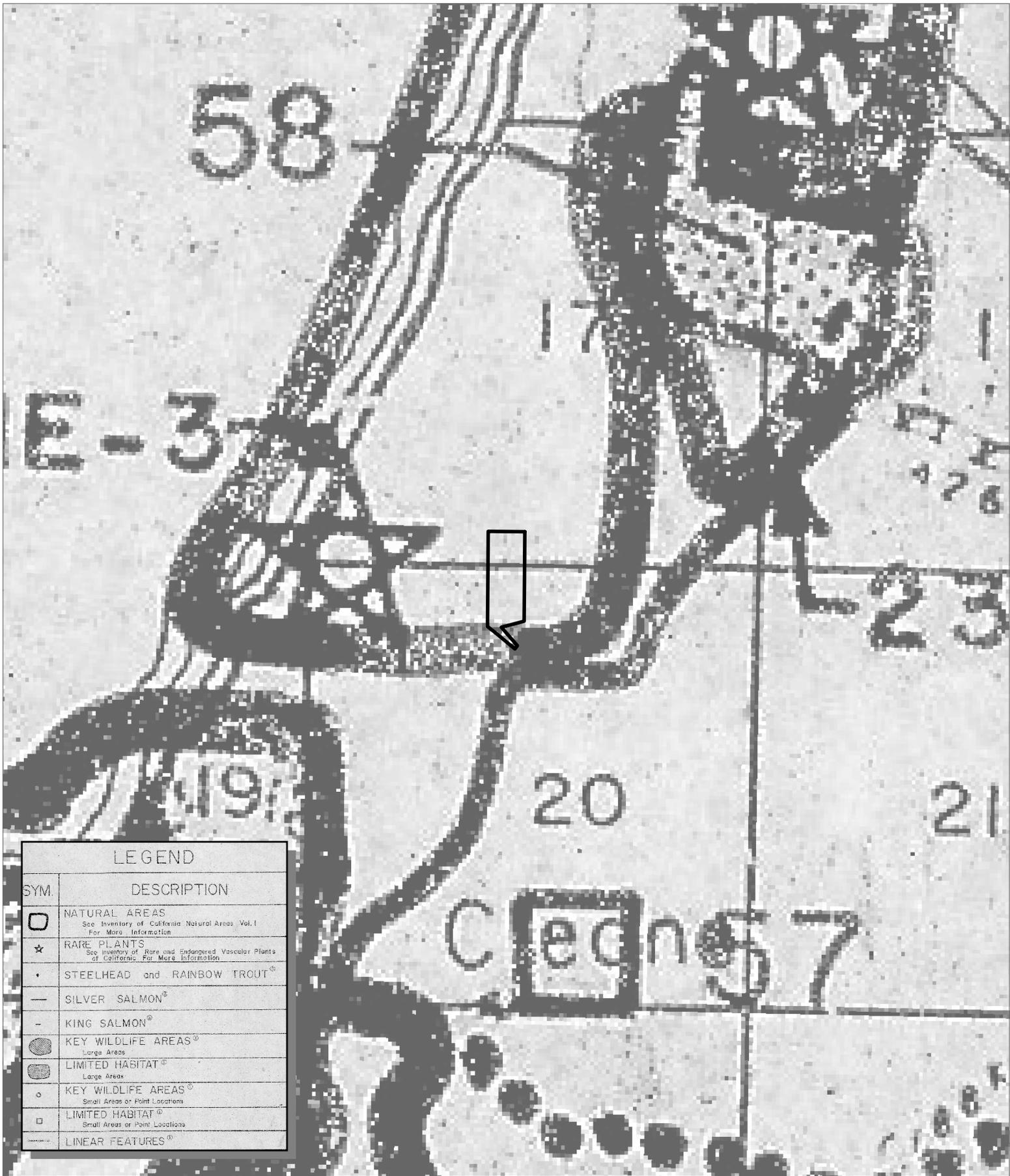
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LCP HABITATS & RESOURCES

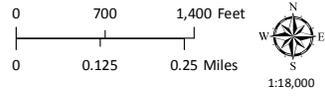
ATTACHMENT M

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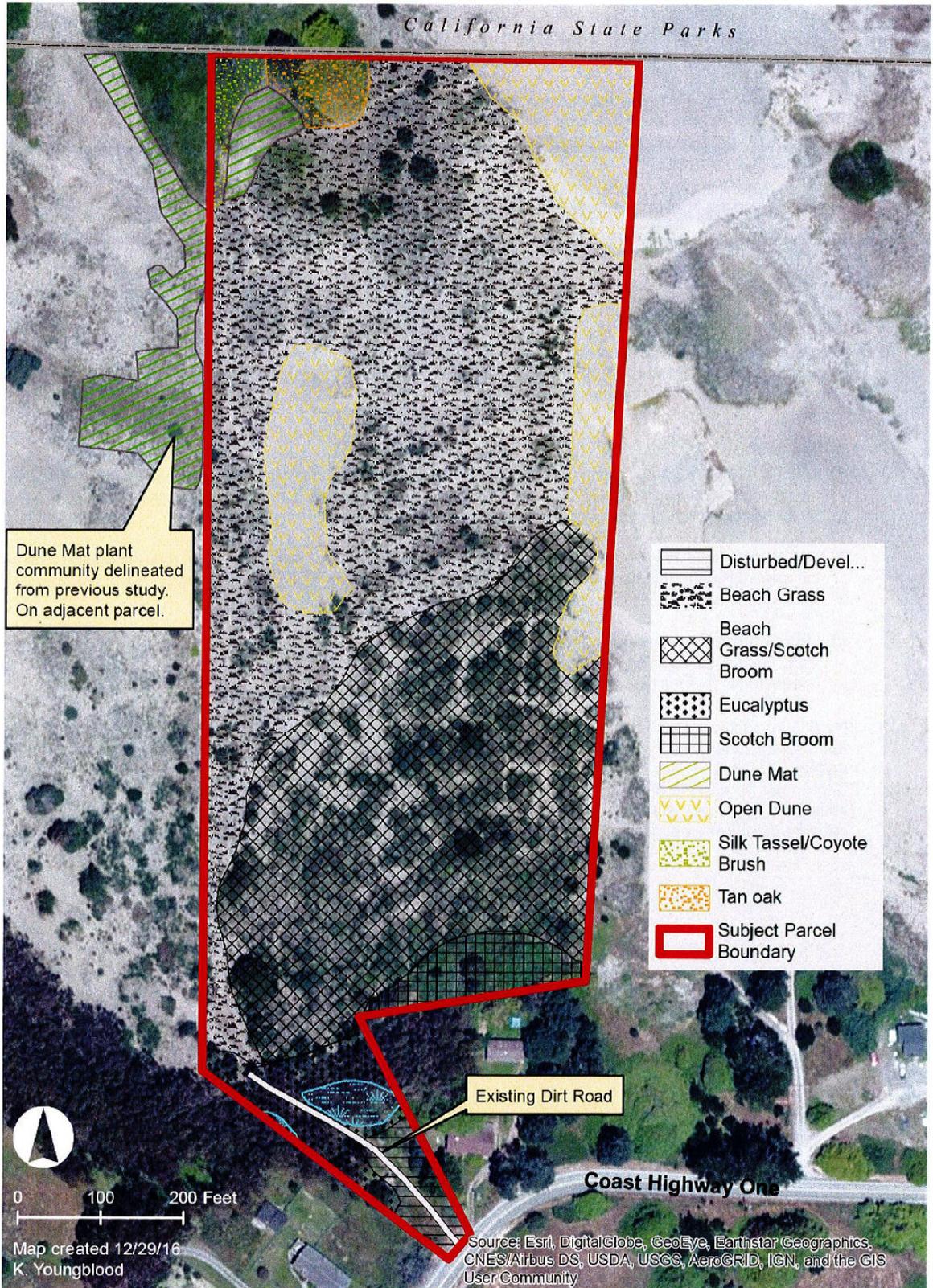
LEGEND	
SYM.	DESCRIPTION
□	NATURAL AREAS <small>See Inventory of California Natural Areas, Vol. I For More Information</small>
★	RARE PLANTS <small>See Inventory of Rare and Endangered Vascular Plants of California For More Information</small>
•	STEELHEAD and RAINBOW TROUT <sup>®</sup>
—	SILVER SALMON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

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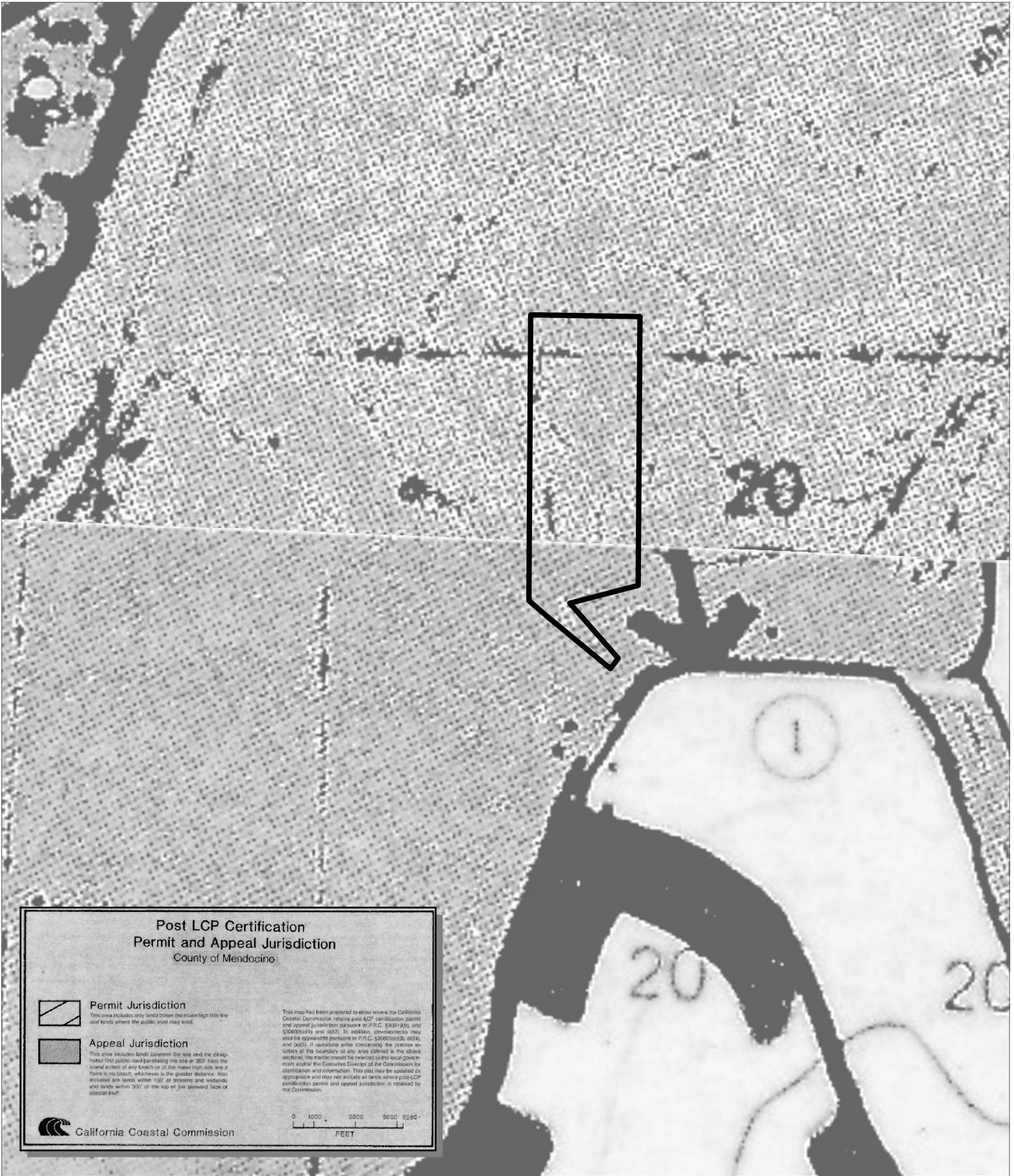


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BIOLOGICAL RESOURCES  
 ATTACHMENT N



**Figure 13. Plant Communities found on Earle Parcel**



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APPEALABLE AREAS  
 ATTACHMENT P

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069-090-04  
OF STATE  
OS 0 35.96 A±

069-090-05  
OF STATE  
OS 0 39.72 A±

069-090-10  
OF STATE  
OS 0 92.75 A±

069-141-06  
JEFFREY LIEB  
RR 5 1.82 A±

069-141-07  
LENOELA CHAPMAN  
RR 5 1.94 A±

069-141-08  
NICHOLAS BROWNRIGG  
RR 5 2.14 A±

069-141-09  
ROGER LUZZI  
RR 5 1.77 A±

069-141-10  
HARRY FORD  
RR 5 1.67 A±

069-141-11  
CLIFF SNELLING  
RR 5 1.98 A±

069-141-12  
RENE HOHLS  
RR 5 1.5 A±

069-141-13  
RAFAEL MONTAGNO  
RR 5 0 A±

069-141-14  
CLIFFORD SNELLING  
RR 5 0 A±

069-141-15  
FRANCIS SANCHEZ  
RR 5 0 A±

069-141-16  
FRANCIS SANCHEZ  
RR 5 0 A±

069-141-17  
JORGE SOUSA  
RR 5 0 A±

069-141-18  
PATRICK MCCLOSKEY  
RR 5 0 A±

069-141-19  
REID PATTERSON  
RR 5 0 A±

069-142-01  
RICHARD LANE  
RMR 40 12.07 A±

069-142-02  
DOUGLAS EARLE  
RMR 40 12.33 A±

069-142-11  
LAND BAXMAN  
RMR 40 39.6 A±

069-142-04  
DANIEL MILLER  
RR 5 5 A±

069-142-03  
BARBARA ASH  
RMR 40 1.06 A±

069-142-07  
CAROL HANCE  
RR 5 1.37 A±

069-142-05  
WILLIAM BOHANNAN  
RR 5 4.03 A±

069-142-08  
GLORIA ROGERS  
RR 5 1.31 A±

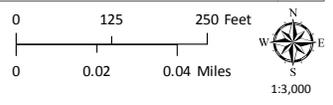
069-142-18  
JOSHUA MILLER  
RR 1 11.38 A±

069-142-19  
BRIAN COLATO  
RR 5 3.93 A±

069-142-06  
PATRICK SIMMONS  
RR 5 2.79 A±

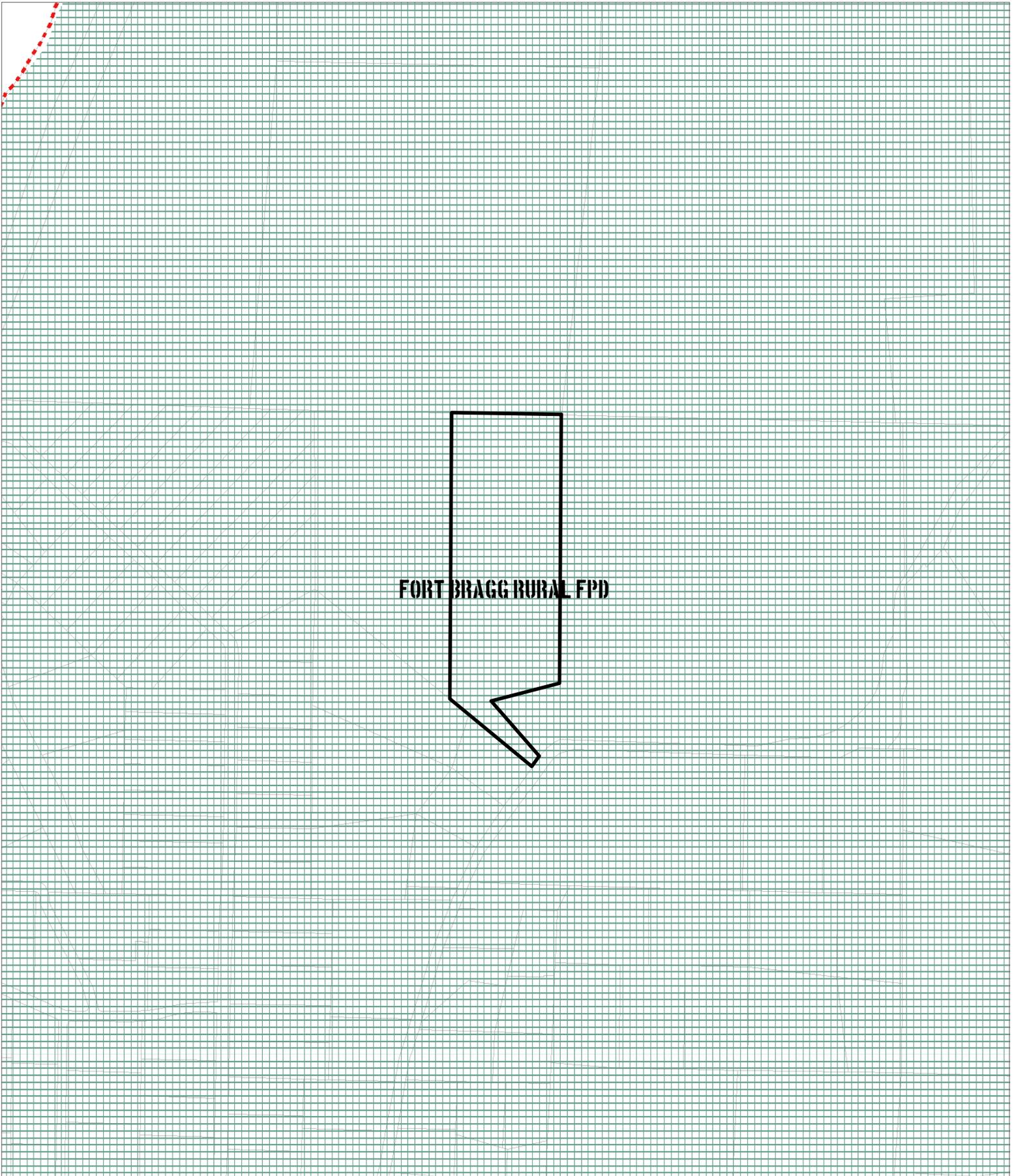
069-142-09  
LINDA LONG  
RR 5 1.25 A±

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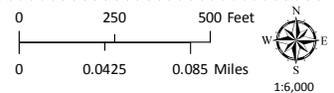
ADJACENT PARCELS  
ATTACHMENT Q



**FORT BRAGG RURAL FPD**

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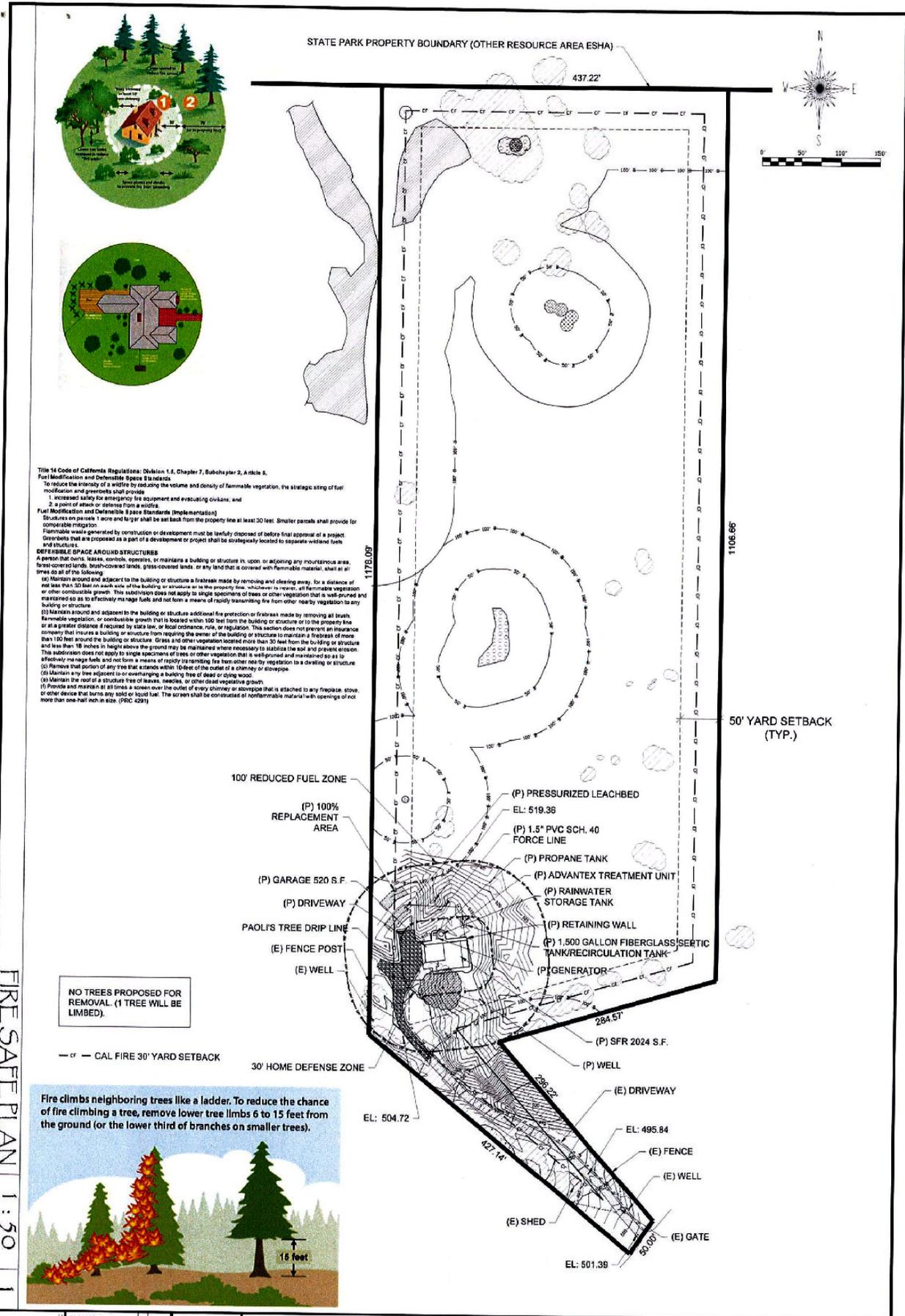
-  County Fire Districts
-  Moderate Fire Hazard



**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

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**ATTACHMENT R**



Title 14 Code of California Regulations: Division 1.4, Chapter 7, Subchapter 2, Article 6, Fuel Modification and Defensible Space 8 to 10 refers.

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic string of fuel modification and greenbelts shall provide:

1. increased safety for emergency fire equipment and evacuating civilians; and
2. a point of egress or retreat from a wildfire.

Fuel Modification and Defensible Space Standards (Implementation)

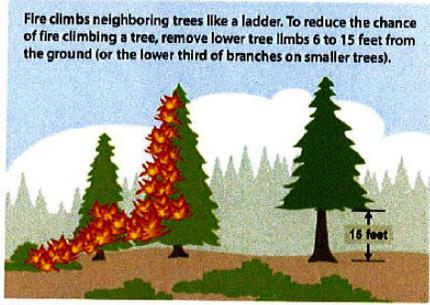
Structures on parcels 1 acre and larger shall be set back from the property line at least 30 feet. Smaller parcels shall provide for comparable mitigation.

Flammable waste generated by construction or development must be lawfully disposed of before final approval of a project. Debris that are processed as a part of a development or project shall be strategically located to separate wildland fuels and structures.

**DEFENSIBLE SPACE AROUND STRUCTURES**

A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall at all times do all of the following:

- (a) Maintain around and adjacent to the building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is greater, all flammable vegetation or other combustible growth. This subdivision does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any building or structure.
- (b) Maintain around and adjacent to the building or structure additional fire protection or firebreaks made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line or at a greater distance if required by state law, or local ordinance, rule, or regulation. This section does not prevent an insurance company that insures a building or structure from requiring the owner of the building or structure to maintain a firebreak of more than 100 feet around the building or structure. Grass and other vegetation located more than 50 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. This subdivision does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure.
- (c) Remove that portion of any tree that extends within 10 feet of the outlet of a chimney or stovepipe.
- (d) Maintain any tree adjacent to or overhanging a building free of dead or dying wood.
- (e) Maintain the roof of a structure free of leaves, twigs, or other dead vegetative growth.
- (f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size. (PRC 4291)



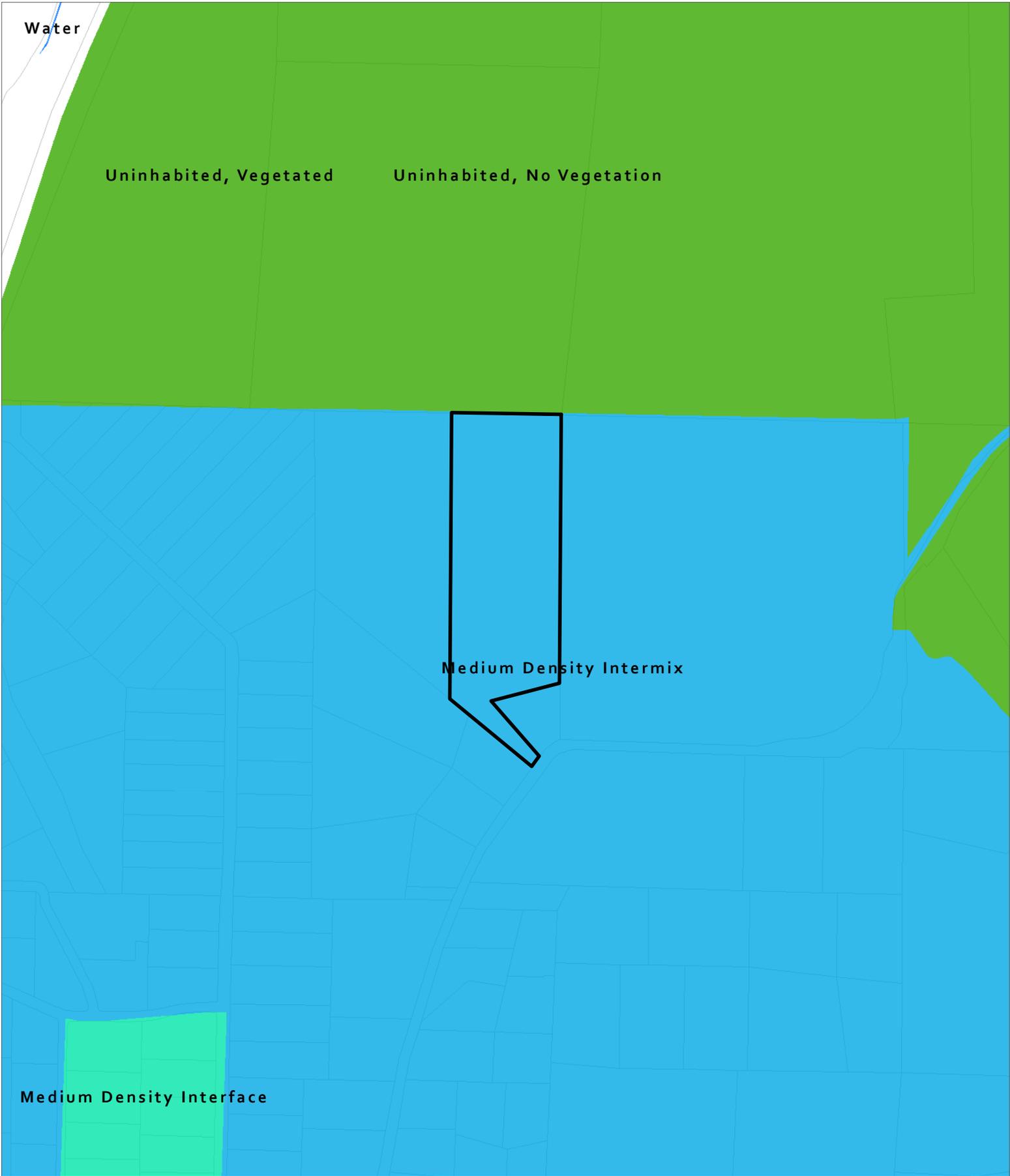
FIRE SAFE PLAN 1:50 1

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NO SCALE

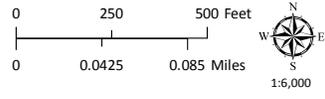
FIRE SAFE PLAN  
 ATTACHMENT S

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CASE: CDP 2017-0024  
 OWNER: EARLE, Douglas  
 APN: 069-142-02  
 APLCT: Doug Earle  
 AGENT: Amy Wynn  
 ADDRESS: 24950 N. Highway 1, Fort Bragg

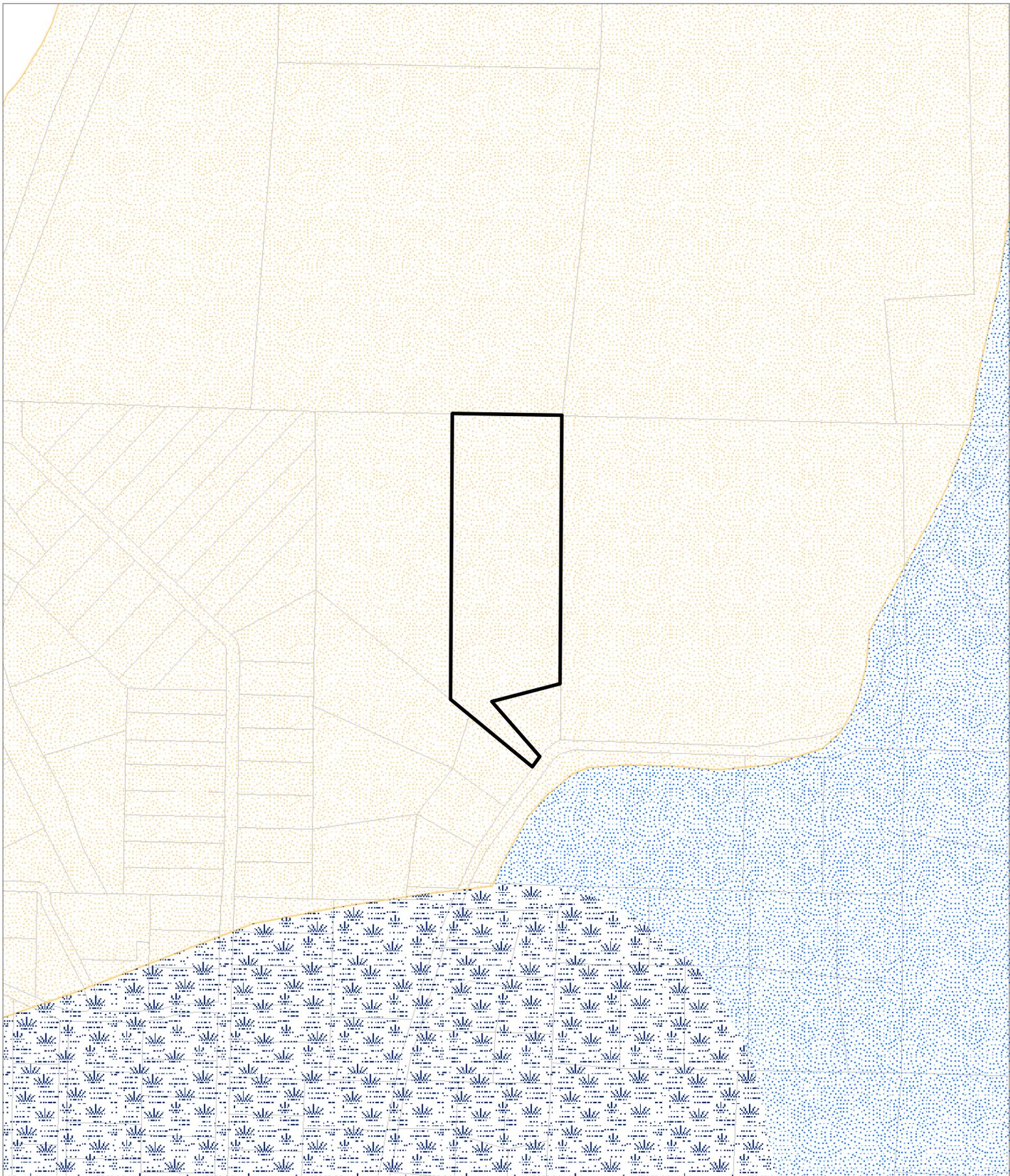
 Water



WILDLAND URBAN INTERFACE ZONES

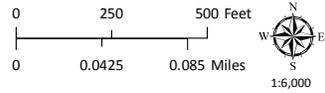
ATTACHMENT T

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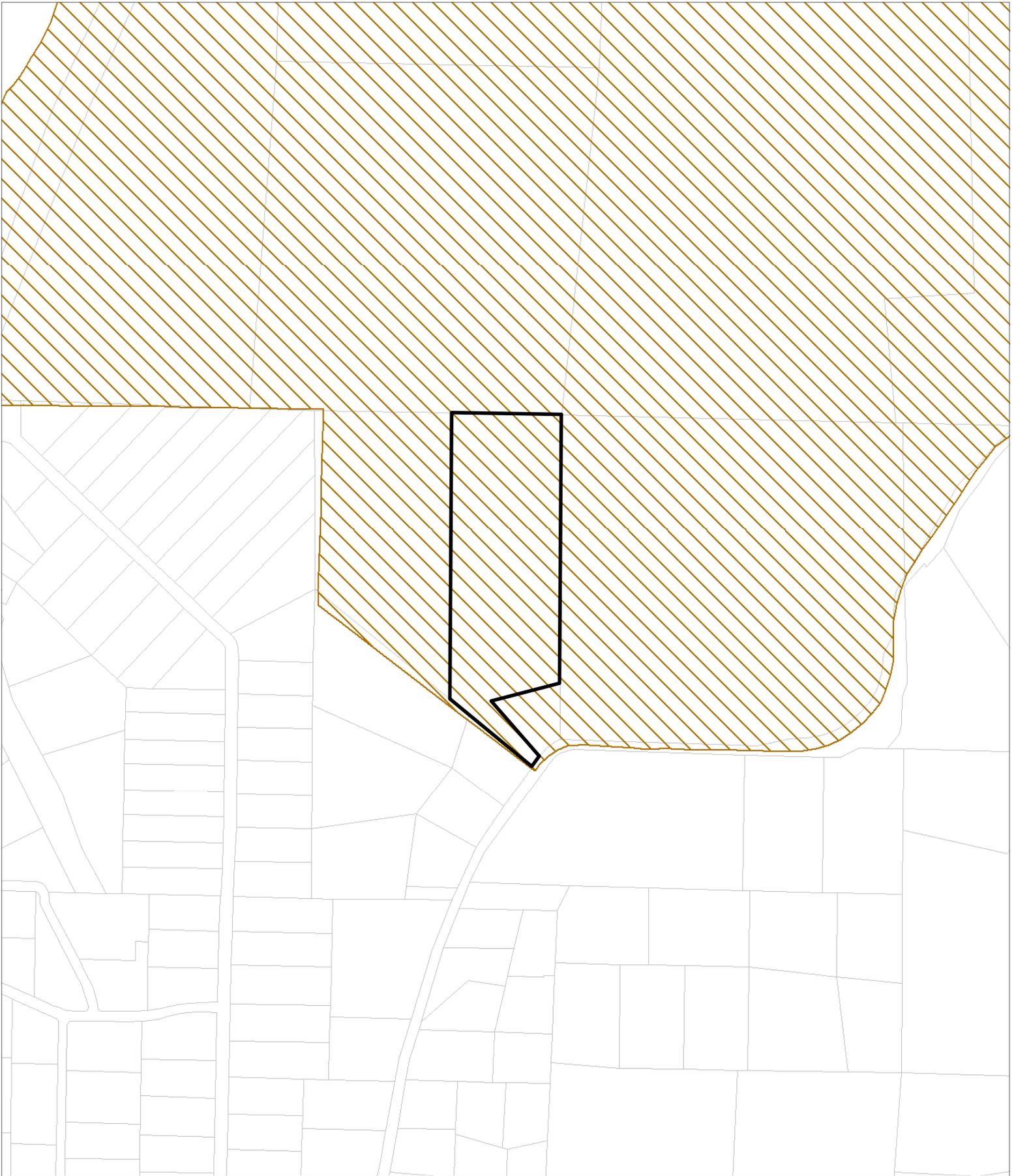
CASE: CDP 2017-0024  
 OWNER: EARLE, Douglas  
 APN: 069-142-02  
 APLCT: Doug Earle  
 AGENT: Amy Wynn  
 ADDRESS: 24950 N. Highway 1, Fort Bragg

-  Sufficient Water Resources
-  Marginal Water Resources
-  Dunes



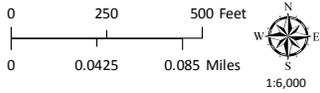
**GROUNDWATER RESOURCES**

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CASE: CDP 2017-0024  
OWNER: EARLE, Douglas  
APN: 069-142-02  
APLCT: Doug Earle  
AGENT: Amy Wynn  
ADDRESS: 24950 N. Highway 1, Fort Bragg

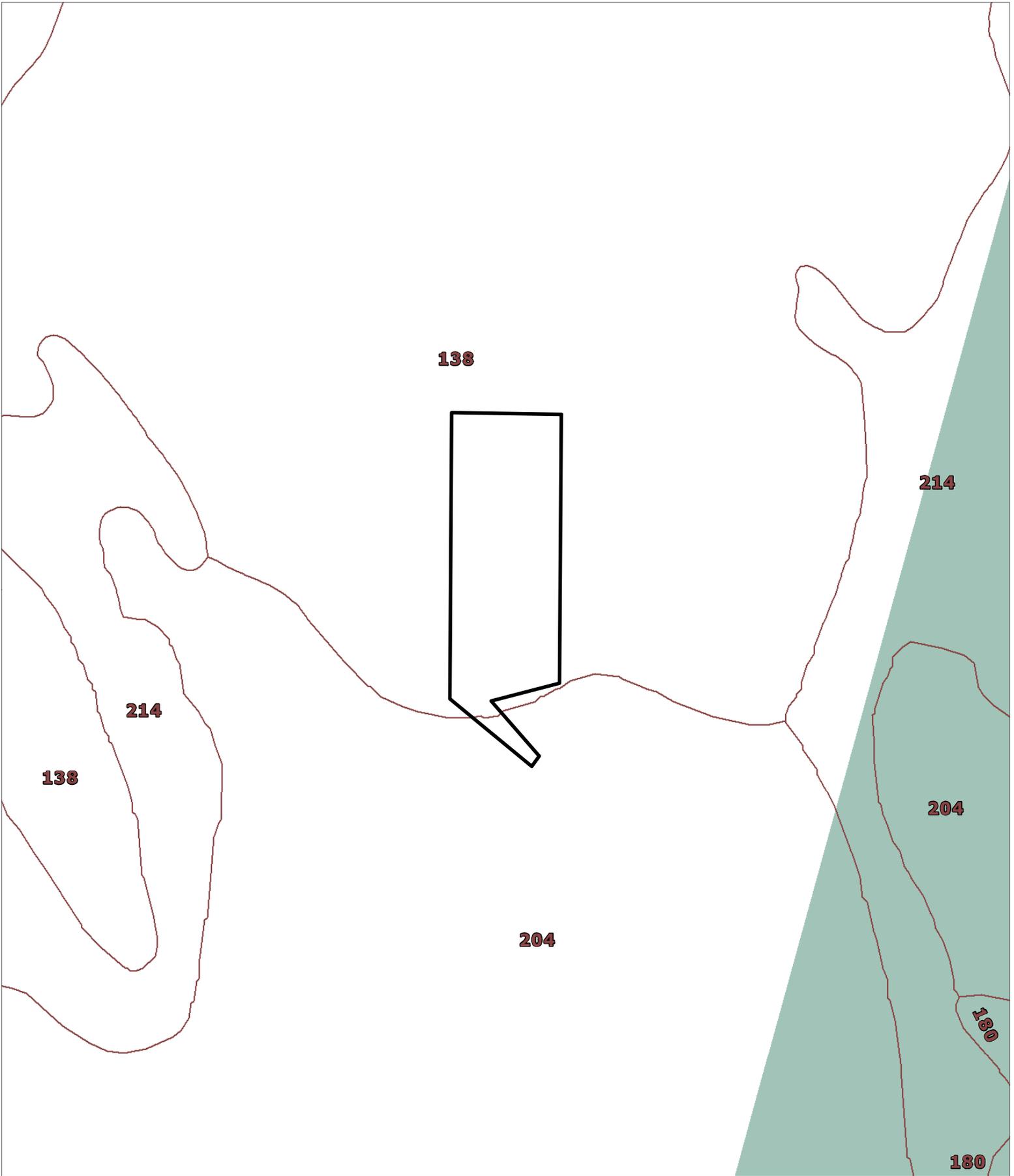
 Highly Scenic Area



HIGHLY SCENIC & TREE REMOVAL AREAS

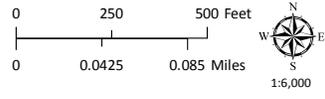
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ATTACHMENT V



CASE: CDP 2017-0024  
 OWNER: EARLE, Douglas  
 APN: 069-142-02  
 APLCT: Doug Earle  
 AGENT: Amy Wynn  
 ADDRESS: 24950 N. Highway 1, Fort Bragg

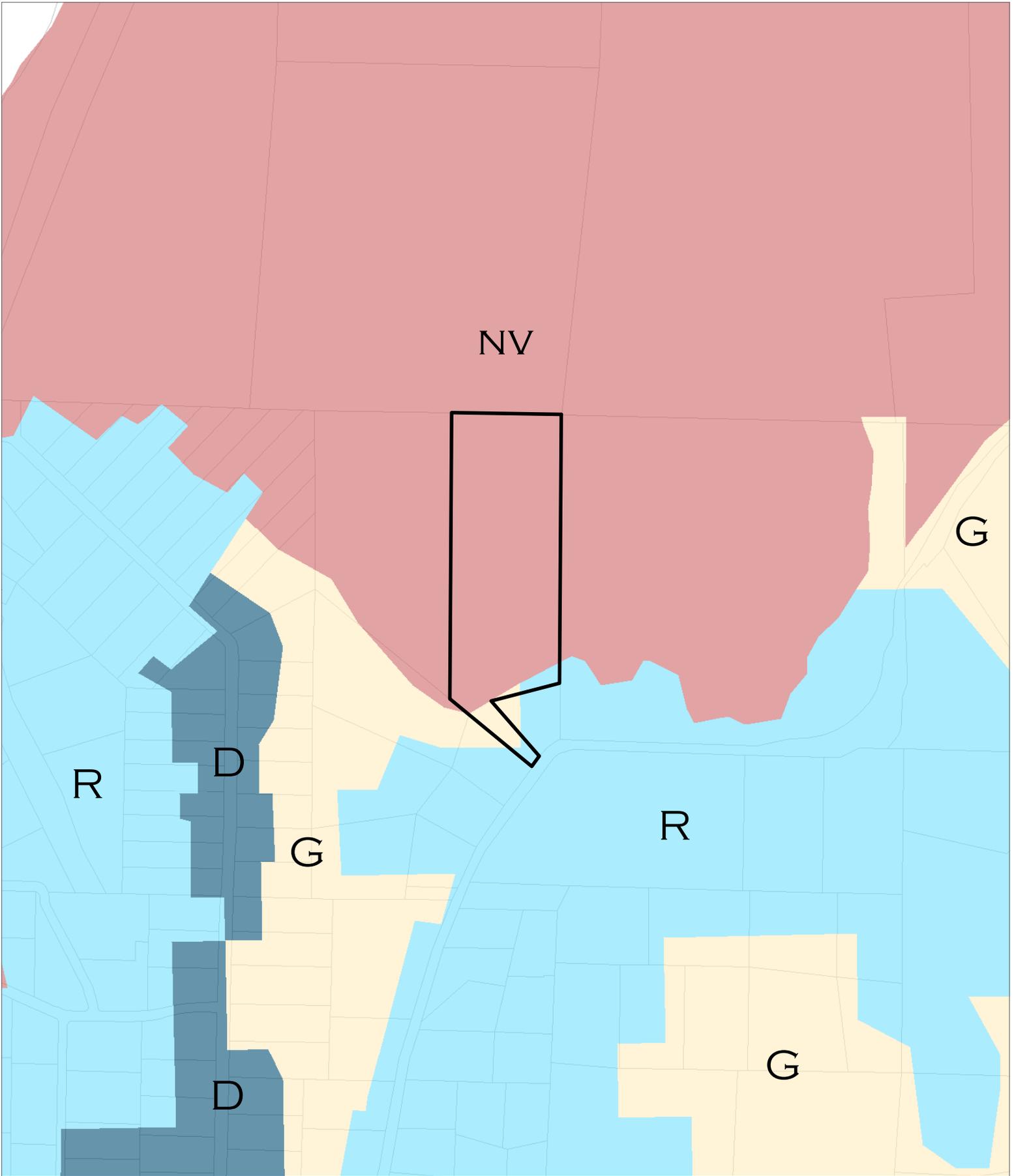
 Western Soil Classes  
 Bishop Pine



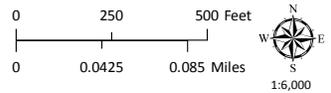
LOCAL SOILS

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ATTACHMENT W



CASE: CDP 2017-0024  
 OWNER: EARLE, Douglas  
 APN: 069-142-02  
 APLCT: Doug Earle  
 AGENT: Amy Wynn  
 ADDRESS: 24950 N. Highway 1, Fort Bragg



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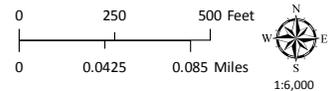
IMPORTANT FARMLAND  
 ATTACHMENT X

# MacKerricher SP

4

CASE: CDP 2017-0024  
OWNER: EARLE, Douglas  
APN: 069-142-02  
APLCT: Doug Earle  
AGENT: Amy Wynn  
ADDRESS: 24950 N. Highway 1, Fort Bragg

 Supervisorial Districts 2010  
 State Parks



MISC

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ATTACHMENT Y

## CEQA INITIAL STUDY - MITIGATED NEGATIVE DECLARATION

**DATE:** June 13, 2019

**CASE NUMBER:** CDP\_2017-0024

**OWNER/APPLICANT:** DOUGLAS EARLE

**AGENT:** WYNN COASTAL PLANNING

**PROJECT REQUEST:** A Standard Coastal Development Permit request to construct a 2,024-square-foot two-story single-family residence with an attached garage and 1,224 square feet of patio and walkway space. Additional improvements include a retaining wall; converting existing test wells to production wells; drilling a supplemental production well; septic system; propane tank; rainwater catchment system; storage tank; outdoor emergency generator; roof-mounted solar panels; trenching for utilities; and extending the existing driveway.

**CONTACT:** Juliana Cherry 707-964-5379

**LOCATION:** The site is located approximately 4 miles north of the City of Fort Bragg, located west of Highway 1 at 24950 North Highway 1, Fort Bragg (APN: 069-142-02).

**Environmental Checklist.**

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Less than Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology / Water Quality
<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Tribal Cultural Resources	<input type="checkbox"/>	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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

The 12.33 acre project site is located approximately 4 miles north of the City of Fort Bragg and to west of Highway 1. The subject property is located adjacent to MacKerricher State Park and is located within a designated Highly Scenic Area<sup>1</sup>. The parcel is currently developed with 3,631 square feet of gravel driveway, two test wells, an 864 square foot shed, and an existing entry gate. Neighboring properties to the west, south, and east are currently developed with single family residences and accessory structures, similar to what is proposed under the project.

The majority of the site is designated as dune habitat, with coastal prairie habitat in the southernmost portion of the site and a very small section of woodland habitat along the northern-most portion of the site.<sup>2</sup> A *Biological Report of Compliance and Wetland Delineation for 24950 North Highway 1* (Biological Report) for the proposed project was prepared by Wynn Coastal Planning on April 6, 2017. Several Environmentally Sensitive Habitat Areas (ESHAs) have been identified on the project site, including sand dune ESHA (covering the majority of the site), a wetland ESHA in the southern portion of the site (on both sides of the existing driveway), four rare plant ESHAs, and one rare plant community ESHA. Vegetation at the project site consists of dense patches of invasive plants including eucalyptus trees, European beach grass, pampas grass, and Scotch broom in the southerly portion of the site, with shore pines, four species of rare plants [including Howell's spineflower (*Chorizanthe howellii*), short-leaved evax (*Hesperivax sparsiflora* var. *brevifolia*), Mendocino dodder (*Cuscuta pacifica* var. *papillata*), and Menzies'

<sup>1</sup> Mendocino County Department of Planning & Building Services. 1991. *Highly Scenic & Tree Removal Areas* [map].

<sup>2</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Habitats & Resources* [map].

wallflower (*Erysimum menziesii*), and one rare plant community [Dune mat (*Abronia latifolia*-*Ambrosia chamissonis*)] identified on the site further to the north. However, these identified special-status plant species are located greater than 100 feet from the proposed development area. Wetland ESHA areas were identified on both sides of the existing driveway.<sup>3</sup> No trees or vegetation would be removed from areas other than the proposed building sites and improvement areas.

The maximum building height allowed in the Remote Residential District (RMR40) is 18 feet above natural grade for Highly Scenic Areas west of Highway 1, such as the project site, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. As currently proposed, the proposed two story development would be a maximum of 28 feet above natural grade, which would exceed the maximum building height requirement by 10 feet. The proposed development was compared to 46 surrounding residentially development properties, each of which is developed with a three bedroom, two bathroom residence, similar to what is proposed under the project. Though the proposed single family residence would be similar in size (total square feet) to the development on the surrounding 46 properties, the proposed residence and attached garage would have a much smaller building footprint than the surrounding properties (approximately 973 to 1,625 square feet less), as the proposed residence would be two stories in height, compared to only one story of the surrounding properties. Additionally, many of the surrounding properties have additional outbuildings located on the parcels, ranging from approximately 362 to 801 square feet. Though the project would exceed the maximum building height for projects located within the RMR District, the proposed project has been designed as two stories in order to reduce the building footprint and reduce the project's potential impact on and encroachment into the ESHA areas identified on the project site.

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

As noted above, the project site is located within a designated Highly Scenic Area, and as currently proposed, the proposed two story development would be a maximum of 28 feet above natural grade, which would exceed the maximum building height requirement by 10 feet for properties designed as Highly Scenic Areas west of Highway 1 within the RMR District.

The proposed development was compared to 46 surrounding residentially development properties, each of which is developed with a three bedroom, two bathroom residence, similar to what is proposed under the project. Though the proposed single family residence would be similar in size (total square feet) to the development on the surrounding 46 properties, the proposed residence and attached garage would have a much smaller building footprint than the surrounding properties (approximately 973 to 1,625 square feet less), as the proposed residence would be two stories in height, compared to only one story of the surrounding properties. Additionally, many of the surrounding properties have additional outbuildings located on the parcels, ranging from approximately 362 to 801 square feet. Though the project would exceed the maximum building height for projects located within the RMR District, the proposed project has been designed as two stories in order to reduce the building footprint and reduce the project's potential impact on and encroachment into the ESHA areas identified on the project site.

Since the proposed project is located within a Highly Scenic Area, the project is subject to the development criteria enumerated in MCC Section 20.504.015(C). A Visual Impact Analysis was prepared by Wynn Coastal Planning (not dated), which provided visual renderings of what the proposed project would look like from different viewpoints. As shown in the visual renderings, the project would be subordinate to the natural setting, would minimize reflective surfaces, would utilize building materials which have been selected to blend in hue and brightness with their surroundings, and would be sited near a wooded area, pursuant to the development criteria for Highly Scenic Areas, per MCC Section 20.504.015(C). Additionally, the existing driveway would be utilized and development would be concentrated in the southern portion of the site, away from the adjacent MacKerricher State Park. Furthermore, all proposed outdoor lighting would be down-cast and shielded.

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<sup>3</sup> Wynn Coastal Planning. April 6, 2017. *Biological Report of Compliance and Wetland Delineation for 24950 North Highway 1*.

Though the project, as proposed, would exceed height requirements, it has been designed as such to reduce the building footprint to minimize its impact on sensitive habitat areas identified on the site and would meet all other development criteria for Highly Scenic Areas. Due to the proposed building location in the southern portion of the site and since neighboring properties to the west, south, and east are currently developed with single family residences and accessory structures, Staff finds the proposed project would not significantly affect public views, substantially degrade the existing visual character or quality of the site and its surroundings, or create a new source of substantial light or glare. A less than significant impact would occur.

**b) No Impact**

The proposed project would have no impact on scenic resources within a state scenic highway. Under CEQA, visual resources that uniquely contribute to the public benefit are considered to be scenic resources. There are no officially designated scenic highways in Mendocino County. Highway 1 is neither officially designated nor identified by the California Department of Transportation (Caltrans) as being eligible for designation as a State Scenic Highway.<sup>4</sup> No impact would occur.

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

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

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

The 12.33 acre project site is designed and zoned as Remote Residential with a 40 acre minimum parcel size (RMR40) under the Coastal Element of the Mendocino County General Plan and the MCC, respectively.

<sup>4</sup> California Department of Transportation (Caltrans). *California Scenic Highway Mapping System*. Mendocino County. Accessed October 3, 2017. Available at: [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/).

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

As noted above, the site is currently designated and zoned as Remote Residential with a 40 acre minimum parcel size (RMR40) under the Coastal Element of the Mendocino County General Plan and the MCC, respectively, and is not designated for agricultural use or forest land. The subject property does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and is primarily classified as nonagricultural or natural vegetation land, with small areas of grazing land and rural residential land in the southern portion of the site.<sup>5</sup> Additionally, the subject property is not located within or adjacent to lands within a Williamson Act contract. No trees or vegetation would be removed from areas other than the proposed building sites and improvement areas. Therefore, no impact would occur as a result of constructing the proposed project.

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

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

The proposed project involves the construction of a single family residence with an attached garage, in addition to associated improvements. The proposed project does not include any activities that would impact air quality resources long term, however, there may be short term impacts associated with the equipment used during construction. The proposed project does not include installation of a wood burning stove.

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

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

<sup>5</sup> Mendocino County Department of Planning & Building Services. 1991. *Important Farmland* [map].

- Combustion emission associated with operation of off-road equipment
- Combustion emissions associated with operation of on-road motor vehicles
- Fugitive dust from earth-moving activities
- Off-gassing from asphalt paving and architectural coatings

Anticipated emissions during operation of the project include:

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

The MCAQMD is in attainment for all State standards with the exception of particulate matter less than 10 microns in size (PM<sub>10</sub>). The most common source of PM<sub>10</sub> is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. The installation of a wood stove is not proposed under the project; however, a liquid propane fireplace is proposed on the second floor of the residence (near the dining and living rooms)<sup>6</sup>. There is no proposed use that would be anticipated to result in a significant increase of any criteria pollutant. A *Particulate Matter Attainment Plan* was finalized in 2005 that provides mitigation measures for construction and grading activities and unpaved roads. Additionally, the project and its emission sources are subject to MCAQMD rules and regulations contained in the most recent version of the *Rules and Regulations of the MCAQMD*. Compliance with these regulations would ensure the project would not result in a substantial increase of PM<sub>10</sub> within the vicinity of the site.

During the construction phase of the project, the proposed project has the potential to increase PM<sub>10</sub> in the immediate vicinity of the site due to site grading and preparation, in addition to truck traffic to the site. Local impacts to the area during construction would be mitigated using standard dust control measures. After construction is completed, any bare soil created by the construction phase of the project would be revegetated as soon as feasible with native vegetation and/or native seed mixes. A less than significant impact would occur.

**d) Less Than Significant Impact**

Sensitive receptors can include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwellings. Of these possible sensitive receptors, residential units are the closest to the project site, with the closest being approximately 125 and 330 feet south of the proposed driveway improvements and building location, respectively. The highest period of pollutant emissions in the form of PM<sub>10</sub> would occur during project construction from construction equipment and would be a temporary impact. Exhaust from construction equipment and motor vehicles would not have a significant impact on neighbors due to standard emission control measures. Additionally, impacts associated with fugitive dust would be mitigated using standard dust control measures. A less than significant impact would occur.

**e) Less Than Significant Impact**

The site is located in an established residential area and is located adjacent to MacKerricher State. The proposed project would create insignificant objectionable odors during its normal operation or during construction and is not in a location that would affect substantial numbers of people. Therefore, a less than significant impact would occur.

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

<p><u>IV. BIOLOGICAL RESOURCES:</u> Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant with Mitigation Incorporated</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
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<sup>6</sup> Mendocino County Department of Planning & Building Services. 1991. *Floor Plan* [map].

IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Coastal areas in Mendocino County are subject to the California Coastal Act and the Mendocino County Zoning Ordinance, which includes regulations regarding Environmentally Sensitive Habitat Areas (ESHAs). The purpose of Mendocino County Code (MCC) Section 20.496, *Environmentally Sensitive Habitats and Other Resource Areas*, is to ensure that environmentally sensitive habitat and other designated resource areas (listed on Pages 39, 40 and 41 of the Coastal Element dated November 5, 1985), which constitute significant public resources are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations<sup>7</sup>. Environmentally Sensitive Habitat Areas include anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals<sup>8</sup>.

A *Biological Report of Compliance and Wetland Delineation for 24950 North Highway 1* (Biological Report) for the proposed project was prepared by Wynn Coastal Planning on April 6, 2017. Several Environmentally Sensitive Habitat Areas (ESHAs) have been identified on the project site, including sand dune ESHA (covering the majority of the site), a wetland ESHA in the southern portion of the site (on both sides of the existing driveway), four rare plant ESHAs, and one rare plant community ESHA. Vegetation at the project site consists of dense patches of invasive plants including eucalyptus trees, European beach grass, pampas grass, and Scotch broom in the southerly portion of the site, with shore pines, four species of rare plants [including Howell's spineflower (*Chorizanthe howellii*), short-leaved evax (*Hesperevax sparsiflora* var. *brevifolia*), Mendocino dodder (*Cuscuta pacifica* var. *papillata*), and Menzies' wallflower (*Erysimum menziesii*)], and one rare plant community [Dune mat (*Abronia latifolia*-*Ambrosia chamissonis*)] identified on the site further to the north. However, these identified special-status plant species are located greater than 100 feet from the proposed development area. Wetland ESHA areas

<sup>7</sup> Mendocino County Coastal Zoning Code, § II-20.96.010 (1995).

<sup>8</sup> Mendocino County Coastal Zoning Code, § II-20.96.010 (1995).

were identified on both sides of the existing driveway.<sup>9</sup> No trees or vegetation would be removed from areas other than the proposed building sites and improvement areas.

Review of the California Natural Diversity Database (CNDDDB, version 3/2017) indicates that two additional special-status species (1 plant species and 1 wildlife species) have been known to occur within the boundaries of the subject site, including Ten Mile shoulderband (*Noyo intersessa*) and Globose dune beetle (*Coelus globosus*). Eleven additional special-status plant species and one additional special-status wildlife species are known to occur within the vicinity of the subject site.<sup>10</sup> Since trees are located on the property, there is the potential for special-status and protected bird and bat species to be located near the proposed development area and protective measures were recommended by the project biologist.<sup>11</sup>

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

As noted above, a *Biological Report of Compliance and Wetland Delineation for 24950 North Highway 1* (Biological Report) for the proposed project was prepared by Wynn Coastal Planning on April 6, 2017. During site surveys, several ESHAs were identified on the project site, including:

- Sand dune ESHA (covering the majority of the site);
- A wetland ESHA in the southern portion of the site (on both sides of the existing driveway);
- Four rare plant ESHAs [including Howell's spineflower (*Chorizanthe howellii*), short-leaved evax (*Hesperis matronalis* var. *brevifolia*), Mendocino dodder (*Cuscuta pacifica* var. *papillata*), and Menzies' wallflower (*Erysimum menziesii*)]; and
- One rare plant community ESHA [Dune mat (*Abronia latifolia*-*Ambrosia chamissonis*)].

Since ESHAs have been identified on the project site, the project would be required to implement a 100 foot buffer from each identified ESHA pursuant to MCC Section 20.496.05(A)(1), unless it can be demonstrated that 100 feet is not necessary to protect the resources of the particular habitat area from possible significant disruption caused by the proposed development, but shall not be less than 50 feet in width. A reduced buffer analysis was prepared by the biologist. As noted in the Reduced Buffer Analysis, improvements to the driveway would occur approximately 5 feet from the wetland, within the minimum 50 foot buffer area. The wetland was identified as a 1 parameter Coastal Act Wetland, only by the presence of hydric soil. It is the professional opinion of the biologist that the wetland is of low habitat quality, as no significant hydrophytic vegetation, hydrology, or sensitive species were observed in the wetland, and was also found to be dominated by invasive eucalyptus trees. Additionally, no alternative entrance from Highway 1 could be created that would not be within this ESHA buffer. Reinforcing the existing dirt road would be less damaging than creating a new access road.<sup>12</sup>

Due to the ESHAs identified on the project site, including the sand dune ESHA covering the majority of the site, implementing the proposed project would require encroachment into the reduced 50 foot buffer area. Based on the site constraints, it is the professional opinion of the project biologist that the project, as proposed, is the least environmentally damaging and that no other alternatives exist. As proposed, the project would utilize an existing graded dirt road to provide driveway access and the proposed development site is located in an already disturbed area, which is dominated by invasive and non-native species and located in close proximity to existing road and development areas. The project, as proposed, would minimize excavation of dunes and maximize the distance (more than 100 feet) from special-status plants and rare plant communities identified on and adjacent to the site.<sup>13</sup> Though the height of the proposed project would exceed the height requirements for the RMR District, the project has been designed to reduce the building footprint, thereby minimizing impacts to sensitive habitats identified on

<sup>9</sup> Wynn Coastal Planning. April 6, 2017. *Biological Report of Compliance and Wetland Delineation for 24950 North Highway 1*.

<sup>10</sup> Mendocino County Department of Planning & Building Services. 1991. *Natural Diversity Database* [map].

<sup>11</sup> Wynn Coastal Planning. April 6, 2017. *Biological Report of Compliance and Wetland Delineation for 24950 North Highway 1*.

<sup>12</sup> Wynn Coastal Planning. April 6, 2017. *Biological Report of Compliance and Wetland Delineation for 24950 North Highway 1*.

<sup>13</sup> Wynn Coastal Planning. April 6, 2017. *Biological Report of Compliance and Wetland Delineation for 24950 North Highway 1*.

the site. The property was purchased in 2011 for \$51,000, with the impression that since the project is designated as residential, it would be developable for residential use, such as what is proposed. Requiring a minimum 50 foot setback from the wetland and sand dune ESHAs would not allow for site access and would make the site undevelopable.

No trees or vegetation would be removed from areas other than the proposed building sites and improvement areas. While no special-status wildlife species were observed on the site during the field observation, there is the potential for several special-status invertebrates, birds, bats, and other mammals to occur at the site, since trees are located on the property<sup>14</sup> and there have been known occurrences of special-status wildlife species within the vicinity of the site<sup>15</sup>.

Additionally, the proposed project would be located in close proximity to several sensitive habitat areas, including wetlands. As such, Staff recommends the inclusion of several mitigation measures, including implementation of standard Best Management Practices (BMPs) to minimize erosion and avoid runoff into sensitive habitat areas, in addition to several avoidance measures recommended by the project biologist to reduce potential impacts associated with development of the proposed project and to minimize potential impacts on sensitive habitats and species within the vicinity, which are included as Mitigation Measures 1 through 16 below:

**Mitigation Measure 1:** To protect environmentally sensitive habitat areas, including Wetlands and habitat adjacent to the driveway, immediately prior to, during, and immediately following construction-related activities the property owner shall: (a) Erect high-visibility fencing with a sediment curtain at the footing to ensure that vehicles and heavy equipment do not incidentally enter the wetland; ensure that equipment and materials are not incidentally, nor intentionally, laid down in the wetland; and ensure that sediment does not migrate into the wetland. (b) Conduct all work during the dry season, generally regarded as April 15 through October 15, but dependent upon in season weather conditions, to ensure that wet, loosened sediment does not migrate into the wetland. (c) Within the vehicle access easement, which is a disturbed area adjacent to an ESHA, one time trenching and backfilling to underground overhead utilities is permitted. When the ground is disturbed, a biologist shall be on-site and make recommendations to ensure the protection of the ESHA from trenching and backfilling. Areas trenched shall be backfilled and restored with seed, gravel paving, or at the biologist's recommendation to protect the ESHA.

**Mitigation Measure 2:** Prior to resurfacing the driveway, silt fencing shall be placed just below the edges of the road to prevent any materials spilling into the wetland. To prevent the driveway from eroding into the wetland, resurfacing and stabilizing of the access driveway with class 2 base rock should occur before construction materials are transported to the development area.

**Mitigation Measure 3:** No activities shall be allowed that would disturb the vegetation, topography, or hydrology beyond the designated development area, both during and following construction, including, but not limited to, vehicle parking or storage of other heavy materials, regular foot traffic, and clearing of vegetation. Some vegetation removal activities may be allowed or may require a Coastal Development Permit (or permit amendment). Potential vegetation removal activities are native plant restoration, pruning or removal of hazardous or diseased trees, or thinning of trees if deemed beneficial to the ESHA by a certified arborist or qualified biologist.

**Mitigation Measure 4:** Solid materials, including wood, masonry/rock, glass, paper, or other materials shall not be stored outside of the limit of permanent construction impacts. Solid waste materials shall be properly disposed of off-site. Fluid materials, including concrete, wash water, fuels, lubricants, or other fluid materials used during construction shall not be disposed of on-site and shall be stored or confined as necessary to prevent spillage into natural habitats, including the on-site ESHAs. If a spill of such materials occurs, the area shall be cleaned immediately and contaminated materials disposed of properly. The affected area shall be restored to its natural condition.

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<sup>14</sup> Wynn Coastal Planning. April 6, 2017. *Biological Report of Compliance and Wetland Delineation for 24950 North Highway 1*.

<sup>15</sup> Mendocino County Department of Planning & Building Services. 1991. *Natural Diversity Database* [map].

**Mitigation Measure 5:** Prior to any ground disturbance and vegetation clearing, construction fencing shall be installed around the limit of the development area, including septic fields. Fence locations and any ESHA boundaries in the vicinity of construction must be determined and flagged by a qualified biologist and shall be placed such that construction impacts to native plants are minimized. No grading, placement of fill material, or other ground disturbance may occur beyond the designated construction impact area. The fencing shall only be removed once all construction activities are completed.

**Mitigation Measure 6:** Prior to construction, project contractors shall be informed of the sensitive resources within the Study Area. Furthermore, the significance of the mitigation measures and fencing and flagging of ESHAs shall be clearly explained to all parties working within the Study Area, both during and following construction.

**Mitigation Measure 7:** Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend 100-feet beyond the development footprint. Exterior lighting on the north- and west-facing sides of the development area shall be avoided or shaded such that lights do not shine upwards or sideways toward native dune habitat and the adjacent MacKerricher State Park. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director.

**Mitigation Measure 8:** All disturbed ground remaining after construction, including the septic fields, shall be replanted under the guidance of a qualified biologist or landscaper with knowledge of native plants and restoration. Only native dune mat or other appropriate dune species shall be used and shall be installed at a density appropriate to the sandy substrate. Planting shall occur only in the winter months to reduce the need for irrigation, and irrigation of these plants shall not be continued once the native species are established (typically after one to two years). Revegetation of these areas shall be monitored by a qualified biologist annually for three years and corrective measures shall be taken as necessary to achieve establishment of native vegetation at similar densities to surrounding native habitats.

**Mitigation Measure 9:** All construction vehicle undercarriage and tires (tracks) shall be cleaned via pressure washing to remove any dirt or debris which may harbor invasive or non-native species prior to driving on the site. This shall occur each time a vehicle leaves the site and returns, but only if the vehicle is used at a different job site. If the vehicle is not used a different job site, then the need for cleaning is not necessary.

**Mitigation Measure 10:** The bird breeding season typically extends from February to August. The clearing of vegetation and the initiation of construction shall be done in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall preform pre-construction special-status bird surveys within 14 days of the onset of construction or clearing of vegetation. If active special-status bird nests are observed, no ground disturbance activities shall occur with a minimum 100 foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.

**Mitigation Measure 11:** Ground disturbing activities shall occur between September 1 and October 31 after young bats have matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys shall be performed by a qualified biologist 14 days prior to the onset of development activities. If active bat roost sites are observed, no ground disturbance activities shall occur with a minimum 100 foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zones shall remain in place around the active roost until all young are no longer dependent upon the roost.

**Mitigation Measure 12:** Prior to the initiation of ground disturbance, a pre-construction survey shall be performed by a qualified biologist to determine the presence of Ten Mile shoulderband snails and Globose dune beetle. If these species are found, they should be relocated at least 100 feet from the proposed project footprint. Additionally, vegetation removed for the proposed project shall be stored within the Study Area for at least three days to ensure that special-status invertebrate adult or larvae have the opportunity to leave the vegetation voluntarily prior to removal.

**Mitigation Measure 13:** Since the entire project area is located within a sand dune ESHA, no non-native plants shall be installed on the property, with the exception of gardens used for food production. Landscaping and revegetation within temporarily impacted areas both during and following construction shall ideally consist of native dune mat species. Otherwise, they shall be native coastal species present in the Study Area, or species native to coastal Mendocino County. When possible, planting shall be of local stock to preserve local genetic diversity. The local California Native Plant Society (CNPS) chapter, a qualified biologist, or a landscaper with knowledge of native plant communities shall be consulted to identify appropriate species for planting.

**Mitigation Measure 14:** To discourage activities outside of the development area, four to six permanent signs shall be placed at regular intervals along the northern and western boundaries of the development area. Signs shall indicate that the undeveloped areas are an ESHA and that any vehicle use, storage of materials, or vegetation clearing (other than restoration activities) are prohibited.

**Mitigation Measure 15:** During the construction of the septic area and leach fields, the contractor shall remove at least the upper eight (8) inches (surface layer) of sand within the native plant restoration area. This surface layer of sand shall be stockpiled and used for backfill following installation of the septic area. The remaining underlying sands (sub-surface layer) to be removed during the installation of the septic area shall be stockpiled in a second location. Following the installation of the septic area and leach fields, the area shall be backfilled with the stockpiled surface layers to serve as the new sub-surface layer. The stockpiled sub-surface sand layer shall then be placed on top to serve as the new sub-surface layer. The property owner shall plant vegetation within the septic area, consisting only of native dune species. Such species may include but are not limited to: yellow sand verbena (*Arbonia latifolia*), dune sagebrush (*Artemisia pycnocephala*), beach primrose (*Camissonia cherianthifolia*), coast eriogonum (*Eriogonum latifolia*), California poppy (*Eschscholzia californica*), beach gumweed (*Grindelia stricta*), silky beach pea (*Lathyrus littoralis*), and seashore lupine (*Lupinus littoralis*).

The optimal time to plant dune species is during the winter after approximately 10 inches of rain has fallen. This allows the plants to establish easier due to the moist soil conditions and eliminates the need for irrigation.

**Mitigation Measure 16:** All temporary impacted areas, such as the septic fields and around the driveway and house, shall be monitored for invasion of non-native species for three years following construction. Any new occurrence of species that could threaten adjacent native dune habitats, such as the highly invasive European beach grass or various broom species shall be eradicated from the disturbed areas. Follow-up and monitoring shall occur for at least three years to prevent introduction of new species or weed populations.

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

#### **e) Less Than Significant Impact**

Under the proposed project, no trees or vegetation would be removed from areas other than the proposed building sites and improvement areas and the project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. A less than significant impact would occur.

#### **f) No Impact**

There are no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applicable to the site. No impact would occur.

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

<u>V. CULTURAL RESOURCES</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Coastal archaeological sites and areas are subject to archaeological surveys have been mapped by the California Archaeological Sites Survey, and the data is kept in the Cultural Resources Facility, Sonoma State University. These records, the most complete available, show seventy-nine (79) sites, distributed mainly along creek and river mouths and near present settlements, particularly between Cleone and Mendocino<sup>16</sup>. The maps also delineate twenty-six (26) archaeological survey areas ranging from 0.1-to-1,400-acres, only some of which include archaeological sites. To protect sites, the maps are confidential; however, land owners are entitled to know whether the sites are located on their property.

An archaeological survey of the project site was prepared by Thad Van Bueren, dated July 15, 2014, which concluded that no archaeological or other types of historical resources were observed on the subject parcel. The project was referred to the Archaeological Commission for review and comment.

During the Archaeological Commission hearing held on September 13, 2017, the submitted Archaeological Survey was reviewed by the Archaeological Commission and accepted.

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

As noted above, an archaeological survey of the project site was prepared by Thad Van Bueren, dated July 15, 2014, which concluded that no archaeological or other types of historical resources were observed on the subject parcel. The project was referred to the Archaeological Commission for review and comment. During the Archaeological Commission hearing held on September 13, 2017, the submitted Archaeological Survey was reviewed by the Archaeological Commission and accepted.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; to date, no response has been received from the Cloverdale Rancheria. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated July 24, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the letter notes that the area includes Tan Oak and other traditional food sources that must be protected.

A letter response was also received from the Sherwood Valley Band of Pomo Indians, dated July 31, 2017, in which it is noted that the proposed project is located within the aboriginal boundaries of the Tribe and, as a result, there is a high probability of encountering cultural features, deposits, or other items of cultural patrimony. The project site is in proximity of the sand dune ecosystem located within MacKerricher State Park, which area is noted as being historically important to the Tribe's culture and religion and rich in artifacts and culturally important deposits. The Tribe is recommending denial of the

<sup>16</sup> Mendocino County Coastal Element, §3.5 (2011).

proposed project, since new construction in this area may destroy artifacts and would increase foot traffic in the area, which may encourage looting of indigenous artifacts.

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

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

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

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

<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Mendocino County General Plan Chapter 3 Development Element discusses the area’s seismic hazards. Mendocino County is located just south of the Cascadia Subduction Zone and will likely be subjected to a strong earthquake in the foreseeable future. A number of faults are located throughout the county, including the San Andreas Fault in the southwest corner of the county, the Maacama Fault in the inland valley from Sonoma County to Laytonville, the Round Valley Fault in the northeastern part of the county, and the Etsel Ridge Fault in the eastern portion of the County<sup>17</sup>. Any structure built in Mendocino County will likely be subjected to seismic activity during its expected lifespan. The property neither lies

<sup>17</sup> Mendocino County General Plan, §3-17 (2009).

within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.<sup>18</sup> The San Andreas Fault is located approximately 5 miles west of the project site and is the nearest active fault.

The soils on the project site are predominately classified as Duneland (#138), with a small portion of the site in the southern panhandle portion of the site designated as Sirdrak loamy sand, 0 to 15 percent slopes (#204).<sup>19,20</sup> The Duneland soil consists of mounds and hills of loose sand blown from nearby beaches. Most areas are active and shifting, while other areas have been partially stabilized by sagebrush and grasses. Duneland exhibits no soil profile development and has very rapid permeability and a low available water capacity.<sup>21</sup>

The Sirdrak sandy loam soil, located in the southern-most portion of the site, is very deep, is somewhat excessively drained, and is located on stabilized sand dunes. Permeability is rapid in the Sirdrak soil and has a moderate available water capacity.<sup>22</sup>

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

The site is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.<sup>23</sup> A Liquefaction Evaluation was performed for the property by SHN Consulting Engineers & Geologists, dated July 12, 2016, to satisfy the permit requirements of the Mendocino County Building Department for the proposed project. [An addendum to the Liquefaction Evaluation was prepared on July 14, 2016, which provided additional documentation in support of the previous findings.] A field investigation was conducted on April 26, 2016, in which one machine boring was performed to a maximum depth of 22.5 feet below ground surface (bgs). The subsurface investigation revealed the site to be underlain by loose, poorly graded dune sands and soft to medium stiff layer of sandy silt overlying shale/siltstone bedrock at a depth of 19.5 feet. Groundwater was encountered at a depth of 19 feet. Based on the depth of bedrock and the approximately six inches of groundwater perched on the bedrock, it was concluded that the potential for seismically induced liquefaction to occur at the site is negligible.

The project site is not located on an expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994) and would therefore not create substantial risks to life or property.

Under the proposed project, a septic system, including primary and replacement fields, would be installed, which could adequately be supported by the site's soils. Additionally, per the referral response received from the Department of Environmental Health (DEH) dated July 18, 2017, a septic design for a 3 bedroom residence, such as what is proposed under the project, has been approved and is on file with DEH. No impact would occur.

#### **b) Less Than Significant Impact with Mitigation Incorporated**

As previously discussed, the proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, coir rolls, and/or silt fencing structures, to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas, and would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the

<sup>18</sup> State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

<sup>19</sup> Mendocino County Planning and Building Services. 1991. *Local Soils* [map].

<sup>20</sup> United States Department of Agriculture, Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. No Date. Accessed October 5, 2017. Available at: [https://www.nrcs.usda.gov/Internet/FSE\\_MANUSCRIPTS/california/CA694/0/MendocinoWP\\_CA.pdf](https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA694/0/MendocinoWP_CA.pdf).

<sup>21</sup> United States Department of Agriculture, Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. No Date. Accessed October 5, 2017. Available at: [https://www.nrcs.usda.gov/Internet/FSE\\_MANUSCRIPTS/california/CA694/0/MendocinoWP\\_CA.pdf](https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA694/0/MendocinoWP_CA.pdf).

<sup>22</sup> United States Department of Agriculture, Natural Resources Conservation Service. *Soil Survey of Mendocino County, California, Western Part*. No Date. Accessed October 5, 2017. Available at: [https://www.nrcs.usda.gov/Internet/FSE\\_MANUSCRIPTS/california/CA694/0/MendocinoWP\\_CA.pdf](https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA694/0/MendocinoWP_CA.pdf).

<sup>23</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Capabilities & Natural Hazards* [map].

project with native vegetation and/or native seed mixes for soil stabilization as soon as feasible (see Mitigation Measure 1 above). With the incorporation of Mitigation Measure 1, the proposed project would not result in substantial soil erosion or the loss of topsoil and a less than significant impact would occur.

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

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

The framework for regulating greenhouse gas (GHG) emissions in California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the state’s climate change policy and set GHG reduction targets (Health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing GHG emissions. Because Mendocino County is primarily rural, the amount of GHG generated by human activities, primarily the burning of fossil fuels for vehicles, heating, and other uses, is small compared to other, more urban counties.<sup>24</sup> The MCAQMD does not have rules, regulations, or thresholds of significance for non-stationary or construction-related GHG emissions.

**a) and b) Less Than Significant Impact**

Construction activities associated with the construction of a single family residence, detached garage, and accessory structures, in addition to driveway and utility improvements, are not anticipated to generate significant greenhouse gas emissions or conflict with an applicable plan, policy or regulation. Residential uses commonly have accessory construction, like driveways, and residential land use types are principally permitted at this location. These activities are limited in scope and duration and would not contribute significantly to greenhouse gas emissions. Given the relatively small size of the project scale, the proposed project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional, or state level. There are no adopted local plans for reducing the emission of greenhouse gases. A less than significant impact would occur.

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

<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"/>

<sup>24</sup> Mendocino County General Plan §4-16 (2009).

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>
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 material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or has characteristics defined as hazardous by a federal, state, or local agency. Chemical and physical properties such as toxicity, ignitability, corrosiveness, and reactivity cause a substance to be considered hazardous. These properties are defined in the California Code of Regulations (CCR), Title 22, §66261.20-66261.24. A “hazardous waste” includes any hazardous material that is discarded, abandoned, or will be recycled. Therefore, the criteria that render a material hazardous also cause a waste to be classified as hazardous (California Health and Safety Code, §25117).

The proposed project would establish a residential use involving the routine transport, use, and disposal of hazardous materials in small or limited quantities. These include construction materials, household cleaning supplies, and other materials including, but not limited to, fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. The project site does not include any known hazardous waste sites, as mapped by the State Water Resources Quality Control Board (SWRQCB)<sup>25</sup> or the California Department of Toxic Substances Control (DTSC)<sup>26</sup>, nor are there any listed sites within the vicinity of the project site.

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

The proposed project is located in an established rural residential area that is near emergency service providers. The project would not be located on a site which is on a list of hazardous material sites. The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials nor will it create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Improper storage of potentially hazardous materials such as construction materials, household cleaning supplies, and fuel may result in contaminated stormwater runoff being discharged into nearby water bodies, including creeks to the east, Sandhill Lake to the north, and the Pacific Ocean to the west. This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site and then disposed at an approved collection facility, such as the Caspar Transfer Station, located approximately 11 miles south of the site. Cleaning

<sup>25</sup> State Water Resources Quality Control Board. *GeoTracker*. Accessed October 5, 2017. Available at: <https://geotracker.waterboards.ca.gov/>.

<sup>26</sup> State of California. Department of Toxic Substances Control. *EnviroStor*. Accessed October 5, 2017. Available at: <https://www.envirostor.dtsc.ca.gov/public/>.

supplies and other household hazardous materials are less of a concern as they are routinely collected with the household waste and transported by waste haulers to approved disposal facilities.

Construction activities associated with the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. The project is not located with an airport land use plan, within two (2) miles of a public airport or public use airport or within the vicinity of a private airstrip. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur.

**h) Less Than Significant Impact**

The California Department of Forestry and Fire Protection (CalFire) is the State agency in charge of enforcing the State's regulations regarding timber harvesting and fire protection. The project site is located within the State Responsibility Area (SRA) and is within the service boundaries of the Fort Bragg Rural Fire Protection District (FBRFPD).<sup>27</sup> Additionally, the parcel is located in an area characterized by a moderate fire hazard severity rating<sup>28</sup> and is located immediately adjacent to Mackerricher State Park. The Applicants submitted a State Fire Safe Regulations Application Form to CalFire (CalFire File #166-16), in which conditional approval was granted on July 20, 2016, and conditioned the project to ensure adequate standards related to address, driveway, defensible space, and maintaining defensible space. The Applicants would be required to have a clearly posted address, adequate driveway width for emergency response vehicles, and maintain defensible space for fire protection purposes. As such, a less than significant impact would occur.

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

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>27</sup> Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

<sup>28</sup> Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>

According to the Mendocino County General Plan, the most critical surface water quality problem in Mendocino County is sedimentation. Major sources of sediment include erosion from barren or poorly vegetated soils, erosion from the toes of slides along stream channels, and sediments from roads. Manmade sources of sedimentation are a byproduct of current and historical land uses, including logging, agriculture, mining, processing of alluvial aggregate material, road construction and erosion from unpaved roads, and other development-related projects within the county. Per Mitigation Measure 1, above, the project contractor would be required to employ Best Management Practices (BMPs) to minimize erosion and avoid runoff into sensitive habitat areas. Straw bales, coir rolls, and/or silt fencing structures would be installed along the edge of the construction area prior to construction and would be maintained throughout the construction period to contain runoff from the construction area. Staff finds incorporation of the BMPs would be sufficient to prevent water runoff.

The site is located within a mapped “dunes” groundwater area.<sup>29</sup> The site would be served by on-site wells and an on-site septic system. Under the proposed project, several utility improvements would occur on the site, including converting existing test wells to production wells; drilling a supplemental production well; installing a septic system, including primary and replacement fields, propane tank, rainwater catchment system, water storage tank, outdoor emergency generator, and south-facing roof-mounted solar panels. Additionally, trenching would be required to extend utilities to the proposed development. Staff finds that an adequate water supply is available to serve the proposed project.

The County’s storm drainage system is maintained by the Mendocino County Department of Transportation (MCDOT); however, storm drainage infrastructure is limited within the vicinity of the project site. The project is subject to Mendocino County Ordinance No. 4313 *Storm Water Runoff Pollution Prevention Procedure* (Mendocino County Code Chapter 16.30 et seq.), which requires that, “...any person performing construction and grading work anywhere in the County shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or contaminants from construction materials, tools, and equipment from entering the storm drainage system.”<sup>30</sup> This ordinance was developed and adopted by Mendocino County to comply with requirements of the County’s Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the State Water Resources Control Board (SWRCB).

<sup>29</sup> Mendocino County Department of Planning & Building Services. 1991. *Groundwater Resources* [map].

<sup>30</sup> Mendocino County Department of Planning & Building Services. Mendocino County General Plan. Chapter 3.16. 2009.

The location of the proposed development is designated as an “Area of Minimal Flood Hazard” (Zone Z) and is not within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map.<sup>31</sup>

**a) No Impact**

The proposed project would not violate any water quality standards or waste discharge requirements. All necessary permits for the on-site wells and septic system would be obtained from DEH. The wells and septic system would be installed and operated in compliance with all standards and requirements. No impact would occur.

**b) and d) Less Than Significant Impact**

The proposed project, which involves the construction of a single family residence and appurtenant structures, would not 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. Additionally, while the amount of impervious area on the site would increase, implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area and would not result in substantial flooding on- or off-site. A less than significant impact would occur.

**c) Less Than Significant Impact with Mitigation Incorporated**

As previously discussed, the proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, coir rolls, and/or silt fencing structures, to ensure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. Additionally, the project would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project with native vegetation and/or native seed mixes for soil stabilization as soon as feasible (see Mitigation Measure 1 above). With the incorporation of Mitigation Measure 1, the proposed project would not result substantially alter the existing drainage pattern of the site or area and would not result in substantial soil erosion or siltation on- or off-site, and a less than significant impact would occur.

**e), f), g), h), i), and j) No Impact**

The project would not create or contribute runoff water that would exceed the capacity of the existing or planned stormwater drainage systems, since storm drainage infrastructure is limited within the vicinity of the project site. Additionally, the project would not provide substantial additional sources of polluted runoff or substantially degrade water quality. The location of the proposed development is designated as an “Area of Minimal Flood Hazard” (Zone Z) and is not 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.<sup>32</sup> The proposed development would not be located within a 100-year flood hazard area which would impede or redirect flood flows or expose people or structures to a significant risk of loss, injury or death involving flood, including flooding as a result of the failure of a levee or dam. The proposed project is not in an area where seiches, tsunamis, or mudflows are likely to occur. No impact would occur.

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

<u>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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>31</sup>Federal Emergency Management Agency. Flood Insurance Rate Map, Panels 06045C0820G and 06045C101G, effective June 18, 2017. Accessed October 5, 2017. Available at: <https://msc.fema.gov/portal/search>.

<sup>32</sup>Federal Emergency Management Agency. Flood Insurance Rate Map, Panels 06045C0820G and 06045C101G, effective June 18, 2017. Accessed October 5, 2017. Available at: <https://msc.fema.gov/portal/search>.

<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
limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
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"/>

The proposed project, as conditioned, is consistent with the policies of the Local Coastal Program of the General Plan and the MCC Chapter 20.380 and Sections 20.532.095 and 20.532.100. The subject parcel is classified and zoned as Remote Residential specifying a minimum parcel size of 40 acres (RMR40) by the Coastal Element of the Mendocino County General Plan and the MCC. However, since the parcel is only 12.33 acres in size, it is substandard in size.

The project includes the development of a single family residence and appurtenant structures, which is consistent with the intent of the RMR Classification and District and consistent with surrounding development.

**a) Less Than Significant Impact**

The project would not divide an established community as the proposed project is within an established residential area and would generally be consistent with surrounding development. Though the proposed single family residence would be similar in size (total square feet) to the development on the surrounding 46 properties, the proposed residence and attached garage would have a much smaller building footprint than the surrounding properties (approximately 973 to 1,625 square feet less), as the proposed residence would be two stories in height, compared to only one story of the surrounding properties. Though the project would exceed the maximum building height for projects located within the RMR District, the proposed project has been designed as two stories in order to reduce the building footprint and reduce the project’s potential impact on and encroachment into the ESHA areas identified on the project site. A less than significant impact would occur.

**b) and c) No Impact**

The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, since the proposed use (single family residence and appurtenant structures and infrastructure) is principally permitted within the RMR Classification and District. Furthermore, the project would not conflict with any applicable habitat conservation plan or natural community conservation plan. No impact would occur.

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

<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 variety of minerals resources are known to exist in Mendocino County. The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel

deposits.<sup>33</sup> The Mendocino County General Plan sets forth policies to encourage mineral resource development while protecting Mendocino County’s visual character and natural environments.

**a) and b) No Impact**

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

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

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

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

Generally speaking, land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise-sensitive. While an existing single family residence is located on the parcel immediately south of the site, the uses that are being proposed under the project, including a single family residence and appurtenant structures, are similar to the uses that already exist in the area.

Predicted noise levels from on-site project operations would be less than 55 dBA for residential uses in the area, and would not measurably contribute to existing or future noise levels. Therefore, the operational noise from the project would result in a less than significant impact upon the nearest noise-sensitive receptors.

<sup>33</sup> Mendocino County General Plan, §4-8, *Mineral Resources* (2009).

**a) and d) Less Than Significant Impact**

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

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

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

**b), c), e) and f) No Impact**

The proposed project, which involves the construction of a single family residence, appurtenant structures, and associated infrastructure, would not result in the exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels. The project is not located with an airport land use plan, within two (2) miles of public airport or public airport. The project site is located approximately 1.8 miles northeast of the Fort Bragg Airport, a private use airport, and is outside of the airport's 55 dB CNEL noise contour. The project would not be exposed to excessive noise levels from aircraft. Additionally, the ambient level of noise in the vicinity would not increase as a result of the proposed project. No impact would occur.

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

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The two nearest communities to the project site include the City of Fort Bragg and the community of Cleone. In 2010, the population of the City of Fort Bragg was approximately 7,273 residents, which included approximately 2,863 households. In 2000, the population of the City of Fort Bragg was approximately 7,026 residents, with approximately 2,840 total households. Within the City of Fort Bragg, the average number of persons per household in 2010 was 2.45, which remained similar to the previous census, which determined that average number of persons per household in 2000 was approximately 2.35 persons.<sup>34</sup>

<sup>34</sup> United States Census Bureau. American Fact Finder. *Community Facts*. Accessed October 6, 2017. Available at: [http://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml).

In the community of Cleone, the population was approximately 618 residences, comprising approximately 285 total households, in 2010, with an average number of persons per household of approximately 2.17 persons. No information is available for the community of Cleone for the year 2000.<sup>35</sup>

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

Since the proposed project involves the construction of a single family residence, appurtenant structures, and associated infrastructure, the project would not result in the displacement of people or housing. The project would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. A less than significant impact would occur.

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

<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The development of a single family residence would not create additional significant service demands or result in adverse physical impacts associated with the delivery of fire, police, parks or other public services. Fire protection to the site is provided by CalFire and the Mendocino Fire Protection District. The nearest fire station to the site is located approximately 3.6 miles southwest of the site, at 802 North Main Street in Fort Bragg.

Police protection services for the site are provided by the Mendocino County Sheriff Department. Officers patrolling the project area are dispatched from the Mendocino County Sheriff's Department Office – Fort Bragg Substation, located approximately 4.8 miles southwest of the project site at 700 South Franklin Street in Fort Bragg.

**a) Less Than Significant Impact**

The demand for fire and police services is not anticipated to significantly change with the implementation of the proposed project, due to the small scale of the project. The proposed project would have minimal impact on local schools, and would not substantially increase the use of local parks. The proposed project would not substantially increase the use or otherwise affect other public facilities (e.g., libraries) in the project area. As such, a less than significant impact would occur.

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

<sup>35</sup> United States Census Bureau. American Fact Finder. *Community Facts*. Accessed October 6, 2017. Available at: [http://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml).

<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"/>

Mendocino County is a predominantly rural County, rich in lands and waters that provide a variety of recreational opportunities. The County's recreational system encompasses many levels of park and recreational facilities. Federal lands include recreation resources that are used by visitors and county residents. The Mendocino National Forest, which occupies approximately 81,000 acres in Mendocino County, offers an array of recreational opportunities including fishing, camping, picnicking, boating, hiking, horseback riding, wildlife viewing, hang-gliding, off-road vehicle riding, winter snow play, hunting, wilderness experiences, and mountain biking<sup>36</sup>. The State Parks are the best known most heavily used recreation sites along the coast in addition to boating access points and campgrounds. The Coastal Element of the Mendocino County General Plan encourages managing and maintaining both active and passive recreation to allow access to trails and the coastline for both residents and visitors.

**a) and b) No Impact**

The project site is located west of Highway 1 and is not designated as a potential public access trail location on the Local Coastal Plan maps. Though the site is located adjacent to MacKerricher State Park, there is no existing or proposed shoreline access within the vicinity of the site as shown on LCP Land Use Map 12 *Cleone*<sup>37</sup>, and there is no element of the proposed project that would impede public access to the shore. There is no evidence of prescriptive access on the site, nor would the development generate enough recreation demand to require the construction of additional facilities. No impact would occur.

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

<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"/>

<sup>36</sup> Mendocino County General Plan, §3-10, *Parks and Recreation* (2009).

<sup>37</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Use Map 12: Cleone* [map].

<u>XVI. TRANSPORTATION/TRAFFIC.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>

The site is accessed via an existing unpaved private driveway off of Highway 1, which is located southeast of the project site. Pedestrian access to the site is minimal. There are no sidewalks that are adjacent to the site at this time. The parcel currently contains 3,631 square feet of gravel driveway, which would be extended by 3,307 square feet under the proposed project. Mendocino County Department of Transportation (MCDOT) was invited to provide comment on the project application. A response received from MCDOT, dated July 25, 2017, notes that MCDOT recommends conditional approval of the project, noting that the California Department of Transportation (Caltrans) shall be contacted regarding construction of a driveway approach onto Highway 1. The proposed project would be provided with adequate access roads.

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

The proposed project, which involves the construction of a single family residence, appurtenant structures, and associated infrastructure, would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system or conflict with an applicable congestion management program. The project would not result in a change in air traffic patterns. Additionally, the project would not increase hazards due to a design feature or result in inadequate emergency access. Furthermore, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No impact would occur.

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

<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 § 21074 as either a site, feature place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Per Chapter 3 (Development Element) of the Mendocino County General Plan, the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the County concentrated mainly along the coast and along major rivers and streams. Mountainous areas and the County's redwood groves were occupied seasonally by some tribes. Ten Native American tribes had territory in what is now Mendocino County. The entire southern third of Mendocino County was the home of groups of Central Pomo. To the north of the Central Pomo groups were the Northern Pomo, who controlled a strip of land extending from the coast to Clear Lake. The Coast Yuki claimed a portion of the coast from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.<sup>38</sup>

As European-American settlement occurred in the county, most of these tribes were restricted to reservations and rancherias. During the 19th century, other tribes from the interior of California were forced to settle on the Round Valley Reservation in the northeastern county. Today, there are ten reservations and rancherias in Mendocino County, most of which are inhabited by tribes native to the area.<sup>39</sup>

As discussed under Section V (Cultural Resources), above, an archaeological survey of the project site was prepared by Thad Van Bueren, dated July 15, 2014, which concluded that no archaeological or other types of historical resources were observed on the subject parcel. The project was referred to the Archaeological Commission for review and comment.

During the Archaeological Commission hearing held on September 13, 2017, the submitted Archaeological Survey was reviewed by the Archaeological Commission and accepted.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; to date, no response has been received from the Cloverdale Rancheria. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated July 24, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the letter notes that the area includes Tan Oak and other traditional food sources that must be protected.

A letter response was also received from the Sherwood Valley Band of Pomo Indians, dated July 31, 2017, in which it is noted that the proposed project is located within the aboriginal boundaries of the tribe and, as a result, there is a high probability of encountering cultural features, deposits, or other items of cultural patrimony. The project site is in proximity of the sand dune ecosystem located within

<sup>38</sup> Mendocino County General Plan, §3-7 (Cultural Resources). August 2009.

<sup>39</sup> Mendocino County General Plan, §3-7 (Cultural Resources). August 2009.

MacKerricher State Park, which area is noted as being historically important to the tribe’s culture and religion and rich in artifacts and culturally important deposits. The tribe is recommending denial of the proposed project, since new construction in this area may destroy artifacts and would increase foot traffic in the area, which may encourage looting of indigenous artifacts.

**a.i) No Impact**

The parcel is currently developed with 3,631 square feet of gravel driveway, two test wells, an 864 square foot shed, and an existing entry gate. As noted above, an archaeological survey of the project site was prepared by Thad Van Bueren, dated July 15, 2014, which concluded that no archaeological or other types of historical resources were observed on the subject parcel. No impact would occur.

**a.ii) Less Than Significant Impact**

As discussed under Section V (Cultural Resources), above, an archaeological survey of the project site was prepared by Thad Van Bueren, dated July 15, 2014, which concluded that no archaeological or other types of historical resources were observed on the subject parcel. Additionally, the project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians; to date, no response has been received from the Cloverdale Rancheria. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated July 24, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. A letter response was also received from the Sherwood Valley Band of Pomo Indians, dated July 31, 2017, in which it is noted that the proposed project is located within the aboriginal boundaries of the Tribe and, as a result, there is a high probability of encountering cultural features, deposits, or other items of cultural patrimony. The project site is in proximity of the sand dune ecosystem located within MacKerricher State Park, which area is noted as being historically important to the Tribe’s culture and religion and rich in artifacts and culturally important deposits.

Although no archaeological or other types of historical resources were observed on the subject parcel, the site is known to be located within the aboriginal boundaries of the Sherwood Valley Band of Pomo Indians. Standard Condition advises the Applicants of the County’s “Discovery Clause,” which establishes procedures to follow in the event that archaeological or tribal cultural materials are unearthed during site preparation or construction activities. As such, a less than significant impact would occur.

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

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

<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
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"/>

Mendocino County offers the typical utilities and services systems offered by more populated regions. However, the site is not located within the service boundaries of a community services district and the site would be served by on-site wells and an on-site septic system. Electricity at the site would be provided by a local utility company and would be generated on-site through the use of 1,000 square feet of roof-mounted solar panels. Propane gas would be supplied to the site by a local fuel company.

**Septic System**

The proposed project would be served by an on-site septic system to be installed under the project. As noted in the referral response received from the Department of Environmental Health (DEH), dated July 18, 2017, a septic design for a 3 bedroom residence, such as what is proposed under the project, has been approved and is on file with DEH.

**Water Service**

The project site currently contains two test wells, which are proposed to be converted to production wells under the proposed project. Additionally, the Applicants are proposing to install a rainwater catchment system and a water storage tank on the project site. Staff finds that an adequate water supply is available to serve the proposed project, as the two test wells combined provide more than 0.5 gallons of water per hour.

**Storm Drainage System**

The County's storm drainage system is maintained by the Mendocino County Department of Transportation (MCDOT); however, storm drainage infrastructure is very limited within the vicinity of the project site. The project is subject to Mendocino County Ordinance No. 4313 *Storm Water Runoff Pollution Prevention Procedure* (Mendocino County Code Chapter 16.30 et seq.), which requires that, "...any person performing construction and grading work anywhere in the County shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or contaminants from construction materials, tools, and equipment from entering the storm drainage system."<sup>40</sup> This ordinance was developed and adopted by Mendocino County to comply with requirements of the County's Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the State Water Resources Control Board (SWRCB).

**Landfills/Solid Waste**

Currently, there are no remaining operating landfills in Mendocino County. Solid waste generated in the County is exported for disposal to the Potrero Hills Landfill in Solano County. Mendocino County's solid waste disposal system has shifted to a system of eight small volume transfer stations and two large volume transfer stations that receive waste for export. The Caspar Transfer Station is located approximately 11 miles south of the project site and would provide for the disposal of solid waste resulting from the residential use. Mendocino County has adopted a Hazardous Waste Management Plan to guide future decisions by the County and the incorporated cities about hazardous waste management. Policies in the Mendocino County General Plan emphasize source reduction and recycling of hazardous wastes and express a preference for onsite hazardous waste treatment over offsite treatment.

**a), b), c), e), f), and g) No Impact**

<sup>40</sup> Mendocino County Department of Planning & Building Services. Mendocino County General Plan. Chapter 3.16. 2009.

Single family residences do require daily water use, however, the anticipated water use for a residential dwelling is much less than a commercial or industrial use, therefore, not exceeding the wastewater treatment requirements of the applicable Regional Water Quality Control Board. The proposed project would not require the development of new water or wastewater treatment facilities nor storm water drainage facilities or expansion of existing facilities. The project would be served by on-site wells and septic system. The project site is served by a landfill with sufficient permitted capacity to accommodate the project's anticipated solid waste disposal needs and the project would comply with federal, state and local statutes and regulations related to solid waste. No impact would occur.

**d) Less Than Significant Impact**

The parcel is located within a mapped "dunes" groundwater resources area<sup>41</sup> and would be served by on-site wells and an on-site septic system. Staff finds that an adequate water supply is available to serve the proposed project. A less than significant impact would occur.

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

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

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

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

None of the of the project's mitigated impacts are cumulatively considerable because the project's potential impacts are limited to the project site, and the approval and establishment of the project would not alter the existing setting nor amend an existing regulation that would create a circumstance where the incremental effect of a probable future project would generate a potentially significant environmental impact.

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

A less than significant impact would occur.

<sup>41</sup> Mendocino County Department of Planning & Building Services. 1991. *Groundwater Resources* [map].

**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.

7-8-2019

DATE

  
JULIANA CHERRY  
PLANNER III