

**COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES**860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482  
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437BRENT SCHULTZ, DIRECTOR  
TELEPHONE: 707-234-6650  
FAX: 707-463-5709  
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FB FAX: 707-961-2427  
pbs@mendocinocounty.org  
www.mendocinocounty.org/pbs

September 12, 2019

**NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT MITIGATED NEGATIVE  
DECLARATION FOR PUBLIC REVIEW**

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, October 17, 2019 at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Mitigated Negative Declaration at the time listed or as soon thereafter as the item may be heard.

**CASE#:** GP\_2019-0001/R\_2019-0002**DATE FILED:** 1/28/2019**OWNER/APPLICANT:** CHRISTOPHER D SAVAGE**AGENT:** JIM RONCO**REQUEST:** Rezone to change the existing designations from Suburban Residential (SR 40K) to Upland Residential Contract Rezone (UR 20-CR) and a General Plan Amendment from Suburban Residential (SR) to Remote Residential (RMR).**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration**LOCATION:** 0.3± miles north of Potter Valley town center, on the east side of Powerhouse Road (CR 248 A), 0.2 miles north of its intersection with Main Street (CR 245). Located at 12201 Powerhouse Rd., Potter Valley (APN: 174-100-02).**SUPERVISORIAL DISTRICT:** 1**STAFF PLANNER:** MIO MENDEZ

The staff report and notice will be available for public review 21 days prior to the hearing at 860 North Bush Street, Ukiah, and at 120 West Fir Street, Fort Bragg, California and on the Department of Planning and Building Services website at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/PC>.

Your comments regarding the above project and/or the Draft Mitigated Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, no later than October 16, 2019. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors and the Board of Supervisors decision is final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

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

BRENT SCHULTZ, Director of Planning and Building Services





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September 27, 2019

Fort Bragg Planning & Building Services  
 Department of Transportation  
 Environmental Health - Ukiah

CalFire – Prevention  
 Department of Fish and Wildlife

RWQCB

**NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT MITIGATED NEGATIVE  
 DECLARATION FOR PUBLIC REVIEW**

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**CASE#:** GP\_2019-0001/R\_2019-0002

**DATE FILED:** 1/28/2019

**OWNER/APPLICANT:** CHRISTOPHER D SAVAGE

**AGENT:** JIM RONCO

**REQUEST:** Rezone to change the existing designations from Suburban Residential (SR 40K) to Upland Residential Contract Rezone (UR 20-CR) and a General Plan Amendment from Suburban Residential (SR) to Remote Residential (RMR).

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**LOCATION:** 0.3± miles north of Potter Valley town center, on the east side of Powerhouse Road (CR 248 A), 0.2 miles north of its intersection with Main Street (CR 245). Located at 12201 Powerhouse Rd., Potter Valley (APN: 174-100-02).

**STAFF PLANNER:** MIO MENDEZ

**RESPONSE DUE DATE:** October 16, 2019. If no response is received by this date, we will assume no recommendation or comments are forthcoming and that you are in agreement with the contents of the Draft Mitigated Negative Declaration. A copy of the Draft Mitigated Negative Declaration is attached for your review.

The staff report and notice will be available for public review 21 days prior to the hearing at 860 North Bush Street, Ukiah, and at 120 West Fir Street, Fort Bragg, California and on the Department of Planning and Building Services website at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/PC>.

It should be noted that the decision making body may consider and approve modifications to the requested project(s). Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street Ukiah, California. Oral comments may be presented to the Planning Commission during the public hearing(s).

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors and the Board of Supervisors decision is final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing(s). All persons are invited to appear and present testimony in this matter.

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BRENT SCHULTZ, Director of Planning and Building Services



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September 12, 2019

**TO: Ukiah Daily Journal**

**FROM: James F. Feenan, Commissioner Services Supervisor**

**SUBJECT: Publication of Legal Notice.**

**Please publish the following notice one time on September 18, 2019 in the Legal Notices Section of the Ukiah Daily Journal.**

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT MITIGATED NEGATIVE  
DECLARATION FOR PUBLIC REVIEW

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**CASE#:** GP\_2019-0001/R\_2019-0002

**DATE FILED:** 1/28/2019

**OWNER/APPLICANT:** CHRISTOPHER D SAVAGE

**AGENT:** JIM RONCO

**REQUEST:** Rezone to change the existing designations from Suburban Residential (SR 40K) to Upland Residential Contract Rezone (UR 20-CR) and a General Plan Amendment from Suburban Residential (SR) to Remote Residential (RMR).

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**LOCATION:** 0.3± miles north of Potter Valley town center, on the east side of Powerhouse Road (CR 248 A), 0.2 miles north of its intersection with Main Street (CR 245). Located at 12201 Powerhouse Rd., Potter Valley (APN: 174-100-02).

**STAFF PLANNER:** MIO MENDEZ

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## ATTACHMENT A

Your comments regarding the above project and/or the Draft Mitigated Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California 95482, no later than October 16, 2019. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors and the Board of Supervisors decision is final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

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BRENT SCHULTZ, Director of Planning and Building Services






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**PLANNING COMMISSION STAFF REPORT  
GENERAL PLAN/REZONE**
**OCTOBER 17, 2019  
GP\_2019-0001/R\_2019-0002**


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**SUMMARY**

**OWNER / APPLICANT:** CHRISTOPHER D SAVAGE  
12201 POWERHOUSE RD  
POTTER VALLEY, CA 95469

**AGENT:** JIM RONCO  
445 NORTH STATE STREET  
UKIAH, CA 95482

**REQUEST:** Rezone to change the existing designations from Suburban Residential (SR 40K) to Upland Residential with a Contract Rezone combining district (UR 20[CR]) and a General Plan Amendment from Suburban Residential (SR 40K) 40,000 square-foot minimum parcel size to Remote Residential (RMR 20) 20 acre minimum parcel size.

**LOCATION:** 0.3± miles north of Potter Valley town center, on the east side of Powerhouse Road (CR 248 A), 0.2 miles north of its intersection with Main Street (CR 245). Located at 12201 Powerhouse Road, Potter Valley (APN: 174-100-02)

**TOTAL ACREAGE:** 20.23± Acres

**GENERAL PLAN:** Suburban Residential (SR)

**ZONING:** Suburban Residential (SR 40K) (40,000 sqft minimum parcel size)

**SUPERVISORIAL DISTRICT:** District 1 (Brown)

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**RECOMMENDATION:** Approval to the Board of Supervisors of the General Plan Amendment and Rezone

**STAFF PLANNER:** MIO MENDEZ

**BACKGROUND**

**PROJECT DESCRIPTION:** Rezone to change 20± acres from Suburban Residential – 40,000 square-foot minimum parcel size (SR 40K) to Upland Residential – 20 acre minimum parcel size with a Contract Rezone combining district (UR 20[CR]) and General Plan Amendment to change 20± acres from Suburban Residential – 40,000 square-foot minimum parcel size (SR 40K) to Remote Residential – 20 acre minimum parcel size (RMR 20). A Contract Rezone, per Section 20.212.010 of the Mendocino County Code, is required to ensure compliance with conditions requested by the Archaeological Commission and to reduce potential impacts to biological resources found on-site.

**APPLICANTS STATEMENT:** “Project is General Plan & Rezone change request from Suburban Residential classification to Remote Residential, UR 20 Ac minimum, to allow for the continued agricultural production of cannabis, a historic and currently permitted use, on site. Although this property has been historically and legally engaged in the production of medical cannabis it will be excluded from its vested use by adoption of zoning classifications eliminating only cannabis production from allowable agricultural use in SR zoning (not based on parcel size). The General Plan and Zoning change

necessitated by the unique circumstances of this property are consistent the general plan designation and zoning classification requested. The constraints to the maximum development of residential uses on site encompass a multitude of infrastructure and environmental issues (SR densities of 12,000 sq. ft minimum lot size would necessitate the creation of either a sewer district or a water district and transportation system improvements, utility system upgrades and site improvements beyond financial feasibility to provide affordable housing). Current and future uses on site of Low Density residential and small-scale agricultural (hay and cannabis) use are consistent with the intent of RMR general plan which states:

This classification is intended to be applied to lands having constraints for commercial agricultural, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses by absence of such imitations as inadequate access, unacceptable hazard exposure and incompatibility with adjoining resource land uses.

Cannabis cultivation setback and cultivation requirements reduce the area usable for cannabis as shown on the attached plat. These limitations create greater buffers to neighboring properties while not reducing the availability of tillable land for hay or other row crops. Cannabis cultivation would be excluded within 100 feet of the PVID ditches and canals located along the northerly and southerly property lines.

Policies and Goals of the MCGP/PVCP were reviewed and analyzed to determine potential significant Environmental Impacts and or conflicts. Project impacts on:

- Hydrology/Water Quality
- Biological Resources
- Cultural Resources
- Housing
- Traffic
- Air Quality
- Noise
- Fire Protection/Sheriff
- Emergency Medical Services
- Solid Waste
- Hazards
- Waste Water
- Energy
- Land Use

Were also reviewed and analyzed. It is our conclusion and belief that the environmental impacts of the project are less than significant given the elimination of the potential of high-density residential development.

We believe that the current Mendocino County General Plan (MCGP) and Potter Valley Community Planning Area General Plan designation and Zoning of SR SR -40K are in conflict with Mendocino County General Plan (MCGP) and



Potter Valley Community Planning area at the minimum as follows:

Policy DE-7 which states: The minimum parcel size for each classification is appropriate only when all conditions are favorable and

General Plan and Rezone of Agricultural lands policy RM – 106 which states:

Land shall not be converted from Agricultural Lands or Range Lands Classification to non-agricultural classifications unless all of the following criteria are substantiated:

- The project will not result in a need for unintended expansion of infrastructure in conflict with other policies.
- The project will not adversely affect the long-term integrity of the agricultural areas or agricultural uses in the area.
- The proposed use in the subject location will achieve the long-range objectives of the General Plan.
- We believe that in order to accommodate high density residential development on the site as provided for in the current zoning:
- Some form of "community" water system would likely to have to be developed (conflict with Policy DE-189, DE-191, DE-121).
- Community sanitation facilities would have to be developed to mitigate impacts to hydrology, waste water and water quality (conflict with Policy DE-118).
- Residential development will adversely affect the existing adjacent agricultural lands and affect the biological resources of the area (conflict with policy DE-35)
- Traffic and hazards related thereto will be increased on the existing county road (Policy DE-128)
- Energy and use of fossil fuels for the economic support of residential
- Uses will increase (out of valley employment transportation to service the above moderate housing cost)
- Does not promote the creation of affordable housing
- Increases burdens to fire protection resources (Policy DE-220, hydrant
- And water supply
- Require the expansion utility service
- Require the improvement of transportation facilities

resulting in conflicts with the physical, cultural and environmental nature of the site.

We submit that the project meets the requirements of MCGP RM-106 by the following finding

- No Change in use from the current low-density single family residential and small-scale farming will occur (consistent with Policy DE-41 & DE- 43)
- No infrastructure expansion will be necessary

- The general plan change and rezone will complement the existing neighboring zoning classifications of Agriculture and Remote Residential reducing the impacts of residential densities.
- General Plan and Zoning is consistent with Policy DE-15
- The general plan change and rezone supports Goal CP PV-3, Policy CP- PV-7 by encouraging the existing permitted agricultural uses and Goal CP PV-3 and Policy CP- PV-3 by eliminating the intrusion of higher density residential uses into actively farmed areas of the valley. (consistent with Policy DE-41 & DE-43)

Owner states that project will not increase the level of impacts to agricultural uses on adjacent lands beyond those which currently exist as owners' agricultural uses. The project represents a buffer between lands to the south with their proximity to utilities, urban services and the agricultural lands surrounding the site. Project site is bounded on the north, west and portion of the east side by AG classified and zoned lands and on the East by RMR 40 zoned, Remote Residential classified lands. Reclassification and Rezone would make site consistent with adjacent classifications/ zoning and uses potential.

Although the site is currently zoned for high density residential use it remains undeveloped do to a multitude of reasons/ constraints including, environmental hazards, access/ circulation issues, the cost of infrastructure development, environmental factors such as high ground water and economic viability of residential development creating an above moderate housing cost potential for an economically challenged area.

We believe that the Project site has reached its long-range development stage by taking into consideration:

- The potential impacts of adjacent residential development on the surrounding agricultural lands
- The lack of proximity to services such as fire, emergency, security and circulation as well as the distance from the site to the urban core of the valley for social/health/domestic services
- Site location providing alternatives to impacts on agriculture by eliminating high density residential development

#### **RELATED APPLICATIONS ON-SITE:**

- MS 72-1984 Subdivision to create the current parcel configuration.
- AG\_2018-0005 Cannabis Cultivation.
- CFBL\_2018-0040 Cannabis Facility Business License.

**SITE CHARACTERISTICS:** The proposed project is located 0.3± miles north of Potter Valley town center. The parcel is contains both agricultural and residential land uses. The subject parcel has the Important Farmland designations of both Residential and Prime Farmland according to the California Department of Conservation Farmland Mapping and Monitoring Program. The site has the agricultural operations of grazing hay on the eastern portion of the parcel and residential/agricultural use on the western end. The 20.23± acre parcel is comprised of soils with naturally occurring asbestos and eastern study soil types. The generally flat parcel is surrounded by agricultural and residential zoning and general plan designations. The parcel is west of the Russian River and is considered within the Russian River watershed.



**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Agriculture (AG 40)	Agriculture (AG 40)	19.26± Acres	Agricultural
<b>EAST</b>	Agriculture (AG 40)	Agriculture (AG 40)	5.3± Acres	Agricultural
<b>SOUTH</b>	Rural Community (RC)	Suburban Residential (SR 40K)	1.62 ± Acres, 1.7± Acres, 2.82± Acres	Agricultural & Residential
<b>WEST</b>	Remote Residential (RMR) / Agriculture (AG 40)	Upland Residential (UR 40) / Agriculture (AG 40)	8.5± Acres, 9.52± Acres, 1± Acre	Agricultural & Residential

**PUBLIC SERVICES:**

Access: Powerhouse Road (CR 248 A)  
 Fire District: Potter Valley Community Services District  
 Water District: Potter Valley Irrigation District  
 Sewer District: None  
 School District: Potter Valley Community Unified School District

**AGENCY COMMENTS:** On January 28, 2019, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Environmental Health-FB/Ukiah	No Comment
Building Services-Ukiah PBS	No Response
Assessor	No Comment
Farm Advisor	No Comment
Agriculture Commissioner	No Response
Air Quality Management District	No Comment
Sonoma State University-NWIC	Comment
Archaeological Commission	Comment
CalFire – Prevention	No Comment
Dept. of Fish & Wildlife	No Response
RWQCB	No Response
Potter Valley Irrigation District	Comment
Potter Valley Community Services District	No Response
Cloverdale Rancheria	No Response
Potter Valley Tribe	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

**KEY ISSUES**

**1. General Plan and Zoning Consistency:**

The proposed project includes a general plan land use amendment from Suburban Residential (SR) to Remote Residential (RMR) and a Rezone from Suburban Residential minimum 40,000 sq. ft. parcel size (SR 40K) to Upland Residential minimum 20 acres with a Contract Rezone combining district (UR 20[CR]). The applicant indicated the rezone and general plan amendment are intended to allow continued operation of an existing Cannabis Cultivation and Cannabis Facility Business, that would otherwise sunset (cease to be legally allowed to operate). The Cannabis operation is considered an agricultural use and is discussed in the initial study. The Remote Residential (RMR) General Plan designation is intended to be

applied to parcels: “[lands] 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.”<sup>1</sup> In an environment surrounded by low density housing and agricultural operations taking place on surrounding parcels, the Remote Residential (RMR) general plan designation is more consistent with the lands current use than the previous Suburban Residential (SR) general plan designation. Furthermore, the parcel is designated as Prime Farmland. Prime Farmland is defined as: “Irrigated land with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This has the soil quality, growing season, and moisture supply needed to produce sustained high yields.” By maintaining a Suburban Residential (SR) general plan designation, the subject parcel is exposed to potential conversion of prime farmland to non-agricultural uses. In addition, the site has observed sensitive species of both plant and animal on site. Suburban Residential (SR 40K) would theoretically allow the site to be subdivided and could potentially result in the construction of twenty (20) primary units and twenty (20) accessory dwelling units as well. According to the resource management chapter of the general plan:

*“Policy RM-28: All discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible.*

*Policy RM-102: The County will work to protect important farmlands under the State Farmland Mapping and Monitoring Program.*

*Policy RM-104: Support the diversification and expansion of the agricultural economic base.”<sup>2</sup>*

Therefore, the site will need to take mitigation measures in order to protect sensitive species found on-site. The proposed mitigation measures, in addition to the changing of the General Plan designation, will avoid impacts to special-status species and their habitat to the maximum extent feasible. Additionally, lands with the designation of Prime Farmland are to be maintained and protected due to the agricultural resources they produce. By supporting the change in zoning and general plan designations, the county will be taking proper steps towards preserving said Prime Farmland.

According to Mendocino County Code (MCC) section 20.056.005: “[Upland Residential] district is intended to create and enhance farming and low-density agricultural/residential uses [...]”.<sup>3</sup> By changing the zoning designation from Suburban Residential (SR 40K) to Upland Residential with a Contract Rezone combining district (UR 20[CR]), the potential for protection of important farmland and a diversified agricultural business will be much greater. The new zoning designation of Upland Residential would propose a housing density more appropriate to the current land uses, promote more agricultural land-uses, and maintain the predesignated Prime Farmland mapping designation.

Staff finds that the proposed General Plan Amendment and Rezone with the recommended Contract Rezone is appropriate for the site.

## **2. Potter Valley Community Planning Area Community:**

The project will be compliant with the Potter Valley Community Planning Area Community –Specific Goals and Policies:

- *“Goal CP-PV-1: Expand economic opportunities in Potter Valley consistent with the desired rural character of the valley.*
- *Policy CP-PV-6: Planned land uses in Potter Valley should accommodate expansion of commercial, light industrial and resources uses to meet the needs of local residences and businesses*

1 Mendocino County General Plan; Chapter 3

2 Mendocino County General Plan; Chapter 4

3 Mendocino County Code; Section 20.056.005



- *Policy CP-PV-7: The County supports the expansion and diversification of agricultural operations, including orchards, grazing lands and vineyards”.*

The proposed project, a General Plan Amendment and Rezone, would allow for a continued diversified agricultural business. The property would be providing commercial enterprise that would otherwise cease to exist. In addition, the opportunity for further expansion of the ongoing cannabis operation is also available to the applicant through the proposed general plan amendment and rezone. If granted, this project would provide opportunities for business expansion, further diversification of agricultural operations, and will help to maintain the rural character of Potter Valley through reducing residential density by changing the zoning and general plan designations.

#### 4. Environmental Protection:

An Initial Study was completed for the project and circulated for public review in accordance with the California Environmental Quality Act (CEQA) Guidelines and a Mitigated Negative Declaration is recommended. The review identified the following potential impacts which will be less than significant with incorporation of the proposed mitigation measures discussed below.

Biological Resources: There is a presence of two protected sensitive plant species on site, both *Mayacamas popcornflower* and *Baker's navarretia* may be found by mesic/riparian habitat. Mesic/riparian habitat can be found along the irrigation ditch and the low-lying wet depression on the northeast corner of the property. The current project proposes no development within these areas. Therefore a mitigation measure is proposed: "*An Agricultural Buffer, no less than 50 feet wide and parallel to the site's northerly and southerly boundary, shall be provided, and a 100 foot wide buffer to the site's northerly and easterly boundary's seasonal wet depression area*". Additionally, Due to the presence of a registered species, a mitigation measure is proposed by the biological assessment for hedge trimming limitations. Due to the effects on a registered native resident bird species, any foreseeable effects will be mitigated by the condition that: "no blackberry hedge trimming between March 1-August 31."

Cultural Resources: On June 13, 2019, this project was referred to the Archaeological Commission with an associated Archaeological Survey provided by the applicant. Although the survey was not to the satisfaction of the Archaeological Commissioners, no development is being proposed by way of this project. the Archaeological Commission decided to allow the project to move forward with the condition that if an accessory dwelling unit is proposed, an additional Archaeological Survey would be required for the site.

#### RECOMMENDATION

By Resolution, the Planning Commission recommends the Board of Supervisors adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, approve a General Plan Land Use Amendment to change 20.23± acres (APN: 174-100-02) from Suburban Residential with a 40,000 square feet minimum lot size (SR 40K) to Remote Residential with a 20 acre minimum parcel size (RMR 20) and, by ordinance, Rezone 20.23± acres (APN: 174-100-02) from Suburban Residential with a 40,000 square feet minimum lot size (SR 40K) to Upland Residential with a 20 acre minimum parcel size and a Contract Rezone Combining District (UR 20[CR]), subject to the conditions and requirements of the Contract Rezone attached to the Resolution.

9/27/2019

DATE



MIO MENDEZ  
PLANNER I

**ATTACHMENTS:**

- |                       |                           |
|-----------------------|---------------------------|
| A. Location Map       | H. Important Farmland Map |
| B. Aerial Map         | I. Soils Map              |
| C. Site/Tentative Map | J. Water District Map     |
| D. Zoning Map         | K. Tribal Ancestral Areas |
| E. General Plan Map   | L. Exhibit A General Plan |
| F. Adjacent Owner Map | M. Exhibit B Zoning       |
| G. Fire Hazards Map   |                           |

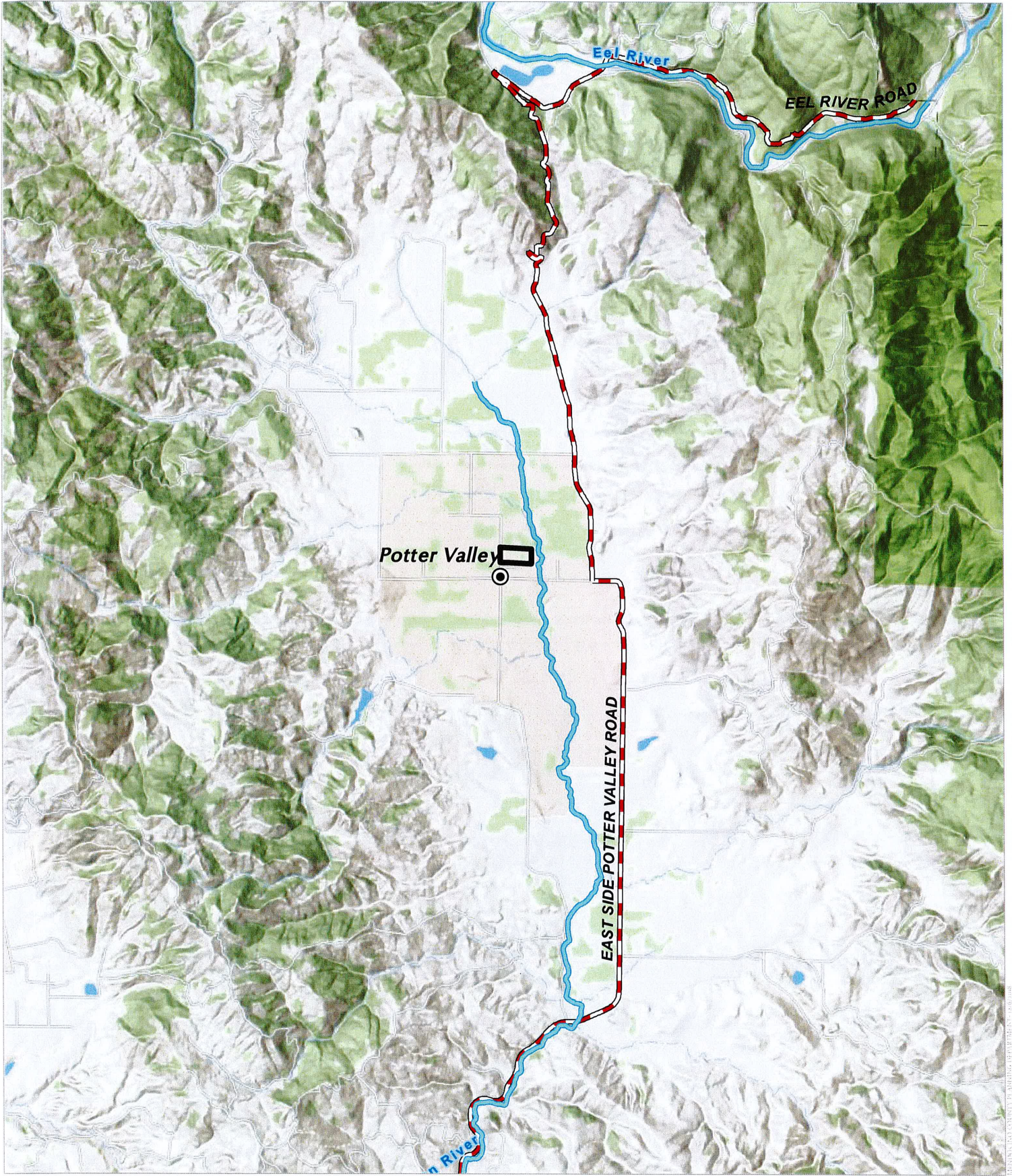
**RESOLUTION OF THE PLANNING COMMISSION**

**CONTRACT FOR COMPLIANCE WITH REZONING CONDITIONS (Exhibits Included):**

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

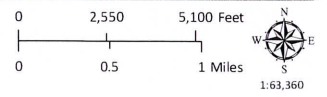


ATTACHMENT A



CASE: GP\_2019-0001/R\_2019-0002 (Savage)  
OWNER: SAVAGE, Christopher ET AL  
APN: 174-100-02  
APLCT: Christopher Savage  
AGENT: Jim Ronco  
ADDRESS: 12201 Powerhouse Road, Potter Valley

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



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

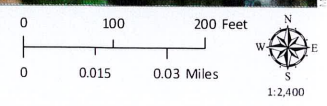
LOCATION MAP  
ATTACHMENT A





CASE: GP\_2019-0001/R\_2019-0002 (Savage)  
 OWNER: SAVAGE, Christopher ET AL  
 APN: 174-100-02  
 APLCT: Christopher Savage  
 AGENT: Jim Ronco  
 ADDRESS: 12201 Powerhouse Road, Potter Valley

- Major Towns & Places
- == Private Roads
- ~ Named Rivers
- == Public Roads



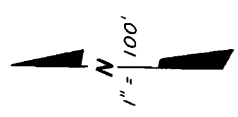
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ATTACHMENT A

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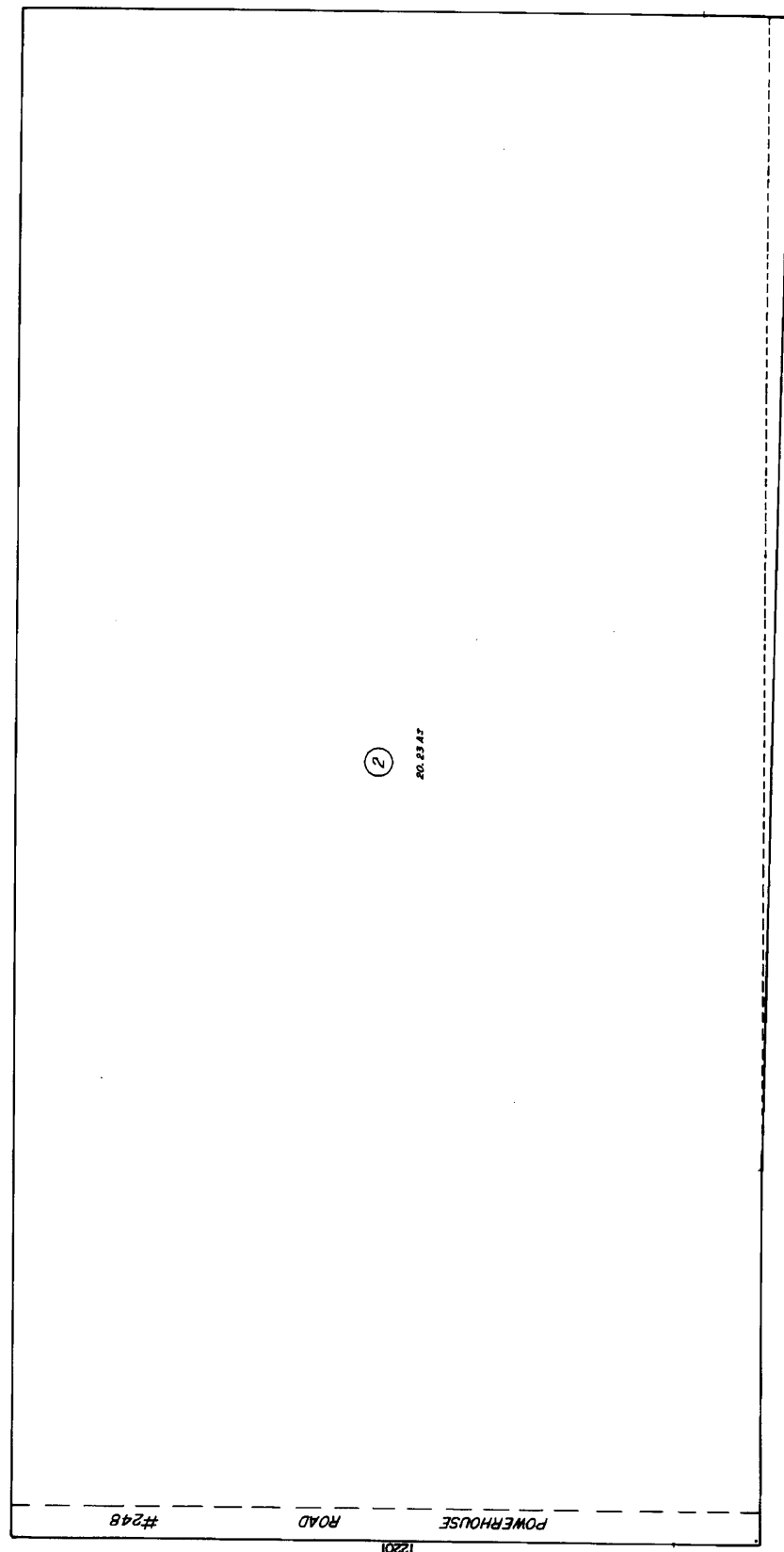


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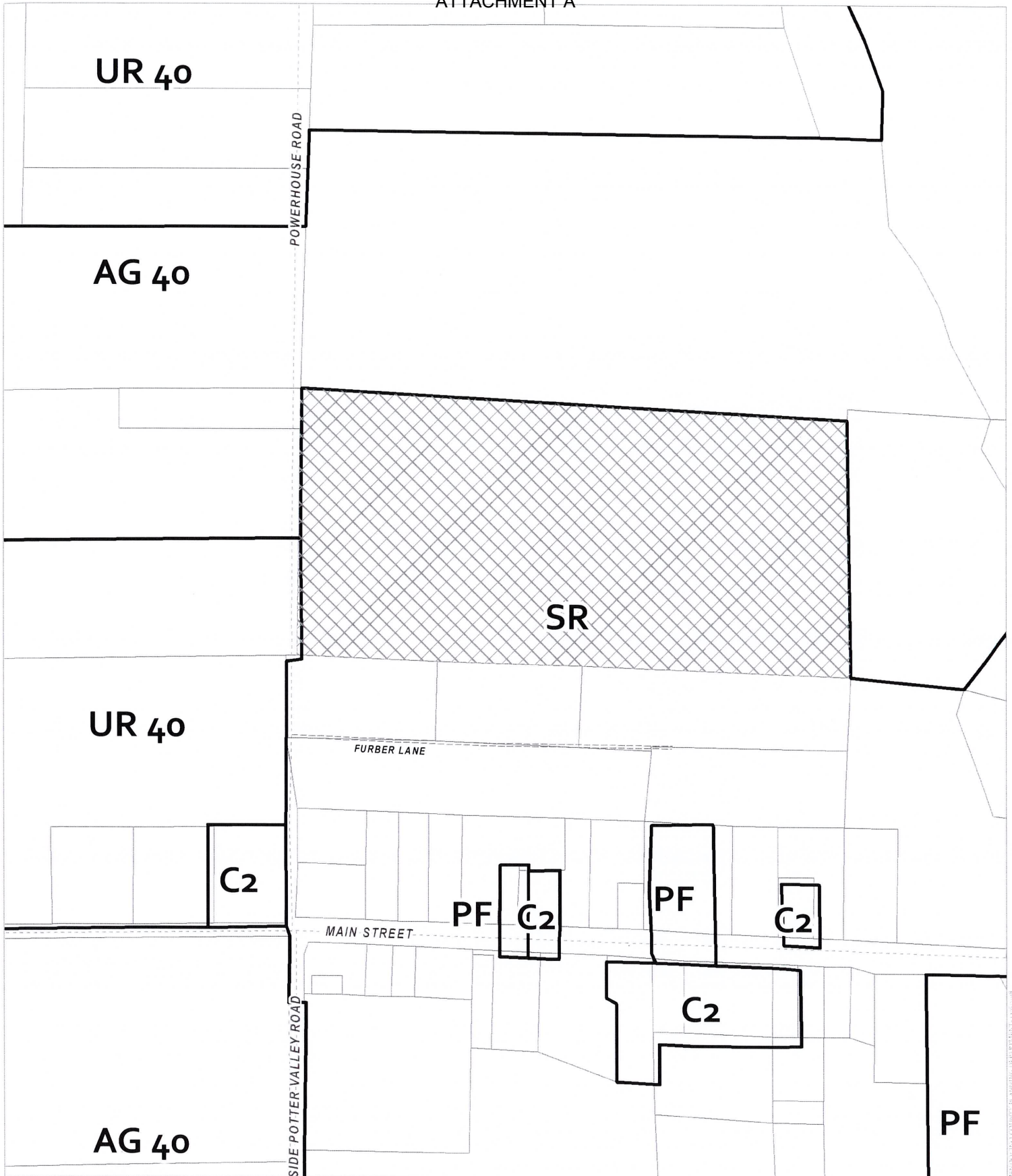
80

Assessor's Map  
County of Mendocino, Calif.  
REVISED 8-23-83



NOTE: This map was prepared for  
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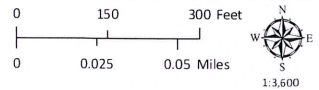


ATTACHMENT A



CASE: GP\_2019-0001/R\_2019-0002 (Savage)  
 OWNER: SAVAGE, Christopher ET AL  
 APN: 174-100-02  
 APLCT: Christopher Savage  
 AGENT: Jim Ronco  
 ADDRESS: 12201 Powerhouse Road, Potter Valley

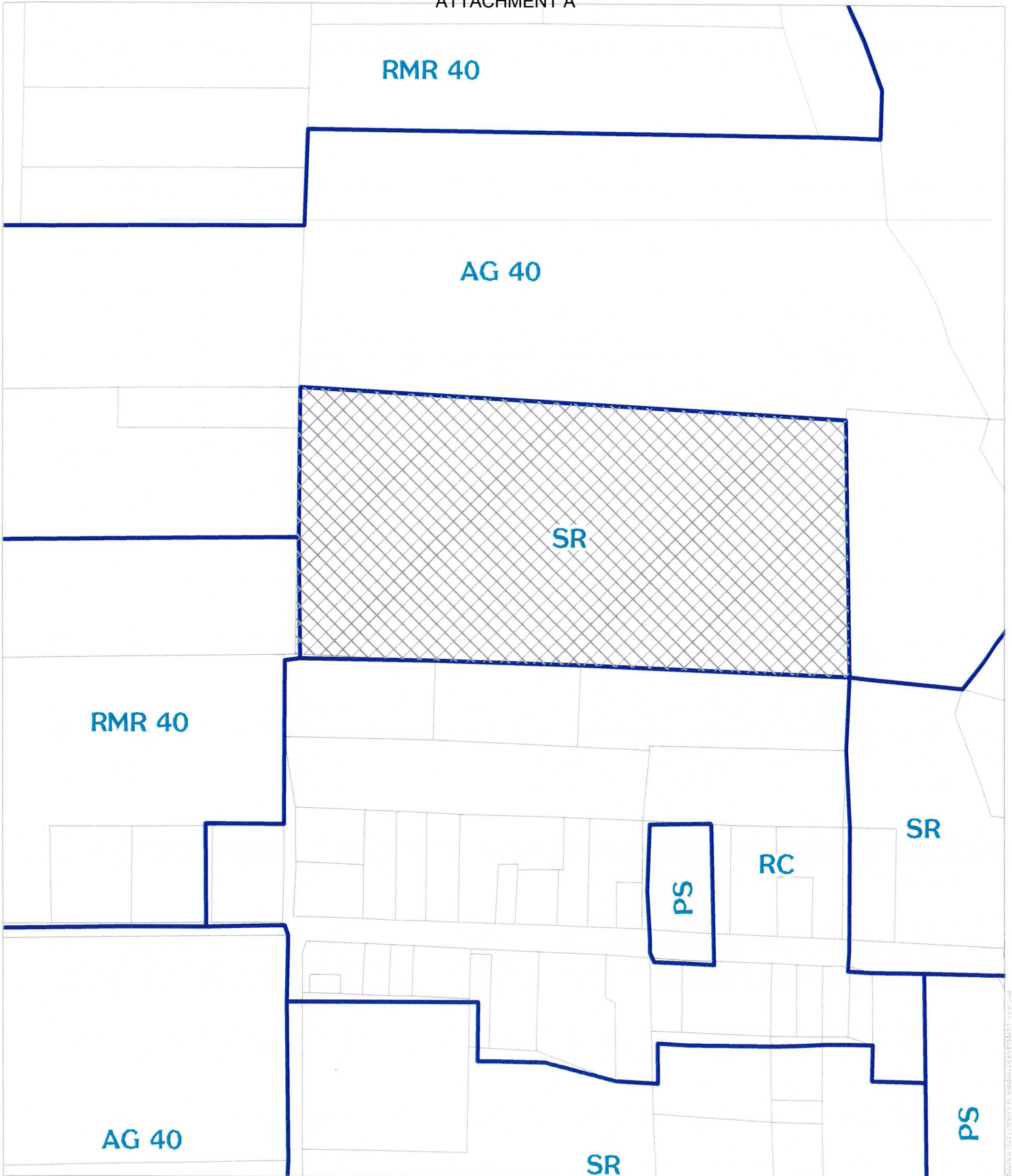
 Zoning Districts  
 Public Roads




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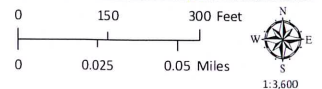
ZONING DISPLAY MAP  
 ATTACHMENT D

ATTACHMENT A



CASE: GP\_2019-0001/R\_2019-0002 (Savage)  
 OWNER: SAVAGE, Christopher ET AL  
 APN: 174-100-02  
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 ADDRESS: 12201 Powerhouse Road, Potter Valley

 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

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ATTACHMENT E

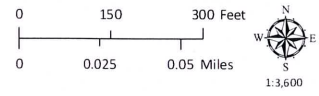
**ATTACHMENT A**



CASE: GP\_2019-0001/R\_2019-0002 (Savage)  
 OWNER: SAVAGE, Christopher ET AL  
 APN: 174-100-02  
 APLCT: Christopher Savage  
 AGENT: Jim Ronco

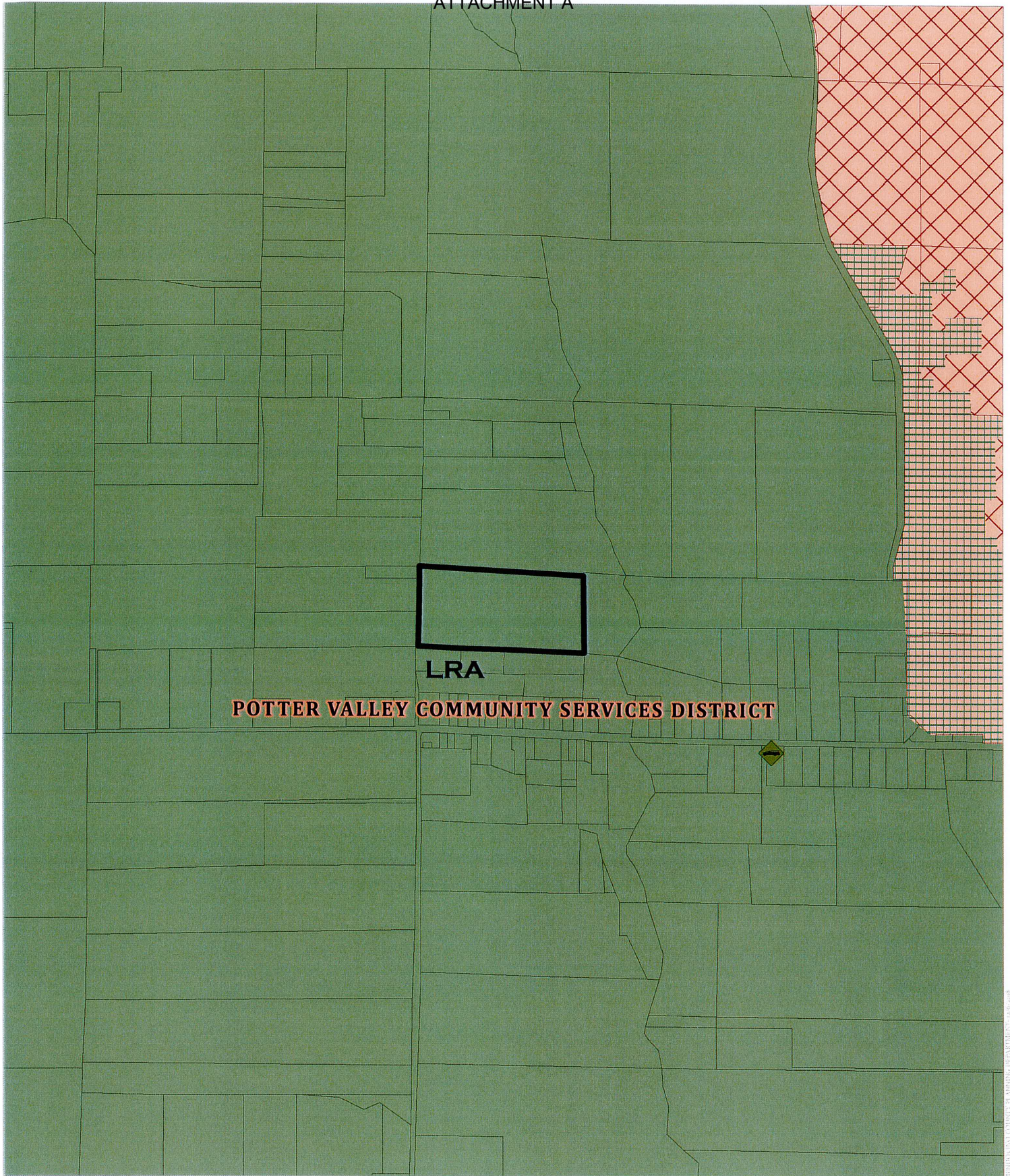
ADDRESS: 12201 Powerhouse Road, Potter Valley

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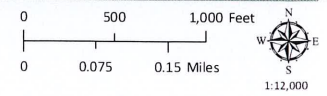
**ADJACENT PARCELS  
 ATTACHMENT F**





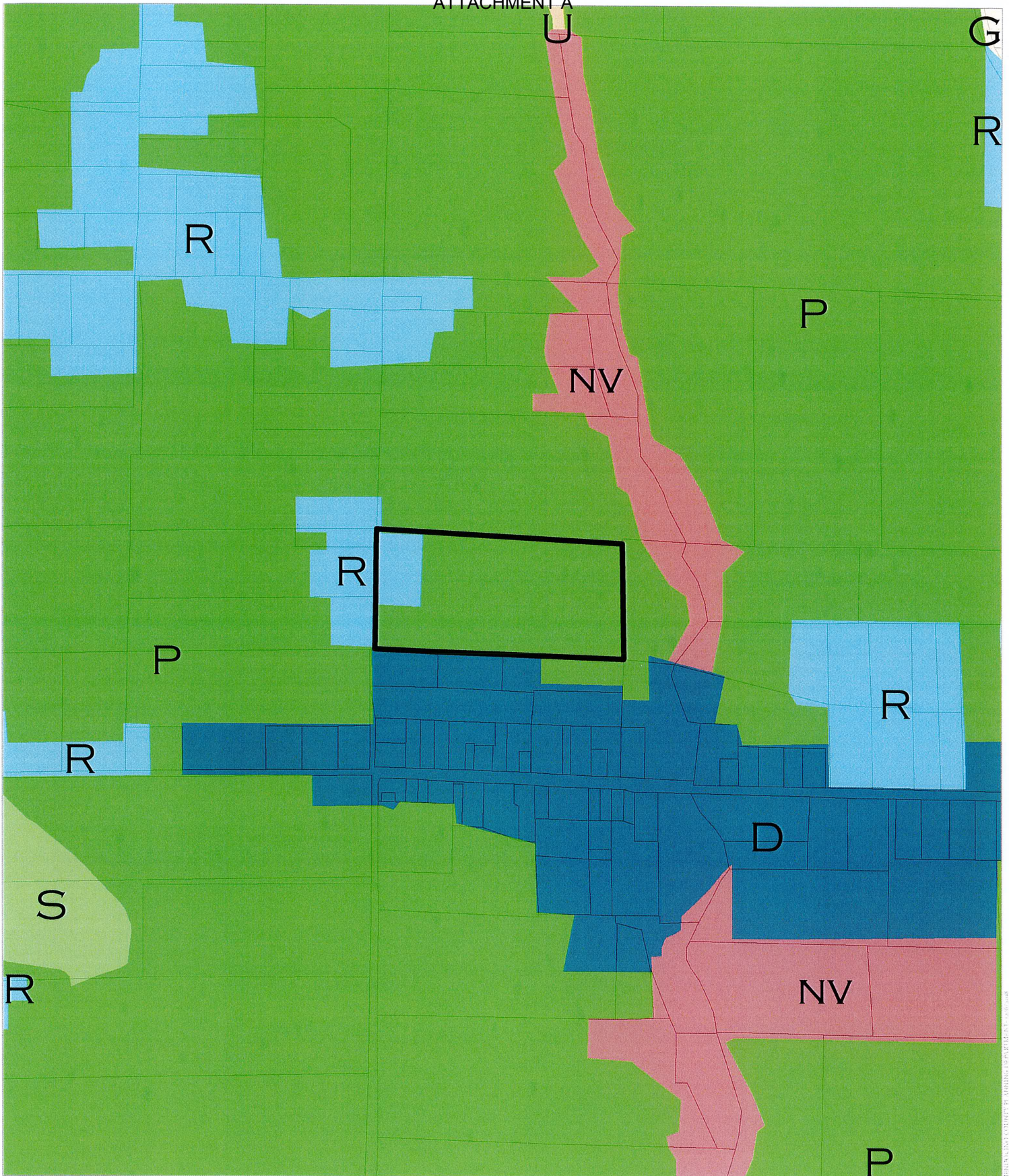
CASE: GP\_2019-0001/R\_2019-0002 (Savage)  
 OWNER: SAVAGE, Christopher ET AL  
 APN: 174-100-02  
 APLCT: Christopher Savage  
 AGENT: Jim Ronco  
 ADDRESS: 12201 Powerhouse Road, Potter Valley

	Local Responsibility Area		Fire Stations
	High Fire Hazard		County Fire Districts
	Moderate Fire Hazard		

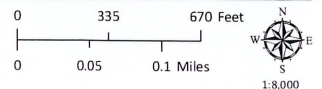


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IMPORTANT FARMLAND  
 ATTACHMENT H

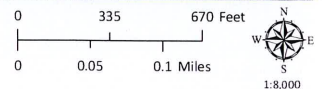


ATTACHMENT A



CASE: GP\_2019-0001/R\_2019-0002 (Savage)  
OWNER: SAVAGE, Christopher ET AL  
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AGENT: Jim Ronco  
ADDRESS: 12201 Powerhouse Road, Potter Valley

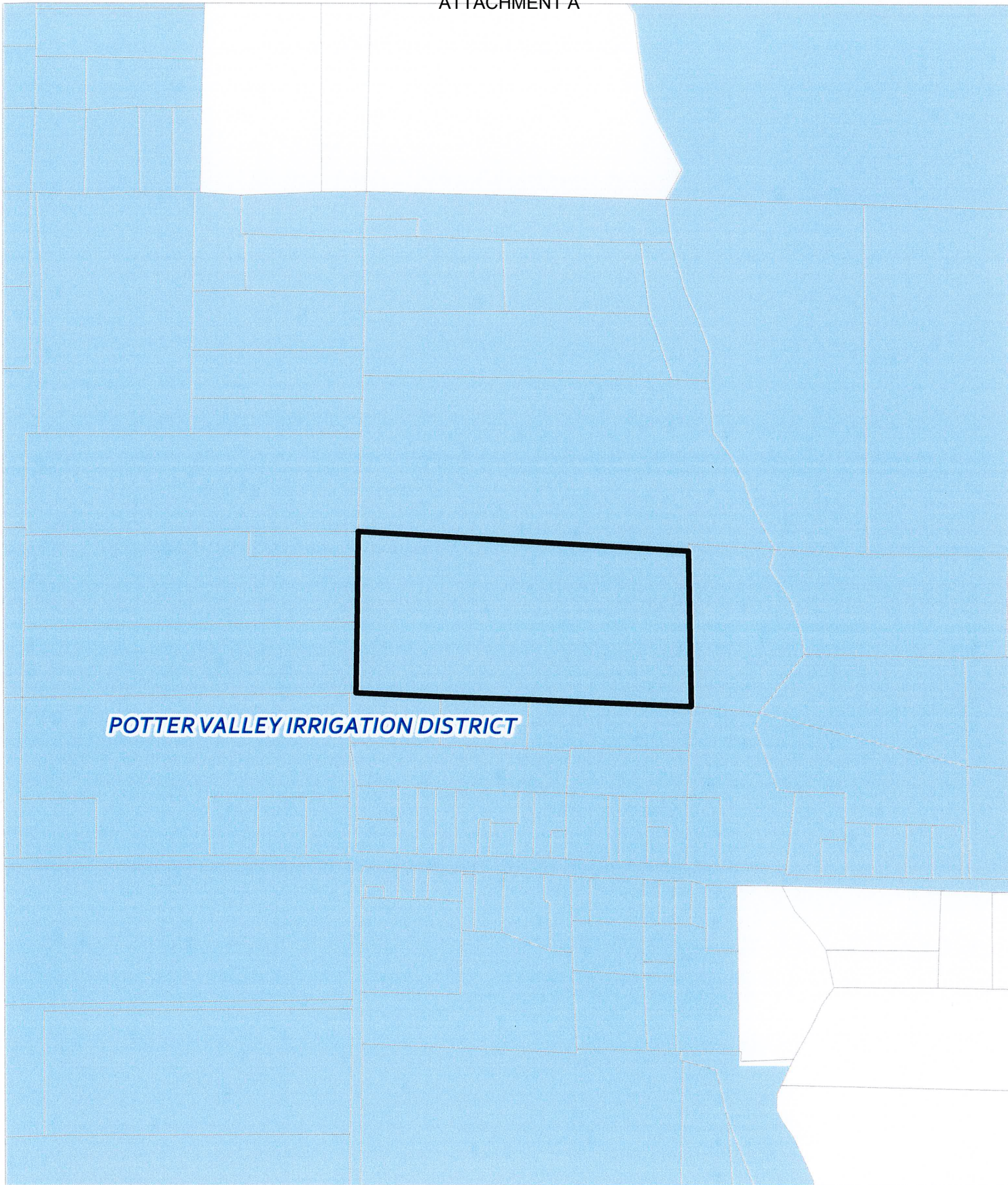
 Naturally Occurring Asbestos  
 Eastern Study Soil Types



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LOCAL SOILS  
ATTACHMENT I

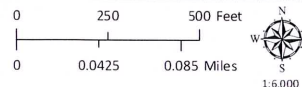




**POTTER VALLEY IRRIGATION DISTRICT**

CASE: GP\_2019-0001/R\_2019-0002 (Savage)  
 OWNER: SAVAGE, Christopher ET AL  
 APN: 174-100-02  
 APLCT: Christopher Savage  
 AGENT: Jim Ronco  
 ADDRESS: 12201 Powerhouse Road, Potter Valley

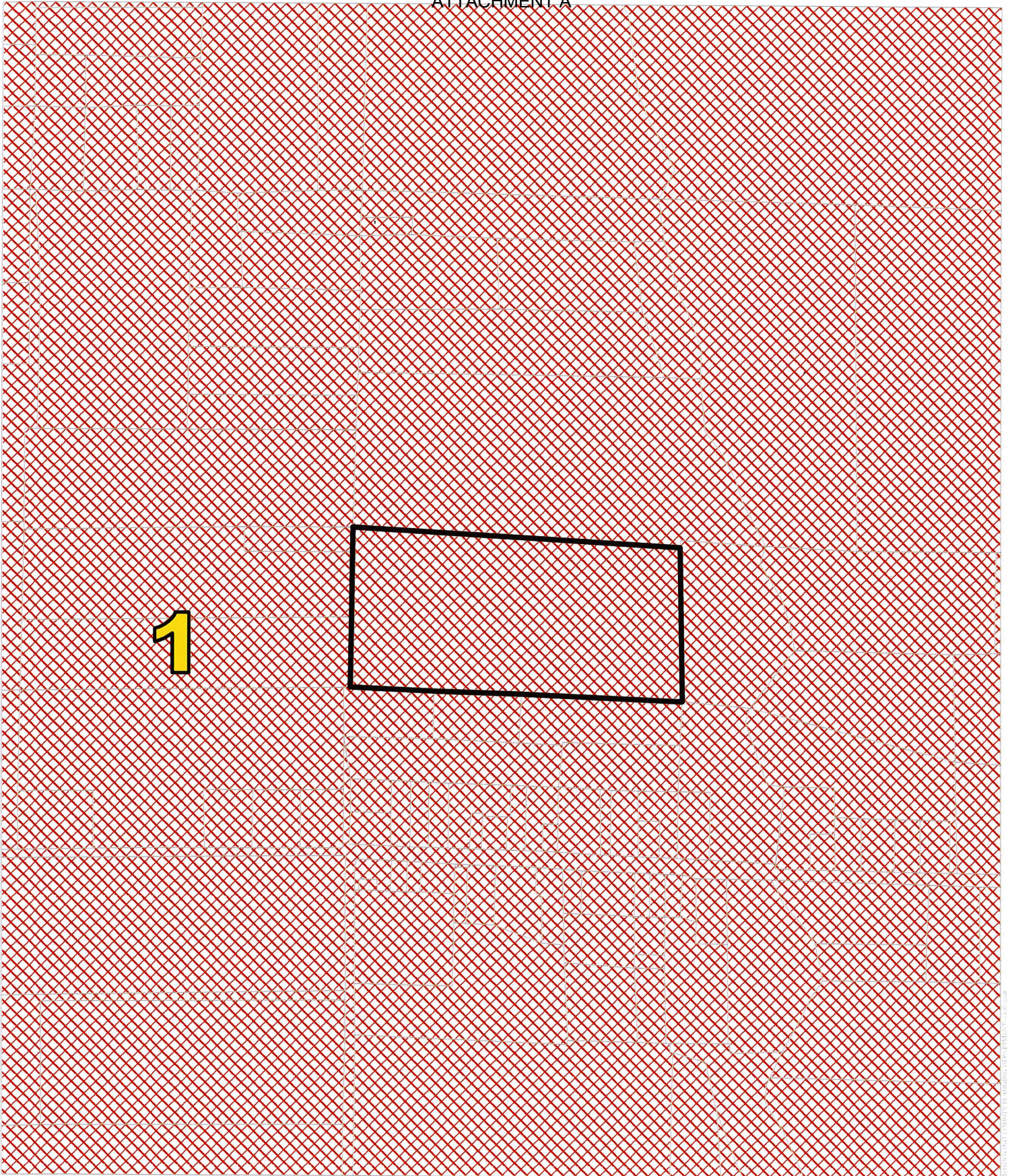
 County Water Districts





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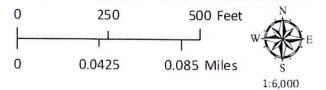


ATTACHMENT A



CASE: GP\_2019-0001/R\_2019-0002 (Savage)  
OWNER: SAVAGE, Christopher ET AL  
APN: 174-100-02  
APLCT: Christopher Savage  
AGENT: Jim Ronco  
ADDRESS: 12201 Powerhouse Road, Potter Valley

 Supervisorial Districts 2010  
 PV Tribe Ancestral Areas



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MISC  
ATTACHMENT K



PUBLIC DRAFT  
INITIAL STUDY and ENVIRONMENTAL CHECKLIST

FOR

*SAVAGE GENERAL PLAN AMENDMENT AND CONTRACT REZONING*

**September 24, 2019**

**Lead Agency:  
County of Mendocino**

**Lead Agency Contact:**  
Mio Mendez, Planner 1  
Mendocino County Planning and Building Services  
860 North Bush Street, Ukiah, CA 95482  
(707) 234-6650

**Section I Description Of Project/Project Summary****CASE#:** GP\_2019-0001/R\_2019-0002**DATE FILED:** 1/28/2019**OWNER/APPLICANT:** CHRISTOPHER D SAVAGE**AGENT:** JIM RONCO**REQUEST:** Rezone to change the existing designations from Suburban Residential (SR 40K) to Upland Residential Contract Rezone (UR 20-CR) and a General Plan Amendment from Suburban Residential (SR) to Remote Residential (RMR).**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration**LOCATION:** 0.3± miles north of Potter Valley town center, on the east side of Powerhouse Road (CR 248 A), 0.2 miles north of its intersection with Main Street (CR 245). Located at 12201 Powerhouse Rd., Potter Valley (APN: 174-100-02).**STAFF PLANNER:** MIO MENDEZ**Section II Project Description**

**INTRODUCTION:** The proposal is a Rezone to change the existing designations from Suburban Residential (SR 40K) to Upland Residential with a Contract Rezone combining district (UR 20[CR]) and a General Plan Amendment from Suburban Residential (SR 40K) 40,000 square-foot minimum parcel size to Remote Residential (RMR 20) 20 acre minimum parcel size.

**PROJECT OBJECTIVES:** The Applicant is requesting to Rezone to change the existing designations from Suburban Residential (SR 40K) to Upland Residential with a Contract Rezone combining district (UR 20[CR]) and a General Plan Amendment from Suburban Residential (SR 40K) 40,000 square-foot minimum parcel size to Remote Residential (RMR 20) 20 acre minimum parcel size. The requested new General Plan land use classification and zoning code designation will allow the continued operation of Cannabis Cultivation on-site. The cultivation operation also coincides with the Cannabis Self Distribution, and Cannabis Manufacturing operations on-site.

**SETTING AND LOCATION:** The project site is located within the unincorporated community of Potter Valley, which lies northeast of the City of Ukiah; located at 12201 Powerhouse Road. The setting for the subject parcel is primarily a Single-Family Residence on-site and has previously been in use as a medical cannabis cultivation site. The historic use of the site as well as lands immediately contiguous was for agricultural endeavors. The parcel is 0.2± miles north of the Potter Valley town center. Powerhouse Road (CR 248A) begins at the intersection of Main Street (CR 245) and West Side Potter Valley Road (CR 248). This intersection is the main access point to Potter Valley and the downtown area.

**BASELINE CONDITIONS:** Pursuant to CEQA Guidelines Section 15125, the Project Description is required to identify the existing baseline set of physical characteristics. For this project, the baseline conditions include a historic Medical Cannabis Cultivation, Current Cannabis Cultivation, Cannabis Self Distribution, Cannabis Manufacturing, and a hay field on the east side of the property. Additionally, the subject property is surrounded largely by similar land uses such as; single family residential uses and agricultural operations. The site is relatively flat and has a State designation as Prime Important Farmland. Additionally, the soils on the property are found to have naturally occurring Asbestos. The area is classified as Potter Valley Tribe Ancestral Areas. Due to this, there is a potential for cultural resources to be present on site. Therefore, further investigation is warranted and is discussed in Section V herein. The eastern border of the site is adjacent to the East Fork of the Russian River, which originates in Ukiah. The hay field on the east end of the property will continue to operate.

**Section III 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 (See Section III). 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 "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology /Soils
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards & Hazardous Materials	<input 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 checked="" type="checkbox"/> Tribal Cultural Resources	<input type="checkbox"/> Utilities / Service Systems
	<input checked="" 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.

<b>I. AESTHETICS. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b><u>I. AESTHETICS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Discussion A-C, No Impact:** A scenic vista is a location that offers a high quality, harmonious, and visually interesting view. Although scenic resources throughout Mendocino County are visible from roads and highways, State Highway 128 (SR 128) is the only officially designated State Scenic Highway in the County of Mendocino.<sup>1</sup> The site of the proposed land use designation change is not adjacent to major roadways or thoroughfares, nor is it located within potentially scenic vistas. Therefore, the project would result in no impact on scenic resources along a scenic highway.
- b) **Discussion D, No Impact:** This project does not propose any artificial lighting, structures, or objects which give off a substantial light or glare. Therefore, the proposed project is in compliance with provisions of the County Land Use Code is sufficient to reduce the impact from additional structures, if constructed.

<b><u>II. AGRICULTURE AND FORESTRY RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Discussion A and B, No Impact:** The subject parcel is designated Prime Farmland according to the California Department of Conservation Farmland Mapping and Monitoring Program. Prime Farmland is defined as: “irrigated land with the best combination of physical and chemical feature able to sustain long

<sup>1</sup>AB-998 State Scenic Highway, signed, 7.12.19:

“[https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB998](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB998)”

term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for production of irrigated crops at some time during the four years prior to the mapping date.” Additionally, The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a ten year agreement that the land will not be developed or otherwise converted to another use. According to CalCannabis Final Program Environmental Impact Report: “Under Health and Safety Code Section 11362.777(a), and Business and Professions Code 8 Section 26067(a), respectively, medicinal and adult-use cannabis are agricultural products.”<sup>2</sup> Due to both code sections recognizing cannabis as an agricultural product, the operation of this activity would be an acceptable use of Prime Farmland and would not result in a conversion. Additionally, by converting the zoning designation to Upland Residential with a Contract Rezone combining district, the conflicts with zoning and long-term cultivation would be subsided. There is a single Williamson Act contract adjacent to the subject property. However, according to the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts; Section: 9.4.E: “The cultivation of cannabis, including the planting, growing, harvesting, drying, curing, grading or trimming of cannabis in its natural state. This compatible use category expressly excludes manufacturing, distributing (not including transport of product from the site for sale or delivery), and dispensing of cannabis or cannabis product”<sup>3</sup>; All aspects of the cannabis operation are seen as compatible uses to a Williamson Act contract. Therefore there are no foreseeable impacts to the Prime Farmland designation and adjacent Williamson Act contract.

- c) **Discussion C and D, No Impact:** The Timberland Production Zone (TPZ) was established in 1976 in the California Government Code as a designation for lands for which the Assessor records as of 1976 demonstrated that the “highest and best use” would be timber production and accessory uses. Public improvements and urban services are prohibited on TPZ lands except where necessary and compatible with ongoing timber production. The original purpose of TPZ zoning District was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands. The parcel is neither designated nor adjacent to TPZ designated lands.
- d) **Discussion E, Less Than Significant:** The subject parcel has historically been seen as an agricultural resource parcel in addition to residential uses. Due to the proposed project subjecting the owner of the property to a more agriculturally intensive land use and less housing and commercial intensive land use, the possibility of conversion of Prime Farmland and Forest Land on the subject parcel is less than significant due to the compatible zoning for continued agricultural operations.

<b>III. AIR QUALITY.</b>				
<b>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:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>2</sup> CalCannabis Final Program Environmental Impact Report p.142

<sup>3</sup> Policies and Procedures for Agricultural Preserves and Williamson Act Contracts; Section: 9.4 - Compatible Uses – Agricultural Williamson Act Contracted Land; subsection “E”;

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

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

- 1) All visibly-dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- 3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and

7) The operator shall keep a daily log of activities to control fugitive dust. In December, 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards and use of wood burning appliances to reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading or road development must be registered in the Air Resources Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM2.5. All stationary and portable diesel engines over 50 horse power need a permit through the MCAQMD.

Like many counties in Northern California, Mendocino County has areas that contain Naturally Occurring Asbestos (NOA). State regulations, enforced by MCAQMD, may affect grading and surfacing projects. The District uses a map prepared by County Information Services to identify areas likely to have asbestos containing geologic features. The map was derived from maps produced by the CA Bureau of Mines and Geology and the USDA Natural Resource Conservation Service. For projects in areas identified as potentially containing NOA, the District requires an evaluation and report by a State registered geologist to determine that any observed NOA is below levels of regulatory concern in the areas being disturbed (Title 17, CCR, Section 93105(c)(1)). If the State registered geologist determines that NOA is present at levels above regulatory concern, or the applicant chooses not to have the testing and evaluation conducted, the District requires dust control measures in accordance with Title 17, CCR, Section 93105(d) and (e). Such measures generally include, maintaining vehicle speeds at less than 15 mph, washing down vehicles prior to moving off the property and cleaning visible track-out as needed at least once a day. All fill removed from areas containing NOA must be disposed of in accordance with applicable laws and regulations, approved dust suppressants must be used on unpaved surfaces and all on-site workers must be informed of possible presence of NOA. Since no physical development is proposed as part of this project, and future development would be subject to MCAQMD review and approval, there will be no impact as a result of the proposed General Plan Amendment and Rezone.

- e) **Discussion E, Less Than Significant Impact:** Due to the continued cannabis cultivation operation being conducted on the property, there is potential for cannabis smell to drift off-site. With that being said, the proposed project will not cause a significant increase in odor exposure due to the fact that the cannabis operation has historically took place on site and this project does not propose expansion of said activity at this time.

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

a) **Discussion A and B, Less Than Significant with Mitigation Incorporated:** The California Natural Diversity Database (CNDDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, other agencies, and conservation organizations. The data help drive conservation decisions, aid in the environmental review of projects and land use changes, and provide baseline data helpful in recovering endangered species and for research projects.<sup>4</sup> Currently, the CNDDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Threatened to Endangered.<sup>5</sup> According to the *Rare Plant Habitat and Biological Assessment* submitted by Jacobszoon & Associates:

*“The project area and project buffer are located within a 2.0-mile diameter CNDDDB circle for the Mayacamas popcornflower (Plagiobothrys lithocaryus). This species is primarily found within mesic areas. No signs of P. lithocaryus was observed during the site assessment and the last known occurrence of this species was observed in April 1899. Please note, the site assessment was conducted in February, which does not fall within the blooming period for P. lithocaryus (April – May). Additionally, this species is an annual herb and was therefore not expected to be visible in February. Potential mesic/riparian habitat for P. lithocaryus is marginal along the irrigation ditches and at the low-lying wet area in the northeast corner of the property; however, does not exist in the project area. Any future work shall adhere to a 50-foot setback from the approximate riparian corridor boundary and 100 feet from the depressional wet area*

*The project is also located 4.5 miles from within a 2.0-mile diameter CNDDDB circle for Baker’s navarretia (Navarretia leucocephala spp. bakeri), another listed plant commonly found in mesic areas. This species is primarily found within mesic areas. No signs of Navarretia leucocephala spp. bakeri was observed during the site assessment and the last known occurrence of this species was observed in May 1941. Please note, the site assessment was conducted in February, which does not fall within the blooming period for N. leucocephala spp. bakeri (April – July). Additionally, this species is an annual herb and was therefore not expected to be visible in February. Potential mesic/riparian habitat for Baker’s navarretia is marginal along the irrigation ditches and at the low-lying wet area in the northeast corner of the property; however, does not exist in the project area.*

<sup>4</sup> <https://www.wildlife.ca.gov/Data/CNDDDB/About>

<sup>5</sup> <https://map.dfg.ca.gov/bios/?tool=cnddbQuick>

*Any future work shall adhere to a 50- foot setback from the approximate riparian corridor boundary and 100 feet from the depressional wet area”<sup>6</sup>*

Therefore, both Mayacamas popcornflower and *Baker’s navarretia* may be found by mesic/riparian habitat. Mesic/riparian habitat can be found along the irrigation ditch and the low-lying wet depression on the northeast corner of the property. The current project proposes no development within these areas. Therefore a mitigation measure is proposed if any new development occurs in this area, the biological report states that: “Any future work shall adhere to a 50-foot setback from the approximate riparian corridor boundary and 100 feet from the depressional wet area”.

- c) **Discussion C, No Impact:** Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fills material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include infill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 (e.g., certain farming and forestry activities).<sup>7</sup> If an activity is exempt but represents a *new use* of the water, and the activity would result in a *reduction in reach or impairment of flow or circulation* of regulated waters, including wetlands, the activity is *not* exempt. Both conditions must be met in order for the activity to be considered non-exempt. In general, any discharge of dredged or fill material associated with an activity that converts a wetland to upland is not exempt and requires a Section 404 permit.<sup>8</sup> The nearest registered federally protected wetlands as defined by Section 404 are; East Fork Russian River (Riverine) and Williams Creek (Freshwater Forested/Shrub Wetland). Williams Creek and East Fork Russian River are over 1,200 feet east of every aspect of the cannabis operation. Additionally, no development is being proposed by this project. Therefore there would be no foreseeable impact to federally protected wetlands.
- d) **Discussion D, Less Than Significant with Mitigation Incorporated:** The proposed land use designation changes are not deemed to have any impact to movement of native residents, migratory patterns of fish or wildlife species, established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Although the designation changes will not directly affect migratory patterns, according to the *Rare Plant Habitat and Biological Assessment* submitted by Jacobszoon & Associates:

*“Due to the presence of the oak titmouse, it is recommended that the property owner do not remove any blackberry hedges during the nesting bird season (March 1-August 31) as this is primary cover and foraging habitat for the titmouse.”<sup>9</sup>*

Due to the presence of a registered species of special concern, a mitigation measure is being proposed by the biological assessment for hedge trimming limitations. Due to the effects on a registered native resident species, any foreseeable effects will be mitigated by the condition that: “no blackberry hedge trimming between March 1-August 31.”

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

<sup>6</sup> Jacobszoon & Associates, Rare Plant Habitat and Biological Assessment, Dated February 14, 2019

<sup>7</sup> <https://www.epa.gov/cwa-404/section-404-permit-program>

<sup>8</sup> <https://www.epa.gov/cwa-404/exemptions-permit-requirements>

<sup>9</sup> Jacobszoon & Associates, INC, Rare Plant Habitat and Biological Assessment

- f) **Discussion F, No Impact:** County policies, federal and state laws, local regional plans, and land trust easements form the basis of conservation efforts in the County. There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans or other local, regional or state habitat conservation plan that the project will conflict with as none are adopted within Mendocino County for resources that are present on the subject parcel.

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

- a-b) **Discussion A and B, No Impact:** Per California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(b)(1); a *“substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an (sic) historical resource would be materially impaired.”* Potential archaeological resources are governed by MCC Sec. 22.12.090, which echoes state law regarding discovery of artifacts and states, in part, *“It shall be unlawful, prohibited, and a misdemeanor for any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archaeological site without complying with the provisions of this section”*. There are no known historic or archaeological resources that would be impacted by the proposed project. A Contract Rezone is suggested to ensure that future development of accessory uses on the parcel will have adequate review to ensure any unknown resources are protected.
- c) **Discussion C, No Impact:** Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), *“If an archeological resource is neither a unique archeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.”* No unique paleontological resources or geologic features have been identified as being directly or indirectly impacted as a result of the proposed project. Identification of any unique resources or features with the potential to be affected would occur at that point, which would trigger the application of California Code of Regulations, Title 14, Chapter 3; California Environmental Quality Act Section 21083.2; and Mendocino County Code 22.12.090-Discovery Clause, governing discovery or identification of potential resources or features.
- d) **Discussion D, No Impact:** No component of the proposal to change the land use and zoning designations of the subject site is intended to allow for or facilitate disturbance of sites that contain human remains or internment locations as no human remains are known to exist within the project site. MCC Section 22.12.090 governs discovery and treatment of archeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. Per Mendocino County General Plan Development Policy DE-113: *The County and other public agencies are encouraged to protect, maintain and restore historical, archaeological and cultural resources under their ownership or management.* And Policy DE-114 further requires; (to) *Fully evaluate and protect historical, archaeological and cultural resources through the development process, including resources of national, state or local significance.*

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

a-e) **Discussion A-E No Impact:** The State of California is located in one of the most seismically active environments in the nation. In addition to the famed San Andreas Fault that traverses the southwest corner of the County and continues offshore, there are five other active or potentially active fault zones with a probability to adversely affect development in the County.<sup>10</sup> The California Department of Conservation and the California Geologic Survey are tasked with maintaining databases of seismic activity and to develop strategies and policies to mitigate the effects of living in so-called “earthquake country”. State laws, including requiring geotechnical studies to determine ideal building locations, as well as building code requirements that hold health, life and safety as paramount standards for construction proposals are benchmarks to which all projects must adhere. Preliminary soil reports are required for all unmapped areas in the State of California<sup>11</sup>, which serves to direct development in appropriate areas, and provide guidelines for construction practices. Most of the County derives water and septic services in a piecemeal fashion, with several private water districts and much of the rural county environs being served by private on-site well water. New septic systems are subject to review and approval from the County Department of Environmental Health. Specific County policies have been crafted to address the existing geologic conditions that are present in the area. Policy DE-232 states:

*“All new buildings and structures shall comply with the uniform construction codes and other regulations adopted by the County and State to minimize geologic hazards.*

<sup>10</sup> Mendocino County General Plan Pages 3-49 to 3-50

<sup>11</sup> California Building Code 2016, Section 1803.1.1.1

*Action Item DE-232.1: Where appropriate, require geologic, seismic and soil engineering information to evaluate, locate and design development, especially critical and high occupancy structures, to minimize seismic and other geologic hazards.”*

As well, Action Item DE-233.3 requires “*geologic, seismic, and/or soil engineering reports in areas of known or potential geologic hazards prior to final approval of discretionary permits*”<sup>12</sup>

Since no physical development is proposed under this project, and future development will be subject to standard building code requirements and County Code requirements, the project is found to have no impact with regards to geology and soils.

<b>VII. GREENHOUSE GAS EMISSIONS. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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"/>

a-b) **Discussion A and B, Less Than Significant Impact:** Mendocino County General Plan identifies climate change as an emerging issue for the County, and the emission of greenhouse gases as a primary contributing factor. The proposed project does not directly emit greenhouse gases; however, the continued cannabis operation will emit a less than significant amounts of greenhouse gases. In addition to the cannabis cultivation, a self-distribution license has been issued for the proposed project site. The operation will have associated insignificant greenhouse gas emissions via vehicle travel for cannabis related trips. Additionally, the cultivation aspect of the operation may also emit greenhouse gasses. All of which are less than significant impact and are part of the baseline condition of the property.

<b>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>12</sup> Mendocino County General Plan, Pages 3-114 and 3-115

<b>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **Discussion A-B, No Impact:** The provisions in Government Code Section 65962.5 are commonly referred to as the “Cortese List”. The list, or a site’s presence on the list, has bearing on the local permitting process as well as on compliance with the California Environmental Quality Act (CEQA).<sup>13</sup> The Department of Toxic Substances Control (DTSC), under Government Code Section 65962.5(a), Section 65962.5(a)(1) requires that DTSC “shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following: ....(1) [a]ll hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code (“HSC”).”<sup>14</sup> The subject parcel is not designated on the “Cortese List” and no physical development is proposed as part of this application. Therefore, there will be no impact.
- c) **Discussion C, No Impact:** The project does not propose any activities that would emit any hazardous emissions or use any hazardous materials, thus there is no impact in this regard. The closest school is located roughly 0.42± miles southeast of the project site.
- d) **Discussion D, No Impact:** As noted in the discussion related to VIII Hazards and Hazardous Materials (a) and (b) above, the project site has not been identified as a hazardous materials site, thus there will be no significant hazard to the public or the environment in terms of exposure to on-site hazardous materials.
- e-f) **Discussion E-F, No Impact:** The proposed project is not located within designated areas of the County that are subject to the Mendocino County Airport Comprehensive Land Use Plan, the closest airport being Ukiah Municipal Airport, roughly 14± miles to the southwest, thus there are no concerns regarding airplanes or airstrips.
- g) **Discussion G, No Impact:** The proposed project takes access from Powerhouse Road (CR 248A) and allows for onsite parking, thus there will no physical interference with an emergency response or evacuation plan. Any future development of the parcel will be subject to review and approval by the California Department of Forestry and Fire Protection to ensure adequate access is provided to the parcel. Since the proposed project does not include any physical development there will be no impact.
- h) **Discussion H, Less Than Significant Impact:** The proposed project is located in a Very Low Density, Vegetated Wildland-Urban Interface Zone. The subject parcel is also located within an area identified as a Moderate Fire Hazard area, thus the impact is considered to be less than significant. Additionally, the Potter Valley Community Services District station is located 0.58± miles to the southeast. The proposed

<sup>13</sup> <https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/>

<sup>14</sup> <https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/>



project does not increase any potential concerns related to hazards from wildland fires than what exists today at the site. Arguably fire hazard and exposure of people to wildland fires may be considered reduced as the proposed project would reduce allowable residential density on the parcel.

<b>IX. HYDROLOGY AND WATER QUALITY.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a-l) **Discussion A-L, No Impact:** The current proposed General Plan amendment and Rezone will have no negative effects on the quality of water resources, groundwater supplies or recharge ability, or existing drainage patterns on the parcel. Nor can it be stated that the proposal would contribute to increased volume of or degradation in the quality of surface water through exceeding the capacity of manageable runoff. The County requires identification of “Best Management Practices” (BMP’s) on proposed development in the County as a method of monitoring and controlling surface runoff and, subjects all applicable projects to the National Pollutant Discharge Elimination System (NPDES) Phase II stormwater control permits. The main source of all groundwater in Mendocino County is rainfall. No new harvesting of surface water resources has been implemented since the construction of the Lake Mendocino and Van Arsdale reservoirs.<sup>15</sup> Therefore, the existing water resources in the County are valued and maintained as a natural asset. No new proposals, development or construction occurs within the County without a thorough vetting through the Environmental Health Department for sufficient and robust water sources that do not increase pollutant discharges into the systems.<sup>16</sup> “The most critical surface water quality problem in Mendocino County is sedimentation—the carrying of dust and soils into bodies of water. Major sources of sediment include erosion from barren or poorly vegetated soils, erosion from the toes of slides along stream channels, and sediments from roads. Manmade sources of sedimentation are a byproduct of current and historical land uses, including logging, agriculture, mining, processing of alluvial aggregate material, road construction and erosion from unpaved roads, and other development-related projects within the county.”<sup>17</sup>

*Policy RM-19: Promote the incorporation of project design features that will improve water quality by minimizing impervious surface areas, maximizing on-site retention of storm water runoff, and preserving existing vegetation to the extent possible. Examples include:*

- *Using Low Impact Development (LID) techniques.*
- *Updating the County’s Building Codes to address “green” building and LID techniques that can reduce pollution of runoff water, and promoting these techniques.*

*Policy RM-20: Require integration of storm water best management practices, potentially including those that mimic natural hydrology, into all aspects of development and community design, including streets and parking lots, homes and buildings, parks, and public landscaping.*

*Policy RM-21: Promote and support agricultural best management practices that protect or enhance surface and groundwater quality.*

*Policy RM-22: Support public and private programs to reduce water contamination and improve the water quality in county rivers and streams, specifically those which do not meet federal water quality standards.*

*Policy RM-23: The County shall work with other responsible regulatory agencies to prevent the discharge or threatened discharge of sediment from any activity in amounts deleterious to beneficial uses of the water.*

In addition to the State of California Department of Water Resources, the County also regularly consults with and requests direction from the North Coast Water Resources Control Board to aid in reviewing and regulating proposals that have the potential to affect water in the area. Currently, there are no mapped flood way or flood zones on the property. Additionally, the subject parcel is located in the inland portion of the county therefore, Inundation by seiche or tsunami waves would not be considered a hazard the subject parcel would be effected by. Since no physical development is proposed as part of this project and future development will be subject to all pertinent requirements of County Code there will be no impact to hydrology and water quality as a result of the project.

<sup>15</sup> Mendocino County General Plan, Pages 4-6 and 4-7

<sup>16</sup> Ibid, Policies RM-17 and RM-18

<sup>17</sup> Ibid, Page 4-7



m) **Discussion M, Less Than Significant with Mitigation Incorporated** In terms of affecting riparian habitats, aquatic resources or wetlands, Section IV, Discussions B and C of this Initial Study speak to the potential of the proposed project to these resources and have determined and expounded upon the indicated less than significant impact with mitigation measures incorporated.

<b><u>X. LAND USE AND PLANNING.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-c) **Discussion A-C, No Impact:** No physical bifurcation of established communities or conflict for existing communities, whether human or biotic, is expected to occur as a result of this change from Suburban Residential (SR 40K) zoning district to the Upland Residential zoning district with a Contract Rezone combining district (UR 20[CR]) and the General Plan designation of Remote Residential (RMR 20). The applicant indicated the rezone and general plan amendment are intended to continue an existing Cannabis Cultivation and Cannabis Facility Business, that would otherwise sunset (cease to be legally allowed to operate) under the current zoning district of Suburban Residential. The Cannabis operation is considered an agricultural use and is discussed previously. The Remote Residential (RMR 20) General Plan designation is intended to be applied to parcels: “[lands] 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.” In an environment surrounded by low density housing and agricultural operations taking place on surrounding parcels, the Remote Residential (RMR 20) general plan designation is more consistent with the lands current use than the previous Suburban Residential (SR) general plan designation. Furthermore, the parcel is designated as Prime Farmland. Prime Farmland is defined as: “Irrigated land with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This has the soil quality, growing season, and moisture supply needed to produce sustained high yields.” By maintaining a Suburban Residential (SR) general plan designation, the subject parcel is exposed to potential conversion of prime farmland. Suburban Residential (SR 40K) would theoretically allow the site to be subdivided and twenty (20) primary units and twenty (20) accessory dwelling units constructed after subdivision. According to the resource management chapter of the general plan:

*Policy RM-102: The County will work to protect important farmlands under the State Farmland Mapping and Monitoring Program.*

*Policy RM-104: Support the diversification and expansion of the agricultural economic base.*

Therefore, lands with the designation of Prime Farmland are to be maintained and protected due to the agricultural resources they produce. By supporting the change in zoning and general plan designations, the County will be taking proper steps towards preserving said Prime Farmland. Additionally, according to Mendocino County Code (MCC) section 20.056.005: “[Upland Residential] district is intended to create and enhance farming and low-density agricultural/residential uses [...]”. By changing the zoning designation from Suburban Residential (SR 40K) to Upland Residential with a Contract Rezone combining district (UR 20[CR]), the potential for protection of important farmland and a diversified agricultural business will be much greater. The new zoning designation would propose a housing density

more appropriate to the current land uses, promote more agricultural land-uses, and maintain the pre-designated Prime Farmland mapping designation. Additionally, the project will be compliant with the Potter Valley Community Planning Area Community –Specific Goals and Policies:

*Goal CP-PV-1: Expand economic opportunities in Potter Valley consistent with the desired rural character of the valley.*

*Policy CP-PV-6: Planned land uses in Potter Valley should accommodate expansion of commercial, light industrial and resources uses to meet the needs of local residences and businesses.*

*Policy CP-PV-7: The County supports the expansion and diversification of agricultural operations, including orchards, grazing lands and vineyards.*

The proposed project would rezone a site that would, in addition, allow for a continued diversified agricultural business. The property would be providing commercial enterprise that would otherwise cease to exist. In addition, the opportunity for further expansion of the ongoing cannabis operation is also available to the applicant through the proposed updates. This would provide opportunities of business expansions, further diversification of agricultural operations, and maintain the rural character of Potter Valley through limiting housing allowances by changing the zoning and general plan designations.

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

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

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

*Action Item RM-66.1: Restrict development that conflicts with the extraction of important mineral deposits when maps become available for the State Geologist under California Surface Mining and Reclamation Act.<sup>18</sup>*

There are no known mineral resources located within the project area that would be impacted by the proposed project or lose their availability. Therefore there will be no impact.

<sup>18</sup> Mendocino County General Plan Page 4-45



<b>XII. NOISE.</b> <b>Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-f) **Discussion A-F, No Impact:** Per the County General Plan, “Noise policies are intended to protect county communities from excessive noise generation from stationary and non-stationary sources. Land uses would be controlled to reduce potential for incompatible uses relative to noise. Residential and urban uses will be restricted near agriculture lands to prevent incompatible uses being placed near inherently noisy agricultural operations. Noise-sensitive environments, including schools, hospitals, and passive recreational use areas, would be protected from noise-generating uses. Structural development would be required to include noise insulation and other methods of construction to reduce the extent of excessive noise.”<sup>19</sup> The implementation of the proposed general plan amendment and rezone will allow continuation of the current cannabis related operations being conducted on-site. The cannabis activities at the site are existing conditions within the County and noise levels are not expected to experience a substantial increase as a result of the current proposal. Appendix C of the Mendocino County Zoning Code, Division I lists adopted allowable noise limit standards for residential and public land use categories.<sup>20</sup> These standards and the associated levels not to be exceeded for a sustained period of time are echoed in the County General Plan through Tables 3-J, 3-K and 3-L.<sup>21</sup> The proposed Rezone and General Plan Amendment will have no impact on the current noise levels currently admitted on-site. Future development will still be held to standards set forth in the Mendocino County General Plan.

<b>XIII. POPULATION AND HOUSING.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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<sup>19</sup> Mendocino County General Plan, Page 3-10

<sup>20</sup> Mendocino County Zoning Code, Division I, Appendix C

<sup>21</sup> Mendocino County General Plan, Pages 3-90 to 3-93

<b>XIII. POPULATION AND HOUSING.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-c) **Discussion A-C, No Impact:** The proposed General Plan Amendment and Rezone still allows a Single-Family residence and an Accessory Dwelling Unit. Currently, there is only a Single-Family Residence on the property. By updating the Zoning and General Plan Designation to a lower housing density, there will be no net loss of existing housing; however, potential for additional parcels to be created through subdivision is reduced as a result of the project. There will be no direct or indirect population growth via extension of infrastructure. Additionally, there will be no displacement of population via the proposal. Therefore there is no impact to population and housing as a result of the project.

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

a) **Discussion A, No Impact:** There is not anticipation to be a discernable level of development significant enough to impact existing, or trigger the construction of new governmental facilities or expansion of services. General Plan Action Item DE-209.2 states, "Update the emergency response plan on a regular basis to keep pace with the growing population and emergency service capabilities."<sup>22</sup> This action item is related to Development Policy 209, which requires critical infrastructure be located and designed to withstand and operate during hazard and recovery events. In a similar fashion, General Plan Development Policy 210, states, "Development shall not hinder the maintenance and use of routes and sites critical to evacuation, emergency operations and recovery."<sup>23</sup> It is anticipated that emergency response times, as well as the availability of services typical of residential locations will remain at their

<sup>22</sup> Mendocino County General Plan, Page 3-111

<sup>23</sup> Ibid, Page 3-111



current levels. Should service demands increase to palpable levels, there would be an updated assessment of existing emergency response capabilities that could potentially lead to changes in operational plans or eventually a relocation or designation of a public facility in the extreme instance of such increases.

<u><b>XV. RECREATION.</b></u>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) **Discussion A and B, No Impact:** There is no potential for increased usage of existing neighborhood parks and recreational facilities as a result of implementation of the proposed General Plan Amendment and Rezone. Additionally, the proposed changes will not accelerate the deterioration of existing recreational opportunities such that it rises to levels considered significant. Residential density will be decreased as a result of the project; therefore, the project will actually lessen the future potential impacts on recreational facilities and no expansion of existing facilities will be required as a result of the project.

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

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a-f) **Discussion A-F, No Impact:** The proposed project is located in a rural area in the county, on the east side Potter Valley Road (CR 248), which is the main thoroughfare. Both local and regional traffic utilize the roadway, with a fair amount of traffic being residential and agricultural uses. The proposed Rezone and General Plan Amendment is unlikely to add more intensive use of West Side Potter Valley Road (CR 248) than already exists. Comments received from jurisdictional agencies indicate no identifiable issues as a result of project approval and completion. There are no identified congestion management programs that would be violated by the proposed project, thus there are no impacts with regards to these concerns. The project does not entail any obstructions to emergency access. Additionally, the proposed project would not alter any movement patterns, nor increase traffic hazards to others within the surrounding area.

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

a-b) **Discussion A and B Less Than Significant with Mitigation Incorporated:** The County of Mendocino has eight sites that appear on State or National Historic Registers, but innumerable other sites of regional importance related to the heritage of Native American people.<sup>24</sup> Chapter 22.12 of the Mendocino County Zoning Code pertains to Archaeological Resources, including resources related to First Peoples ancestral sites and artifacts. Section 22.12.040 establishes an Archaeological Commission with the intent of vetting development applications for potential significance. The standard “discovery clause” is applied through Division IV, Section 22.12.090.<sup>25</sup> These are existing regulations, the County being Lead Agency with jurisdiction over maintaining adherence to adopted thresholds. The project was referred to the

<sup>24</sup> Mendocino County General Plan, Pages 3-19 to 3-20

<sup>25</sup> Mendocino County Zoning Code, Division I, Chapter 22.12



Archaeological Commission for adherence with state and county code. Although the applicant submitted an Archaeological Survey, it was the determination of the commission that: *“If an Accessory Dwelling Unit is proposed, the propose site is conditioned to supply a new Archaeological Survey to Archaeological Commission from a certified Archaeologist.”* This recommended condition has been included as part of the proposed Contract Rezone combining district that would be applied to the Upland Residential zoning district. Within incorporation of the proposed mitigation measure, impacts will be less than significant.

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

a-g) **Discussion A-G, No Impact:** Mendocino County Department of Environmental Health has identified a deficit in wastewater infrastructure as a County-wide issue that results in constrained development in certain areas.<sup>26</sup> The guiding principles of the Zoning Code and General Plan land use designations are the primary rubrics through which growth is managed. As a largely rural and unincorporated County, Mendocino relies heavily on a patchwork system of water connections, both public and private, as well as a handful of waste transfer stations. The Mendocino Solid Waste Management Authority, formed in 1990, serves as a consortium of entities, with a commitment to implementing especially the California Integrated Waste Management Act of 1989 (AB 939). Since 2004, the County has complied with the specifics of the Act, including permitting and maintaining jurisdiction over several recycling facilities and at least one composting site. The goal of AB 939 was to set benchmarks for each jurisdiction for diversion of waste instead of landfill disposal. In addition to meeting or exceeding the goals identified by the Act, the County has mandated development policies for new connections.

*Policy DE-190: Development of residential, commercial, or industrial uses shall be supported by water supply and wastewater treatment systems adequate to serve the long-term needs of the intended density, intensity, and use.*<sup>27</sup>

<sup>26</sup> County of Mendocino General Plan, Page 3-22

<sup>27</sup> County of Mendocino General Plan, Page 3-107

Any resulting new construction would be beholden to current restrictions and regulations regarding water and wastewater connections, per the above development policy. All proposals for development are required to be vetted for compliance with standards and policies through the County Department of Environmental Health.

<b><u>XIV. MANDATORY FINDINGS OF SIGNIFICANCE.</u></b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **Discussion A, Less Than Significant with Mitigation Incorporated:** As noted in previous sections, the proposed project is a Contract Rezone where mitigation measures are necessary to ensure that the proposed project has a less than significant impact on the quality of the environment and it would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, nor would the project eliminate important examples of the major periods of California history or prehistory. The mitigation measures are in response to concerning impacts to a recognized protected species (*oak titmouse*) and the potential presence of recognized plant based species (*Mayacamas popcornflower* and *Baker's navarretia*). However, with recommended mitigation measures, the impact would be considered to be less than significant. In addition, the Archaeological Commission determined the subject site has the potential for archaeological findings. Due to such potential, a mitigation measure will be implemented on any Accessory Dwelling Units in order to reduce the concern on the site to less than significant. The project can be deemed to qualify for a mitigated negative declaration, as the impacts are cumulatively and individually registering below impacts that would be considered significant under CEQA.

b-c) **Discussion B and C, No Impact:** Due to the recently adopted Adult-Use Cannabis Cultivation Ordinance, the subject property would otherwise lose cannabis cultivation rights that have been historically afforded to the property owner. The new land use designations and parameters are proposed to allow for continuation of the existing cannabis cultivation and cannabis facilities. The impacts anticipated and discussed in this Initial Study do not rise to a level of significance nor do they collectively result in impacts which cannot be thoroughly reviewed through county code. As discussed, no anticipated degradation to the populace, entities, and established thresholds for sensitive biotic communities or infrastructure has been identified as a result of implementation of the proposed new zoning district and associated new land use classification.

**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.

9/27/2019

DATE



MIO MENDEZ  
PLANNER I