



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

BRENT SCHULTZ, DIRECTOR
TELEPHONE: 707-234-6650
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December 16, 2020

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

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator, at its regular meeting on Thursday, January 14, 2021 at 1:30 p.m. will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: U_2019-0025

DATE FILED: 10/3/2019

OWNER: H20 PROJECTS LLC

APPLICANT: DWIGHT ALLAN HARRIS, JR.

REQUEST: Minor Use Permit to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy and a nursery of no more than 12,000 sq. ft. of immature canopy within separate structures per Mendocino County Code Sections 20.242.040 (C)(1)(c) and 20.242.040(B).

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: 4.4± miles southeast of Fort Bragg town center, lying on the north side of Highway 20 (SH 20), 1.6± miles northwest of its intersection with Road 350 (private), located at 27972 Highway 20, Fort Bragg, APN: 020-422-26.

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: MARK CLISER

The staff report, Draft Negative Declaration, and notice will be available 21 days before hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>.

Your comments regarding the above project and/or the Draft Negative Declaration are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by January 13, 2021 or orally via telecomment in lieu of personal attendance. All public comment will be made immediately available to the Zoning Administrator, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>.

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limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

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

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

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December 16, 2020

FBPBS
Department of Transportation
Environmental Health - Fort Bragg

CalFire – Prevention
CalFire – Resource Management
Department of Fish and Wildlife

Native Plant Society
RWQCB
Mendocino Fire Protection District

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RESPONSE DUE: January 13, 2021

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December 16, 2020

TO: Ft. Bragg Advocate News
FROM: James F. Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on December 24, 2020 in the Legal Notices Section of the Ft. Bragg Advocate News.

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BRENT SCHULTZ, Director of Planning and Building Services



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

**JANUARY 14, 2021
U_2019-0025**

OWNER: H2O PROJECTS, LLC
18601 N. HWY 1, PMB 110
FORT BRAGG, CA 95437

APPLICANT: DWIGHT ALLAN HARRIS, JR.
18601 N. HWY 1, PMB 110
FORT BRAGG, CA 95437

REQUEST: Minor Use Permit to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy and a nursery of no more than 12,000 sq. ft. of immature canopy within separate structures per Mendocino County Code Sections 20.242.040 (C)(1)(c) and 20.242.040(B).

LOCATION: 4.4± miles southeast of Fort Bragg town center, lying on the north side of Highway 20 (SH 20), 1.6± miles northwest of its intersection with Road 350 (Private), located at 27972 Highway 20, Ft. Bragg, APN: 020-422-26.

TOTAL ACREAGE: 10.1± Acres

GENERAL PLAN: Forest Land (FL160)

ZONING: Timber Production (TP:160)

SUPERVISORIAL DISTRICT: 4th District (Gjerde)

ENVIRONMENTAL DETERMINATION: Negative Declaration

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: MARK CLISER

PROJECT DESCRIPTION: The Applicant is requesting a Minor Use Permit to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy and a nursery (Type 4: Nursery) of no more than 12,000 sq. ft. of immature canopy within separate structures per Mendocino County Code Sections 20.242.040 (C)(1)(c) and 20.242.040(B). At this time, the Applicant is under review for 10,000 sq. ft. of mixed light cultivation. At no time, however, shall mature canopy exceed 10,000 sq. ft. within indoor and mixed light combined. The Applicant is proposing to demolish four (4) existing greenhouse structures and construct one (1) 120' by 36' storage / indoor cultivation building, a 90' by 84' three bay greenhouse for mixed light and nursery, a 30' by 84' processing / administration building, and install two (2) 5,000 gallon water storage tanks. Three (3) storage containers currently used for curing will be relocated and remain on-site.

BACKGROUND: The California Timberland Productivity Act of 1982 (California Government Code Section 51100-51104) is intended to maintain the limited supply of timberland to ensure its current and continued availability for the growing and harvesting of timber and compatible uses, and to discourage premature or unnecessary conversion of timberlands to urban and other uses. Section 51104(g) of the Act states that a Timberland Protection Zone (TPZ) is devoted to and used for growing and harvesting timber,

or for growing and harvesting timber and compatible uses, defined as “any use which does not significantly detract from the use of property for, or inhibit, growing and harvesting timber.”

As defined in PRC Section 4526, “Timberland means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species are determined by the Board of Forestry and Fire Protection on a district basis.” PRC Section 12220(g) defines forested land as land that can support ten percent native tree cover of any species. Similar to other remote cannabis cultivation sites in unincorporated Mendocino County, a historical impact exists from previously established cultivation sites in the TPZ Districts under private ownership. These impacts are considered an existing condition and part of the project baseline. In order to prevent future conversion of forestry resources a Mitigation Measure (AG-4) was included under the County’s cannabis regulations which prohibits removal of any commercial tree species (as defined by CAL FIRE) and the removal of any true oak species or Tan Oak for the purposes of developing a cannabis cultivation site.

SITE CHARACTERISTICS: The 10.1± acre project site is comprised on one (1) Assessor Parcel and is located 4.4± miles southeast of Fort Bragg town center, lying on the north side of Highway 20 (SH 20), 1.6± miles northwest of its intersection with Road 350 (Private), located at 27972 Highway 20 (APN: 020-422-26). The parcel is predominately forested with a previously cleared and graded area. The Site is accessed directly from Road 350 (Private), which subsequently connects with Highway 20.

The parcel is currently developed with an approximately 2,000 square foot graded permeable “lower” area to the north, and an approximately 5,750 square foot graded “upper” area to the south. Structures on-site include four (4) 960 square foot greenhouses used for cultivation, two (2) modified 380 square foot storage containers used for clones and agricultural product storage, three (3) 380 square foot storage containers used for curing and drying, processing, and packaging, one (1) 380 square foot storage container used an administration area, one (1) 380 square foot storage container used for storage, two (2) 2,500 gallon water storage tanks, a 100 square foot locked area for composting plant matter, two (2) 500 gallon propane tanks, and a 8,000 watt gas powered back-up generator. The Project Site has been in operation for four (4) years and is currently under review by Mendocino County Cannabis Division for ‘Phase 1’ cannabis cultivation permits. The parcel is currently served by an existing well and septic. Electricity to the site is provided by Pacific Gas and Electric Company (PG&E) and propane is delivered as required.

Elevations at the site range from 612 feet above mean sea level (amsl) at the northern boundary to 606 feet amsl at the southern boundary, with an average slope of approximately 4 percent.¹ The majority of the site is located within a mapped “Moderate Fire Hazard” zone, with approximately 16,000 square feet of the southwest corner within a mapped “High” zone. The parcel is within a California Department of Forestry and Fire Protection (CALFIRE) responsibility area. However, the Fort Bragg Rural Fire District is the nearest local fire agency.

The nearest watercourse is Hayshed Gulch, located approximately 2,380 feet west of the project site. A review of California Natural Diversity Database indicates occurrences of special status species on the subject property. There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped.²

RELATED APPLICATIONS:

- BF_2019-0265 ("HIGH BARN" COMM. DRYING SHED STRUCTURE)
- BF_2019-0132 (6 BAY GREENHOUSE ON FOOTPRINT OF 3 CURRENT GH)
- BF_2018-1191 (COMMERCIAL PANEL FOR 4 GREENHOUSES (SEE 18-0951/53/54/55))
- BF_2018-1038 (CURING & DRYING BUILDING)
- BF_2018-0955 (960 SQ FT GREENHOUSE #4)
- BF_2018-0954 (960 SQ FT GREENHOUSE #3)

¹ Google Earth Maps. July 23, 2018.

² Mendocino County Department of Planning and Building Services. 2017. *Natural Diversity Database*

- BF_2018-0953 (960 SQ FT GREENHOUSE #2)
- BF_2018-0951 (960 SQ FT GREENHOUSE #1)
- BF_2018-0950 (NEW METAL CONTAINER)
- AG_2017-0662 (CANNABIS PERMIT TYPE 2B – LARGE MIXED LIGHT)
- AG_2019-0185 (CANNABIS PERMIT TYPE 4 - NURSERY)
- AP_2018-0049 (CULTIVATION IN TIMBER LAND PRODUCTION ZONE)
- CFBL_2018-0031 (CANNABIS MICROBUSINESS)

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified zoned either Timber Production or Forest Land. Parcels to the north and south are developed with residential uses and accessory structures and feature similar clearings as the subject parcel.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Forestland FL160	Timber Production TP:160	20± Acres	Residential
EAST	Forestland FL160	Timber Production TP:160	28.25± Acres	Institutional
SOUTH	Forestland FL160	Forestland FL:160	20± Acres	Residential
WEST	Forestland FL160	Timber Production TP:160	120± Acres	Institutional

PUBLIC SERVICES:

Access: ROAD 350 (PRIVATE)
 Fire District: CALFIRE
 Water District: NONE
 Sewer District: NONE

AGENCY COMMENTS: On November 6, 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 and incorporated within the attached resolution. A summary of the submitted agency comments are listed below. A summary of the submitted agency comments are listed below:

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comments
Planning (Fort Bragg)	No Comments
Environmental Health	Comments
Building Inspection	Comments
CalFire (Land Use)	No Comments
CalFire (Resource Management)	No Response
Air Quality Management District	Comments
CDFW	No Response
Sherwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sonoma State University	Comments
Archaeological Commission	Comments

RESPONSE TO COMMENTS

- **Environmental Health:** *“ST25227 is issued but not finalized. WW20684 finalized”*
- **Building:** *“Any structure to be used for the purpose of indoor cultivation must be approved and permitted prior to occupancy”*
- **Air Quality Management District:** *Various comments. See Attachment H.*
- **Sonoma State University:** *Recommended qualified archaeologist conduct further archival and*

field study to identify cultural resources.

KEY ISSUES:

1. **General Plan and Zoning Consistency:** The subject parcel is located within the Forest Land, 160 acre minimum parcel (FL160) Land Use Classification under the General Plan and is zoned Timberland Production, 160 acre minimum parcel (TP:160).

According to the General Plan, the FL Land Use Classification “...is intended... to be retained for the growing, harvesting and production of timber and timber-related products.” General Uses in FL160 include agricultural uses. While the proposed project does not entail the growing and harvesting of timber, the majority of the parcel will remain undeveloped and allow for the continued growth of timber. The proposed indoor cannabis cultivation is small and will not make the subject parcel unusable for timber activities.

The Timberland Production zoning designation is intended to be applied “to areas of the County which because of their general soil types, location and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products”. As with the General Plan designation, the majority of the subject parcel will remain undeveloped and allow for the continued growing, harvesting, and production of timber and timber related products.

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

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

The project would facilitate the permitting of an existing indoor cannabis cultivation site. Cannabis cultivation is allowed within the Forest Land (FL) general plan designation. With the inclusion of the recommended conditions of approval, the project is found consistent with Mendocino County policies for cannabis cultivation, and in conformance with the Mendocino County General Plan.

B. *That adequate utilities, access roads, drainage and other necessary facilities have been and are being provided;*

The proposed project has connections to existing water and septic systems that will be used for the operation. Agency conditions require that the applicant work with the Mendocino County Department of Environmental Health and Building Inspection to obtain any required permits or approvals. The site features a well and septic. The applicant is required to contact Environmental Health for additional permitting of the septic system. With the incorporation of agency conditions, this finding can be made. Access to the site is provided via driveways in the eastern boundary of the site.

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

Given that the development proposed will be replacing existing development; that the cultivation is conducted within structures to allow for better mitigation of smell and light concerns; that the applicant has previously operated in a similar capacity with regards to cultivation; and that all setbacks for cultivation activities meet or exceed the requirements as identified by Mendocino County Code Section 10A.17.040(6)(a); and with the incorporation of agency conditions, this finding can be made.

D. *That such use preserves the integrity of the zoning district.*

Through granting a Use Permit to authorize the proposed cannabis cultivation site per Section 20.242.040(B) of the Mendocino County Code (MCC), and as conditioned, the project would be in conformance with the Timberland Production (TPZ) zoning district and would not undermine the integrity of the zoning district. Staff finds the existing and proposed cultivation areas and appurtenant structures to support the cannabis cultivation are permitted accessory buildings within the Timberland Production zoning land use classification. The existing and proposed use is consistent with the intent of the Timberland Production zoning classification and all associated development and performance criteria. With compliance with the conditions of approval, Staff finds the cannabis cultivation, proposed appurtenant structures, and associated utilities would satisfy all development requirements for the Timberland Production district. Additionally, per MCC Sec. 20.068.030 - Special Provisions, a specific finding must be made to demonstrate the proposed use is compatible with the growing and harvesting of timber and timber products. As discussed in Key Issue No. 1, the majority of the subject parcel will remain undeveloped and allow for the continued growing, harvesting, and production of timber and timber related products. The proposed project will not interfere or adversely affect continued growing, harvesting, and production of timber and timber related products. Section 10A.17.040(K) prohibits removal of any commercial tree species. No tree removal is required for the proposed project. The area in which cultivation is to take place has been cleared using a legal three acre conversion (CalFire No. 298.18). No expansion of existing use is requested. As such, the Special Provision finding per MCC Sec. 20.068.030 can be made.

3. **Environmental Protection:** Staff has completed an Initial Study for the project. As a result, a Negative Declaration was prepared. While Staff recommends several avoidance and minimization conditions in this Staff report, none of the recommended conditions constitute mitigation necessary to reduce potentially significant impacts to less than significant levels as defined in CEQA. Staff finds that the project, as proposed, has a less than significant impact on the environment and thus recommends adoption of a Negative Declaration.
4. **Cultural Resources:** The application was referred to the Northwest Information Center at Sonoma State University, which found moderate potential for unrecorded Native American resources in the proposed project area. An Archaeological Survey was prepared by the Applicant and accepted by the Mendocino Archeological Commission on August 12, 2020. While no further study for archaeological resources is recommended, Mendocino County General Plan Chapter 3 Development Element includes policies related to cultural resources. Both Policy DE-115 and Mendocino County Code Chapter 22.12 (Archaeological Resources) include provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC §22.12.050 – 22.12.100). Staff finds the proposed project would have no adverse impacts on any known archaeological or paleontological resources. A Standard Condition is recommended by staff and advises the Applicant of the County's "Discovery Clause," which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or excavation activities, in accordance with County Code Sections 22.12.090 and 22.12.100.
5. **Administrative Permit (AP_2018-0049) Findings:** The proposed project has met the required Administrative Permit findings for cultivation in a Timberland Production zone set forth in Mendocino County Code Section 20.192.025(A)(1) and Chapter 20.242.

RECOMMENDATION

By resolution, the Zoning Administrator adopt a Negative Declaration, and grant the Use Permit U_2019-0025 for the Project, as proposed by the Applicant, based on the facts and findings and subject to the Conditions of Approval.

12-15-2020

DATE



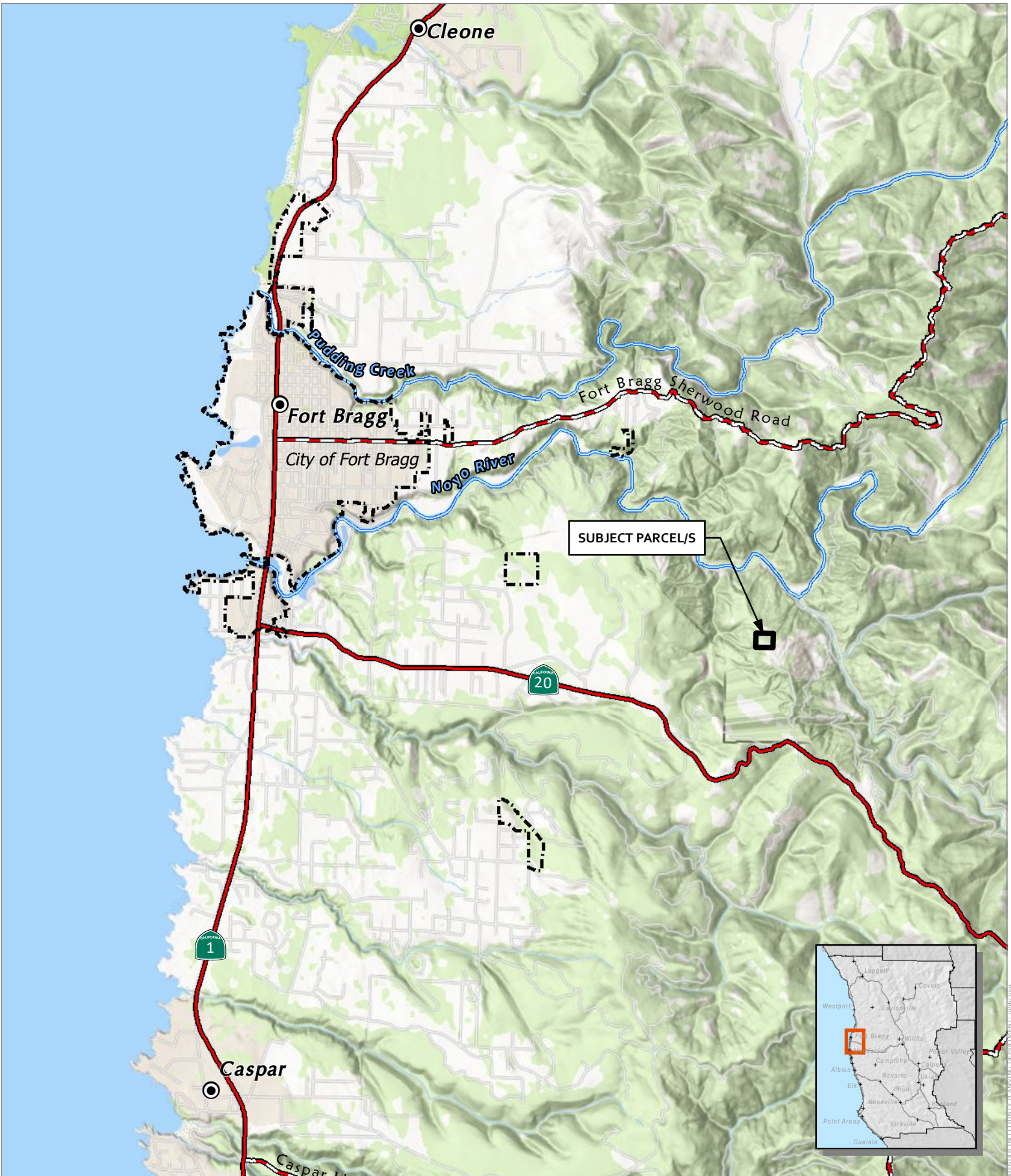
MARK CLISER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

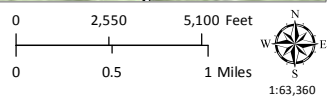
- A. Location Map
- B. Site Plan
- C. Aerial Imagery
- D. Zoning Display Map
- E. General Plan Classifications
- F. Adjacent Parcels
- G. Local Soils Map
- H. AQMD Comments
- I. Vehicle Miles Traveled Results

RESOLUTION AND CONDITIONS OF APPROVAL: (Exhibit A)
INITIAL STUDY / NEGATIVE DECLARATION



CASE: U 2019-0025
 OWNER: H2O Projects, LLC
 APN: 020-422-26
 APLCT: Dwight Allan Harris, Jr.
 AGENT:
 ADDRESS: 27972 W. Highway 20, Fort Bragg

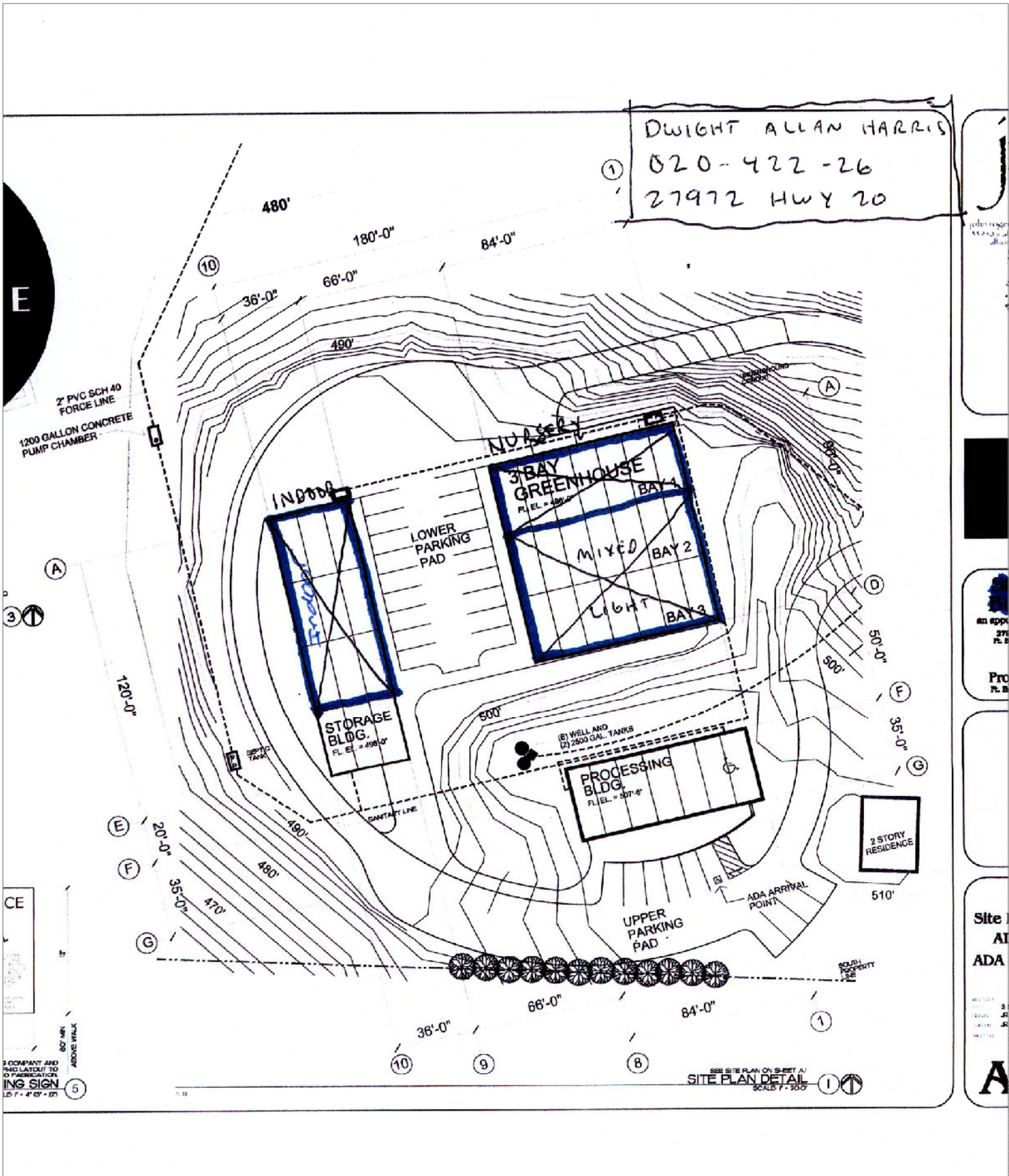
- Major Towns & Places
- City Limits
- Major Rivers
- Highways
- Major Roads



LOCATION MAP

ATTACHMENT A

MENDOCINO COUNTY PLANNING DEPARTMENT 10/06/2019



CASE: U 2019-0025
 OWNER: H2O Projects, LLC
 APN: 020-422-26
 APLCT: Dwight Allan Harris, Jr.
 AGENT:
 ADDRESS: 27972 W. Highway 20, Fort Bragg

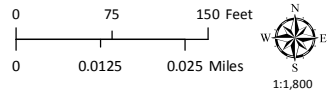
NO SCALE


SITE PLAN

ATTACHMENT B

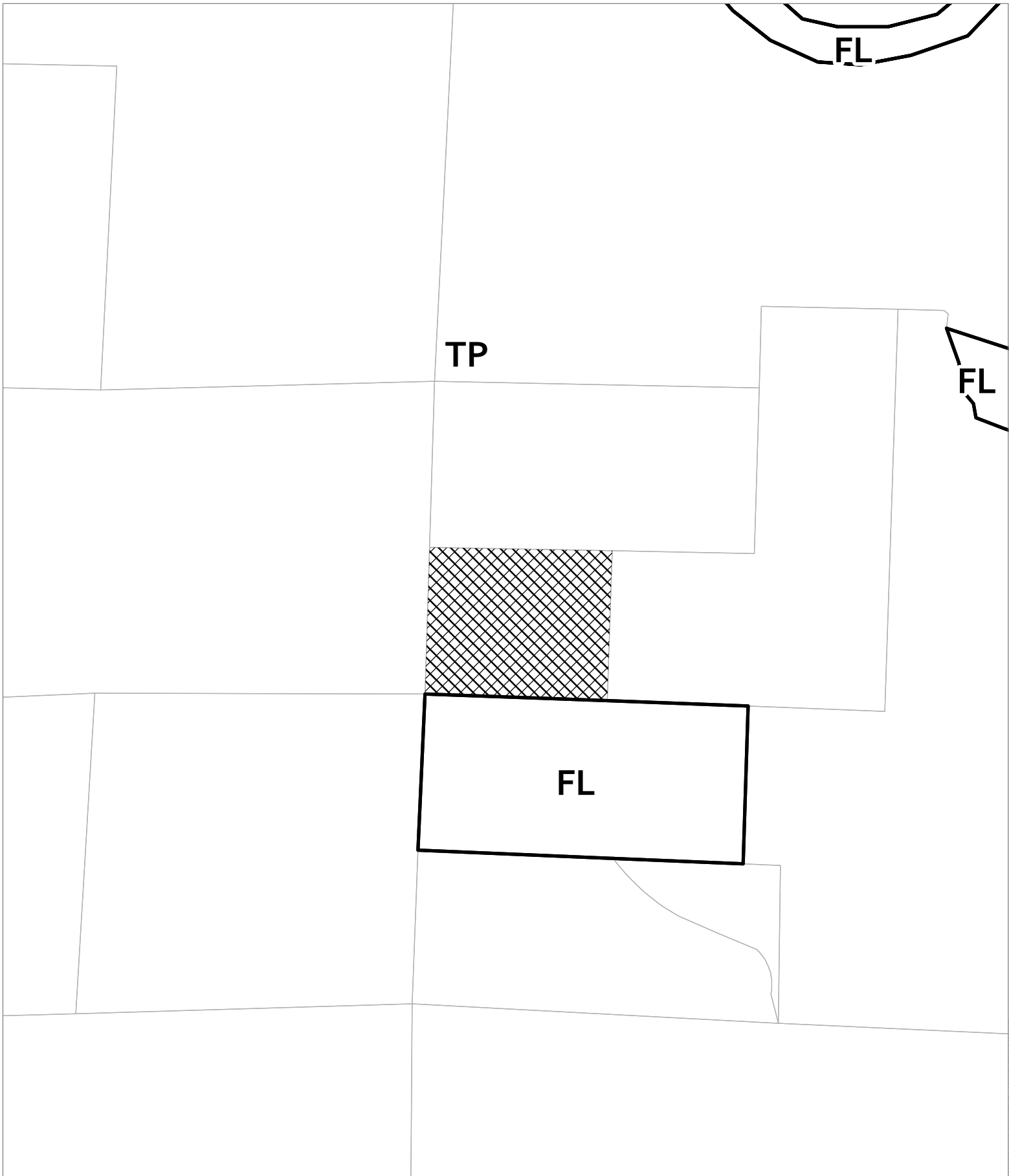


CASE: U 2019-0025
OWNER: H2O Projects, LLC
APN: 020-422-26
APLCT: Dwight Allan Harris, Jr.
AGENT:
ADDRESS: 27972 W. Highway 20, Fort Bragg



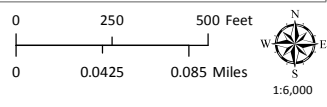
 Cannabis Cultivation Sites

AERIAL IMAGERY
ATTACHMENT C



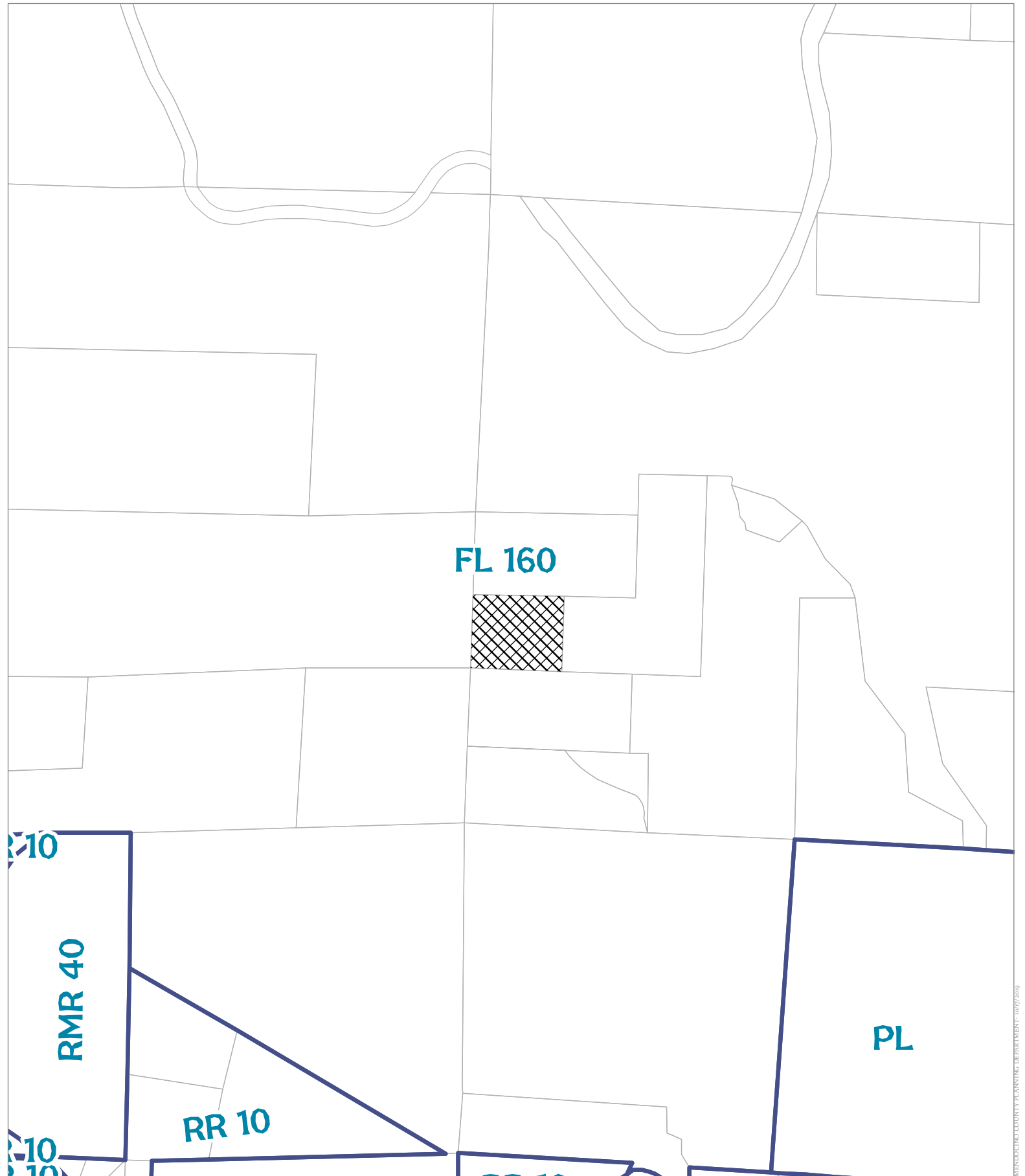
CASE: U 2019-0025
 OWNER: H2O Projects, LLC
 APN: 020-422-26
 APLCT: Dwight Allan Harris, Jr.
 AGENT:
 ADDRESS: 27972 W. Highway 20, Fort Bragg

 Zoning Districts




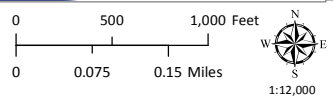
ZONING DISPLAY MAP
 ATTACHMENT D

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/27/2019



CASE: U 2019-0025
 OWNER: H2O Projects, LLC
 APN: 020-422-26
 APLCT: Dwight Allan Harris, Jr.
 AGENT:
 ADDRESS: 27972 W. Highway 20, Fort Bragg

 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

ATTACHMENT E

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/07/2019

020-421-18
REDWOOD LYME
TP 160 139 A±

020-422-10
REDWOOD LYME
TP 160 364.2 A±

020-422-24
STEVEN SEVERI
27966 WE HWY 20
TP 160 20 A±

020-421-04
REDWOOD LYME
TP 160 120 A±

020-422-26
PROJECTS H2O
27972 WE HWY 20
TP 160 10.11 A±

020-422-25
LESTER LITTLE
27960 WE HWY 20
TP 160 28.25 A±

020-422-04
DAVID BORSON
27978 WE HWY 20
FL 160 20 A±

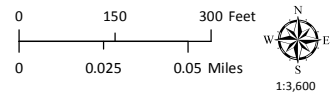
020-421-08
ROGER BURCH
TP 160 40 A±

020-422-27
TIMOTHY ANDERSON
27954 WE HWY 20
TP 160 63.67 A±

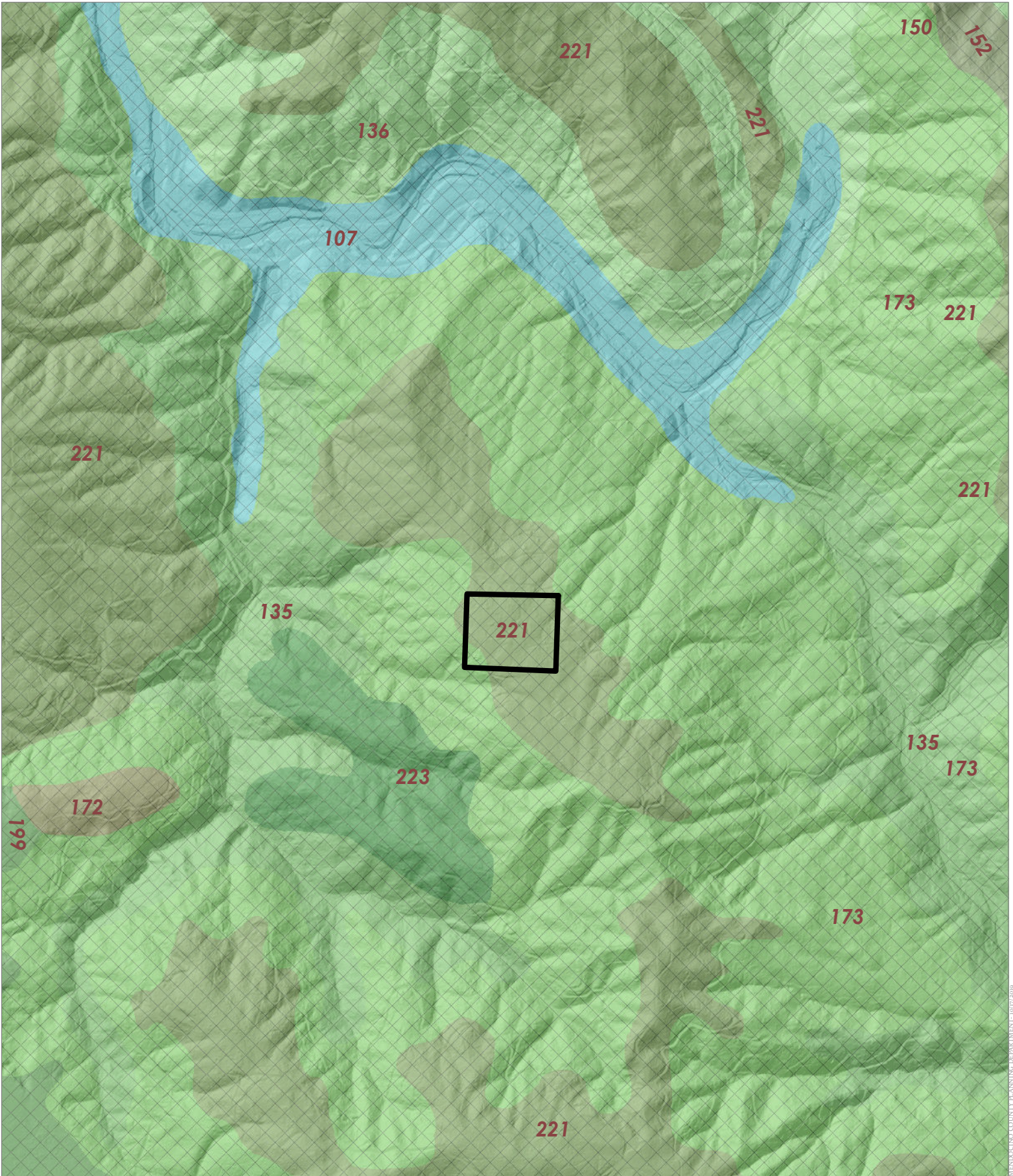
020-422-28
JOEL DEVERS
27984 WE HWY 20
TP 160 3 A±

020-422-05
ROGER BURCH
TP 160 20 A±

CASE: U 2019-0025
OWNER: H2O Projects, LLC
APN: 020-422-26
APLCT: Dwight Allan Harris, Jr.
AGENT:
ADDRESS: 27972 W. Highway 20, Fort Bragg

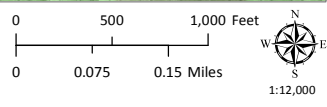


ADJACENT PARCELS
ATTACHMENT F



CASE: U 2019-0025
 OWNER: H2O Projects, LLC
 APN: 020-422-26
 APLCT: Dwight Allan Harris, Jr.
 AGENT:
 ADDRESS: 27972 W. Highway 20, Fort Bragg

 Bishop Pine



WESTERN SOIL CLASSIFICATIONS
 ATTACHMENT G

MENDOCINO COUNTY PLANNING DEPARTMENT 10/17/2019



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
 860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
 120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

BRENT SCHULTZ, DIRECTOR
 TELEPHONE: 707-234-6650
 FAX: 707-463-5709
 FB PHONE: 707-964-5379
 FB FAX: 707-961-2427
 pbs@mendocinocounty.org
 www.mendocinocounty.org/pbs

November 6, 2019

R E C E I V E D

NOV 07 2019

Planning – Fort Bragg
 Department of Transportation
 Environmental Health - Fort Bragg
 Building Inspection - Fort Bragg
 Air Quality Management

Archaeological Commission
 Sonoma State University
 CalFire – Prevention
 CalFire – Resource Management
 Department of Fish and Wildlife
 Cloverdale Rancheria
 Redwood Valley Rancheria
 Redwood Valley Band of Pomo Indians
MENDOCINO COUNTY
AIR QUALITY
MANAGEMENT DISTRICT

CASE#: U_2019-0025

DATE FILED: 10/3/2019

OWNER: H2O PROJECTS LLC

APPLICANT: DWIGHT ALLAN HARRIS, JR.

REQUEST: Minor Use Permit to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy and a nursery of no more than 12,000 sq. ft. of immature canopy within separate structures per Mendocino County Code Sections 20.242.040 (C)(1)(c) and 20.242.040(B).

LOCATION: 4.4± miles southeast of the City of Fort Bragg center, lying on the north side of State Highway 20 (SH 20), 1.6± miles northwest of its intersection with Road 350 (Private), located at 27972 W. Highway 20 (APN: 020-422-26).

ENVIRONMENTAL DETERMINATION: Categorically Exempt

37001

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: MARK CLISER

RESPONSE DUE DATE: November 20, 2019

PROJECT INFORMATION CAN BE FOUND AT:

<https://www.mendocinocounty.org/government/planning-building-services/public-agency-referrals>

Mendocino County Planning & Building Services is soliciting your input, which will be used in staff analysis and forwarded to the appropriate public hearing. You are invited to comment on any aspect of the proposed project(s). Please convey any requirements or conditions your agency requires for project compliance to the project coordinator at the above address, or submit your comments by email to pbs@mendocinocounty.org. Please note the case number and name of the project coordinator with all correspondence to this department.

We have reviewed the above application and recommend the following (please check one):

- No comment at this time.
- Recommend conditional approval (attached).
- Applicant to submit additional information (attach items needed, or contact the applicant directly, copying Planning and Building Services in any correspondence you may have with the applicant)
- Recommend denial (Attach reasons for recommending denial).
- Recommend preparation of an Environmental Impact Report (attach reasons why an EIR should be required).
- Other comments (attach as necessary).

Please see attached.

REVIEWED BY:

Signature Ronda Gott, AQT

Department AQMD

Date 11-18-2019

response emailed 11/18/19

ATTACHMENT H

Mendocino County Air Quality Management District
Planning Referral or Building Permit Application Response
Project # U 2019-0025 Harris - H2O Projects 37001

The District's response to the above project is indicated by the items checked below:

Projects Subject to Permitting by the Air Quality Management District:

- This project may be subject to District Regulation 1 regarding air quality permits for stationary sources of emissions. The applicant is required to obtain an Authority to Construct permit from the District prior to beginning construction and/or installation of any equipment that emits or controls emissions or air contaminants, including odors.
- The Applicant currently holds a valid Air Quality Permit to Operate. The applicant is required to obtain an Authority to Construct permit from the District prior to beginning any modifications to the operation.

Diesel Engines – Stationary and Portable Equipment and Mobile Vehicles:

- ◆ Any stationary onsite diesel IC engines 50 horsepower or greater (i.e. large power generators or pumps) or any propane or natural gas engines 250 horsepower or greater may require a permit from the District.
- ◆ Portable diesel powered equipment that may be used during the proposed project are required to be registered with the state Portable Equipment Registration Program (PERP) or obtain permits from the District.
- ◆ Projects located adjacent to sensitive receptors (schools, child care facilities, health care facilities, senior facilities, businesses, and residences, etc.) during the construction phase of this project have the potential for exposure to diesel particulate.
- ◆ Heavy duty truck idling and off-road diesel equipment or other diesel engine idling is limited to less than 5 minutes.

Property Development:

- ◆ Prior to starting any construction the applicant is required to:
 - (1) Obtain a Property Development Permit from the District for any open outdoor burning.
 - (2) Obtain a Large Area Grading Permit, if applicable
- ◆ The District recommends that the applicant consider alternate means of disposal other than open burning, such as cutting the majority of the larger material up as firewood, and chipping smaller material, if feasible to mitigate impacts from open outdoor burning.

Open-Outdoor Burning:

- ◆ Open-Outdoor Burning of Cannabis Waste Products is prohibited by Air Quality.
- ◆ Burn Permits are required for all open-outdoor burning of vegetation (other than Cannabis waste) grown on the property.

New Commercial Development Mitigation Recommendations:

- ◆ New Road Construction: The District recommends that at a bare minimum all roads be covered with a sealant or rocked to prevent fugitive dust emissions.
- ◆ Parking Lot Tree Planting: The District recommends that commercial parking lot tree planting be defined as no less than 1 tree per 4 parking spaces to provide a beneficial reduction in summer heat gain.
- ◆ Mass Transit: The District recommends that applicant work in conjunction with the local Transit Authority (MTA) to provide a shelter in addition to the concrete pad so that the benefits and incentives to use mass transit would be immediately available.

Grading Projects:

- **All grading activities must comply with the following fugitive dust mitigation measures in accordance with District Regulation 1, Rule 1- 430:**

- (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.
- (7) The operator shall keep a daily log of activities to control fugitive dust.

Projects Less Than One (1) Acre or One (1) Mile of Road Located in NOA areas:

- (1) Construction vehicle speed at the work site must be limited to fifteen (15) miles per hour or less.
- (2) Prior to any ground disturbance, sufficient water must be applied to the area to be disturbed to prevent visible emissions from crossing the property line;
- (3) Areas to be graded or excavated must be kept adequately wetted to prevent visible emissions from crossing the property line
- (4) All storage piles must be kept adequately wet or treated with a chemical dust suppressant or covered when not being added to or removed
- (5) Equipment must be washed down before moving from the property onto paved public roads
- (6) Visible track-out onto paved public roads must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within 24 hours.

Large Area Grading Projects Greater Than One (1) Acre or One (1) Mile of Road:

Not Located in Naturally Occurring Asbestos (NOA) areas:

- Prior to starting any construction the applicant is required to:
 - (1) Submit a Large Area Grading permit application to the District.
 - (2) Obtain a final determination from the Air Quality Management District as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR sections 93106 and 93105 relating to Naturally Occurring Asbestos.
 - (3) Obtain written verification from the District stating that the project is in compliance with State and Local regulations relating to Naturally Occurring Asbestos.

Located in Naturally Occurring Asbestos (NOA) areas:

- ♦ Prior to starting any construction the applicant is required to:
 - (1) Submit a Large Area Grading permit application to the District.
 - (2) Obtain a final determination from the Air Quality Management District as to the need for an Asbestos Dust Mitigation Plan and/or Geologic Survey to comply with CCR sections 93106 and 93105 relating to Naturally Occurring Asbestos, or
 - (3) Submit an Asbestos Dust Mitigation Plan and/or Geologic Survey to the District in compliance with California Code of Regulations (CCR), Sections 93106 and 93105 relating to Naturally Occurring Asbestos.
 - (4) Obtain written verification from the District stating that the project is in compliance with State and Local regulations relating to Naturally Occurring Asbestos.

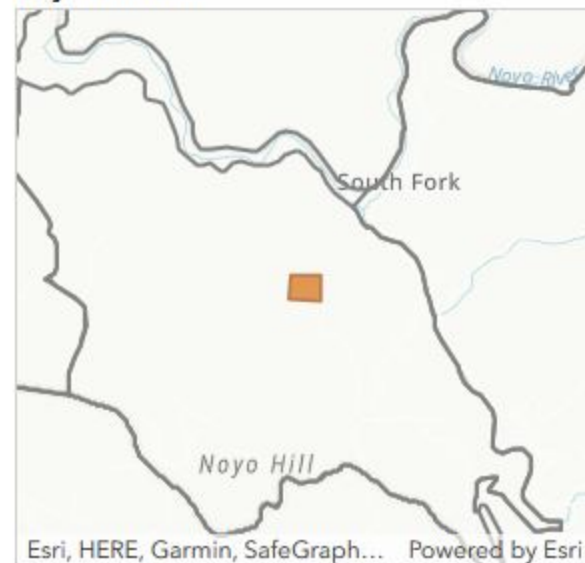
Screening Inputs

Criteria	Input
VMT Metric	Total VMT per Service Population
Baseline Year	2020
Threshold (% reduction from Baseline Year)	Subregion Benchmark (-14.3%)

Legend

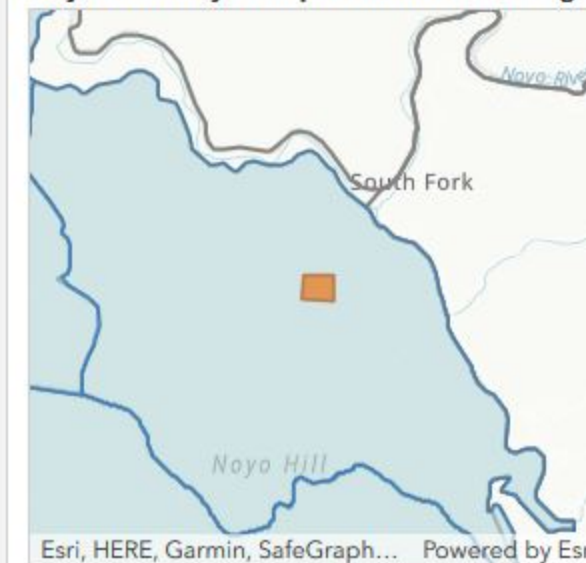
Category	Color
Selected Project Area	
Traffic Analysis Zone ID	
Low VMT Generating TAZs	

Project Location



ATTACHMENT I

Project Proximity to Output Low VMT Generating TAZs



Passed

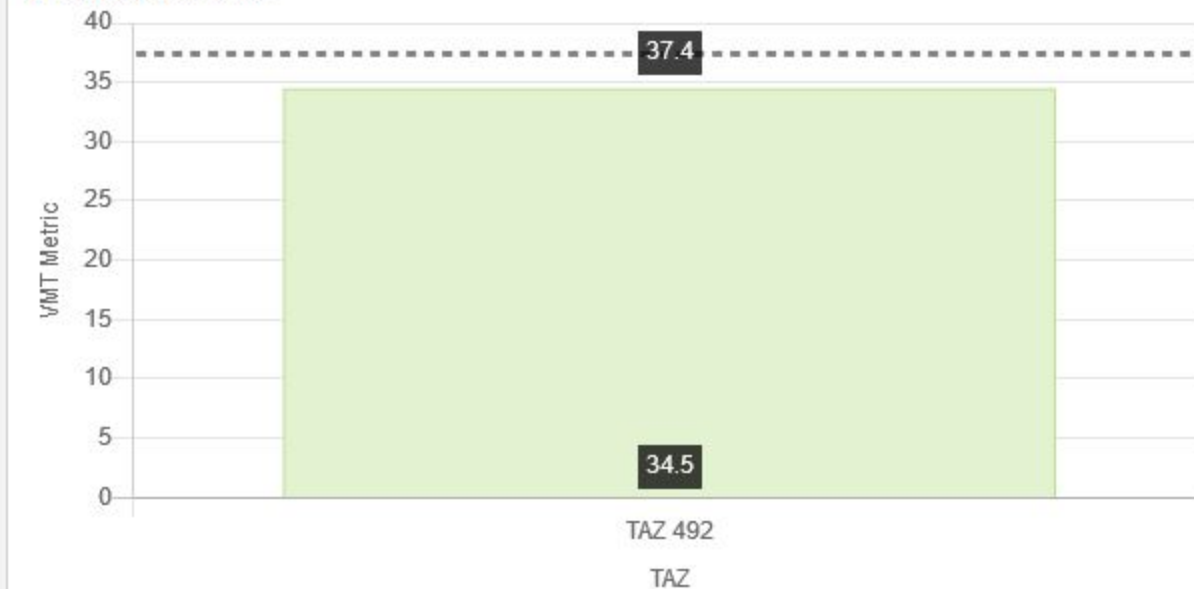
Screening Questions	Results
Within a low VMT generating TAZ?	Yes (Pass) 

Screening results are based on location of parcel centroids. If results are desired considering the full parcel, please refer to the associated map layers to visually review parcel and TAZ boundary relationship.

Traffic Analysis Zone (TAZ) Details

TAZ Questions	TAZ ID: 492
Subarea	Other Unincorporated
TAZ VMT	34.5
Subarea VMT	43.6
% Difference	-20.9%
VMT Metric	Total VMT per Service Population
Threshold	37.4

Threshold Evaluation



Section I	Description Of Project.
	<p>DATE: FIELD CASE#: U_2019-0025 DATE FILED: 10/3/19 OWNER: H2O PROJECTS LLC APPLICANT: DWIGHT HARRIS, JR. REQUEST: Minor Use Permit to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy and a nursery of no more than 12,000 sq. ft. of immature canopy within separate structures per Mendocino County Code Sections 20.242.040 (C)(1)(c) and 20.242.040(B). ENVIRONMENTAL DETERMINATION: Negative Declaration LOCATION: 4.4± miles southeast of the City of Fort Bragg center, lying on the north side of State Highway 20 (SH 20), 1.6± miles northwest of its intersection with Road 350 (Private), located at 27972 W. Highway 20, Ft. Bragg, APN: 020-422-26. STAFF PLANNER: MARK CLISER</p>
Section II	Project Description
	<p>INTRODUCTION: The proposed project requests a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy and a nursery of no more than 12,000 sq. ft. of immature canopy within separate structures per Mendocino County Code Sections 20.242.040 (C)(1)(c) and 20.242.040(B). The applicant currently cultivates 10,000 square feet of mature cannabis using mixed light cultivation. Mixed light cultivation will be reduced and at no time will there be more than 10,000 square feet of mature cannabis cultivated on-site and 12,000 square feet of immature cannabis. Processing activities include hand-trimming, but only for product cultivated on-site, and will continue after construction is completed. Finished product is retrieved by distributor once per week.</p> <p>PROJECT OBJECTIVES: The Applicant is requesting a Minor Use Permit to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy and a nursery (Type 4: Nursery) of no more than 12,000 sq. ft. of immature canopy within separate structures per Mendocino County Code Sections 20.242.040 (C)(1)(c) and 20.242.040(B). The Applicant is proposing to demolish four (4) existing greenhouses and construct one (1) 120' by 36' storage / indoor cultivation building, a 90' by 84' three bay greenhouse for mixed light and nursery, a 30' by 84' processing / administration building, and install two (2) 5,000 gallon water storage tanks. Three (3) storage containers currently used for curing will be relocated and remain on-site.</p> <p>SETTING AND LOCATION: The project site is located within the unincorporated outskirts of Fort Bragg, 4.4± miles southeast of the City of Fort Bragg center, lying on the north side of State Highway 20 (SH 20), 1.6± miles northwest of its intersection with Road 350 (Private), located at 27972 W. Highway 20 (APN: 020-422-26). Outside of a previously cleared and graded area where cultivation activities occur, the setting for the parcel is densely forested. The subject parcel is designated Timberland Production Zone. The site is boarded by parcels zoned Timberland Production Zone to the west, north and east (120±, 20±, and 28± acres respectively) and by Forest Land to the south (28± acres). The nearest single family residence staff is aware of is approximately 750 feet south of the Project. The subject parcel where proposed operations will occur is flat.</p> <p>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 for the 10± acre parcel include two (2) ingress/egress points that encroach onto Road 350 (Private), approximately 3,100 from its intersection with State Route 20 (SR 20). The private road transitions from paved to compacted base and is shared by five (5) other parcels. Improvements on site include an approximately 2,000 square foot graded permeable "lower" area to north, and an approximately 5,750 square foot graded "upper" area to south. Structures on-site include four (4) 960 square foot greenhouses used for cultivation, two (2) modified 380 square foot storage containers used for clones and agricultural product storage, three (3) 380 square foot storage containers used for curing and drying, processing, and packaging, one (1) 380 square foot storage container used an administration area, one (1) 380 square foot storage container used for storage, two (2) 2,500 gallon water storage tanks, a 100 square foot locked area for composting plant matter, two (2) 500 gallon propane tanks, and a 8,000 watt gas powered generator. The Project Site has been in operation for 4 years and is currently under review by Mendocino County Cannabis Division for as a Phase 1 permits including nursery, mixed-light, and indoor.</p>

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 "Less Than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

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

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

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

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

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

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

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

<u>I. AESTHETICS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on aesthetics if it would have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; substantially degrade the existing visual character or quality of public views of the site and its surroundings (if the project is in a non-urbanized area) or conflict with applicable zoning and other regulations governing scenic quality (if the project is in an urbanized area); or create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Discussion: A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view. One roadway in Mendocino County, State Route (SR) 128, has been designated as a State Scenic Highway by California State Assembly Bill 998, approved on July 12, 2019. According to CalTrans, SR 1 and SR 20 are "eligible" for designation as scenic highways, but have not been officially designated as such.

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

Additionally, the County has two roadway segments designated as "heritage corridors" by California Public Resources Code Section 5077.5. The North Coast Heritage Corridor includes the entire segment of SR 1 in the county, as well as the segment of U.S. Highway 101 from the junction with SR 1 in Leggett, north to the Humboldt County line. The Tahoe-Pacific Heritage Corridor extends from Lake Tahoe to the Mendocino County coast. It includes the entire segment of SR 20 within the county and the segment of US 101 from the SR 20 junction north of Calpella to the SR 20 highway exit south of Willits. Mendocino County's General Plan Resource Management Goal RM-14's (Visual Character) objective is: *Protection of the visual quality of the county's natural and rural landscapes, scenic resources, and areas of significant natural beauty.*

The main source of daytime glare in the unincorporated portions of the Mendocino County is from sunlight reflecting off of structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by "light pollution." Two elements of light pollution may affect county residents: sky glow (a result of light fixtures that emit a portion of their light directly upward in the sky), and light trespass (poorly shielded or poorly aimed fixtures which cast light into unwanted areas, such as neighboring properties and homes). Different lighting standards are set by classifying areas by lighting zones (LZ). The 2000 Census classified the majority of Mendocino County as LZ2 (rural), which requires stricter lighting standards in order to protect these areas from new sources of light pollution and light trespass. Mendocino County's General Plan Resource Management Goal RM-15's (Dark Sky) objective is: *Protection of the qualities of the county's nighttime sky and reduced energy use.*

The project is located approximately 4.4 miles southeast of the City of Fort Bragg. Access to the property is via a shared private road, approximately 0.6 miles from its intersection with State Route 20. Situated at 600± feet

above mean sea level (AMSL) the project site is not visible from any public roadways and is bordered by residences to the north and south and by vacant parcels to the east and west, on lands zoned for timber production. The project will be partially visible from the parcel to the south, however it is relatively obscured by a line of mature trees. No tree removal or grading is proposed. Though new construction is proposed it is replacing existing structures.

- a) **No Impact:** The proposed project is not located on a scenic state highway or publically travelled road, therefore there is no potential for the project to damage any scenic resources or have adverse effects on any scenic vistas. Furthermore, there are no other roadways, within or near the Project, that are designated in federal, state, or local plans as a scenic highway or route which are worthy of protection for maintaining and enhancing scenic views. There is no visual character or site quality that would be impacted, even with potential future development.
- b) **No Impact:** As discussed in item a, there are no scenic vistas or officially designated scenic roadways within or near the Project. In addition, the Project is not located near any rock outcropping or historic building and would therefore not affect these type of scenic resources. The Project will not remove any trees.
- c) **Less Than Significant Impact:** The County is predominately rural and the Project's location is also consider rural in nature. Surrounding uses include residences on the northern and southern parcels, and vacant lands to the east and west. The Applicant proposes removal of existing structures and construction of replacement structures in the existing graded and graveled footprint. As such, the visual character of the subject site will not be dramatically altered.
- d) **Less Than Significant Impact:** Any new exterior lighting to be utilized under the proposed project would be required to be dark sky-compliant, and shielded and downcast in compliance with Mendocino County General Plan Policy RM-134. The project is also required to minimize reflective surfaces. The proposed project itself would entail potential additional sources of light that may have an impact on day and night-time views. A standard condition has been included to ensure impacts remain at less than significant levels.

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

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

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>

Thresholds of Significance: The project would have a significant effect on agriculture and forestry resources if it would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (hereafter “farmland”), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)); Result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use.

Discussion: The State of California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) which produces maps and statistical data used for analyzing impacts on California’s agricultural resources. The FMMP mapping survey covers roughly 98% of privately owned land in the state and updates each map approximately every two years to provide an archive of land use change over time. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called “Prime Farmland,” with other critical designations including “Unique Farmland,” or “Farmland of Statewide Importance.”

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a ten year agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses.

The Timberland Production Zone (TPZ) was established in 1976 in the California Government Code as a designation for lands for which the Assessor’s records as of 1976 demonstrated that the “highest and best use” would be timber production and 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.

Currently, the site is used for mixed light cannabis cultivation and features four (4) greenhouses and seven (7) storage containers used for operations. A 1.3± acre portion of the Project site was previously cleared of trees via an approved CalFire 3 Acre Conversion, and graded. The remainder of the parcel is primarily composed of oak trees, redwoods, and shrubs. The parcel is designated as “Grazing Land” under the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation, Division of Land Resource Protection, and is not currently under a Williamson Act Agricultural Preserve contract. The project proposes demolition of the greenhouses, reconfiguration of the storage containers, and construction of a new facility that will include processing, mixed light and indoor cultivation, and a nursery. All construction will remain in the previously cleared and graded area. The site has a Mendocino County General Plan land use designation of Forest Land (FL160) and is zoned as Timber Production Zone (TPZ160) under the Mendocino County Inland Zoning Code. The proposed development would be considered a multiple cultivation type and would feature both mixed light and small indoor cultivation as defined under the County Zoning Code, allowing no more than 10,000 square feet of mature cultivation and 12,000 square feet of nursery in total. Per Mendocino County Code Section 20.242.040 the proposed indoor cultivation would be an allowed use on the site subject to a Minor Use Permit.

- a) **No Impact:** The proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important to non-agricultural use. As noted above, the Site is designated as “Grazing Land”.

- b) **No Impact:** The Site is currently zoned as Timber Production Zone (TPZ160) under the County Zoning Code and is not under a Williamson Act contract. The proposed project is an allowable use in the TPZ District with issuance of a Minor Use Permit. Therefore, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract.
- c) **Less Than Significant Impact:** The site has a Mendocino County General Plan land use designation of Forest Land (FL160) and is zoned as Timber Production Zone (TPZ160) under the Mendocino County Inland Zoning Code. The Project does not propose rezoning any portion of the subject parcel. The Applicant has successfully obtained an Administrative Permit which allowed expansion of an existing cultivation site on the subject parcel per Mendocino County Code 20.242.040(b)(4). The Administrative Permit required the following findings: There is no other environmentally superior cultivation site located on the same parcel; the location and operation of the cultivation site will, to the maximum extent feasible, avoid or minimize its impact on environmentally sensitive areas including hillsides exceeding 15 percent, prime soils, oak woodland, and timber resources. All expansion occurred within a previously cleared and graded area.
- d; e) **Less Than Significant Impact:** A 1.3± acre portion of the Project site was previously cleared of trees and graded. The remainder of the parcel is primarily composed of oak trees, redwoods, and shrubs. The project does not propose any further grading or tree removal. A majority of the parcel – approximately 8.8 acres – remains viable for timber production. No further expansion of cultivation operations will be allowed on this parcel.

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

III. AIR QUALITY.				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on air quality if it would conflict with or obstruct implementation of applicable air quality plans; 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; expose sensitive receptors to substantial pollutant concentrations; or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Discussion: Mendocino County is located within the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. Additionally, the Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing the state and federal Clean Air Acts, as well as local air quality protection regulations. Any new emission point source is subject to an air quality permit, consistent with the District’s air quality plan, prior to project construction. The MCAQMD also enforces standards requiring new

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

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). 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.

Receptors include sensitive receptors and worker receptors. Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (these sensitive land uses may also be referred to as sensitive receptors). Worker receptors refer to employees and locations where people work.

On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743 into law, requiring jurisdictions to use Vehicle Miles Traveled (VMT) to analyze a project's transportation impact on the environment. This requirement eliminates using level of service (LOS) as a basis for determining significant impacts and identifies VMT as the preferred California Environmental Quality Act (CEQA) transportation metric. The Mendocino Council of Governments' (MCOG) developed a screening tool to determine if a project's VMT will create an environmental

impact. The screening tool uses data from the MCOG traveling forecast model to compare the VMT to similar projects for the sub-region in which a project is located. In 2017, the California Air Resources Board (CARB) identified VMT reductions relationship to State Climate Goals including the VMT reductions needed to meet the State’s Greenhouse Gas emission reduction targets by 2050. This document identifies two specific thresholds to meet these targets, a 14.3-percent reduction in total VMT per capita, and a 16.8-percent reduction in light-duty vehicle VMT per capita.

The proposed project does not include any activities that would impact air quality resources long term. However, there may be short-term impacts associated with the equipment used during construction. The site is located off of State Highway 20. The proposed project does not include installation of a wood burning stove. The Applicant has stated they will offer a shuttle service for employees from their offices on Highway 1. As such, the Project will increase Vehicle Miles Traveled (VMT) which would contribute to increased dust or particulate matter.

a), b), c) and d) Less Than Significant Impact: The proposed project would not conflict with or obstruct implementation of any air quality plan. The construction phase of the project would produce the following anticipated emissions:

- Combustion emission associated with operation of off-road equipment
- Combustion emissions associated with operation of on-road motor vehicles
- Fugitive dust from earth-moving activities

Anticipated emissions during operation of the project include:

- Combustion emissions associated with operation of on-road motor vehicles
- Emissions associated with 8,000 watt on-site generator

The most common source of PM₁₀ is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. The installation of a wood stove is not proposed under the project and there is no proposed use that would be anticipated to result in a significant increase of any criteria pollutant. The project site, however, is located at the end of an unpaved road. As such, additional dust may be generated during the course of construction. A *Particulate Matter Attainment Plan* was finalized in 2005 that provides mitigation measures for construction and grading activities and unpaved roads. Additionally, the project and its emission sources are subject to MCAQMD rules and regulations contained in the most recent version of the *Rules and Regulations of the MCAQMD*. Compliance with these regulations would ensure the project would not result in a substantial increase of PM₁₀ within the vicinity of the site.

During the construction phase of the project, the proposed project has the potential to increase PM₁₀ in the immediate vicinity of the site due to site grading and preparation, in addition to truck traffic to the site. Local impacts to the area during construction would be mitigated using standard dust control measures. After construction is completed, any bare soil created by the construction phase of the project would be revegetated as soon as feasible with native vegetation and/or native seed. The project will not increase VMT.

The site is located in a rural area with an adjacent residence. The proposed project has the potential to create significant objectionable odors during its normal operation or during construction, though is not in a location that would affect substantial numbers of people.

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

<u>IV. BIOLOGICAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on biological resources if it would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; 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; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Discussion: Mendocino County’s Biology and Ecology Resources Policy RM-28 states: *all discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction.*

The California Natural Diversity Database (CNDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, other agencies, and conservation organizations. The data helps drive conservation decisions, aid in the environmental review of projects and land use changes, and provide baseline data helpful in recovering endangered species and for research projects. Currently, the CNDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Threatened to Endangered.

Many species of plants and animals within the State of California have low populations, limited distributions, or both. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural and urban uses. A sizable number of native species and animals have been formally designated as threatened or endangered under State and Federal endangered species legislation. Others have been designated as “Candidates” for such listing and the California Department of Fish and Wildlife (CDFW) have designated others as “Species of Special Concern”. The California Native Plant Society (CNPS) has developed its own lists of native plants considered rare, threatened or endangered. Collectively, these plants and animals are referred to as “special status species.”

Section 404 of the Clean Water Act defines wetlands as *“those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog and similar areas.”*

Mendocino County currently has one active Habitat Conservation Plan (HCP) with the California Department of Fish and Wildlife which provides protections for the Point Arena Mountain Beaver. The Fisher Family HCP (Permit #TE170629-0) covers 24 acres of coastal scrub and was adopted December 3, 2007 for a period of 50 years. The Fisher Family HCP applies to parcel APN 027-211-02 located at 43400 Hathaway Crossing, Point Arena. Additionally, since 2003, the Mendocino Redwood Company (MRC) has managed the County’s only Natural Community Conservation Plan which covers all lands owned by the MRC to preserve regionally important habitat.

Mendocino County’s Biology and Ecology Resources Policy RM-28 states: *all discretionary public and private projects that identify special-status species in a biological resources evaluation (where natural conditions of the site suggest the potential presence of special-status species) shall avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, projects shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction.*

Section 404 of the Clean Water Act defines wetlands as *“those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog and similar areas.”*¹

Mendocino County’s Watershed Policy RM-1 requires *adequate buffers for all projects potentially impacting stream corridors and/or their associated riparian habitat.* The County’s ecosystem policy RM-27 further requires projects to *identify and maintain wildlife movement corridors to support biodiversity and healthy natural processes.* Fisheries policy RM-96 encourages public agencies and private property owners to *support the restoration of spawning and nursery habitat in all salmonid-bearing streams and rivers.*

Mendocino County’s Biological Resource Policy RM-79 encourages *farmers, land owners and property managers to protect sensitive environments, and minimize the effects of recreation, tourism, agriculture and development on these resources.* The policy promotes techniques and features to address habitat contiguity, wildlife corridors, maintaining compatibility with adjacent uses, and maintaining habitat for sensitive plant and animal species. The County has set action items intended to address maintenance of habitats for sensitive species:

- Action Item RM-79.1: Work with agencies and organization to educate the public about effective ways to protect listed plant and animal species and preserve sensitive habitats.
- Action Item RM-79.2: Seek private and public funding for fish habitat restoration programs such as the County Fish and Game Advisory Committee, community salmon and steelhead rearing, and other efforts.

¹ EPA Regulations listed at 40 CFR 230.0(t) - https://www.epa.gov/sites/production/files/2015-03/documents/cwa_section404b1_guidelines_40cfr230_july2010.pdf

- Action Item RM-79.3: Promote conservation easements to protect wildlife habitat, wetlands and other sensitive environments.
- Action Item RM-79.4: Provide information to landowners, developers, and the public on the importance and value of maintaining wildlife corridors.

The project site is a 10± acre property located 4.4± miles southeast of the City of Fort Bragg center, lying on the north side of State Highway 20 (SH 20), 1.6± miles northwest of its intersection with Road 350 (Private). The property is developed and includes four (4) 960 square foot greenhouses used for cultivation, two (2) modified 380 square foot storage containers used for clones and agricultural product storage, three (3) additional 380 square foot storage containers used for curing and drying, processing, and packaging, one (1) 380 square foot storage container used as an administration area, one (1) 380 square foot storage container used for storage, two (2) 2,500 gallon water storage tanks, a 100 square foot locked area for composting plant matter, two (2) 500 gallon propane tanks, and a 8,000 watt gas powered generator. The Applicant is proposing to demolish four (4) existing greenhouses and construct one (1) 120' by 36' storage / indoor cultivation building, a 90 foot by 84 foot three bay greenhouse for mixed light and nursery, a 30 foot by 84 foot processing / administration building, and install two (2) 5,000 gallon water storage tanks. Three (3) storage containers currently used for curing will be relocated and remain on-site. Grading Improvements on site include an approximately 2,000 square foot permeable "lower" area to north, and an approximately 5,750 square foot graded "upper" area to south. No additional grading or tree removal is proposed.

a) and e) Less Than Significant: The project site is located in an area identified with Bishop Pine. However, no tree removal is proposed. No other candidate, sensitive, or special status species have been identified on the project site. The project would not 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS). With the inclusion of condition of approval number 17 regarding protection of Bishop Pine the project is found to have a less than significant impact.

b), c), and d) No Impact: The nearest watercourse is Hayshed Gulch, located approximately 2,380 feet west of the project site. Given the distance to this watercourse, the project will not 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, or on any federally protected wetlands. The project will not 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. Finally, the project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

f) No Impact: Chapter 4 (Resource Management) of the Mendocino County General Plan (2009) includes policies related to the protection, enhancement, and management of biological resources within the County. Under the project, no tree removal is proposed. Existing trees and vegetation would be retained feasible and would only be removed, or as required by CalFire for fire suppression. Development is confined to areas which have already been graded and the remainder of the Site will remain undisturbed. Additionally, Mendocino County Ordinance No. 4313 (adopted in 2013), Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.), requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris or contaminants from construction materials, tools and equipment from leaving the Site. Since the project would be developed in accordance to all required standards and policies, including but not limited to the Mendocino County General Plan (2009), Mendocino County Zoning Ordinance, and Mendocino County Ordinance No. 4313, the project would not conflict with any local policies or ordinances protecting biological resources. There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that apply to the Site.

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

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

Thresholds of Significance: The project would have a significant effect on cultural resources if it would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

Discussion: Per Chapter 3 (Development Element) of the Mendocino County General Plan (2009), the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the County concentrated mainly along the coast and along major rivers and streams. Mountainous areas and the County’s redwood groves were occupied seasonally by some tribes. Ten Native American tribes had territory in what is now Mendocino County. As European-American settlement occurred in the County, most of these tribes were restricted to reservations and rancherias. During the 19th century, other tribes from the interior of California were forced to settle on the Round Valley Reservation in the northeastern portion of the County. Today, there are ten reservations and rancherias in Mendocino County, most of which are inhabited by tribes native to the area. The first permanent non-native settlers came to Mendocino County in the middle of the 16th century, exploring and establishing small outposts. It was almost 300 years before the first permanent non-Spanish settlements in the County were established on the Mendocino coast north of Big River in April of 1852. Mendocino County’s modern development was tied to the vast stands of coast redwood trees. Timber and agriculture were the mainstays of the County’s economy from the 19th century into the 20th century, and many of the County’s cities and towns were founded around these activities. Several historical resources have been identified in the County, many of which have been placed on various federal and state historic registries. However, no historical sites or buildings have been designated by the County, although the County has adopted an Archaeological Ordinance designed to protect Native American sites. The ordinance establishes a County Archaeological Commission that evaluates the potential impacts of proposed projects on archaeological resources and recommends measures to reduce or eliminate impacts on these resources. In addition, Chapter 3 of the Mendocino County General Plan (2009) and the Mendocino County Code include policies related to the protection and preservation of cultural resources. Both Policy DE-115 and Mendocino County Code Chapter 22.12 (Archaeological Resources), adopted in 1987, include provisions for archaeological sensitivity review, field evaluations, impact mitigations, archaeological discovery, and human remain discovery protocols (MCC §22.12.050 – 22.12.100).

An *Archaeological Survey Report* (Archaeological Report) was prepared by Evans & De Shazo on March 26, 2020, in order to identify any archaeological, historical, or cultural resources within the proposed project area. Referrals were sent to Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. No comments of concern were received. At its August 12, 2020 hearing, the Mendocino County Archeological Commission accepted the survey and recommended the standard condition advising the Applicant of the County’s “Discovery Clause” is recommended, which establishes procedures to follow in the event that archaeological or cultural resources or human remains are unearthed during project construction, including but not limited to Site preparation and excavation, in accordance with Mendocino County Code Sections 22.12.090 and 22.12.100.

a), b), and c) Less Than Significant Impact Local Native American tribes were contacted regarding traditional, cultural, and religious heritage values. The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and Redwood Valley Rancheria. Additionally, an archeological survey was prepared and accepted by the Mendocino County Archeological Commission at their August 12, 2020 hearing. A Standard Condition advises the applicants of the County’s

“Discovery Clause,” which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

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

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

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

Thresholds of Significance: The project would have a significant effect on energy if it would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation.

Discussion: On October 7, 2015, Governor Edmund G. Brown, Jr. signed into law Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015 (De León, Chapter 547, Statutes of 2015), which sets ambitious annual targets for energy efficiency and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy efficiency savings and demand reductions in electricity and natural gas final end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The proposed SB 350 doubling target for electricity increases from 7,286 gigawatt hours (GWh) in 2015 up to 82,870 GWh in 2029. For natural gas, the proposed SB 350 doubling target increases from 42 million of therms (MM) in 2015 up to 1,174 MM in 2029 (CEC, 2017).

Permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The 2019 Building Energy Efficiency Standards are designed to reduce wasteful, uneconomic, inefficient or unnecessary consumption of energy, and enhance outdoor and indoor environmental quality. It is estimated that single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards (CEC, 2018).

a) and b) Less Than Significant Impact The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation, nor would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As noted above, permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. It is not anticipated the proposed structures would use or waste significant amounts of energy or conflict with or obstruct a state or local plan for renewable energy or energy efficiency. A less than significant impact would occur.

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

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

Thresholds of Significance: The project would have a significant effect on geology and soils if it would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: 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, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; 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; be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Discussion: The project site is situated between two of five known faults. The San Andreas fault is the closest active fault to the subject parcel, located approximately 14 miles west of the project site followed by the Maacama fault, located approximately 20 miles east.

The San Andreas Fault traverses the southwestern corner of the County and continues offshore north of Manchester. It is capable of generating very strong earthquakes, the last major event occurring in 1906 with a magnitude of 7.9 near San Francisco. This event caused severe shaking in Mendocino County and extensive

structural damage along the southern coastline of the County. Very little seismic activity has been recorded on the San Andreas Fault north of San Francisco since the 1906 event; however, the Fault is still considered active.

The Maacama Fault extends from northern Sonoma County to north of Laytonville in Mendocino County. Historically, the Maacama Fault has generated only a few moderate earthquakes. However, an abundance of micro-earthquakes (less than magnitude 3) are clearly associated with the fault. A magnitude 5.6 earthquake was reported to have occurred in the Ukiah area in 1869. Surface fault creep, very slow movements across known fault locations, has been documented along the Maacama Fault at locations east of Willits and Ukiah.

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

Areas susceptible to erosion occur throughout Mendocino County where surface soils possess low-density and/or low-strength properties. Slopes are another factor in soil erosion – the greater the slope, the greater the erosion hazard, especially if the soil is bare. Soils on 9 percent slopes and greater have a moderate erosion hazard, and soils on slopes greater than 15 percent have a high erosion hazard. Elevations at the subject parcel range from 2,141 feet above mean sea level (amsl) at the northern boundary to this 1,708 amsl at the southern boundary, with an average slope of approximately 7.8 percent. All proposed structures will be constructed on level, graded areas. Design and construction of proposed on-site structures would be subject to the latest version of the CBC to reduce any potential geological risks.

a), b), c), d), and e) No Impact The proposed project is not exposed to any major geological concerns such as ground shaking, ground failure, landslides, or soil erosion as it is not located on any fault zone or near any heavily sloped terrain. Design and construction of the permanent structures proposed under the project would be subject to the rules and regulations contained in the latest version of the CBC, which would reduce the potential for risk of loss, injury, or death involving landslides at the Site. Furthermore, the subject parcel is not located on soils that would be considered unstable or expansive, per the *Attachment K Soils Map*, thus these concerns do not apply to the project site. However, the proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, fiber rolls, and/or silt fencing structures, to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas, and would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project with native vegetation and/or native seed mixes for soil stabilization as soon as feasible. As the project is not located on a fault, the project would not trigger any issues such as a landslide or liquefaction, thus there is no impact in this regard. Additionally, the soil on which the proposed project is located already supports the existing permitted septic system. Waste nutrient water from cultivation will be hauled off-site, per State Water Board requirements.

f) Less Than Significant As discussed under Section V, Cultural Resources, above, an archaeological survey was performed for the site. The report found that the proposed project is not anticipated to have an adverse effect on significant historical resources. Standard Condition advises the applicants of the County's "Discovery Clause," which establishes procedures to follow in the event that resources, including archaeological, paleontological, or cultural materials, are unearthed during site preparation or construction activities.

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

Conclusion: With the standard condition included the project would have a less than significant impact on geology and soils (**Less Than Significant Impact**)

<u>VIII. GREENHOUSE GAS EMISSIONS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on greenhouse gas emissions if it would generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Discussion: Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHG) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission, which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (AQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project’s individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same as those, which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO₂e (CO₂ equivalent) of operation emission on an annual basis. Additionally, Mendocino County’s building code requires new construction to include energy efficient materials and fixtures.

The proposed project is located in an area where existing activity and uses generate a low VMT. The site was evaluated using the MCOG screening tool under the analysis of the 14.3-percent threshold and passed (14.3 percent analysis represents the threshold required by the state in order to meet 2050 GHG reduction goals) and means the project generated VMT is likely at or below the threshold set by the MCOG for the area in which the project is located. This evidence supports a conclusion that the project would have a less than significant VMT impact under baseline plus project conditions. This conclusion would also apply under cumulative conditions presuming no substantial changes to the subarea land use and transportation context. The project is expected to generate limited additional traffic, and be limited to existing staff. Furthermore, the Applicant has instituted an unofficial carpool program, encouraging employees to use a company shuttle van from their Highway 1 office. Therefore, it can be concluded that the proposed project will not have a significant impact on the environment as it pertains to VMT.

a, b) Less Than Significant Impact Activities associated with the proposed use are not anticipated to generate significant greenhouse gas emissions or conflict with an applicable plan, policy or regulation, nor would they have a measurable or considerable contribution to the cumulative GHG impact at the local, regional, or State level. There are no adopted local plans for reducing the emission of greenhouse gases. A less than significant impact would occur.

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

<u>IX. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on hazards and hazardous materials if it were to 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; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; 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 create a significant hazard to the public or the environment; result in a safety hazard or excessive noise for people residing or working in the project area if 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; or impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

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

Mendocino County has adopted a Hazardous Waste Management Plan to guide future decisions by the County and the incorporated cities about hazardous waste management. Policies in this General Plan emphasize source reduction and recycling of hazardous wastes, and express a preference for onsite hazardous waste treatment

over offsite treatment. The Hazardous Waste Management Plan proposed a number of hazardous waste programs and set forth criteria to guide the siting of new offsite hazardous waste facilities. However, to date, no facilities have been cited in the county. In 1997, the County Division of Environmental Health assumed responsibility for administering hazardous waste generation and treatment regulations. Solid Waste and Hazardous Waste and Materials Management Policy DE-203 states: *All development projects shall include plans and facilities to store and manage solid waste and hazardous materials and wastes in a safe and environmentally sound manner.*

The California Air Resources Board classifies asbestos as a known human carcinogen. Asbestos of any type is considered hazardous and may cause asbestosis and lung cancer if inhaled, becoming permanently lodged in body tissues. Exposure to asbestos has also been shown to cause stomach and other cancers. Asbestos is the general name for a group of rock-forming minerals that consist of extremely strong and durable fibers. When asbestos fibers are disturbed, such as by grading and construction activities, they are released into the air where they remain for a long period of time. Naturally occurring asbestos is an issue of concern in Mendocino County, which contains areas where asbestos-containing rocks are found. The presence of ultramafic rocks indicates the possible existence of asbestos mineral groups. Ultramafic rocks contain 90 percent or more of dark-colored, iron-magnesium-silicate minerals. Ultramafic rocks may be partially or completely altered to a rock known as serpentinite, more commonly called serpentinite.

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

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

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

The proposed project includes construction of indoor and mixed light cannabis facilities in addition to continued use of existing structures. Any use involving the routine transport, use, and disposal of hazardous materials will occur in small or limited quantities. These include construction materials, cleaning supplies, fertilizers, and other materials including, but not limited to, fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. The project site does not include any known hazardous waste sites, as mapped by the State Water Resources Quality Control Board (SWRQCB)² or the California Department of Toxic Substances Control (DTSC),³ nor are there any listed sites within the vicinity of the project site.

a), b) Less Than Significant Impact: The proposed project would not transport, use, emit, or dispose of significant amounts of hazardous materials, or 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. The Project Site for the proposed construction and use of no more than 10,000 square feet of mature cannabis cultivation and no more than 12,000 square feet of immature cannabis (nursery) is not located on a listed hazardous material site. During the construction phase, small quantities of hazardous materials common to equipment maintenance and operation, such as gasoline, diesel fuel, hydraulic fluids, oils, and lubricants may be required. Once constructed, the project would be anticipated to utilize professional cleaning

² State Water Resources Quality Control Board. *GeoTracker*. Accessed October 4, 2017. Available at: <https://geotracker.waterboards.ca.gov/>.

³ State of California. Department of Toxic Substances Control. *EnviroStor*. Accessed October 4, 2017. Available at: <https://www.envirostor.dtsc.ca.gov/public/>.

supplies, in addition to fuels, lubricants, solvents, pesticides, fertilizers, and paint during routine property maintenance. However, the types and quantities of materials to be used are not expected to pose a significant risk to the public and/or environment and would be managed in accordance with federal, state, and local regulations. Since the transport, use, and storage of any hazardous materials at the Site would be required to be conducted in accordance with all federal, state, and local regulations, a less than significant impact would occur.

c) No Impact No existing or proposed schools are located within one-quarter mile of the Site. The Site is located within the Fort Bragg Unified School District (Mendocino County Maps - School Districts, 2014), with the nearest school, Three Rivers Charter School, located approximately 4.3 west of the Site. It is not anticipated that hazardous materials to be utilized on-site would be used or stored at the Site in any quantity or application that could impact any schools in the area. Therefore, no impact would occur.

d) Less Than Significant Impact: Review of the SWRCB’s GeoTracker (2015) and DTSC’s EnviroStor (2019) databases indicates the Site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As discussed above, any hazardous materials to be used on-site would be utilized, stored, transported, and disposed of in accordance with federal, state, and local regulations. A less than significant impact would occur.

e) No Impact: The Site is not located within an airport land use plan or within two miles of a public or public use airport. The nearest airport, Fort Bragg Airport, is located approximately 4.9 miles northwest of the Site. Therefore, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the proposed project area.

f) Less Than Significant Impact: There are no components of the project that would impair or interfere with emergency response or evacuation. Since the project would be required to be designed in accordance with state and local standards, including safety and emergency access requirements, there are no components of the project that would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

g) Less Than Significant Impact: The Site is currently developed and primarily comprised of redwoods, oak trees, and shrubs. The surrounding area contains limited existing development, with an existing residences located south and north of the Site. The Site is located within the State Responsibility Area (SRA), just outside of the service boundaries of the Fort Bragg Protection District, and is served by CalFire and is mapped as located within a “Moderate” fire hazard severity zone.

As the Site is located within the SRA, the project is required to comply with the Fire Safe Regulations adopted by the State Board of Forestry in Title 14 of the California Administrative Code. These include standards for roads, defensible space, and emergency water supply. The Applicant submitted a State Fire Safe Regulations Application Form to CalFire (CalFire File Number 289-18) on June 1, 2018 to ensure the project would comply with State standards for access and emergency response. CalFire conditioned the project on June 5, 2018, to ensure adequate access and property maintenance regarding wildland fire protection. The Applicant would be required to have a clearly posted address, adequate driveway and roadway width for emergency response vehicles, install a fire hydrant system to ensure adequate emergency water supply, and maintain defensible space around proposed structures for fire protection purposes.

Although proper precautions and measures would be taken during Site development, operation, and maintenance, the potential exists for wildland fire to inadvertently be ignited when equipment is utilized or outdoor campfires are built near dry grassland, especially during periods of increased fire danger. The project would require compliance with CalFire’s Fire Safe Regulations. A less than significant impact would occur.

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

X. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Thresholds of Significance: The project would have a significant effect on hydrology and water quality if it would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, 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, or impede or redirect flows; in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Discussion: According to the Mendocino County General Plan (2009), the most critical surface water quality problem in Mendocino County is sedimentation. Major sources of sediment include erosion from barren or poorly vegetated soils, erosion from the toes of slides along stream channels, and sediments from roads. Manmade sources of sedimentation are a byproduct of current and historical land uses, including logging, agriculture, mining, processing of alluvial aggregate material, road construction and erosion from unpaved roads, and other development-related projects within the county. The Mendocino County General Plan Chapter 4 Resource Management Element (2009) includes policies related to protection of environmentally sensitive habitat areas and maintaining water quality by minimizing adverse effects of waste water dischargers, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Water Code Section 1005.1 defines groundwater as water beneath the surface of the ground, whether or not flowing through known and definite channels. Both surface water and groundwater define a watershed, as they

move from higher to lower elevations. In Mendocino County, groundwater is the main source for municipal and individual domestic water systems, outside of the Ukiah Valley, and contributes significantly to irrigation. Wells throughout Mendocino County support a variety of uses, including domestic, commercial, industrial, agricultural needs, and fire protection. The County's groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. Mountainous areas are underlain by consolidated rocks of the Franciscan Complex, which are commonly dry and generally supply less than 5 gallons per minute of water to wells. Interior valleys are underlain by relatively thick deposits of valley fill, in which yields vary from less than 50 gallons per minute to 1,000 gallons per minute. There are six identified major groundwater basins in Mendocino County. Groundwater recharge is the replacement of water in the groundwater aquifer. Recharge occurs in the form of precipitation, surface runoff that later enters the ground, irrigation, and in some parts of California (but not in Mendocino County) by imported water. Specific information regarding recharge areas for Mendocino County's groundwater basins is not generally available, but recharge for inland groundwater basins comes primarily from infiltration of precipitation and intercepted runoff in stream channels, and from permeable soils along the margins of valleys. Recharge for coastal groundwater basins takes place in fractured and weathered bedrock and coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification - such as paving, building and gravel removal - it is anticipated that continued recharge will re-supply groundwater reservoirs.

The basic source of all water in Mendocino County is precipitation in the form of rain or snow. Average annual rainfall in Mendocino County ranges from slightly less than 35 inches in the Ukiah area to more than 80 inches near Branscomb. Most of the precipitation falls during the winter, and substantial snowfall is limited to higher elevations. Rainfall is often from storms which move in from the northwest. Virtually no rainfall occurs during the summer months.

As previously discussed, the Site is currently developed and is primarily composed of redwoods, oak trees, and shrubs. As a result, drainage at the Site occurs through sheet flow and percolation. Permeability of soils on-site is slow. Surface runoff is medium or rapid, and the hazard of water erosion is moderate if the surface is left bare. The unincorporated County storm drainage system is maintained by the Mendocino County Department of Transportation (MCDOT); however, no storm drainage facilities currently exist within the vicinity of the Site. The nearest watercourse is Hayshed Gulch, located approximately 2,380 feet west of the project site. No portions of the site are located within a Federal Emergency Management Agency (FEMA) flood zone.

Regulatory agencies include the state and regional water quality control boards; State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB). The State Water Resources Control Board is responsible for implementing water quality standards in California. Water Code Section 13050(d) states: Waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal. Typical activities and uses that affect water quality include, but are not limited to, discharge of process wastewater from factories, confined animal facilities, construction sites, sewage treatment facilities, and material handling areas which drain into storm drains. Under the project, potable water would be provided by an on-site well and sewage disposal would be provided by on-site septic, as the Site is not located within a community services district. The Applicant anticipates using approximately 5,000 gallons of water per day. A 5,000 gallon water storage system consisting of two (2) 2,500 gallon water tanks is proposed.

The Applicant expects approximately 250 gallons per day of nutrient waste water to be generated. Depending on lab results, some of this water can be recirculated. That which cannot be recirculated will be hauled off site, per State Water Board requirements. Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.), requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris or contaminants from construction materials, tools and equipment from entering the storm drainage system (off-site). Pursuant to Mendocino County Code Section 16.30.070, such BMPs shall include but are not limited to the use of the following:

1. Scheduling construction activity;
2. Preservation of natural features, vegetation and soil;
3. Drainage swales or lined ditches to control storm water flow;
4. Mulching or hydroseeding to stabilize disturbed soils;
5. Erosion control to protect soils;

6. Protection of storm drain inlets (gravel bags or catch basin inserts);
7. Perimeter sediment control (perimeter silt fence, fiber rolls);
8. Sediment trap or sediment basin to retain sediment on-site;
9. Stabilized construction exists;
10. Wind erosion control;
11. Other soil loss BMP acceptable to the County;
12. Material handling and waste management;
13. Building material stockpile management;
14. Management of washout areas (concrete, paints, stucco, etc.);
15. Control of vehicle/equipment fueling to contractor's staging area;
16. Vehicle and equipment cleaning performed off-site;
17. Spill prevention and control; and
18. Other housekeeping BMPs acceptable to the County.

a) Less Than Significant Impact: The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The permanent structures proposed on-site would be constructed in accordance with the most recent standards set by all regulatory agencies, including but not limited to the County and state and local water quality control boards [SWRCB and the North Coast Regional Quality Control Board (NCRWQCB)]. Since the majority of the Site would remain undeveloped, stormwater runoff would continue to flow naturally and infiltrate into the soil. In addition, the preservation of existing vegetation, to the extent feasible, will help to filter potential pollutants from stormwater flows. In addition, the project's on-site septic system would be completed in compliance with all standards and regulations. All hydroponic tail water which is unusable is collected and hauled off-site per State Water Board policy.

b) Less Than Significant Impact: The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, as significant water use is not anticipated under the project. Additionally, since the majority of the Site would remain undeveloped, stormwater would continue to infiltrate the ground. The Site is located within the Noyo River watershed. Under the project, potable water would be provided by an on-site well, as the Site is not located within a community services district. The project was referred to Mendocino County Department of Environmental Health for review and comment. DEH requires septic permit ST25227 to be finalized.

c.i) Less Than Significant: The project does not propose any development that would increase impervious surfaces. The project would not result in substantial erosion or siltation on- or off-site. In addition, due to the small development footprint of the project, infiltration into the Site's soils would continue, reducing the potential for increased peak runoff flow and removing potential pollutants from stormwater flow. Standard Best Management Practices (BMPs), such as straw bales, fiber rolls, and/or silt fencing structures, to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas, will be made conditions of approval. The nearest watercourse is Hayshed Gulch, located approximately 2,380 feet west of the project site. It is unlikely the proposed project will alter any drainage pattern in terms of stream alterations.

c.ii) & ciii) Less Than Significant: The project would not substantially increase the rate or amount of surface runoff in an manner which would result in flooding on- or off-site, 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. As discussed above, there is limited storm drainage infrastructure within the vicinity of the Site. Although development is proposed on-site, due to the proposed development footprint, Site drainage would continue to follow a natural flow pattern and infiltrate into the ground. A less than significant impact would occur.

c.iv) & d) No Impact: As discussed above, the site is not located in a FEMA flood zone and would not impede or redirect flood flows.. Additionally, the Site is not located a flood hazard, tsunami, or seiche zone. As such, there would be no risk to release of pollutants due to project inundation.

e) Less Than Significant: Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.), requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris or contaminants from construction materials, tools and equipment from entering the storm drainage

system (off-site). Compliance with these regulations would facilitate the implementation of water quality control efforts at the local and state levels.

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

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

Thresholds of Significance: The project would have a significant effect on land use and planning if it would physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance, with regards to land use, as well as a number of more locally derived specific plans, such as the Gualala Town Plan, Ukiah Valley Area Plan. The proposed project is consistent with both its General Plan designation (Forest Lands, Chapter 3, page 3-76 of the Mendocino County General Plan) which allows for agricultural uses, and its zoning designation (Timberland Production, MCC Section 20.064) which allows for row and field crops as well as horticulture which typically incorporates greenhouse structures. Additionally, Mendocino County Code Section 20.242.040 allows for indoor cultivation with approval of a minor use permit.

Mendocino County currently has one active Habitat Conservation Plan (HCP) with the California Department of Fish and Wildlife which provides protections for the Point Arena Mountain Beaver. The Fisher Family HCP (Permit #TE170629-0) covers 24 acres of coastal scrub and was adopted December 3, 2007 for a period of 50 years. The Fisher Family HCP applies to parcel APN 027-211-02 located at 43400 Hathaway Crossing, Point Arena. Additionally, since 2003, the Mendocino Redwood Company (MRC) has managed the County's only Natural Community Conservation Plan which covers all lands owned by the MRC to preserve regionally important habitat.

a) and b) No Impact: The project would not divide an established community as the proposed project is not within an established rural residential area. The project would not conflict with any land use plan, policy, or regulation since the proposed uses (indoor cultivation and nursery) are permitted within the Timberland Production zone and Forest Lands General Plan designation. No impact would occur.

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

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

Thresholds of Significance: The project would have a significant effect on mineral resources if it would 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 or 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.

Discussion: The Surface Mining and Reclamation Act (SMARA) of 1975 provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state’s mineral resources. SMARA requires the State Mining and Geology Board to adopt State policy for the reclamation of mined lands and the conservation of mineral resources.

The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits. The demand for aggregate is typically related to the size of the population, and construction activities, with demand fluctuating from year to year in response to major construction projects, large development activity, and overall economic conditions. After the completion of U.S. 101 in the late 1960s, the bulk of aggregate production and use shifted primarily to residential and related construction. However, since 1990, use has begun to shift back toward highway construction.

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

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

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

Thresholds of Significance: The project would have a significant effect on noise if it would result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generation of excessive groundborne vibration or groundborne noise levels; or expose people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport or an airport land use plan, or where such as plan has not been adopted, within two miles of a public airport or public use airport).

Discussion: Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular use with its noise environment. Mendocino County relies principally on standards in its Noise

Element, its Zoning Ordinance, and other County ordinances, and the Mendocino County Airport Comprehensive Land Use Plan to evaluate noise-related impacts of development.

Generally speaking, land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise-sensitive. The Site is currently developed. Surrounding uses include residences to the north and south, and vacant lands to the east and west. The uses proposed under the project, mimic those currently in use and, after constructed, are not anticipated to generate increased noise.

As provided in Chapter 3 (Development Element) of the Mendocino County General Plan (2009), major noise sources in the County consist of highway and local traffic, railroad operations, airports, commercial and industrial uses, and recreation and community facilities. Highways with traffic that generates significant noise include Highway 101 and State Routes 1, 20, 128, 162, 253, and 175, which runs adjacent to the Site.

Policies contained in Chapter 3 of the County General Plan (2009) denote the County’s standards for maximum exterior noise levels for residential land uses and noise compatibility guidelines for residential, commercial, and industrial land use types. Per Policy DE-100, exterior noise levels for single family homes should not exceed 60 dBA during the hours of 7:00 a.m. and 10:00 p.m. and 50 dBA during the hours of 10:00 p.m. and 7:00 a.m. for more than 30 minutes in any hour. As provided in Table 3-K (Noise Compatibility Guidelines) in Policy DE-101, included below, the proposed use would be subject to the “Residential” land use compatibility standards:

**TABLE 3-K
NOISE COMPATIBILITY GUIDELINES (EXPRESSED AS A 24-
HOUR DAY-NIGHT AVERAGE OR LDN)**

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

Table 3-L (Maximum Acceptable Interior Noise Levels Created by Exterior Noise Sources) in Policy DE-103 provides the County’s standards for acceptable indoor intermittent noise levels for various types of land uses, as shown below:

**TABLE 3-L
MAXIMUM ACCEPTABLE INTERIOR NOISE LEVELS
CREATED BY EXTERIOR NOISE SOURCES**

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

Per Policy DE-105, a 5db increase in CNEL or Ldn noise levels is typically considered a significant increase in noise.

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

Ordinance, and other County ordinances, and the Mendocino County Airport Comprehensive Land Use Plan to evaluate noise-related impacts of development. Land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise-sensitive.

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

Given the small size of the project, it is anticipated that the effects of construction noise levels and vibration would be less than significant through the implementation of standard permit conditions. Standard permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 8:00 am and 6:00 pm weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise sensitive land use areas. With the inclusion of the standard permit conditions, the project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. A less than significant impact would occur.

b) & c) No Impact: The proposed construction and subsequent use of indoor cultivation facilities and a nursery would not result in the exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.

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

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

Thresholds of Significance: The project would have a significant effect on population and housing if it would induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure); or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Discussion: The most recent census for Mendocino County was in 2017, with an estimated population of 88,018. The county has undergone cycles of population boom followed by periods of slower growth. For example, the county population increased by approximately 25 percent between 1950 and 1960, but barely grew from 1960 to 1970. Between 1990 and 2000, the population of Mendocino County increased 7.4 percent, a much slower rate of growth than the 20 percent increase from 1980 to 1990. Population growth slowed further from 2000 to 2007, increasing only 4.6 percent.

Mendocino County's Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The Mendocino Council of Government's (MCOG) Regional Housing Needs Plan assigned the County a production goal of 2,552 housing unit for the unincorporated area between 2009 and 2014.

Goals and policies were set forth in order to facilitate the development of these housing units at a range of sizes and types to address this need.

The project would be operated with up to 15 current employees. It is anticipated that most, if not all, of the employees reside locally.

a) and b) No Impact: Since the proposed project involves construction and subsequent use of indoor cultivation facilities and a nursery, it would not result in the displacement of people or housing. The project would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. No impact would occur.

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

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

Thresholds of Significance: The project would have a significant effect on public services if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the 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 fire protection, police protection, schools, parks, or other public facilities.

Discussion: The Mendocino County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and government operations in the Mendocino County Operational Area. Fire Protection to the site is provided by CalFire and Fort Bragg Rural Fire Protection District. Police protection is provided by Mendocino County Sheriff’s Department Office – Fort Bragg Substation, located at 700 South Franklin Street in Fort Bragg.

a) No Impact: The demand for fire and police services is not anticipated to significantly change with the implementation of the proposed project. The proposed construction and subsequent use of indoor cultivation facilities and a nursery would have minimal impact on local schools, and would not substantially increase the use of local parks. The proposed project would not substantially increase the use or otherwise affect other public facilities (e.g., libraries) in the project area. As such, no impact would occur.

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

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

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

Thresholds of Significance: The project would have a significant effect on recreation if it would 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, or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Discussion: The County of Mendocino manages a variety of public recreation areas including the Low Gap Park in Ukiah, Bower Park in Gualala, Mill Creek Park in Talmage, Faulkner Park in Boonville, Indian Creek Park and Campground in Philo, and the Lion’s Club Park in Redwood Valley, all of which are operated by the Mendocino County Cultural Services Agency. Additionally, the County is host to a variety of state parks, reserves, other state protected areas used for the purpose of recreation, with 13 located along the coast and 8 located throughout inland Mendocino County. The closest state protected area to the proposed project is the Jackson State Forest, located approximately 0.5 miles southeast of the subject parcel.

a) and b) No Impact: The project site is located north of State Highway 20, approximately 0.5 miles northwest of Jackson State Forest. The proposed project would not increase the use of neighborhood parks, as there are none in the vicinity, or regional parks or other recreational facilities. The proposed project does not include recreational facilities.

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

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

Thresholds of Significance: The project would have a significant effect on transportation if it would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b); substantially increase hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.

Discussion: The Site is located in a rural area, approximately 4.4 miles southeast of the City of Fort Bragg, and is accessed off Road 350 (Private), a shared road which intersects with State Route 20, a two-lane highway managed by Caltrans. The site and its access points are located approximately 0.6 miles from the intersection with State Route 20. A secondary ingress/egress point which serves the Site is present and provides a path of travel for emergency vehicles. The applicant is not proposing expansion of access points.

a) No Impact: Additional traffic to and from the site is not expected as it is currently in use for cultivation and processing. It is expected that construction of the new facilities will result in a slight increase in traffic to and from the Site, as construction workers arrive and leave. Additionally, there may be slight interruption of traffic at the access point from State Route 20. Once construction is complete, traffic will return to its current level. Upon completion, 10 to 15 employees would travel to and from the site Monday through Friday, and 1 to 2 employees Saturday and Sunday. The development proposed on-site is not expected to significantly impact the capacity of the street system, level of service standards established by the County, or the overall effectiveness of the circulation system, nor substantially impact alternative transportation facilities, such as transit, bicycle, or pedestrian facilities, as a substantial increase in traffic trips or use of alternative transportation facilities is not anticipated. Additionally, the Applicant is providing van shuttle service for employees from its Highway 1 office, thereby reducing traffic and Vehicle Miles Traveled (VMT).

b) Less Than Significant: The proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), which states:

“(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant transportation impact.

(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, a lead agency may tier from that analysis as provided in Section 15152.”

Although the proposed project is considered a land use project, the County of Mendocino has not established a threshold with regard to VMT impact significance consistent with CEQA Guidelines Section 15064.3, subdivision (b). An increase in traffic is not expected after construction is complete. Furthermore, the Applicant has instituted an unofficial employee carpool program during weekdays using a van from its offices on Highway 1.

c) No Impact: The proposed project is not anticipated to increase hazards due to design features or incompatible uses as no additional roads are proposed. Both site entrances/exits are in place and no others are proposed.

d) No Impact: The proposed project will not result in inadequate emergency access, as the project is required to meet pertinent design criteria to provide adequate emergency access in accordance with all design standards and requirements and will be evaluated by the various agencies, including the County and CalFire, to ensure proposed access would be sufficient. Sufficient turnarounds on-site are currently in place, including at the end of the various roadways, and all internal driveways will be subject to California Fire Code requirements, including provisions associated with minimum width. In the event of an emergency (such as a fire), the existing private driveway may be used by facility users, including employees and patrons, to exit the Site or for fire vehicle access.

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

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

Thresholds of Significance: The project would have a significant effect on Tribal Cultural Resources if it would cause a substantial adverse change in the significance of a cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Places or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or 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 §5024.1.

Discussion: Per Chapter 3 (Development Element) of the Mendocino County General Plan (2009), the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the County concentrated mainly along the coast and along major rivers and streams. Mountainous areas and the County’s redwood groves were occupied seasonally by some tribes. Ten Native American tribes had territory in what is now Mendocino County. The entire southern third of Mendocino County was the home of groups of Central Pomo. To the north of the Central Pomo groups were the Northern Pomo, who controlled a strip of land extending from the coast to Clear Lake. The Coast Yuki claimed a portion of the coast from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.

As discussed under Section V (Cultural Resources), an *Archaeological Survey Report* (Archaeological Report) was prepared by Evans & De Shazo on March 26, 2020, in order to identify any archaeological, historical, or cultural resources within the proposed project area. Due to the sensitive and confidential nature of the report, a copy of the Archaeological Report is not included as an appendix to this Initial Study. Although the project, as presently designed, is not anticipated to have an adverse effect on significant cultural resources, a standard condition advising the Applicant of the County’s “Discovery Clause” is recommended. This condition establishes procedures to follow in the event that archaeological or cultural resources or human remains are unearthed during project construction, including but not limited to Site preparation and excavation, in accordance with Mendocino County Code Sections 22.12.090 and 22.12.100. The Project was referred to Sherwood Valley Band of Pomo Indians, Redwood Valley Rancheria, and Cloverdale Rancheria and no comments of concern were received.

a.i-ii) Less Than Significant: The Archaeological Report concludes that the project, as currently designed, is not anticipated to have an adverse effect on cultural resources, including tribal cultural resources. However, a

standard condition is recommended that advises the Applicant of the County’s “Discovery Clause,” which establishes procedures to follow in the event that archaeological or cultural materials, including tribal cultural resources, are unearthed during Site preparation or excavation activities, in accordance with Mendocino County Code Sections 22.12.090 and 22.12.100. Overall, this proposed project is found consistent with Mendocino County policies for protection of historic and tribal cultural resources. With incorporation of the Discovery Clause, the proposed project is found consistent with Mendocino County policies for protection of cultural resources, including human remains, and a less than significant impact would occur.

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

<u>XVIX. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on utilities and service systems if it would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments; generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

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

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

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

The Project Site is located outside the service boundaries of any public utilities district and would therefore be responsible for providing the Site with adequate utilities. Water to the site is provided by a permitted well. On-site septic, designed by Carl Ritterman, is designed, approved, and permitted. Electricity is provided by PG&E, and gas is delivered to the Site. Various telecommunication companies provide telecommunications to the surrounding area. Fort Bragg Waste Management is located within 4.5 miles of the Project Site and can accommodate the solid waste disposal needs of the site.

a) No Impact: As discussed above, the infrastructure necessary for electrical, gas, telecommunications and on-site water supply and wastewater collection connections have been established.

b) Less Than Significant: The Project estimates daily water usage at approximately 5,000 gallons per day for Indoor, Mixed Light, and Nursery. Typically, usage may increase during the summer months due to evaporative cooling. However, as agriculture practices for indoor and greenhouse cultivation are more efficient due to reduced atmospheric evaporation under controlled conditions, it is not anticipated usage will surpass 5,000 gallons.

c) Less Than Significant: As previously discussed, the Site is served by on-site septic. The Applicant will be operating as a "zero waste, best practice facility". The Zero Water International Alliance defines Zero waste as "the conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning and with no discharges to land, water, or air that threaten the environment or human health." The Applicant expects approximately 250 gallons per day of nutrient waste water to be generated. Depending on lab results, some of this water can be recirculated. That which cannot be recirculated will be hauled off site, per State Water Board requirements.

d) & e) Less Than Significant: All solid waste generated under the project would be disposed of in accordance to all federal, state, and local statutes and regulations related to solid waste including state and local waste diversion requirements. As noted above, the project will be served by Fort Bragg Waste Management for solid waste service. As noted in Chapter 3 (Development Element) of the Mendocino County General Plan (2009), there are no remaining operating landfills in Mendocino County, and, as a result, solid waste generated within the County is exported for disposal to the Potrero Hills Landfill in Solano County. Based on information provided on CalRecycle's website, the Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and a remaining capacity of 13.872 million cubic yards, and is estimated to remain in operation until February 2048 (2019). As such, the proposed would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals.

Conclusion: The proposed project would have a less than significant impact on Utilities and Service Systems. **(Less Than Significant)**

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

Thresholds of Significance: The project would have a significant effect on wildfire if it would impair an adopted emergency response plan or emergency evacuation plan; due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges.

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

The Site is located within the State Responsibility Area (SRA), just outside of the service boundaries of the Fort Bragg Fire Protection District, and is served by the California Department of Forestry and Fire Protection (CalFire). The Site is located within a mapped Moderate / High Fire Hazard Severity area. The nearest fire station is the Fort Bragg Fire Department, located approximately 4.5 miles northwest of the Site, with the nearest Calfire Station located approximately 7.5 southwest of the Site. There are no components that would increase the risk of wildland fire at the Site.

As the Subject Property is located within the SRA, the project is required to comply with the Fire Safe Regulations adopted by the State Board of Forestry in Title 14 of the California Administrative Code. These include standards for roads, defensible space, emergency water supply, and an Emergency Action Plan (EAP). The Applicant would be required to have a clearly posted address, adequate driveway and roadway width for emergency response vehicles, install a fire hydrant system and provide 5,000 gallon-minimum dedicated emergency water storage to ensure adequate emergency water supply, and maintain defensible space for fire protection purposes.

a) Less Than Significant: The County of Mendocino County adopted a *Mendocino County Operational Area Emergency Operations Plan* (County EOP) on September 13, 2016, under Resolution Number 16-119. As noted on the County’s website, the County EOP, which complies with local ordinances, state law, and stated and federal

emergency planning guidance, serves as the primary guide for coordinating and responding to all emergencies and disasters within the County. The purpose of the County EOP is to “facilitate multi-agency and multi-jurisdictional coordination during emergency operations, particularly between Mendocino County, local and tribal governments, special districts as well as state and Federal agencies” (County of Mendocino – Plans and Publications, 2019).

As discussed under Section IX, Hazards and Hazardous Materials, there are no components of the project that would impair an adopted emergency response plan or emergency evaluation plan, including the adopted County EOP. The Site is located within a State Responsibility Area and within a “Moderate / High” fire hazard severity zone. All project components would be required to be designed in accordance to state and local standards, including safety and emergency access requirements and CalFire’s Fire Safe Regulations. Prior to occupancy or use, a Final Inspection and Occupancy Permit must be obtained from CalFire. CalFire conditioned the project to require the Applicant to provide adequate driveway and roadway width for emergency response vehicles, provide an adequate emergency water supply on-site, and maintain defensible space for fire protection purposes in order to ensure State Fire Safe Regulations are met.

b) Less Than Significant: Under the proposed project, it is not anticipated that wildfire risks would be exacerbated due to slope, prevailing winds, and other factors. The Site is currently developed and primarily comprised of oak trees, redwoods, and shrubs. The project’s development is concentrated in flatter portions of the Site, with forested hillslopes remaining undeveloped. No tree or vegetation removal is proposed. Although proper precautions and measures would be taken during construction, operation, and maintenance, the potential exists for wildland fire to inadvertently be ignited when equipment is utilized, especially during periods of increased fire danger. The project would require full compliance with CalFire’s Fire Safe Regulations to ensure adequate fire protection measures and access.

c) No Impact: The Site is currently developed, and the proposed improvements would not require the installation and maintenance of associated infrastructure, internal access roads, primary and secondary Site access roads, or underground utility line (electricity, water, and on-site septic) installation and connections. The developed footprint is not significant in size and during infrastructure installation and associated maintenance, appropriate Best Management Practices (BMPs) would be implemented.

d) Less Than Significant: The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges, as the Site is located in a rural area with limited development.

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

<u>XXI. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on mandatory findings of significance if it would have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory; 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.); or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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

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

Potential environmental impacts from the approval of a Minor Use Permit to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy and a nursery of no more than 12,000 sq. ft. of immature canopy with separate structures have been analyzed in this document and impacts would be held to a less than significant level.

a) Less Than Significant: The project does not 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.

b) Less Than Significant: No cumulative impacts have been identified as a result of the proposed project. Individual impacts from the project would not significantly contribute to cumulative impacts in the area.

c) Less Than Significant: Based on the findings in this Initial Study and as mitigated and conditioned, the proposed project would not have environmental effects that would cause substantial adverse effects on human beings either directly or indirectly.

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 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.

12-16-2020

DATE



MARK CLISER
PLANNER II

Resolution Number _____

County of Mendocino
Ukiah, California

JANUARY 14, 2021

U_2019-0025 – DWIGHT ALLAN HARRIS, JR.

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO,
STATE OF CALIFORNIA GRANTING A MINOR USE PERMIT U_2019-0025 FOR
CANNABIS CULTIVATION

WHEREAS, the Applicant, DWIGHT ALLAN HARRIS, JR., filed an application for a MINOR USE PERMIT with the Mendocino County Department of Planning and Building Services to establish a Type C-A Cottage-Size Indoor Cultivation Permit for cannabis cultivation of no more than 2,500 square feet of canopy within a 4,300 square foot structure which will also be used for storage, 4.4 ± miles southeast of Fort Bragg City center, lying on the north side of Highway 20 (SH 20), 1.6± miles northwest of its intersection with Road 350 (Private), located at 27972 Highway 20 (APN: 020-422-26). General Plan FL160; Zoning TPZ:160; Supervisorial District 4; (the “Project”); and

WHEREAS, an Initial Study and draft Negative Declaration was prepared for the Project and noticed and made available for agency and public review on December 17, 2020 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on January 14, 2021 at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and Draft Negative Declaration. All interested persons were given an opportunity to hear and be heard regarding the Project and Draft Negative Declaration; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator, based upon the evidence in the record, makes the following findings;

1. **General Plan and Zoning Findings:** The subject parcel is classified Forest Land with a one hundred and sixty (160) acre minimum parcel size (FL160) under the Mendocino County General Plan and the Project is consistent with the intent of the designation. While the proposed project does not entail the growing and harvesting of timber, the majority of the parcel will remain undeveloped and allow for the continued growth of timber. The proposed indoor cannabis cultivation is small and will not make the subject parcel unusable for timber activities; and
2. **Use Permit Findings:** The Project satisfies the Use Permit required findings per Section 20.196.020 of the Mendocino County Code. Below is the discussion of each finding and how the use permit appropriately meets those requirements.
 - a. *That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;*
 - i. The project would facilitate the permitting of an existing indoor cannabis cultivation site. Cannabis cultivation is allowed within the Forest Land (FL) general plan designation. With the inclusion of the recommended conditions of

approval, the project is found consistent with Mendocino County policies for cannabis cultivation, and in conformance with the Mendocino County General Plan.

b. *That adequate utilities, access roads, drainage and other necessary facilities have been and are being provided;*

i. The proposed project has connections to existing water and septic systems that will be used for the operation. Agency conditions require that the applicant work with the Mendocino County Department of Environmental Health and Building Inspection to obtain any required permits or approvals. The site features a well and septic. The applicant is required to contact Environmental Health for additional permitting of the septic system. With the incorporation of agency conditions, this finding can be made. Access to the site is provided via driveways in the eastern boundary of the site.

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

i. Given that the development proposed will be replacing existing development; that the cultivation is conducted within structures to allow for better mitigation of smell and light concerns; that the applicant has previously operated in a similar capacity with regards to cultivation; and that all setbacks for cultivation activities meet or exceed the requirements as identified by Mendocino County Code Section 10A.17.040(6)(a); and with the incorporation of agency conditions, this finding can be made.

d. *That such use preserves the integrity of the zoning district.*

i. Through granting a Use Permit to authorize the proposed cannabis cultivation site per Section 20.242.040(B) of the Mendocino County Code (MCC), and as conditioned, the project would be in conformance with the Timberland Production (TPZ) zoning district and would not undermine the integrity of the zoning district. Staff finds the existing and proposed cultivation areas and appurtenant structures to support the cannabis cultivation are permitted accessory buildings within the Timberland Production zoning land use classification. The existing and proposed use is consistent with the intent of the Timberland Production zoning classification and all associated development and performance criteria. With compliance with the conditions of approval, Staff finds the cannabis cultivation, proposed appurtenant structures, and associated utilities would satisfy all development requirements for the Timberland Production district. Additionally, per MCC Sec. 20.068.030 - Special Provisions, a specific finding must be made to demonstrate the proposed use is compatible with the growing and harvesting of timber and timber products. As discussed in Key Issue No. 1, the majority of

the subject parcel will remain undeveloped and allow for the continued growing, harvesting, and production of timber and timber related products. The proposed project will not interfere or adversely affect continued growing, harvesting, and production of timber and timber related products. Section 10A.17.040(K) prohibits removal of any commercial tree species. No tree removal is required for the proposed project. The area in which cultivation is to take place has been cleared using a legal three acre conversion (CalFire No. 298.18). No expansion of existing use is requested. As such, the Special Provision finding per MCC Sec. 20.068.030 can be made; and

3. **Timberland Production Zone Special Provision:** The Project satisfies the Timberland Production Zone Special Provision finding required per Section 20.068.030 of the Mendocino County Code; and
4. **Environmental Protection:** Staff has completed an Initial Study for the project. As a result, a Negative Declaration was prepared. While Staff recommends several avoidance and minimization conditions in this Staff report, none of the recommended conditions constitute mitigation necessary to reduce potentially significant impacts to less than significant levels as defined in CEQA. Staff finds that the project, as proposed, has a less than significant impact on the environment and thus recommends adoption of a Negative Declaration; and
5. **Cultural Resources:** The application was referred to the Northwest Information Center at Sonoma State University, which found moderate potential for unrecorded Native American resources in the proposed project area. An Archaeological Survey was prepared by the Applicant and accepted by the Mendocino Archeological Commission on August 12, 2020. A Standard Condition is recommended and advises the Applicant of the County's "Discovery Clause".

BE IT FURTHER RESOLVED that the Zoning Administrator hereby adopts the Negative Declaration. The Zoning Administrator certifies that the Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Negative Declaration reflects the independent judgment and analysis of the Zoning Administrator.

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

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

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

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

ATTEST: JAMES FEENAN
Commission Services Supervisor

By: _____

BY: BRENT SCHULTZ
Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL

JANUARY 14, 2021

U_2019-0025 – DWIGHT ALLAN HARRIS, JR.

APPROVED PROJECT DESCRIPTION: Minor Use Permit to allow for a cannabis cultivation permit (Type C-A: Indoor) of no more than 2,500 sq. ft. of mature canopy and a nursery of no more than 12,000 sq. ft. of immature canopy within separate structures per Mendocino County Code Sections 20.242.040 (C)(1)(c) and 20.242.040(B).

CONDITIONS OF APPROVAL:

General:

1. This permit is issued for a period of ten years, and shall expire on January 14, 2031. The applicant has the sole responsibility for renewing this permit before the expiration date. The county will not provide a notice prior to the expiration date.
2. The use of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
3. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
6. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any 1 or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
6. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
7. It shall be the responsibility of the Applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.
8. Prior to any construction, the Applicant shall adhere to the previously submitted and approved Cal Fire 4290 – Fire Safe Regulations provided to the Mendocino County Department of Planning and

Building Services with an approved State Fire Safe Regulation Application Form. The applicant shall comply with those recommendations of the California Department of Forestry (Cal Fire) or other alternatives as acceptable to Cal Fire. A Final Clearance letter from Cal Fire shall be submitted to the Department of Planning and Building Services stating that compliance with their requirements have been met to their satisfaction.

Aesthetics:

9. All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting shall be turned off at 7:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement; however any exterior security lighting installed on the property shall utilize motion-sensored activation.) All lighting along the property boundaries shall be setback a minimum of 20 feet from all property lines.
10. The Applicant shall provide construction plans that demonstrate surfaces on all buildings are constructed with material that minimize reflective properties.
11. The Applicant shall provide a lighting plan demonstrating that that proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect fish and/or wildlife directly, or from a distance.
12. No signage other than that required by CalFire shall be allowed for the operation.

Air Quality:

13. The Applicant shall obtain an Authority to Construct permit from Mendocino County Air Quality Management District (AQMD) prior to beginning construction and/or installation of any equipment that emits or controls emissions or air contaminants, including odors
14. The Applicant shall adhere to all AQMD requirements regarding Diesel Engines, Open-Outdoor Burning, and Grading Projects
15. The access road and interior circulation routes shall be treated with a dust suppressant and maintained in such a manner as to insure minimum dust generation subject to the Air Quality Management District's dust regulations.

Biological Resources:

16. Removal of any commercial tree species, as defined by California Code of Regulations section 895.1 (Commercial Species for the Coast Forest District and Northern Forest District), and the removal of any true oak species (*Quercus* sp.) or Tan Oak (*Notholithocarpus* sp.) for the purpose of developing the cannabis cultivation site shall be prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to safety or disease concerns.
17. All Bishop Pines on the subject parcel shall be protected and avoided during construction. The removal of Bishop Pines tress and/or seedlings is prohibited.

Cultural Resources:

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

Hydrology:

19. A completed Lake or Streambed Alteration Agreement (LSAA) will be required from the California Department of Fish and Wildlife (CDFW) for the project, including, but not limited to: diversion and use of water from a river, and potentially water use from springs. The pond may also be utilized as a source of water in case of emergency. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602. Please note that existing jurisdictional projects or infrastructure that does not have a valid or current LSAA will likely require notification (e.g. existing stream crossings on roads). Please contact the local regional CDFW office to determine if a LSAA is necessary for the proposed project.

Noise:

20. Construction shall be limited to the hours of 8:00 a.m. to 6:00 p.m. and shall employ the use of quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise sensitive land use areas.
21. The Applicant shall provide a noise pollution plan demonstrating that the generator currently utilized at the site would not deliver noise pollution, which may affect fish and/or wildlife directly, or from a distance.

Building Inspection & Environmental Health:

22. Current California Business & Professions Code requires a licensed engineer to design, approve, stamp and sign all commercial structures. For all indoor cultivation facilities the applicant shall identify the source of electrical power and plan for compliance with applicable Building Codes. Also, provide documentations that addresses the handling of waste discharge from the grow location of items including, but not limited to nutrients, spent growing media, un-used containers and other associated hardware, supplies, and garbage.
23. If applicable, a site accessibility plan shall be submitted into the Building Department that shows the placement of all site features as required by California Building Code: Chapter 11-B. This shall be "wet-stamped" by a design professional and shall address (at a minimum) Site Arrival Parking, Signage, Restrooms, Path of Travel (to / through the building), Workspace designations / dimensions, and Interior Environment.
24. The applicant must contact the Department of Environmental Health to finalize the on-site septic system (Permit No. ST25227).
25. The Applicant is required to employ Standard Best Management Practices (BMPs), such as straw bales, fiber rolls, and/or silt fencing structures, to assure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas, and would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project with native vegetation and/or native seed mixes for soil stabilization as soon as feasible.