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

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**CDP\_2017-0038  
MAY 13, 2021**

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**SUMMARY**

**OWNER/APPLICANT:** JASON KIRKMAN & CAROL KAWASE  
24772 SASHANDRE LANE  
FORT BRAGG, CA 95437

**AGENT:** SAM WALDMAN  
P.O. BOX 49  
MENDOCINO, CA 95460

**REQUEST:** Coastal Development Standard Permit to construct a two story, 2,895 square foot single family residence with an attached 488 square foot garage, covered porch, decks, ground mount solar array, 100 square foot pump house, two 2,500 gallon water tanks, three 20 foot wind turbines, on-site septic system, and a 440 square foot driveway, convert an existing test well to a production well, and connect to utilities.

**LOCATION:** In the Coastal Zone, located 2± miles south of Albion town center, 0.4± miles northwest of the Navarro River, lying on the east side of Highway 1; located at 1401 North Highway 1, Albion; APN: 126-010-04.

**TOTAL ACREAGE:** 6.02± Acres

**GENERAL PLAN:** Coastal Element 4.12  
Rural Residential (RR5:PD) 5 acre minimum parcel size, with Planned Unit Development Combining District.

**ZONING:** Rural Residential (RR:5-PD) 5 acre minimum parcel size, with Planned Unit Development Combining District

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**APPEALABLE:** No

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** MATT GOINES

**BACKGROUND**

**PROJECT DESCRIPTION:** Coastal Development Standard Permit for the construction of a 2,895 square foot, two story single family residence with attached 488 square foot garage, covered porch, decks, ground mount solar array, 100 square foot pump house, two 2,500 gallon water tanks, three wind turbines, on-site septic system, and a 440 square foot driveway, convert an existing test well to a production well, and connect to utilities.

**APPLICANTS' STATEMENT:** Construct a new 2,895 square foot two story single family residence with an attached 488 square foot garage, for a total structural size of 3,005 square feet. Associated development includes ground mounted 240 square foot solar array, three small wind turbines with maximum height of 20 feet, two 2,500 gallon water storage tanks, on-site septic disposal system, convert test well to production well, new 440 square foot driveway, and connect to utilities.

Request probable future repair/replacement of septic tank, installation of new pump tank and trenching

septic line from said tank and associated infrastructure to secondary/replacement septic leach field.

Request conversion of test well to production water well and future conversion of test well(s) to production well(s).

**RELATED APPLICATIONS:**

- No related cases on site or in the vicinity.

**SITE CHARACTERISTICS:** The 6.02 acre site is located northwest of the Navarro River, on the east side of Highway 1, 2± miles south of Albion town center, within the Coastal Zone in the unincorporated area of the County of Mendocino. The property is located at 1401 North Highway 1 (APN: 126-010-04) on Navarro Head<sup>1</sup> and is currently undeveloped. The proposed building envelope is located in the southeastern portion of the parcel. The two above ground 2,500 gallon water storage tanks would be located northwest of the proposed residence with attached garage, while the three wind turbines, with a maximum height of 20 feet, are proposed to be located southwest of the proposed residence. The 1,200 gallon concrete septic tank and leach field are proposed northeast of the proposed residence. The existing test well, proposed to be converted to a production well, is located in the southern portion of the property. Access to the site is provided via an existing public utility and access easement, which traverses the adjacent parcel (APN: 126-010-03) north of the site, enters the site in the northeastern corner of the site, and traverses along its eastern boundary.

The site consists of moderately sloping terrain with a west facing hillside and a relatively flat hilltop. Elevations at the site range from 240± feet along the site's western boundary to 420± feet above mean sea level along the site's eastern boundary. The site is about 1,500 feet north of the Navarro River and 1,000 feet east of the Pacific Ocean. The site is located in an area with minimal development and is located east of and across Highway 1, from lands that include coastal trails and passive recreational uses on vacant lands, including the Navarro Point Preserve and Scenic Trail. While the parcel is located partially within a mapped Highly Scenic Area, the proposed area of development is located outside of this designated area.<sup>2</sup> Vegetation at the site consists of mowed non-native grassland in the flatter, uppermost portion of the property, and along the westerly slope; as the hillside slopes downward to the north, non-native grassland becomes more frequent.<sup>3</sup>

Two Environmentally Sensitive Habitat Areas (ESHAs) have been identified on the site by various project biologists, including populations of two species of special-status plant: Baker's goldfields (*Lasthenia californica bakeri*) and coastal bluff morning glory (*Calystegia purpurata* ssp. *Saxicola*). Special-status wildlife species, including the Behren's Silverspot Butterfly, were not found on-site during the botanical/biological scoping and Behren's Silverspot Butterfly surveys conducted at the project site. Although no special status species were found during the wildlife scoping surveys, there is a potential for the presence of special-status and protected birds, bats, and migratory Northern Red-legged frog on the site; protective measures were recommended by the project biologist to lessen potential impacts associated with development of the proposed project.<sup>4</sup>

The entire site consists of barren<sup>5</sup>, undeveloped, and non-prime agricultural land<sup>6</sup>. The entirety of the site is underlain by bedrock (Zone 1).<sup>7</sup> The site is located within a "Critical Water" area<sup>8</sup>, and moderate and high fire hazard areas.<sup>9</sup> Mapping does not associate the following with the subject site: faults, landslides, erosion, tsunami, or flood hazard.<sup>10</sup>

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the site and surrounding property to the north, south, and east are designated Rural Residential (RR5 and RR10). Immediately west of the site is designated Remote Residential (RMR40). The existing and proposed land use is a principally

<sup>1</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Habitats & Resources* [map].

<sup>2</sup> Mendocino County Department of Planning & Building Services. 1991. *Highly Scenic & Tree Removal Areas* [map].

<sup>3</sup> Spade Natural Resources Consulting. June 21, 2017. *Botanical, Biological Scoping, and Behrens Silverspot Butterfly Survey Report*.

<sup>4</sup> Spade Natural Resources Consulting. June 21, 2017. *Botanical, Biological Scoping, and Behrens Silverspot Butterfly Survey Report*.

<sup>5</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Habitats & Resources* [map].

<sup>6</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Use Map 19: Navarro* [map].

<sup>7</sup> Mendocino County Department of Planning & Building Services. May 2016. *LCP Land Capabilities & Natural Hazards* [map].

<sup>8</sup> Mendocino County Department of Planning & Building Services. May 2016. *Ground Water Resources* [map].

<sup>9</sup> Mendocino County Department of Planning & Building Services. May 2016. *Fire Hazard Zones & Responsibility Areas* [map].

<sup>10</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Capabilities & Natural Hazards* [map].

permitted land use in the RR District.

<b>Table 1. Surrounding Land Use and Zoning</b>				
	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	RR 5-PD	RR:5-PD	6.02± Acres	Vacant
<b>EAST</b>	RR10	RR:10	9.8± Acres	Vacant
<b>SOUTH</b>	RR 5-PD *1	RR:5-PD	7.93± Acres	Vacant
<b>WEST</b>	RMR 40	RMR:40	38± Acres	Open Space

The parcels immediately to the north, east, and south are currently undeveloped and vacant. Immediately west of the site is open space and the Navarro Point Preserve and Scenic Trail.

**LOCAL COASTAL PROGRAM CONSISTENCY:** The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

Land Use: The parcel is classified as Rural Residential with a 5 acre minimum parcel size and a Planned Unit Development combining district (RR5-PD) by the Mendocino County General Plan. “The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.”<sup>11</sup>

The proposed project, which involves construction of a single family residence, appurtenant structures, and utilities, is consistent with the Rural Residential Land Use classification.

Zoning: The project site is located within a Rural Residential (RR) District, which is “intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.”<sup>12</sup> The proposed project, which involves construction of a single family residence, appurtenant structures, and utilities, is a principally permitted use within the Rural Residential District, pursuant to Mendocino County Code (MCC) Chapter 20.376 RR -- *Rural Residential District*.

The Planned Unit Development combining district is “intended to be used as a combining Land Use Classification with SR, RR:1 (40,000 sq. ft.), RR:2, RR:5, RR:10, Industrial, and Commercial, and in Agriculture where applicable and consistent with other policies of the General Plan.” Additionally, “the Planned Unit Development combining district is intended to require a site plan for new development so that a parcel will be reviewed to ensure maximum preservation of open space, protection of views from public roads, pygmy vegetation areas where the entire parcel is pygmy soil types, and resource protection, while allowing residential, commercial, and industrial uses on an existing parcel with site area per unit specified.”<sup>13</sup> The Zoning Ordinance will enforce the Planned Unit Development combining district. The principally permitted uses within this classification are the same as the classification with which it is being combined, including single family residences, which is what is proposed under the project.

The project would comply with the minimum front, rear, and side yard requirements for the RR District for a parcel of this size, which are 30 feet each. The maximum building height allowed in the RR District is 28 feet above the natural grade for non-Highly Scenic Areas. The project footprint is located outside of the highly scenic area of the property. The maximum height of the proposed project components would be 26 feet in height. The project as proposed would result in lot coverage of 1.8 percent, which would not exceed the maximum allowed lot coverage of 10 percent for parcels of this size located within a RR District.

The proposed project would comply with the accessory use requirements, which specify that accessory uses, such as the proposed garage, porch, decks, and additional appurtenant structures and utilities are appropriate, incidental, and subordinate to the principal permitted single family residential use.

Visual Resource and Special Treatment Areas: A portion of the site is designated as a Highly Scenic Area; however, the proposed area of development is located outside of this designated area and does not

<sup>11</sup> Mendocino County General Plan. Chapter 2.2 of the Coastal Element. 1991.

<sup>12</sup> Mendocino County Coastal Zoning Code, § II-20.376.005 (1991). Print.

<sup>13</sup> Mendocino County General Plan. Chapter 2.2 of the Coastal Element. 1991.

negatively impact said area.<sup>14</sup> As such, Staff finds that the Highly Scenic Area policies contained in MCC Section 20.504.015(A) do not apply to this project as proposed.

The proposed development, which includes the construction of a single family residence, appurtenant structures, and utilities, would be visible from Highway 1, Navarro Point Preserve, and Scenic Trail recreation area. However, appropriate and natural color palettes have been chosen to be less impactful, the residence is similar in size and scale to those on adjacent properties, the 3 wind turbines have a 12, 16, and 20 foot max height, which is less than the height limitations for the rural residential zoning in a non-highly scenic area, and will be painted to match the natural surrounding environment (see site plan for location), and the above ground water storage tanks will be located below the deck and hidden behind the proposed landscape berm. The wind turbines are considered an accessory use to a single family residence per MCC 20.45.015 (C). With adherence to the above information, staff finds that the proposed project would not have significant visual impact.

Hazards Management: The parcel is predominately located in an area classified with a “Moderate Fire Hazard” severity rating; however, the portion of the site where development is proposed is located within an area classified with a “High Fire Hazard” severity rating.<sup>15</sup> Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Albion-Little River Fire District (ALRFD). The project application was referred to CalFire and the ALRFD for input. CalFire responded with no comments. As of this date, no response has been received from ALRFD.

The Applicants submitted a *State Fire Safe Regulations Application Form* to CalFire (CalFire File No. 271-17) and conditional approval was granted by CalFire on June 26, 2017, with specific conditions related to standards for address, driveway, defensible space, and maintaining defensible space. Staff finds the project to be consistent with Mendocino County policies for fire protection. The standards as listed in the CalFire approval must be met (**Condition 16.**)

Habitats and Natural Resources: The site is located east of and across Highway 1 from lands including coastal trails and passive recreational uses on vacant lands, such as the Navarro Point Preserve and Scenic Trail.<sup>16</sup> A *Botanical, Biological Scoping, and Behrens Silverspot Survey Report* (Biological Report) were prepared by Spade Natural Resources Consulting on June 21, 2017. Two Environmentally Sensitive Habitat Areas (ESHAs) have been identified on the site by the project biologist, including populations of two species of special-status plants: Baker’s goldfields (*Lasthenia californica* ssp. *bakeri*) and coastal bluff morning glory (*Calystegia purpurata* ssp. *saxicola*).<sup>17</sup> Based on review of the California Natural Diversity Database (CNDDDB, version 3/2017), several special-status plant and wildlife species have been known to occur on and within the vicinity of the site including: Siskyou checkerbloom (*Sidalcea malviflora* ssp. *patula*), Baker’s goldfields (*Lasthenia californica* ssp. *bakeri*), swamp harebell (*Campanula californica*), short-leaved evax (*Hesperis matronalis* var. *breviflora*), Mendocino coast paintbrush (*Castilleja mendocinensis*), Blasdale’s bent grass (*Agrostis blasdalei*), coast lily (*Lilium maritimum*), Oregon coast paintbrush (*Castilleja littoralis*), and obscure bumble bee (*Bombus caliginosus*).<sup>18</sup>

As provided in the Biological Report, vegetation at the site consists of mowed non-native grassland in the flatter, uppermost portion of the property and along the westerly slope; as the hillside slopes downward to the north, vegetation becomes more frequent.<sup>19</sup> Other plant communities found on the property include: northern coastal bluff scrub in the northern and southern portions of the site; Pacific reedgrass meadow in the northern, central, and southern portions of the site; California blackberry bramble in the northeastern and central portions of the site; coyote brush scrub in the northern, northeastern, and central portions of the site; and Monterey cypress trees in the northeastern and eastern portions of the site. Hundreds of coastal bluff morning glory plants were identified in the western, southern, and eastern portions of the site, while only a couple clumps of Baker’s goldfields was identified near the central portion of the site. Other sensitive resources, including riparian vegetation and supple daisy (*Erigeron supplex*), were identified north and south of the site, respectively, outside of the parcel boundaries. The proposed building location is considered the least impactful location, even though special-status coastal bluff morning glory species would be impacted; those found within the designated building location were hybrid species and contain only two individual plants within the building envelope. Although no special-status species, including the

<sup>14</sup> Mendocino County Department of Planning & Building Services. 1991. *Highly Scenic & Tree Removal Areas* [map].

<sup>15</sup> Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

<sup>16</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Capabilities & Natural Hazards* [map].

<sup>17</sup> Spade Natural Resources Consulting. June 21, 2017. *Botanical, Biological Scoping, and Behrens Silverspot Butterfly Survey Report*.

<sup>18</sup> Mendocino County Department of Planning & Building Services. 1991. *Natural Diversity Database* [map].

<sup>19</sup> Spade Natural Resources Consulting. June 21, 2017. *Botanical, Biological Scoping, and Behrens Silverspot Butterfly Survey Report*.

Behren's silverspot butterfly, were found during the wildlife scoping surveys conducted on the project site, there is a potential for the presence of special-status and protected birds, bats, and migratory Northern Red-legged frog. Protective measures were recommended by the project biologist to lessen potential impacts associated with development of the proposed project.<sup>20</sup>

Since ESHAs have been identified on and adjacent to the site, the project is required to implement a 100 foot buffer from each identified ESHA, pursuant to MCC Section 20.496.05(A)(1), unless it can be demonstrated that 100 feet is not necessary to protect the resources of the particular habitat area from possible significant disruption caused by the proposed development, but shall not be less than 50 feet in width from identified ESHA, as approved by California Department of Fish and Wildlife. However, the proposed project would not meet the minimum setback of 50 feet from all identified ESHAs. As described above, the project biologist considers the proposed building location to be the least impacting location, even though special-status coastal bluff morning glory species would be impacted, as those found within the designated building location were hybrid species and only two individual plants are located within the building envelope. Identified ESHAs, in addition to other special-status wildlife species that have the potential to occur on the site, have several conditions as recommended by the project biologist.

Takings Analysis: Despite the identification of the least environmentally damaging alternative, the proposed project is not consistent with Section 20.496.020(A)(1), which reads in part, "the buffer area shall be measured from the outside edge of Environmentally Sensitive Habitat Areas and shall not be less than fifty feet in width." The proposed project is sited less than fifty feet from ESHA boundaries.

Section 30010 of the California Coastal Act addresses regulatory takings and states the following:

*The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.*

In this case, prohibiting development within fifty feet of an ESHA would deprive the owner of all economic use of the property. There are no alternative development options where the project can be at least fifty feet from an ESHA, as the majority of the site is an ESHA or within an associated ESHA buffer.

Some factors that courts examine to determine if a regulatory taking has occurred, involve the presence of reasonable investment-backed expectations, the degree to which a regulation may interfere with those reasonable investment-backed expectations, and whether or not a regulation deprives an owner of all economic use of the property. Staff believes there was a reasonable investment backed expectation that the scale of the residential development proposed is consistent with similar properties in the vicinity. Attached to this Staff Report is the response from the applicant related to the Takings Analysis question and includes an outline of the costs the applicant has incurred since purchasing/inheriting the site in an effort to develop the property. Considering the property is zoned for residential development as a principally permitted use, and other residential development exists on parcels along the same corridor (APNs: 123-310-16, 123-310-15, and 123-310-07), a reasonable person would have believed that the property could have been developed with a single family residence.

The applicant acquired the parcel on April 24, 1997, from ZEM Enterprises. The subject parcel was created in 1987 via a minor subdivision (MS 40-87) and the property was originally purchased for \$169,000. The applicant has spent approximately \$45,731 in the last five years to design the residence, prepare surveys and studies, and complete permits necessary for future development of the site.

In order to assess if the applicant's expectation to build a two story 2,895 square foot single family residence with an attached 488 square foot garage, covered porch, decks, ground mount solar array, 100 square foot pump house, two 2,500 gallon, above-ground, water tanks, three wind turbines, on-site septic system, and a 440 square foot driveway, on an approximately six acre parcel was similar to comparable single family

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<sup>20</sup> Spade Natural Resources Consulting. June 21, 2017. *Botanical, Biological Scoping, and Behrens Silverspot Butterfly Survey Report.*

homes and other accessory structures in the area, a Takings Analysis must be performed. A Takings Analysis was submitted by Wynn Coastal Planning on Oct. 3, 2018. The average overall square footage of single family residences in the area was 2,546 square feet with an average overall footprint of 2,497 square feet. The proposed development is roughly equal to the square footage of development in the area over all years reviewed. The analysis of the comparable development is included in the **Takings Analysis**, attached to this document.

MCC Section 20.368.010 states the principally permitted use types in the RR district, which include: single family residential, vacation home rental, light agriculture, row and field crops, tree crops and passive recreation. Due to the prevalence of ESHA on the parcel, all principally permitted uses except for passive recreation would require encroachment into a fifty foot ESHA buffer. The allowed agricultural uses would require substantial site disturbance and clearing and are not a viable way to use the property. Passive recreation use would be the only option that would be less impactful than the construction of a single family residence and possibly not require any activities meeting the definition of development under the Coastal Act. Passive recreation uses do not afford the property owner an economically viable use.

The property was purchased with an investment-backed expectation that construction of a single family residence would be permitted. Alternatives to the proposed development, including different development projects and alternative locations, were considered and analyzed by a qualified professional, as required by MCC Sections 20.496.020(A)(4)(b) and 20.532.060(E). The proposed project is considered the most feasible, least environmentally damaging alternative that best avoids sensitive plant ESHA and related ESHA buffer requirements that satisfies the investment backed expectation of the owner. Mitigation Measures were recommended in the reports provided by Jennifer Riddell Consulting, Theresa Spade Consulting, and Wynn Coastal Planning and Biology, and are recommended as Conditions 18-26 to ensure the project does not have an adverse impact on the sensitive resources at the site.

Archaeological/Cultural Resources: The project was referred to Sonoma State University for review and comment. In a letter response, dated August 17, 2017, the Northwest Information Center (NWIC) at Sonoma State University indicated that two prior studies had been conducted at the project site, Study S-011060 (Haney 1989) and Study S-011133 (Flaherty 1989), covering 100% of the proposed project area, and found no identified cultural resources. Due to the project's location, there is a moderate potential for unrecorded Native American resources in the project area. As such, NWIC recommends that a qualified archaeologist conduct further archival and field study to identify potential cultural resources and recommends consultation with the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. The project was referred to three local tribes for review and comment: The Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Rancheria. Correspondence from the Sherwood Valley Band of Pomo Indians, dated August 4, 2017, expresses the Tribe's primary concern with the implications that are associated with construction in culturally significant and sensitive areas and notes the proposed project is in close proximity to the Navarro River, which has important value to the Tribe. New construction in the area can cause significant change to the land cover and the Tribe is concerned about construction site run-off infiltration which may have an impact on marine habitat and affect their subsistence harvesting areas that are near the project location. The Redwood Valley Rancheria replied on August 17, 2017, with mention to the Tan Oak found within the area, it is a traditional food source and must be protected. Protection measures will be achieved by leaving the Tan Oak in place and untouched. As of this date, no response has been received from the Cloverdale Rancheria. The original subdivision had prescribed building envelopes for residential structures to which this projects adheres.

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

**PROJECT FINDINGS AND CONDITIONS:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

**FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas, which is specifically addressed by the Supplemental Findings below. A single family residence is a principally permitted use and a garage, ground mount solar array, three wind turbines, porch, decks, and additional appurtenant structures are permitted accessory buildings within the Rural Residential land use classification and are consistent with the intent of the Rural Residential classification and all associated development criteria; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The proposed project will be served by an on-site production well and an on-site sewage disposal system. The proposed driveway off Highway 1 (Public) is adequate to serve the proposed development. Drainage and other necessary facilities have been considered in project design; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Rural Residential zoning district, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, and preserves the integrity of the Rural Residential zoning district. Compliance with the conditions of approval, for the proposed single family residence, appurtenant structures, and associated utilities would satisfy all development requirements for the district; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. An Initial Study and adoption of a Mitigated Negative Declaration is recommended. (Conditions 18-26) are recommended to ensure compliance with the California Environmental Quality Act requirements for a Mitigated Negative Declaration; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources if constructed in compliance with the conditions of approval, as there are known resources within the vicinity of the site. Standard Condition 8 is recommended to ensure protection if archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. Development of a single family residence and appurtenant structures to replace an existing residence and accessory structures, and reconstructing associated utilities, would not generate a significant amount of solid waste or significantly increase public roadway use beyond that existing today as the residential use is not expanding; and
7. Pursuant with MCC Section 20.532.095(B), the proposed development would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is not located between the first public road and the sea; and is not designated as a potential public access point; however this parcel is located adjacent to a public access point; and
8. Pursuant to MCC Section 20.532.100(A)(1), no development shall be allowed in an ESHA unless the resource as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative, and all feasible mitigation measures capable of reducing or eliminating project related impacts are recommended for adoption. Alternatives to the proposed development were considered. Adjacent properties in the vicinity were reviewed to determine that the size and scale of development is in conformance with adjacent properties. Mitigation measures have been recommended to reduce any potential impacts from the proposed project. As conditioned, the proposed development will not significantly degrade the resource as identified.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period has expired and no appeal has been filed. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code. The property owner shall obtain approval for on-site septic prior to issuance of any building permits. An approved Environmental Health Qualified Site Evaluator shall design and install a septic tank with leach field adhering to the standard conditions of approval for EH and adhering the mitigation plan that must be provided onsite.
9. In accordance with MCC Section 20.504.015(C)(3), new development shall be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings; therefore, the project shall utilize the proposed building materials and color palette, or similar materials approved by the Director or their designee, and as follows:



10. Roof material and exterior building finishes shall be non-reflective and shall have a neutral color that blend with the surrounding landscape. Metal materials shall blend in hue and brightness with their surroundings. Clear coat galvanized steel or other metallic finish are not permitted unless painted.
11. In compliance with MCC Section 20.504.035, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Coastal Permit Administrator.
12. The wetlands and special status vegetation alliances shall be protected from detrimental impacts during ongoing residential use of the property, and shall be maintained so that these wetlands and sensitive plant communities continue to thrive. No grading, ground disturbance, landscaping or garden planting, trampling, materials storage or other development shall occur within these areas or within ten feet of these areas.
13. The property owner shall demonstrate that access to a sufficient supply of ground water prior to issuance of a building permit for any residential structure. The current onsite test well is to be converted to a production well and is to adhere to the standard condition set by Environmental Health.
14. Standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization.
15. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$ 2,530.25 OR CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to ensure timely compliance with this condition.**

**CONDITIONS OF APPROVAL - SPECIAL:**


16. The Applicants shall adhere to and maintain the CalFire standard conditions of approval for address, driveway, defensible space, and maintaining defensible space as stated in the CalFire application received on June 30, 2017.
17. Per CalTrans' request, Applicants shall obtain an encroachment permit to perform maintenance on a potentially clogged slot drain at the base of the hill.

**CONDITIONS OF APPROVAL - MITIGATION MEASURES\*\*:**

Recommended Mitigation Measures including those proposed in the report (October 2, 2019 with updated CDFW comments) by Jennifer Riddell Consulting, the report by Theresa Spade Consulting, and the Biological Report of Compliance by Wynn Coastal Planning & Biology are required to provide for the protection of identified environmentally sensitive habitat areas, as follows:

- \*\*18. Propagate and plant out *Calystegia purpurata* ssp. *saxicola* with a goal of two new, viable plants for every one plant removed or destroyed, by means of 1) planting seeds, 2) propagation of cuttings, and/or 3) transplanting. Plant no more than one (1) plant per square meter and plant in areas with low density of *Calystegia*. Construction staging is to be kept within the construction footprint and all vehicle and foot traffic is to be kept to the paved areas as much as possible. (Riddell, page 5; Wynn, pages 23-24, Section 3.5.2)
- \*\*19. Large populations of *Calystegia* are to be protected by placement of orange construction fence between the construction area and the population. No ground disturbance, stockpile placement, heavy equipment use, or other disturbance should be allowed within the protected area. (Spade, page 19, Section 6.2; Wynn page 23, Section 3.5.1)
- \*\*20. Use leftover dirt from building site to create a landscaping berm as see on the Landscaping Plan (Figure 14). This will create a transition between the residence and surrounding landscape when viewed from Highway One. (Wynn page 17, Section 3.4.2.3)
- \*\*21. Keep topsoil from construction footprint to maintain local seed bank and use it for landscaping in final construction phases. This will also contain non-native species, and landscaping plans will need to include plans for invasive plant population reduction. (Riddell, page 6)
- \*\*22. Ensure landscaping is composed of locally native plants; suggested method is to use seeds and cuttings from plants on site. Mow approximately 8" above the ground to reduce tall, non-native plants while preserving the shorter, native plants. (Riddell, pages 6-7; Wynn pages 23-24, Section 3.5.2)
- \*\*23. During construction and debris removal, any wood stockpiles should be moved carefully by hand in order to avoid accidental crushing or other damage to frogs. (Spade, page 19, Section 6.2)
- \*\*24. Prior to entering the site, the tires and undercarriage of heavy equipment should be washed in order to remove any invasive plant seed that may be present. (Spade, page 19, Section 6.2)
- \*\*25. The bird breeding season typically extends from February to August. Ideally, the clearing of vegetation and the initiation of construction can be done in the non-breeding season between September and January. If these activities can be done during the non-breeding season then no further studies are recommended. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances. (Spade, page 19, Section 6.2)
- \*\*26. Pre-construction surveys are needed to determine the presence of bat roosts if work or vegetation removal is conducted between November 1 and August 31. If evidence of bat use is found in association to trees, rock outcropping, and buildings subject to removal or demolition, then biologists shall conduct acoustic surveys to determine whether a site is occupied. If bats are found, a minimum 50-foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after the bats have left the roost. (Spade, page 19, Section 6.2)

4/15/21  
DATE

  
MATT GOINES  
PLANNER I

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Imagery
- C. Site Plan Proposed
- D. Topo Map
- E. Zoning Display Map
- F. General Plan Classifications Map
- G. LCP Land Use Map 19: Navarro Map
- H. LCP Land Capabilities & Natural Hazards Map
- I. LCP Habitat & Resources Map
- J. Appealable Areas Map
- K. Adjacent Parcels Map
- L. Fire Hazard Zones & Responsibility Areas Map
- M. Classified Wetlands Map
- N. Coastal Ground Water Resources Map
- O. Highly Scenic Areas Map
- P. Slope Map
- Q. Soils Map
- R. Important Farmland Map
- S. Botanical Survey Map
- T. Main Residence First Floor
- U. Main Residence Second Floor
- V. Main Residence Elevations (E/W)
- W. Main Residence Elevations (N/S)
- X. Ext Lights 01
- Y. Ext Lights 02
- Z. Materials 01
- AA. Materials 02
- BB. Sample Photo
- CC. Palette

**SUMMARY OF REFERRAL AGENCY COMMENTS:**

Planning (Ukiah)	No Comment
Department of Transportation	No Comments
Environmental Health (FB)	Comment
Building Inspection (FB)	No Comment
Air Quality Management District	Comment
County Addresser	No comment
Northern Information Center	Comments
Native Plant Society	Comment
Caltrans	Comment
Cal Fire	No Comments
CHP	No Comment
Redwood Valley Rancheria	Comment
Sherwood Valley Band of Pomo Indians	Comment
Albion-Little River Fire Department	No Response
Cloverdale Rancheria	No Response
Department of Fish & Game	No Response
MTA	No Response
State Clearinghouse	No Response
US Fish and Wildlife Service	No Response

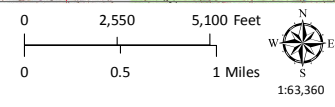
**REFERENCES:**

- Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.
- Chapter 2 Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.
- Paymard, H. 2013a. Delineation of Jurisdictional Wetlands and Waters: 33200 Jefferson Way, Fort Bragg, CA; APN 017-370-05. September 2013.
- Paymard, H. 2013b. Botanical Survey for 33200 Jefferson Way, Fort Bragg, CA; APN 017-370- 05. July 10, 2013.
- Paymard, H. 2014. Wildlife Survey for 33200 Jefferson Way, Fort Bragg, CA; APN 017-370-05. October 13, 2014.
- Van Bueren, T. 2013. Archaeological Survey of the Theodore Burke Property at 33200 Jefferson Way near Fort Bragg, California. June 14, 2013.
- WRA, Inc. 2015. Coastal Act Compliance Report for 33200 Jefferson Way, Fort Bragg, Mendocino County, California. December 2015.
- Wynn Coastal Planning 2017. Visual Impact Analysis. April 11, 2017.



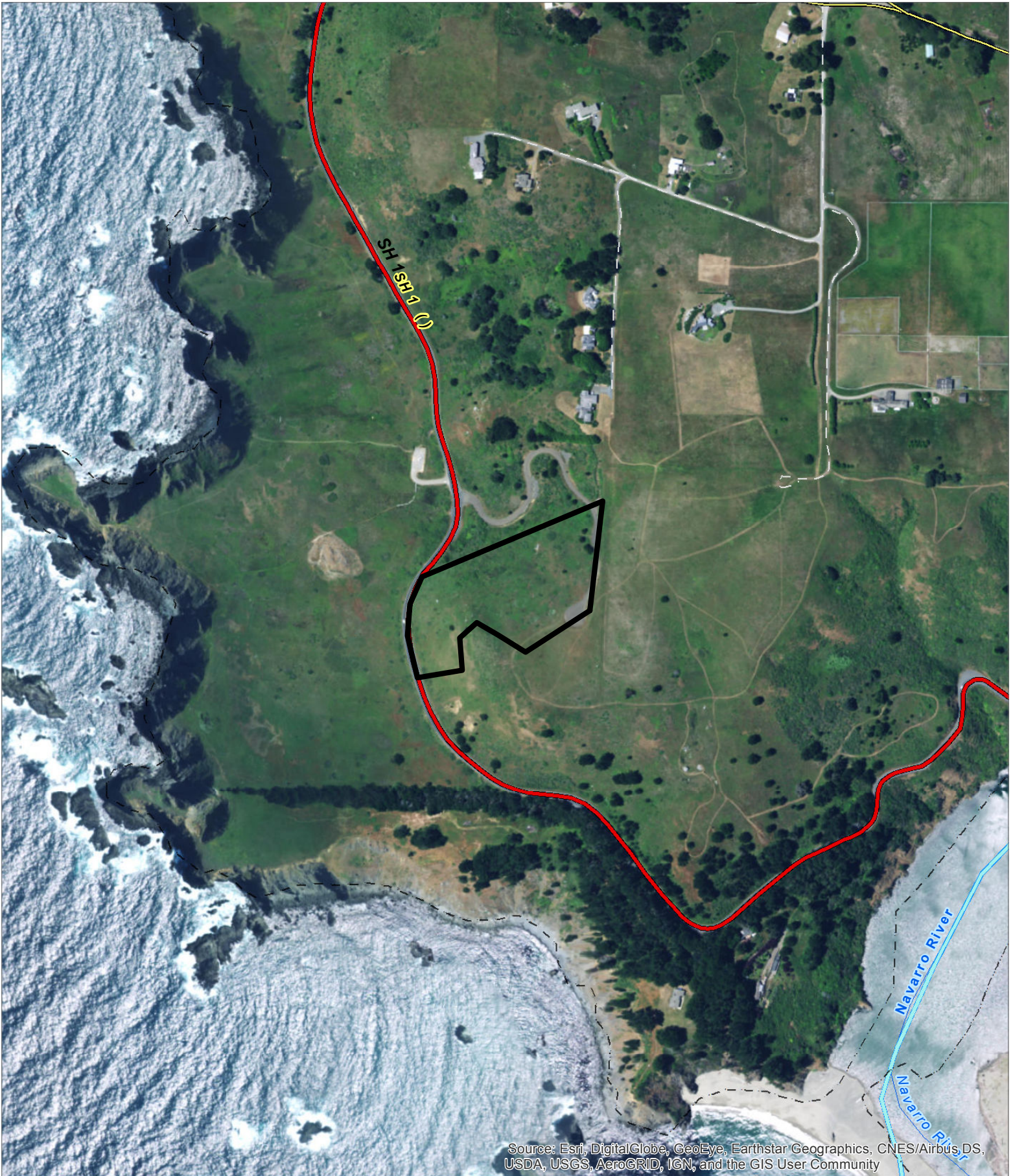
CASE: CDP 2017-0038  
 OWNER: KIRKMAN, Jason, ET AL  
 APN: 126-010-04  
 APLCT: Jason Kirkman  
 AGENT: Amy Wynn  
 ADDRESS: 1401 N. Highway 1, Albion

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



LOCATION MAP

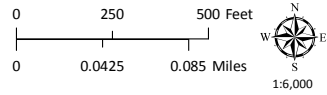
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CASE: CDP 2017-0038  
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- Major Rivers
- Public Roads
- Named Rivers
- Driveways/Unnamed Roads
- Highways





AERIAL IMAGERY

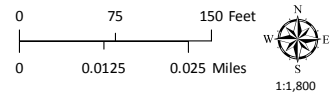
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ADDRESS: 1401 N. Highway 1, Albion

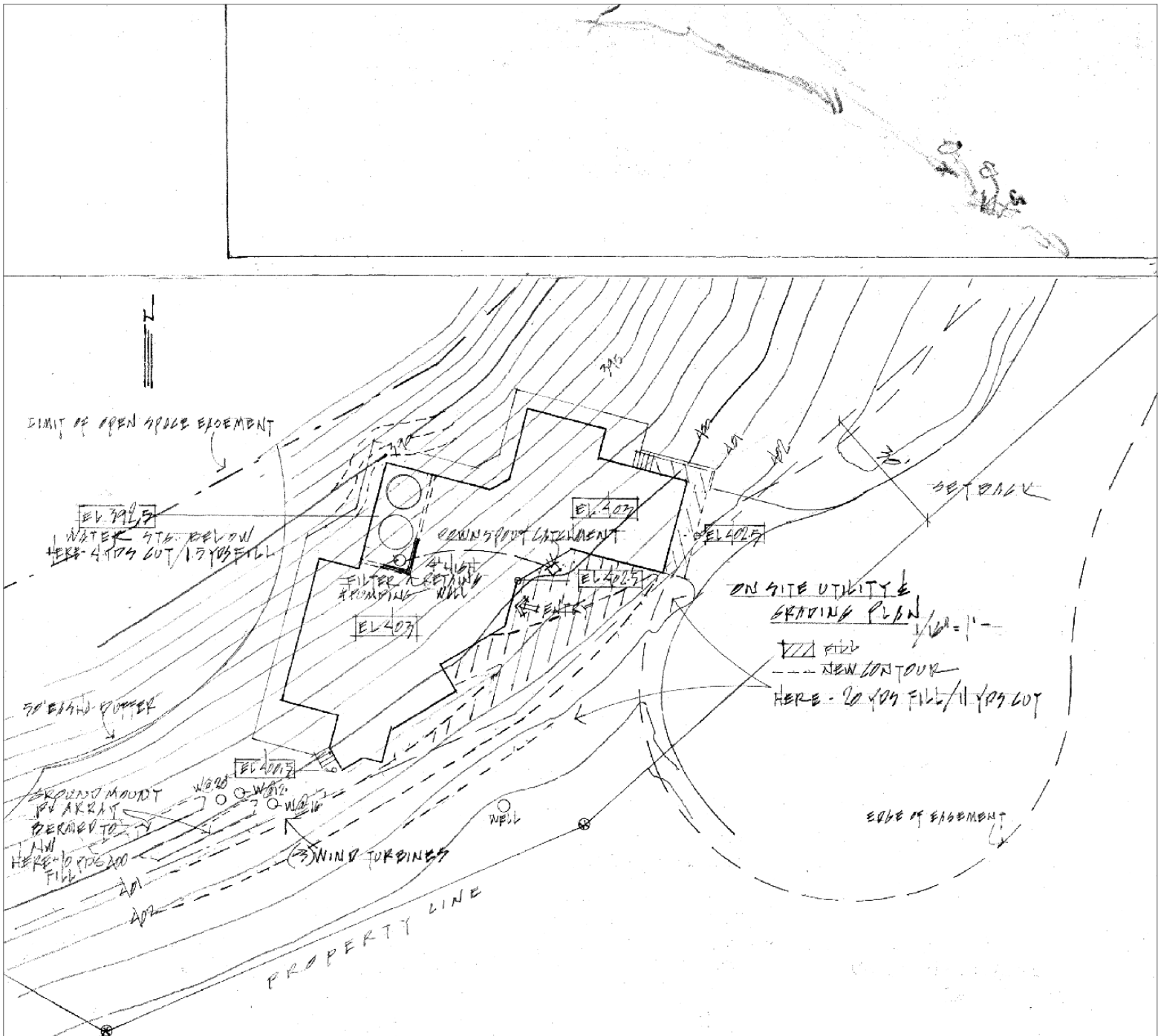
-  Highways
-  Public Roads



AERIAL IMAGERY

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ATTACHMENT B



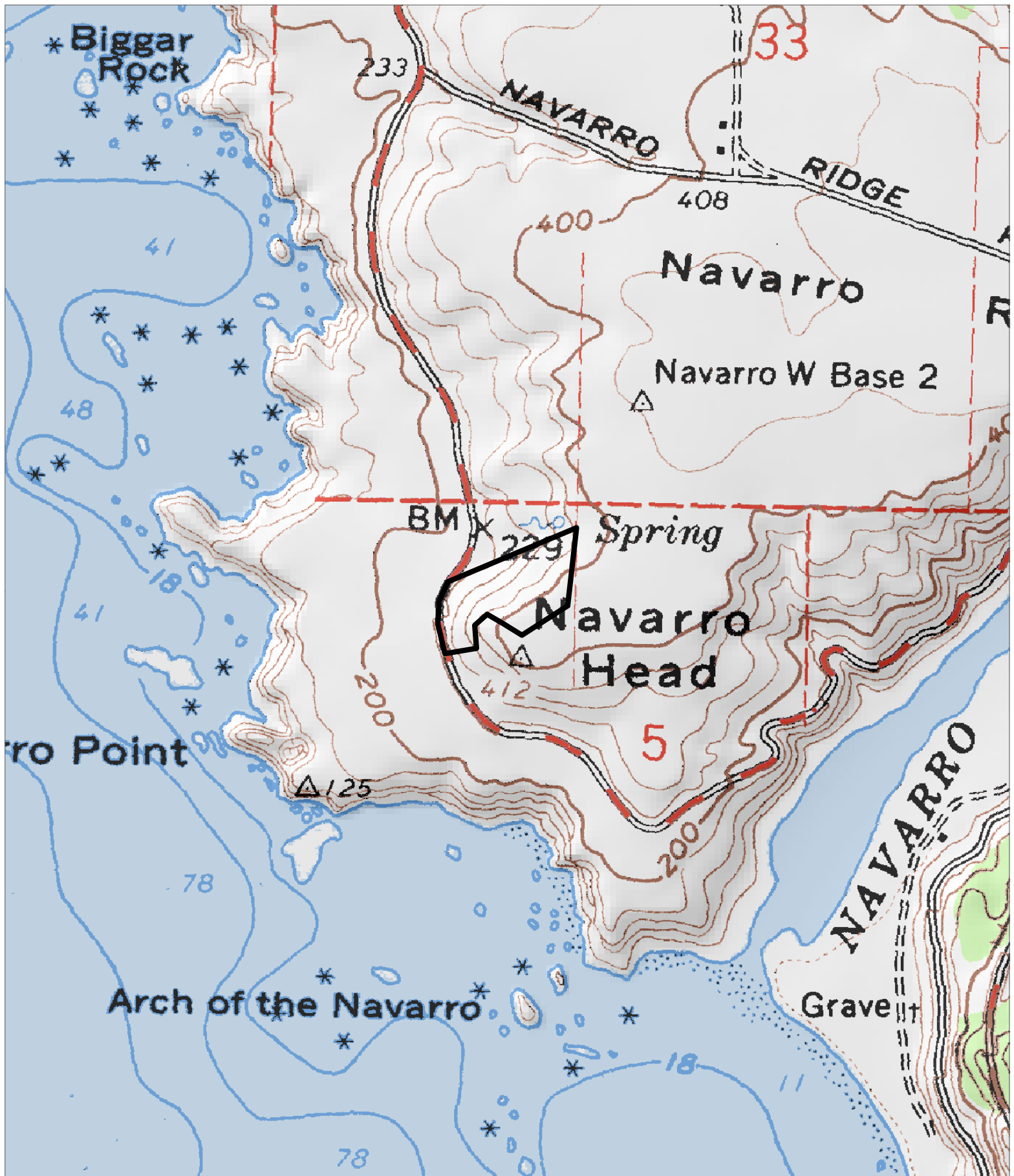
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 ADDRESS: 1401 N. Highway 1, Albion

NO SCALE

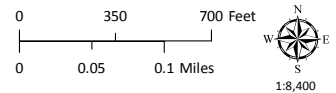
SITE PLAN

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ATTACHMENT C



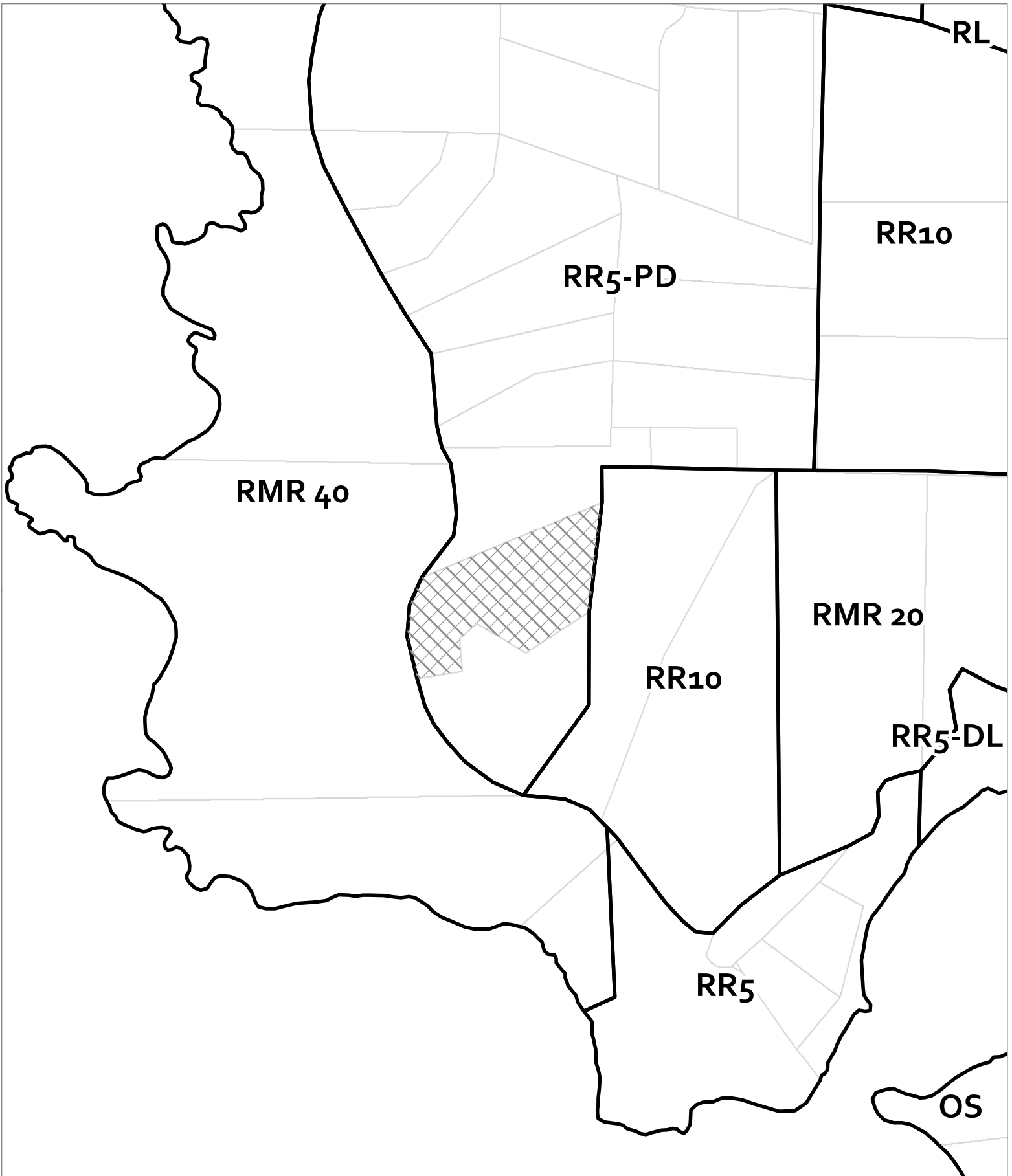
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 ADDRESS: 1401 N. Highway 1, Albion




TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET

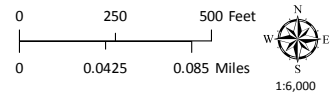
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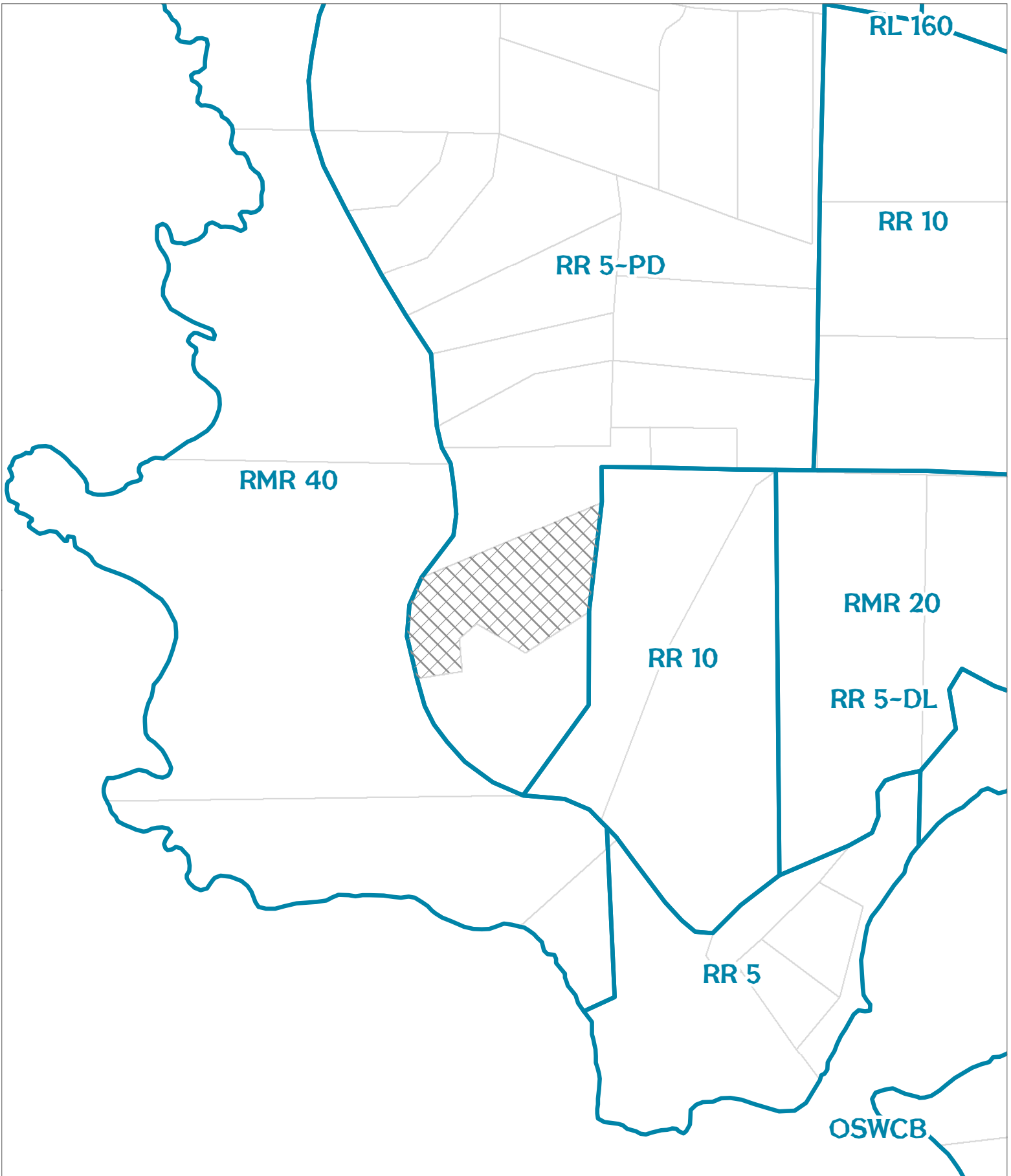
 Zoning Districts




ZONING DISPLAY MAP

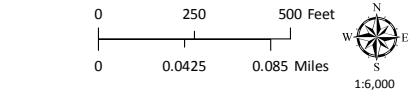
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ATTACHMENT E



CASE: CDP 2017-0038  
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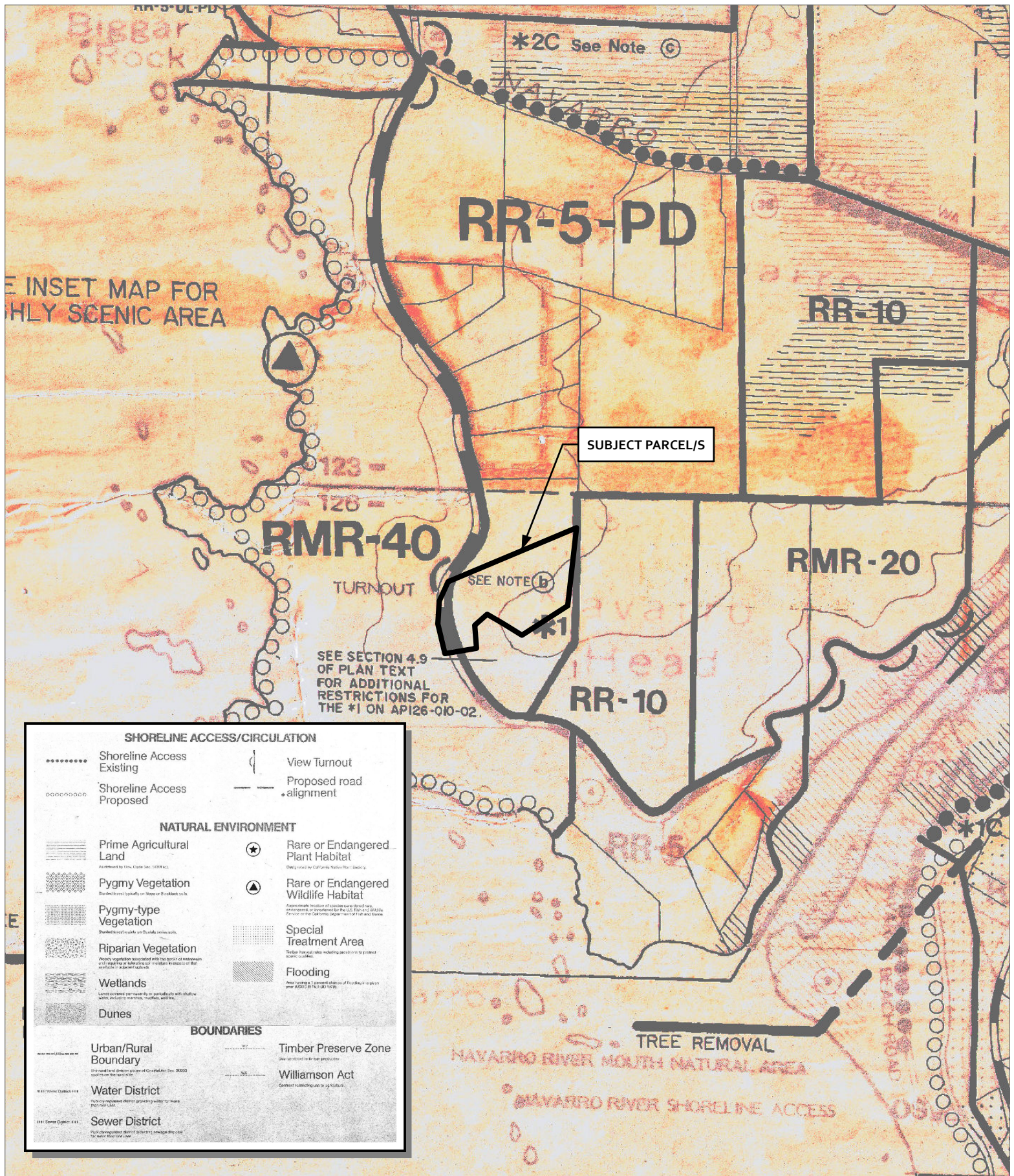
 General Plan Classes



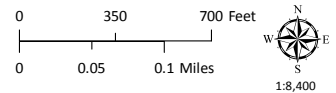
GENERAL PLAN CLASSIFICATIONS

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ATTACHMENT F



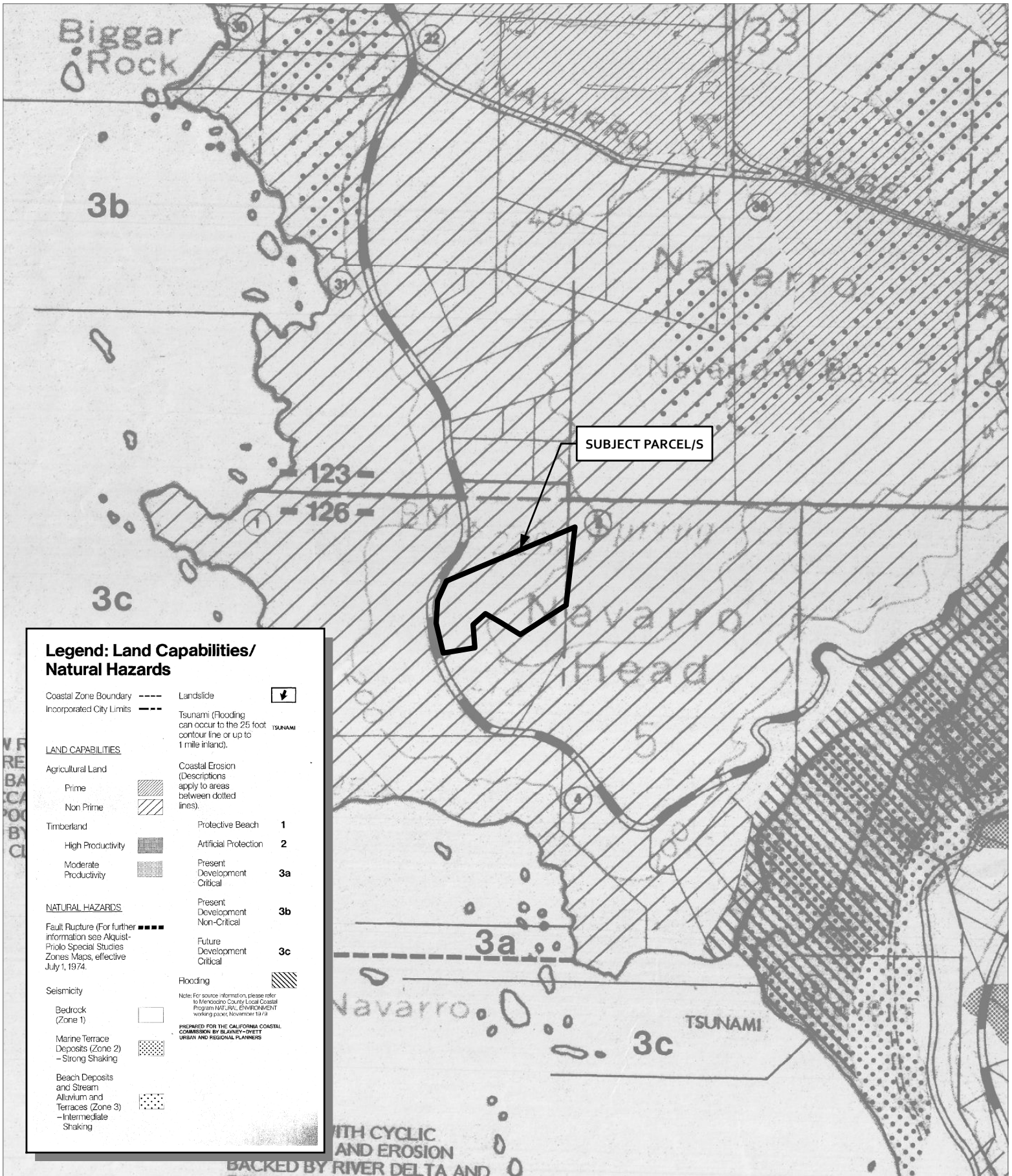
CASE: CDP 2017-0038  
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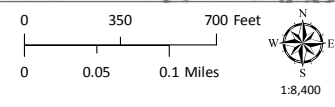
LCP LAND USE MAP 19: NAVARRO

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ATTACHMENT



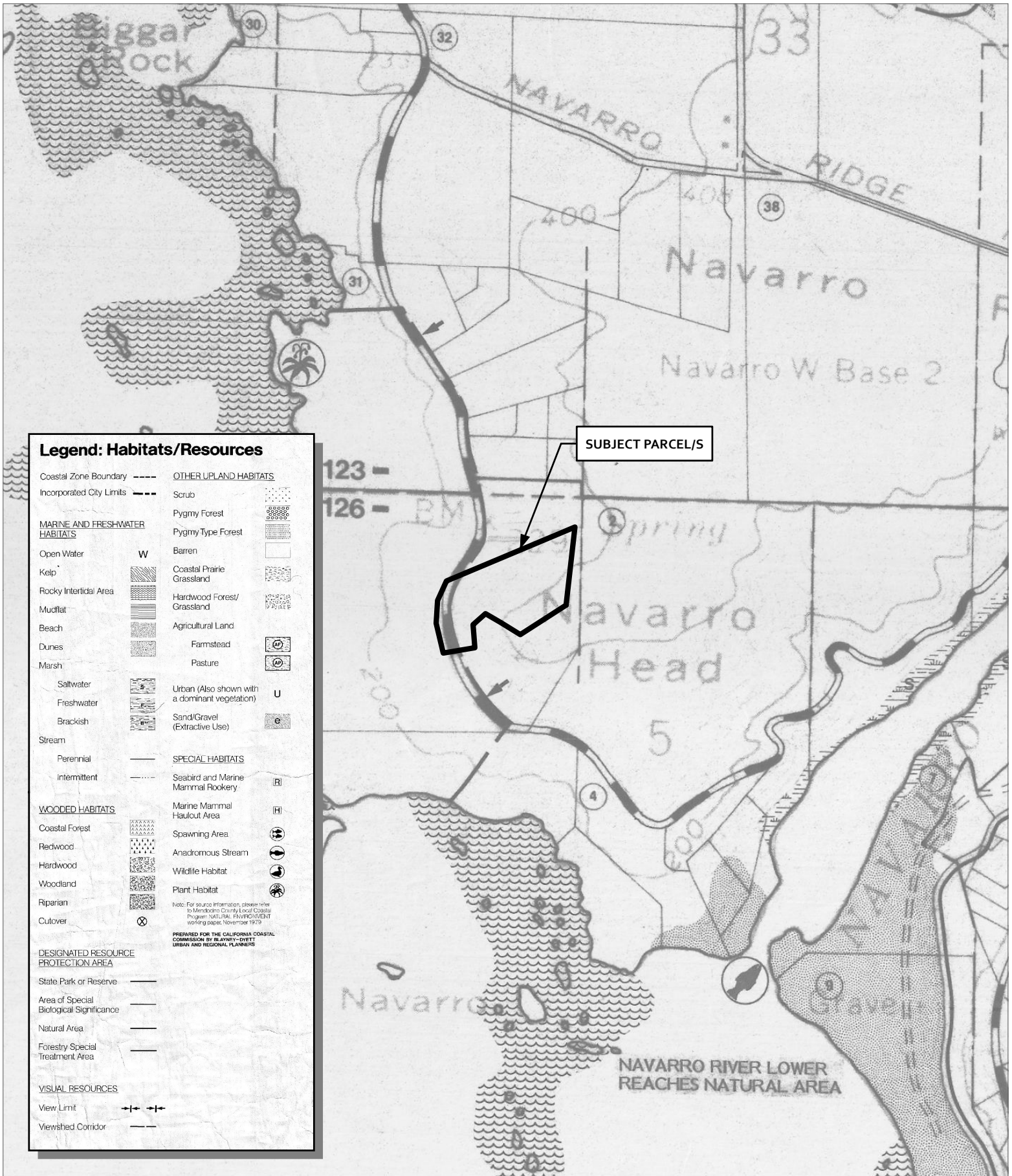
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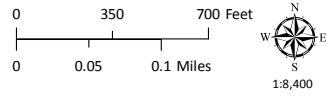
LCP LAND CAPABILITIES & NATURAL HAZARDS

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ATTACHMENT I



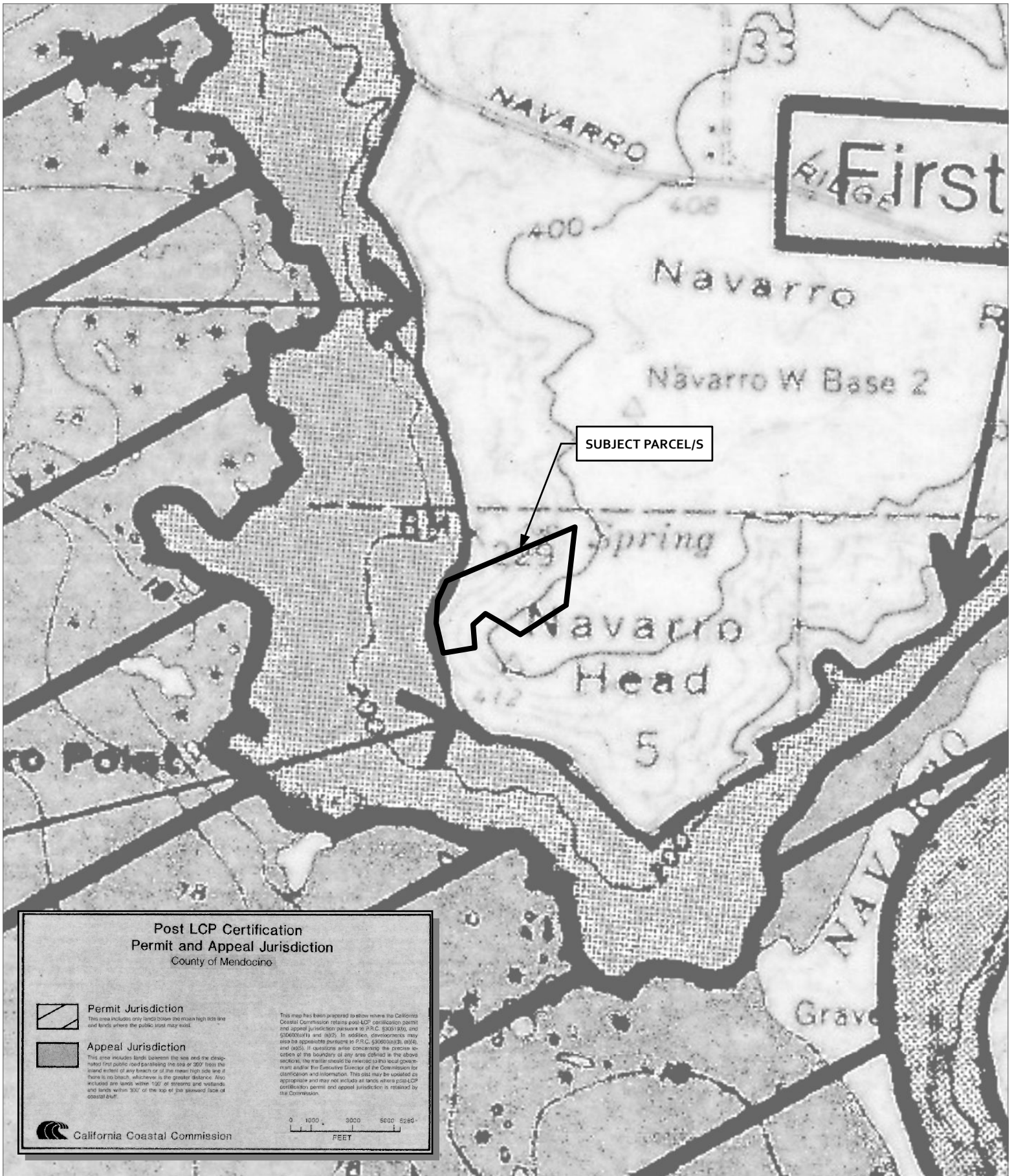
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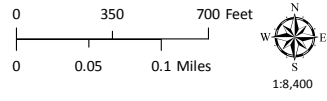
LCP HABITATS & RESOURCES

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ATTACHMENT I

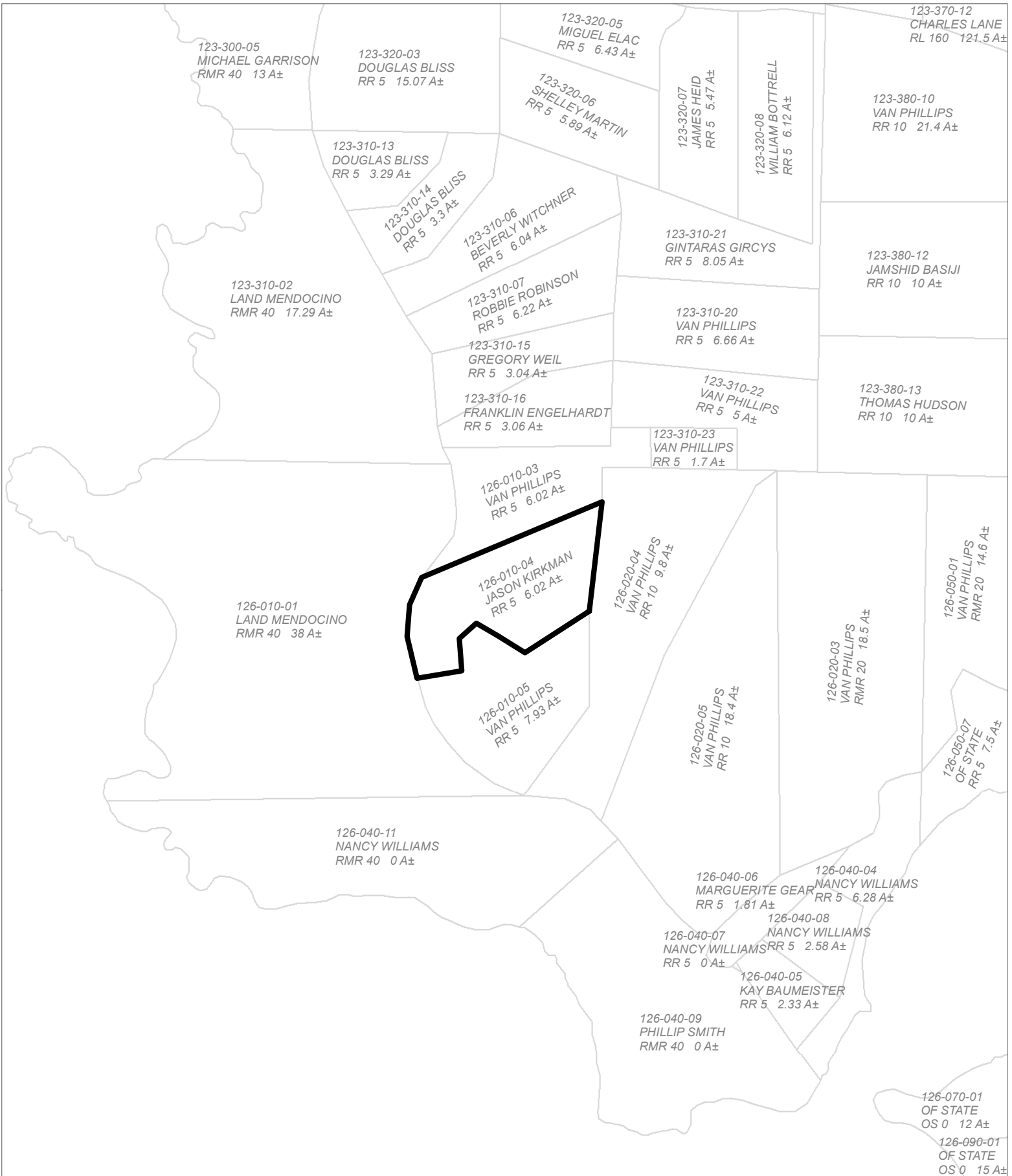


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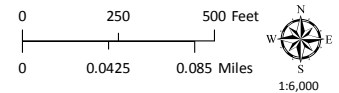


APPEALABLE AREAS

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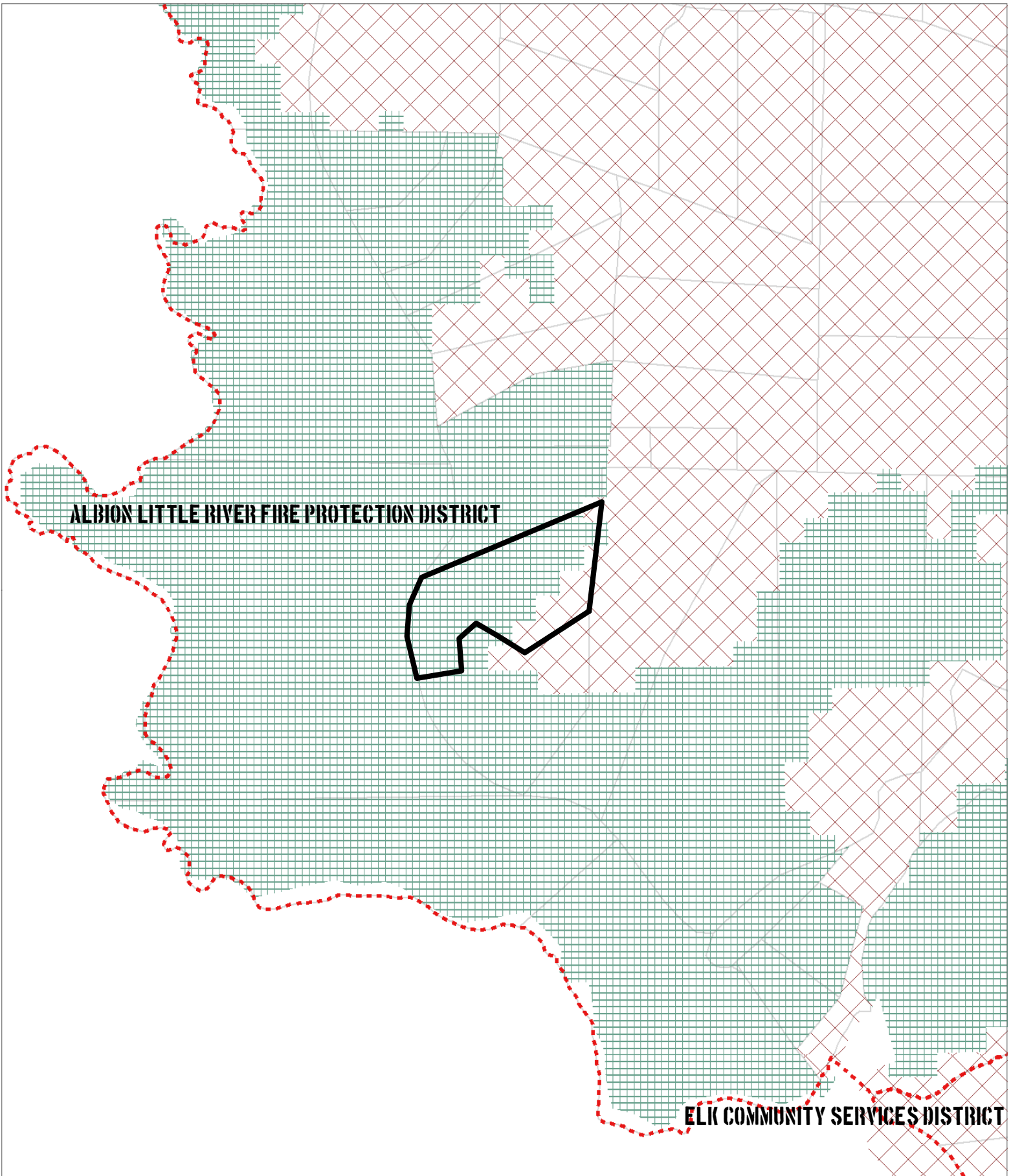


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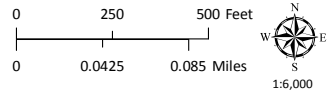
ADJACENT PARCELS

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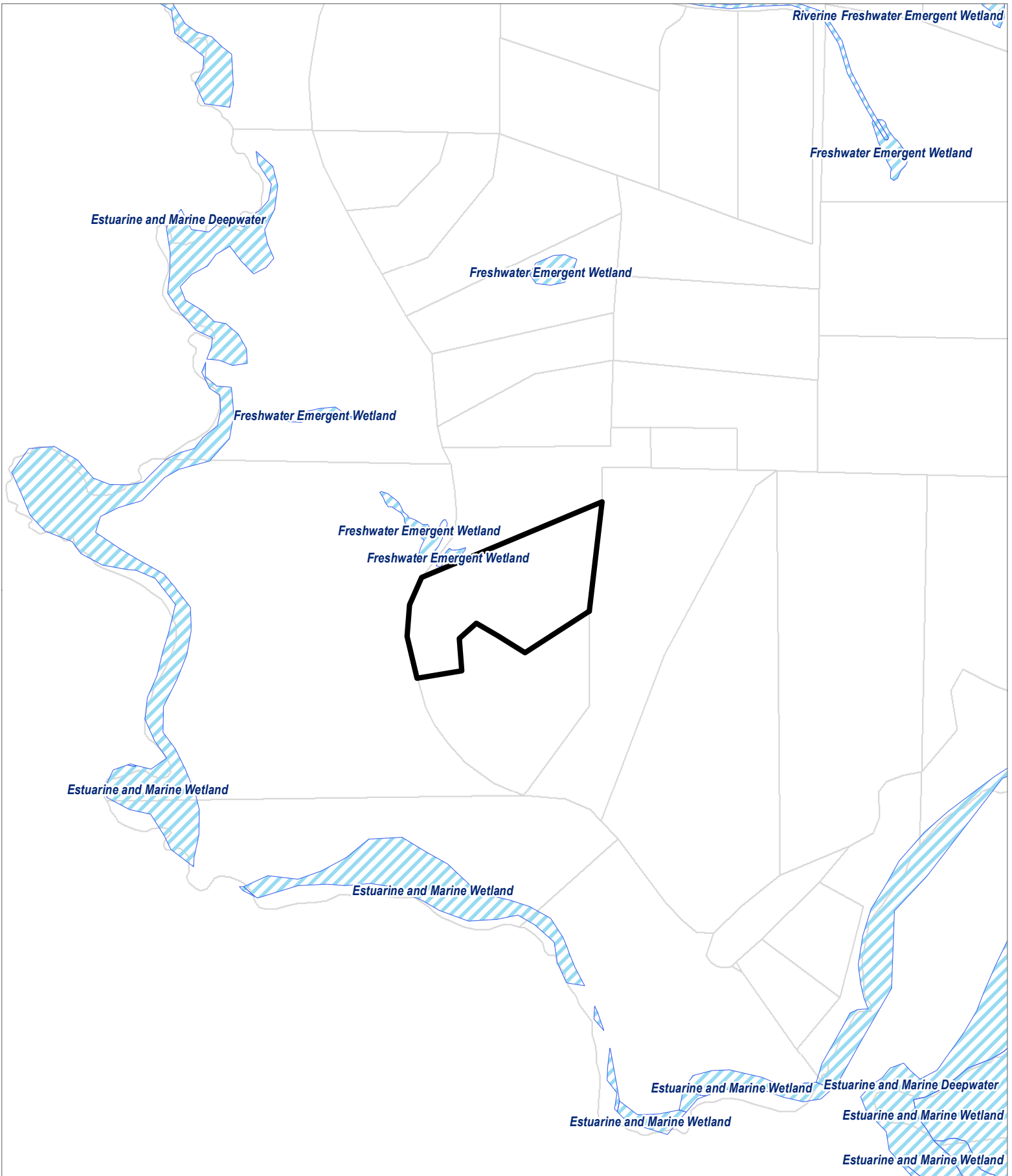
-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



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

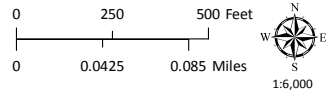
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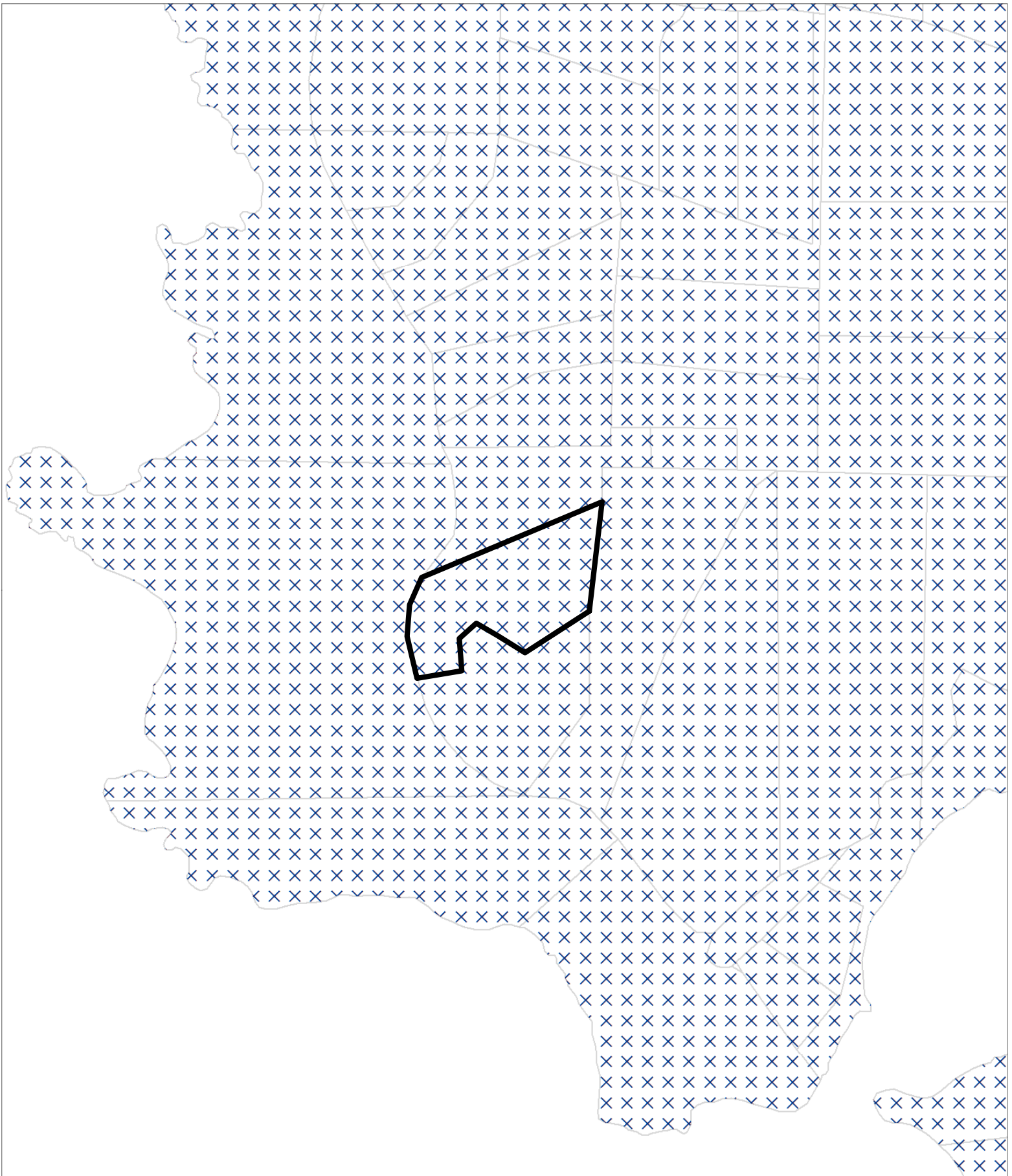
 Wetlands



CLASSIFIED WETLANDS

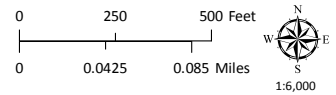
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ATTACHMENT M



CASE: CDP 2017-0038  
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 APN: 126-010-04  
 APLCT: Jason Kirkman  
 AGENT: Amy Wynn  
 ADDRESS: 1401 N. Highway 1, Albion

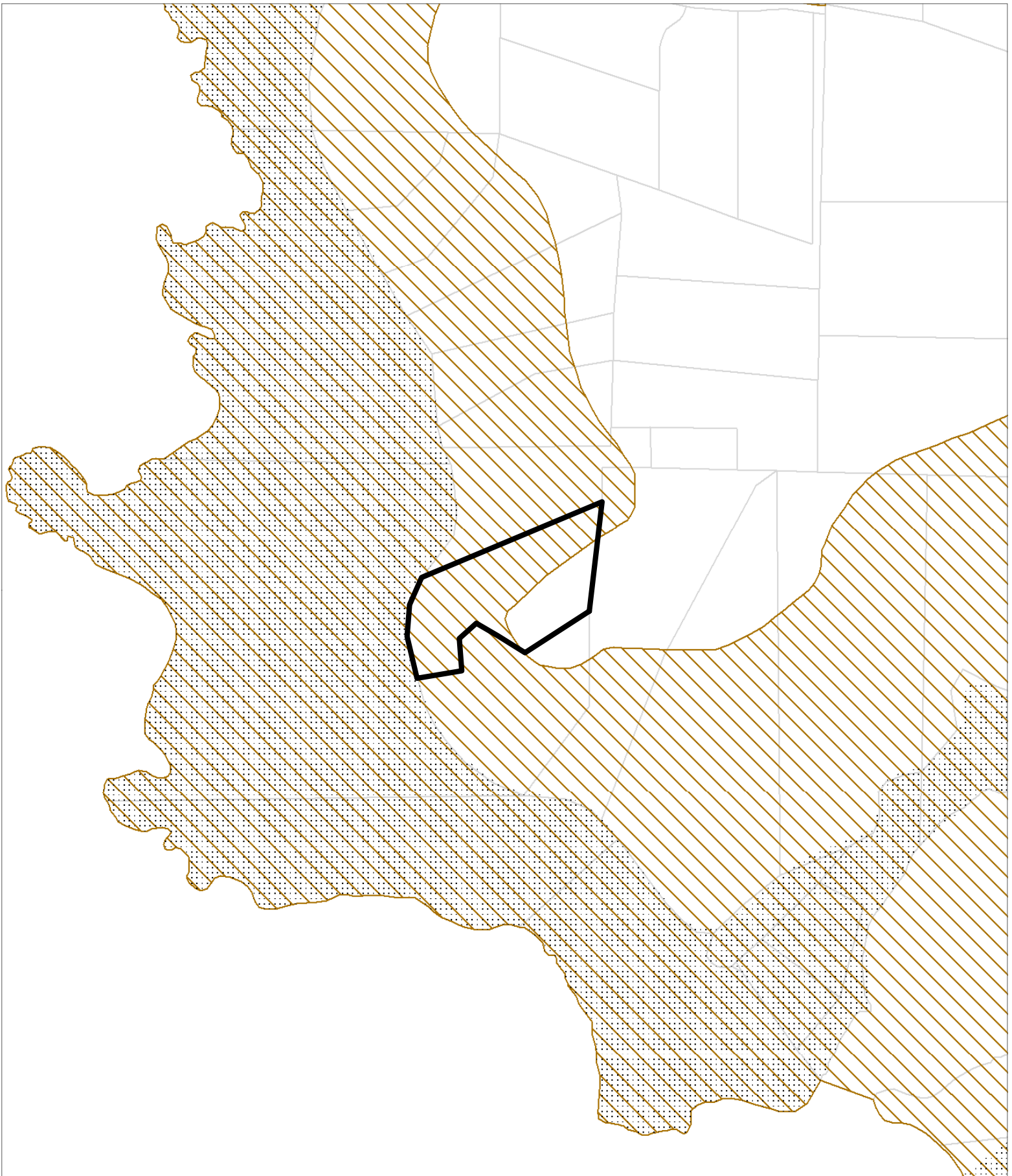
× × > Critical Water Areas





GROUND WATER RESOURCES

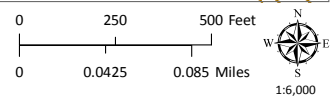
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ATTACHMENT N



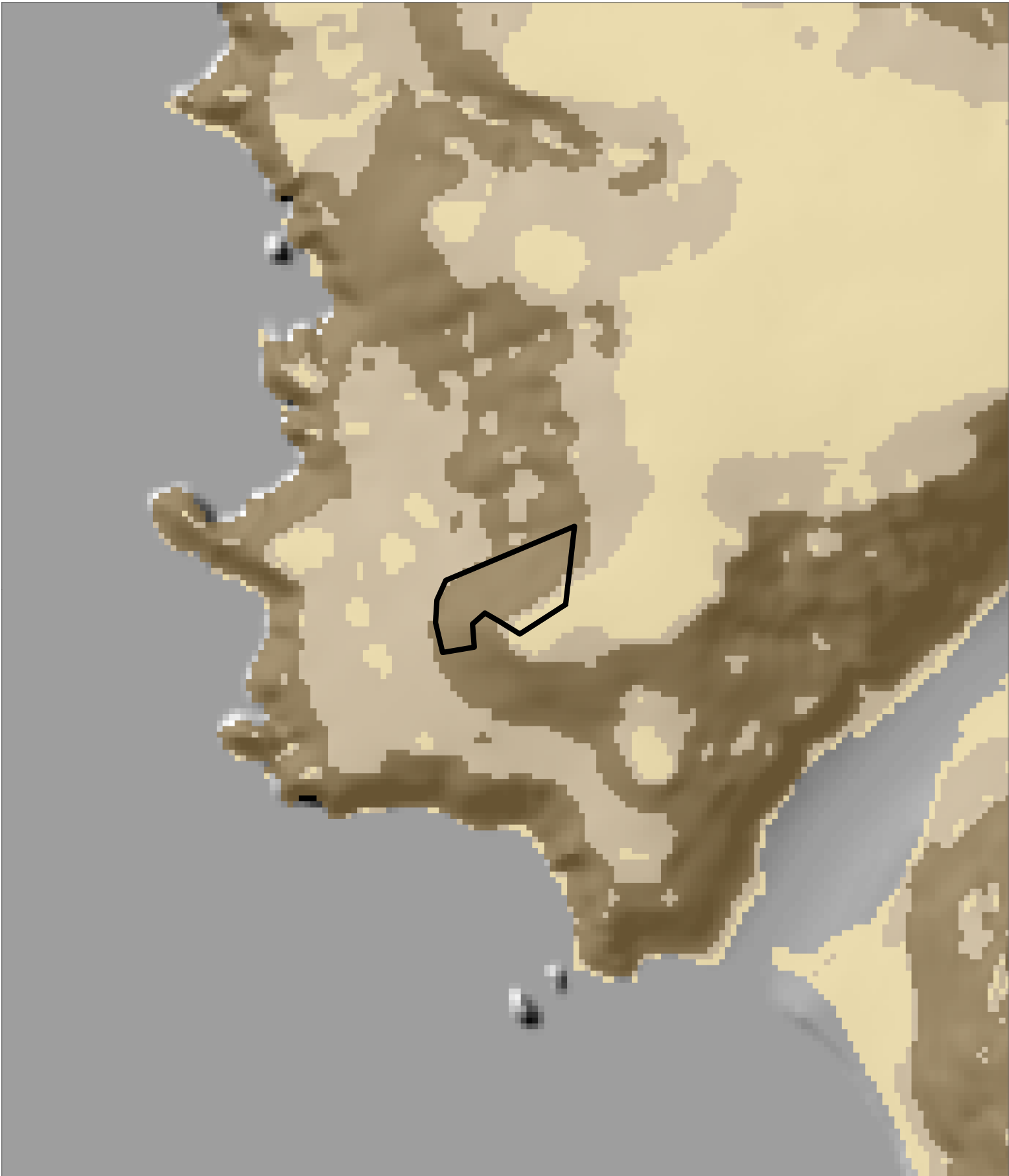
CASE: CDP 2017-0038  
 OWNER: KIRKMAN, Jason, ET AL  
 APN: 126-010-04  
 APLCT: Jason Kirkman  
 AGENT: Amy Wynn  
 ADDRESS: 1401 N. Highway 1, Albion

-  Tree Removal Area
-  Highly Scenic Area

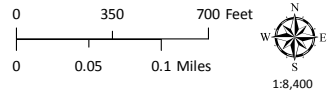
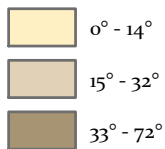


**HIGHLY SCENIC & TREE REMOVAL AREAS**

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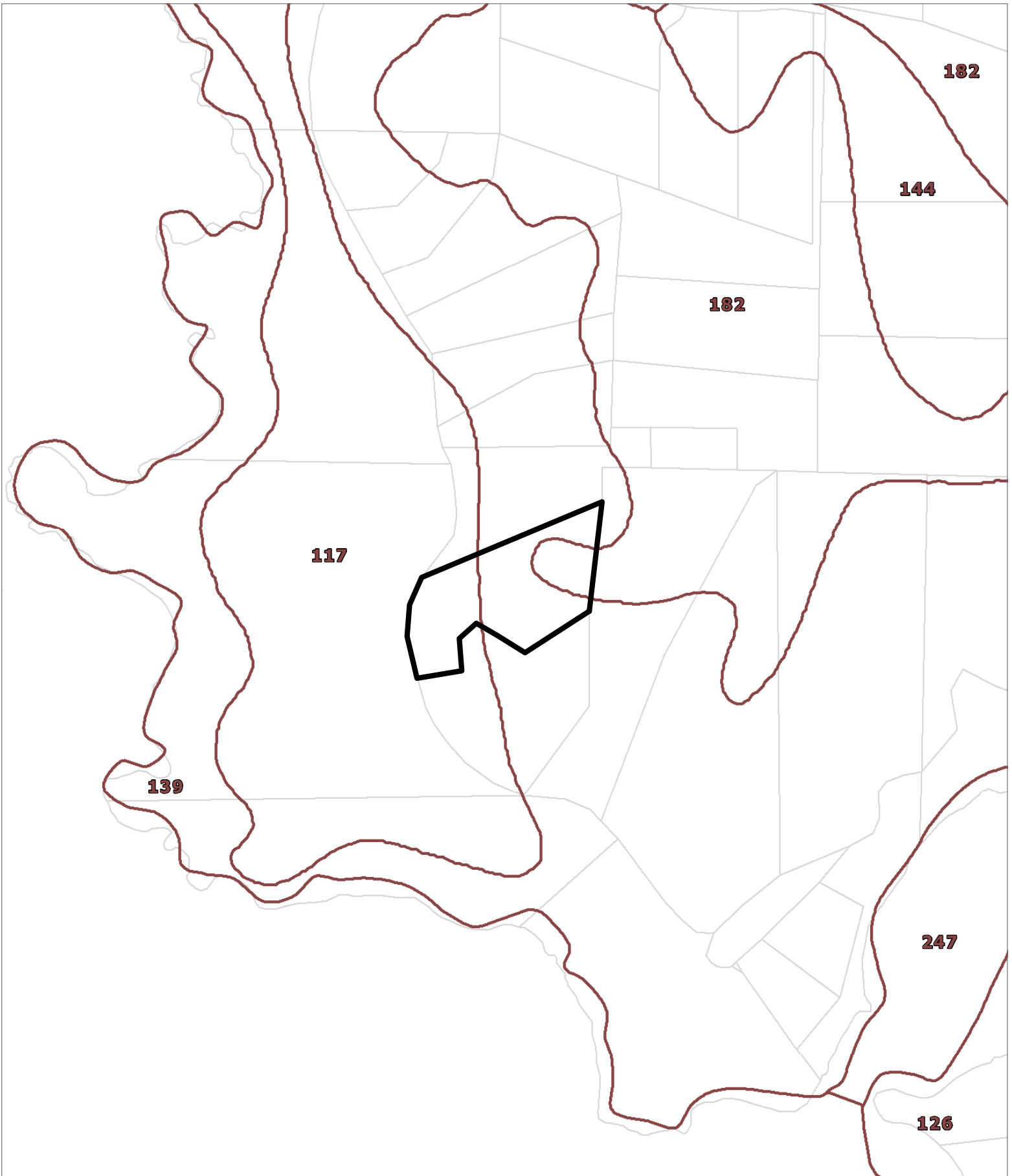


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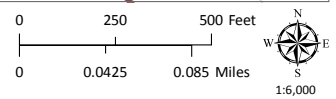
SLOPE

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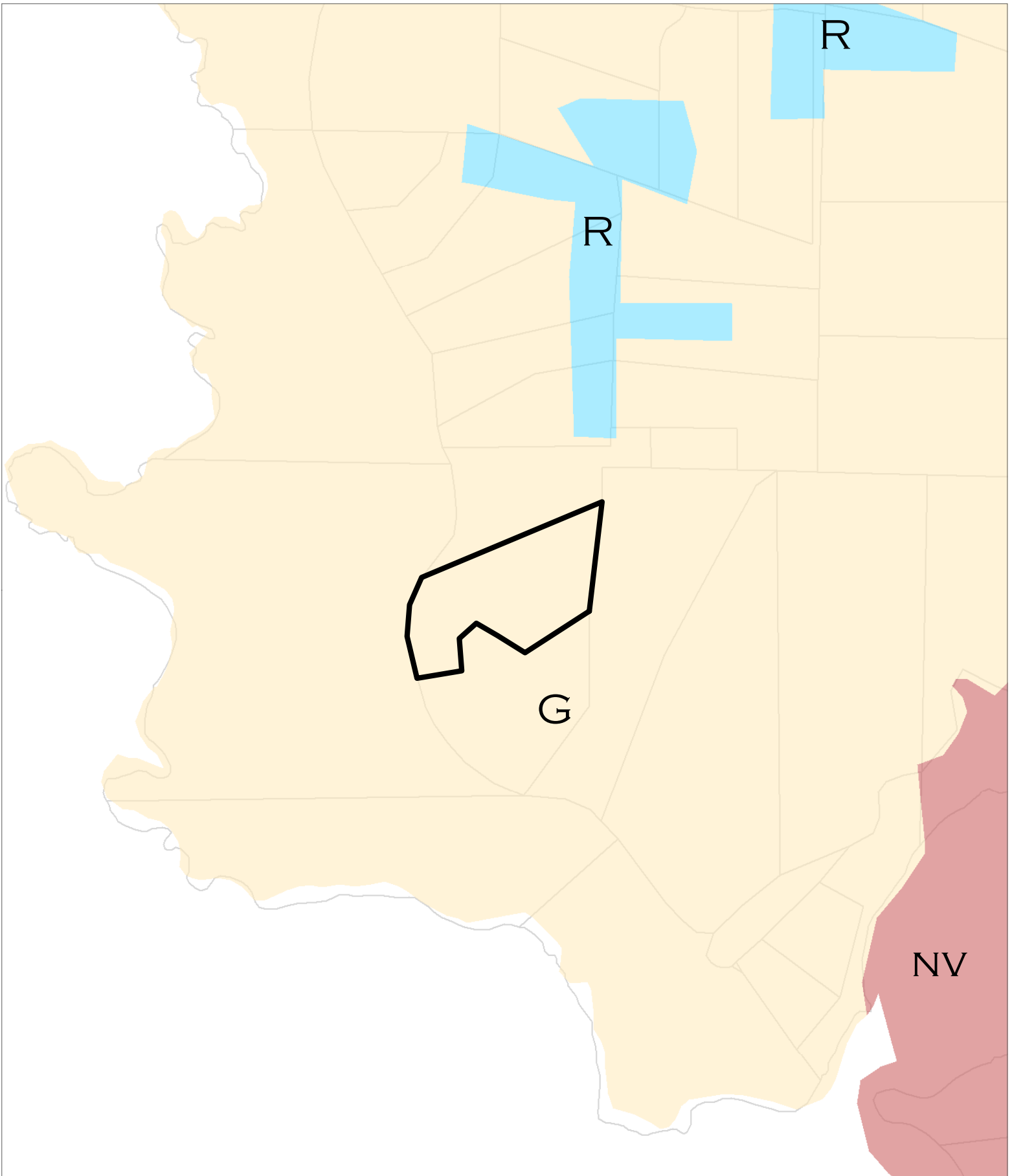
 Western Soil Classes



LOCAL SOILS

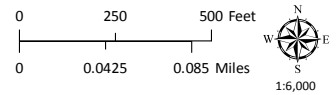
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ATTACHMENT Q



CASE: CDP 2017-0038  
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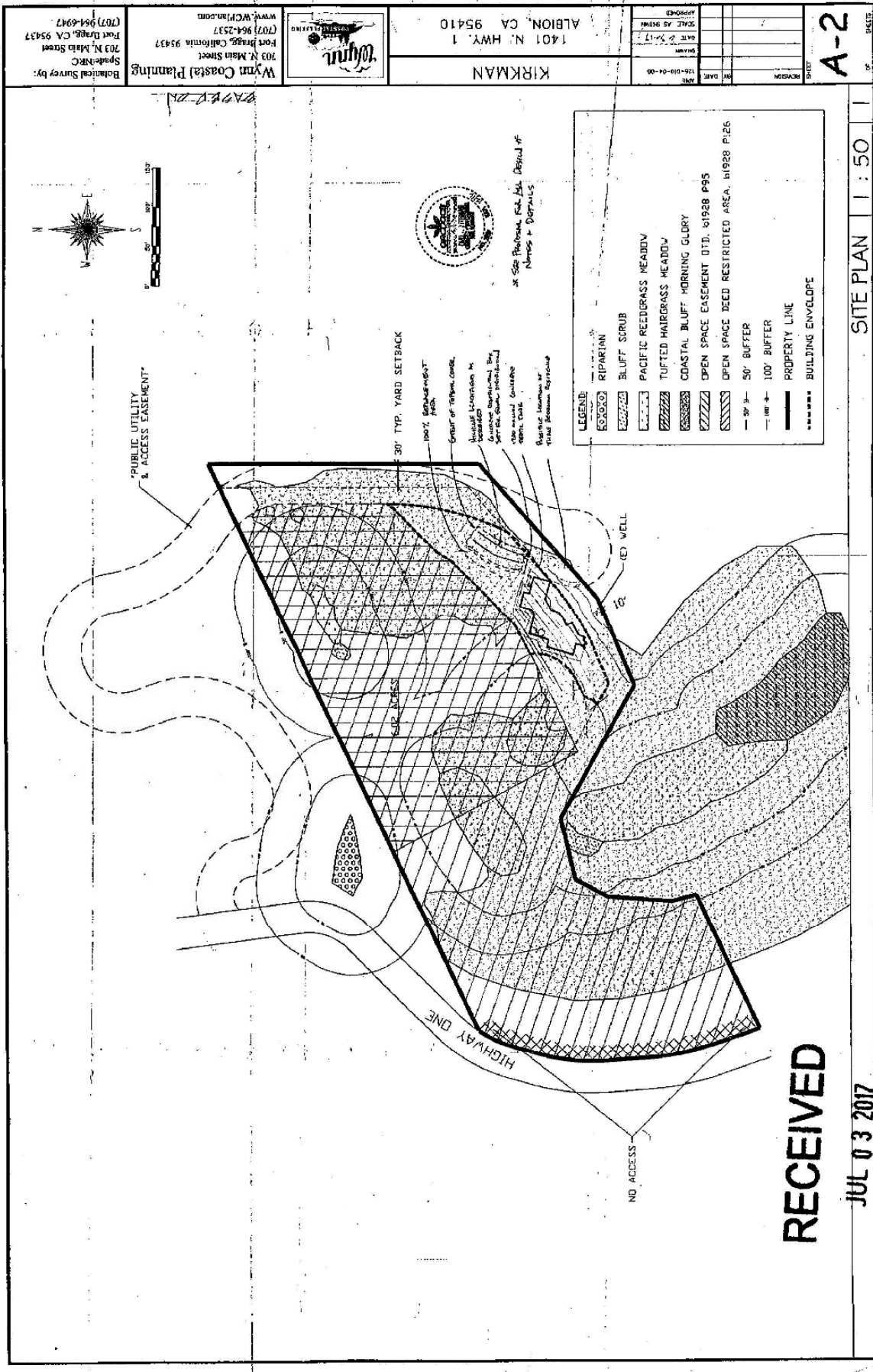
- Grazing Land (G)
- Non-Ag & Natural Vegetation (nv)
- Rural Residential & Rural Commercial (R)



IMPORTANT FARMLAND

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ATTACHMENT R



**KIRKMAN**  
1401 N. HWY. 1  
ALBION, CA 95410

**Wynn Coastal Planning**  
703 N. Main Street  
Fort Bragg, California 95437  
(707) 964-2537  
www.wynncp.com

**Botanical Survey By:**  
703 N. Main Street  
Fort Bragg, CA 95437  
(707) 964-6947

**Wynn Coastal Planning**

**SCALE:** AS SHOWN  
**DATE:** 7-17  
**APPROVED:**

**NO. DATE:** 126-010-04-00  
**NO. DATE:**

**SHEET**  
**NO. OF SHEETS:** 1  
**TITLE:** SITE PLAN 1:50

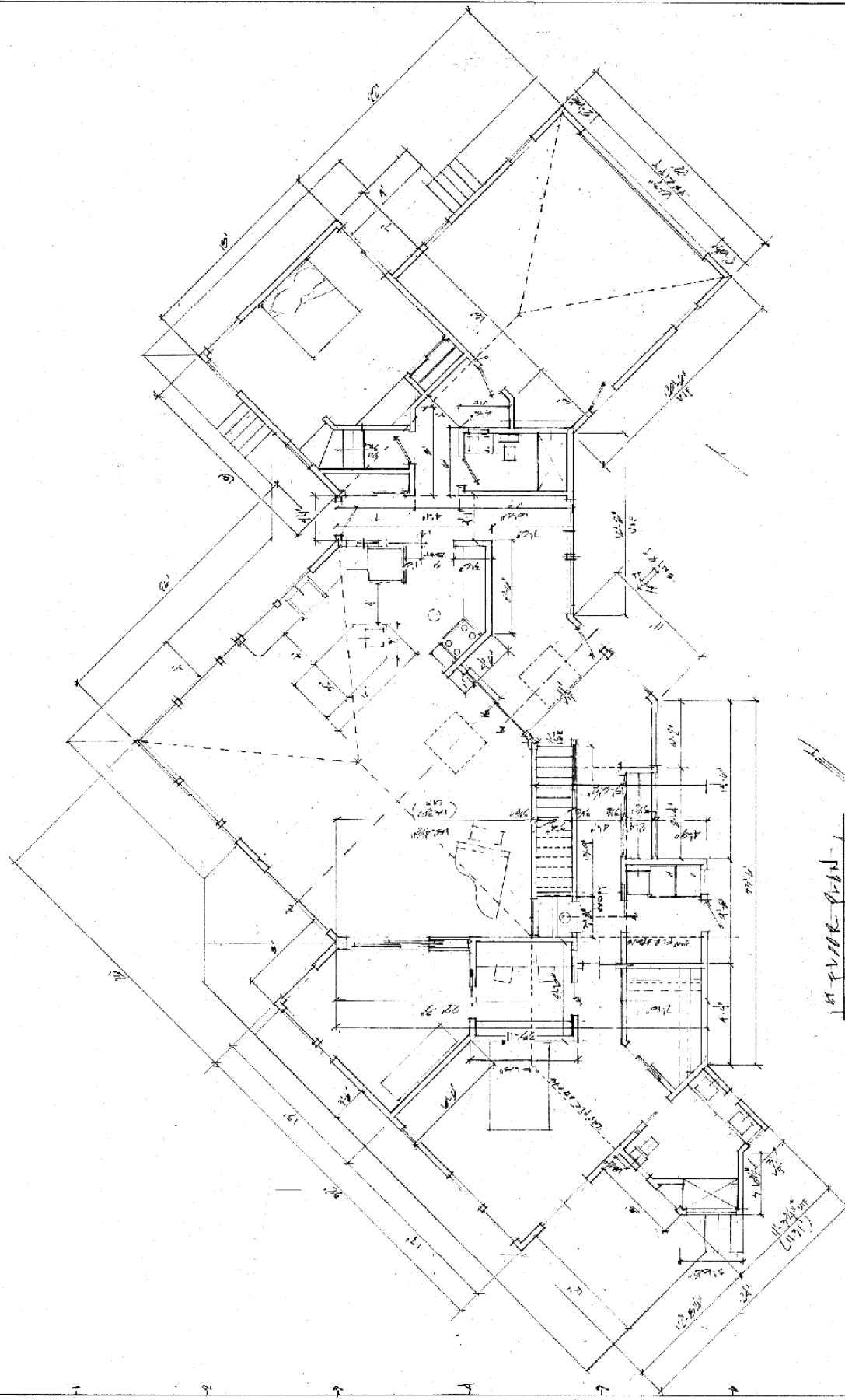
CASE: CDP 2017-0038  
OWNER: KIRKMAN, Jason, ET AL  
APN: 126-010-04  
APLCT: Jason Kirkman  
AGENT: Amy Wynn  
ADDRESS: 1401 N. Highway 1, Albion

NO SCALE

BOTANICAL SURVEY

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DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ATTACHMENT S



CASE: CDP 2017-0038  
 OWNER: KIRKMAN, Jason, ET AL  
 APN: 126-010-04  
 APLCT: Jason Kirkman  
 AGENT: Amy Wynn  
 ADDRESS: 1401 N. Highway 1, Albion

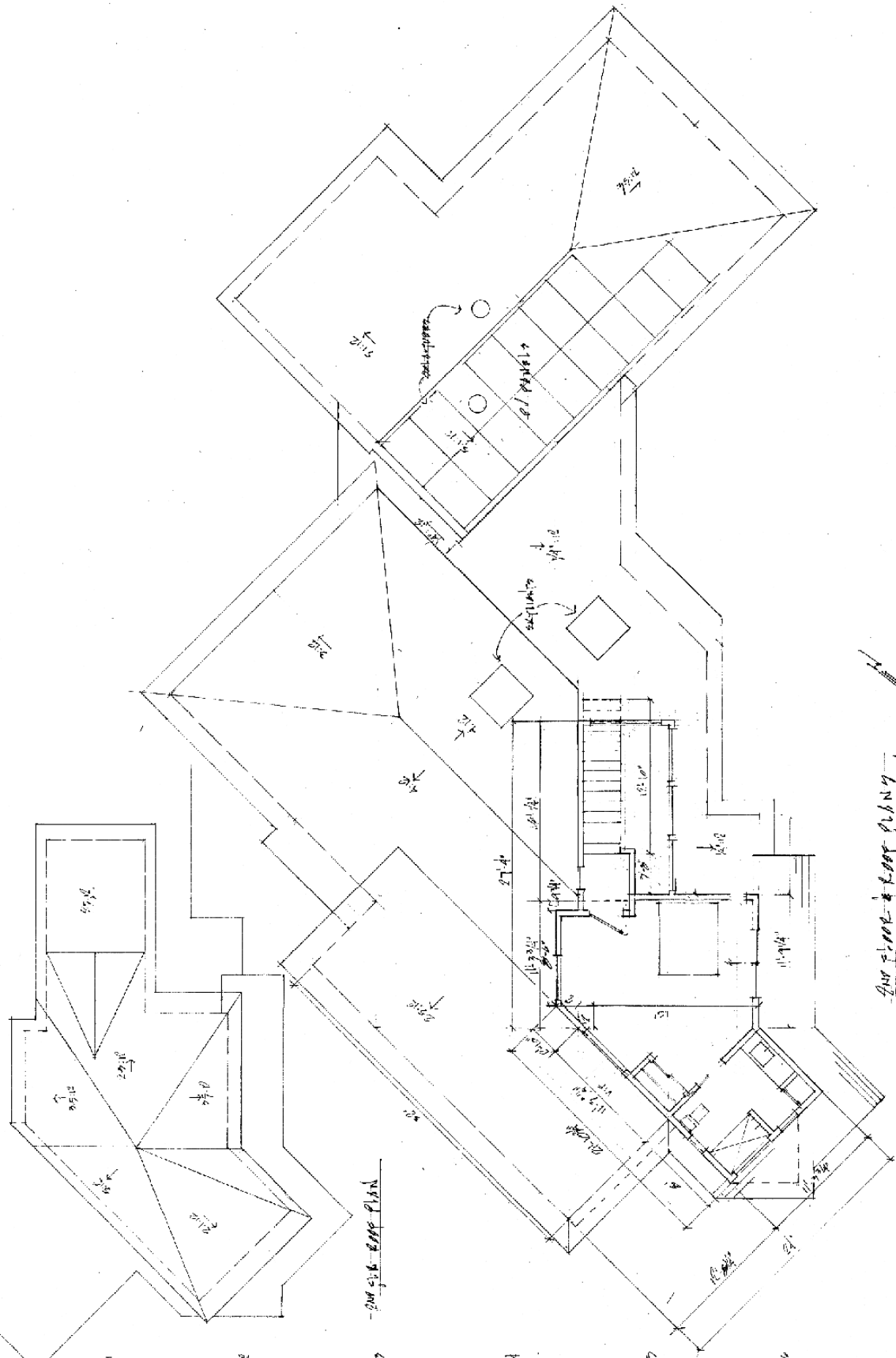
NO SCALE

FIRST FLOOR PLAN

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ATTACHMENT T





2ND FLOOR PLAN

2ND FLOOR PLAN

CASE: CDP 2017-0038  
 OWNER: KIRKMAN, Jason, ET AL  
 APN: 126-010-04  
 APLCT: Jason Kirkman  
 AGENT: Amy Wynn  
 ADDRESS: 1401 N. Highway 1, Albion

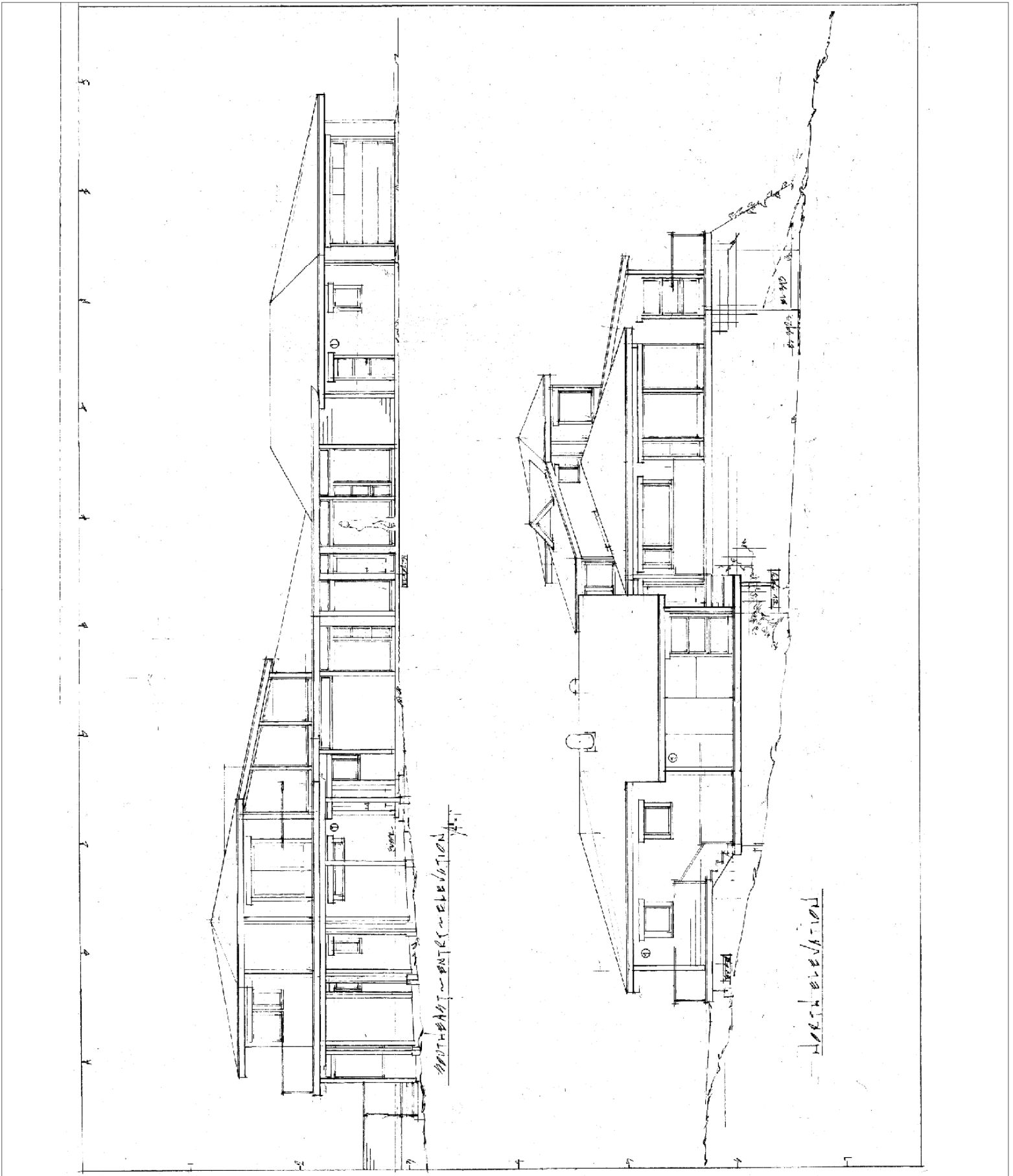
NO SCALE

SECOND FLOOR PLAN

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ATTACHMENT U





CASE: CDP 2017-0038  
OWNER: KIRKMAN, Jason, ET AL  
APN: 126-010-04  
APLCT: Jason Kirkman  
AGENT: Amy Wynn  
ADDRESS: 1401 N. Highway 1, Albion

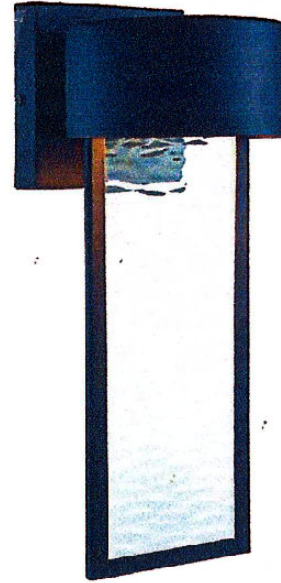
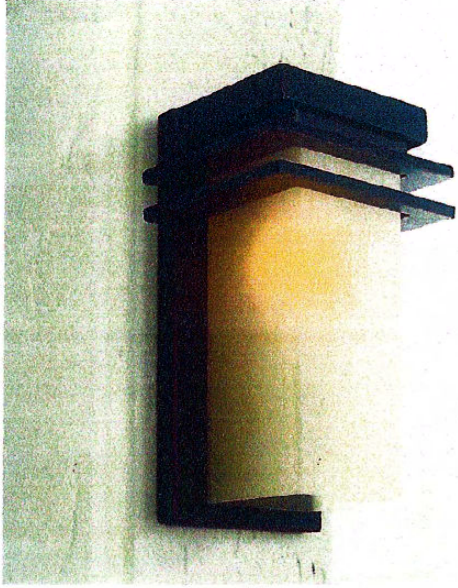
NO SCALE

ELEVATIONS

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ATTACHMENT W

LIGHTING 6-1 OF 2



ENTRY



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JUN 30 2017

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*Handwritten signature*

CASE: CDP 2017-0038  
OWNER: KIRKMAN, Jason, ET AL  
APN: 126-010-04  
APLCT: Jason Kirkman  
AGENT: Amy Wynn  
ADDRESS: 1401 N. Highway 1, Albion

NO SCALE

EXTERIOR LIGHTING

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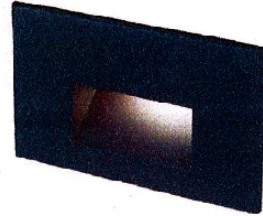
ATTACHMETN X

LIGHTING for 2 of 2

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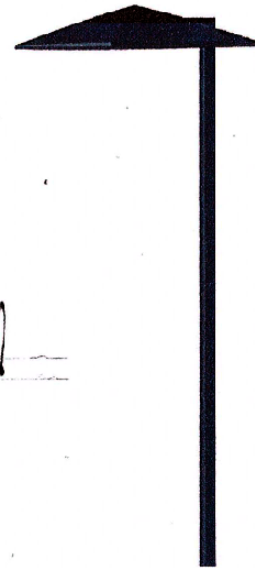
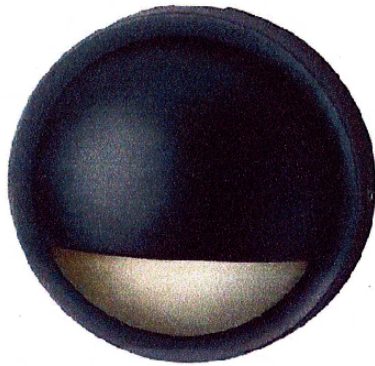
JUN 30 2017

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~~DEL~~

① - GENERAL  
(TO BE SITE-MADE COPPER)  
NOTE TYPICAL USE ON ELEVATIONS



~~PAT~~

~~HTA~~

CASE: CDP 2017-0038  
OWNER: KIRKMAN, Jason, ET AL  
APN: 126-010-04  
APLCT: Jason Kirkman  
AGENT: Amy Wynn  
ADDRESS: 1401 N. Highway 1, Albion

NO SCALE

EXTERIOR LIGHTING

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ATTACHMENT Y

SHINK TOP 2



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HARDIE PLANK

HARDIE PANEL

CASE: CDP 2017-0038  
OWNER: KIRKMAN, Jason, ET AL  
APN: 126-010-04  
APLCT: Jason Kirkman  
AGENT: Amy Wynn  
ADDRESS: 1401 N. Highway 1, Albion

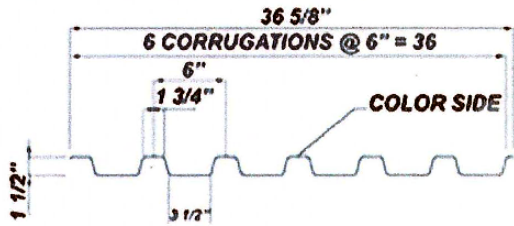
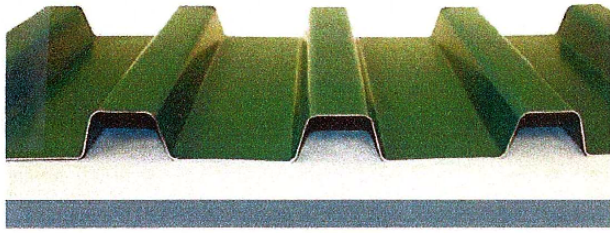
NO SCALE

MATERIALS

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ATTACHMENT Z

Roofing - 2 of 2



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FORT BRAGG CA



Interlock® Tile  
Specification Manual



CASE: CDP 2017-0038  
OWNER: KIRKMAN, Jason, ET AL  
APN: 126-010-04  
APLCT: Jason Kirkman  
AGENT: Amy Wynn  
ADDRESS: 1401 N. Highway 1, Albion

NO SCALE

MATERIALS

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ATTACHMENT AA

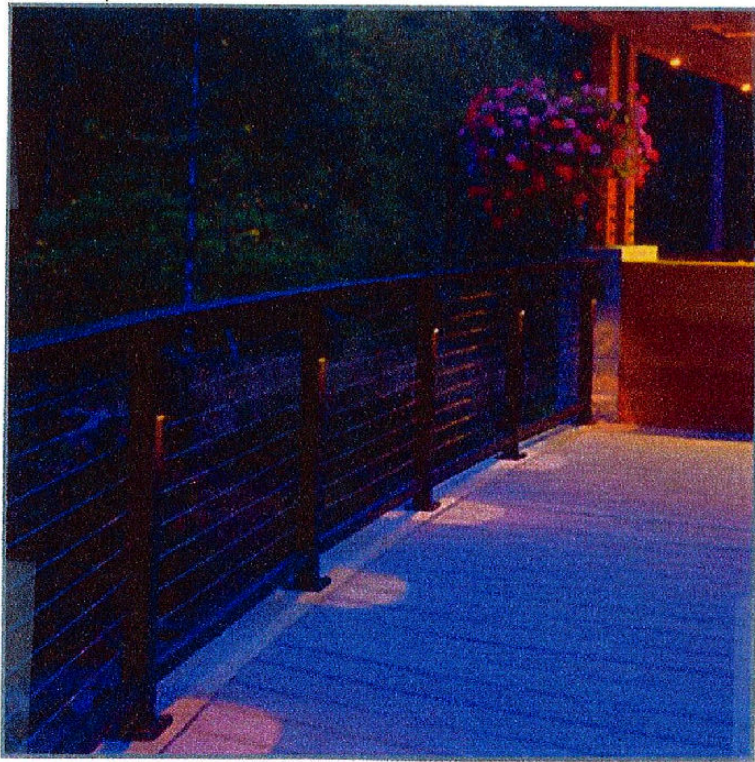


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FORT BRAGG CA

CABLE-RAIL



CASE: CDP 2017-0038  
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APN: 126-010-04  
APLCT: Jason Kirkman  
AGENT: Amy Wynn  
ADDRESS: 1401 N. Highway 1, Albion

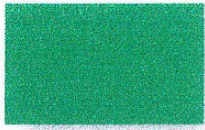
NO SCALE

SAMPLE PHOTOS

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ATTACHMENT BB





AGED COPPER



SOLAR WHITE



SANDSTONE



SURREY BEIGE



PATINA GREEN



REGAL WHITE



ASH GRAY



SIERRA TAN



\*HEMLOCK GREEN



STONE WHITE



DOVE GRAY



MEDIUM BRONZE



\*HARTFORD GREEN



SLATE BLUE



SLATE GRAY



MANSARD BROWN



EVERGREEN



\*REGAL BLUE



CHARCOAL GRAY



DARK BRONZE

Handwritten notes:   
Siding ~ 1  
Roofing ~ 2-5

Handwritten note:   
Siding ~ 1-2



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JUN 30 2017

PLANNING & BUILDING SERV  
FORT BRAGG CA

CASE: CDP 2017-0038  
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AGENT: Amy Wynn  
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NO SCALE

COLOR PALETTE

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ATTACHMENT CC

<b>Section I</b>	<b>Description Of Project.</b>
<p><b>DATE:</b> February 4, 2021  <b>CASE#:</b> CDP_2017-0038  <b>DATE FILED:</b> JUNE 30, 2017  <b>OWNER/APPLICANT:</b> JASON KIRKMAN &amp; CAROL KAWASE  <b>AGENT:</b> SAM WALDMAN  <b>REQUEST:</b> Coastal Development Administrative Permit to construct a 2 story 2,895 square foot single family residence with in attached 488 square foot garage, covered porch, decks, ground mount solar array, 100 square foot pump house, two 2500 gallon water tanks, 3 wind turbines, convert an existing test well to a production well, and connect to utilities.  <b>ENVIRONMENTAL DETERMINATION:</b> Mitigated Negative Declaration  <b>STAFF PLANNER:</b> MATT GOINES  <b>LOCATION:</b> In the Coastal Zone, located 2± miles south of Albion town center, 0.4± miles northwest of the Navarro River, lying on the east side of State Highway 1, located at 1401 North Highway 1, Albion; APN: 126-010-04.</p>	
<b>Section II</b>	<b>Environmental Checklist.</b>
<p><i>“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of “no” responses.</i></p>	

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input checked="" 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 checked="" type="checkbox"/> Mandatory Findings of Significance

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

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

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

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

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

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

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

a - c) Discussion: A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view. Although there are scenic resources throughout Mendocino County that are visible from roads and highways; only one roadway in Mendocino County, State Route 128, has been designated as a State Scenic Highway by California State Assembly Bill 998, approved on July 12, 2019.<sup>1</sup> The site of the proposed project is near, but not adjacent to nor takes access from, a major "visually interesting" roadway of the state, State Route 1. 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". The subject parcel lies west of State Route 1 and is accessed via a private road. The subject parcel is located in a residential area where homes are interspersed with trees and other natural vegetation. The 3 wind turbines have a 12, 16, and 20 foot max height, which is less than the height limitations for the rural residential zoning in a non-highly scenic area, and will be painted to match the natural surrounding environment (see site plan for location) The proposed project will be in character with the surrounding environment. While the addition of any development will change the current visual character of the site, the addition of a residence

<sup>1</sup> [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB998](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB998)

that is similar in size and scale to those on adjacent properties will be a less than significant impact to the visual character. Less than significant impact.

- d) Discussion: MCC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources in Highly Scenic Areas, Special Treatment Areas and Special Communities of the Coastal Zone. Exterior lighting is required to be within the zoning district’s height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel. With adherence to the zoning code standards the project will have a less than significant impact in terms of creating a new source of light or glare which could adversely affect day or nighttime views in the surrounding area. Less than significant impact.

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

- a - e) Discussion: The project site is located in an area designated as “Grazing Land” by the State of California Department of Conservation. All development will be located in the area mapped as “Grazing Land” The parcel is zoned Rural Residential, as are surrounding parcels, and while limited agricultural uses are permitted in the Rural Residential zoning district, approval of this application would not convert any agriculturally zoned lands to non-agricultural uses.

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 subject site is not under, nor is it adjacent to any parcels currently under Williamson Act contract.<sup>2</sup>

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. The current proposal does not impact existing or potential TPZ lands.

Given the lack of farmland or forest land on the project site and the land use designations for the surrounding areas incentivizing desired uses that would be inherently incompatible with both farmland and timber lands, the proposal would have no potential to convert farmland to non-agricultural use or forest land to non-forest use. No impact.

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

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.

a - b) Discussion: The project is located within the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. The Project Site is located within the Mendocino County Air Quality Management District (MCAQMD), which 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. The

<sup>2</sup> County of Mendocino GIS

proposed project does not propose any activities that would conflict with the District's air quality plan and the project is subject to any requirements of the MCAQMD; therefore, there will be no impact. No impact.

- c) Discussion: 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 horsepower need a permit through the MCAQMD. While the project will not include a new point source, it may contribute to area source emissions by generating wood smoke from residential stoves or fireplaces. The County's building permit plan check process ensures that this and similar combustion source requirements are fulfilled before construction is permitted to begin, consistent with the current air quality plan. Therefore, the County's building permit approval process will help to ensure new development, including this project, is consistent with and will not obstruct the implementation of the air quality plan.

The generation of dust during grading activities, another type of area-source emission, will be limited by the County's standard grading and erosion control requirements contained in MCC Sections 20.492.010; -020. These policies limit ground disturbance and require immediate revegetation after the disturbance. These existing County requirements will help to ensure PM10 generated by the project will not be significant and that the project will not conflict with nor obstruct attainment of the air quality plan PM10 reduction goals.

The project will establish a single-family residence in a low-density rural residential coastal setting where residential development exists on parcels within 330' of the project property. Residential uses are consistent with the County's land use plan. Approval of this project will not permit large-scale development that may result in a cumulatively considerable net increase in air pollution, including PM10. Less than significant impact.

- d - e) Discussion: In regards to air quality, the project as proposed with the mitigation measures in place will not have an impact on sensitive receptors located within the vicinity of the project, nor will the project generate substantial pollutant concentrations as the project proposes residential development in a residential neighborhood. There are no short-term or long-term activities or processes associated with the single-family residence that will create objectionable odors. Nor are there any uses in the surrounding area that are commonly associated with a substantial number of people (i.e., churches, schools, etc.) that could be affected by any odor generated by the project. Therefore, the project will have no impact in terms of exposure of sensitive receptors to pollutant concentrations or creation of objectionable odors affecting a substantial number of people. No impact.

<b><u>IV. BIOLOGICAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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.

- a – b) Discussion: Several studies were prepared for the proposed project in order to identify sensitive resources on the parcel and also to provide recommendations to prevent potential impacts to documented sensitive resources as a result of the project. Spade Natural Resources Consulting (SNRC), Jennifer Riddell Consulting (JRC), and Wynn Coastal Planning (WCP) each prepared reports for the project, SNRC prepared June 21<sup>st</sup> 2017 and JRC prepared September 2019 and WCP prepared October 2<sup>nd</sup> 2018. Reports consist of a Biological Scoping Survey, Botanical Survey, and a Mitigation Measures.

SNRC determined that the plant communities on the parcel include non-native grassland, Coyote Brush scrub, Pacific Reed Grass meadow. Near a rocky outcropping in the southwest quadrant is high quality native Coastal Terrace prairie with patches of Pacific reed grass and tufted hair grass. Also present is Dog Violet and Northern Coastal Bluff Scrub. A riparian area dominated by invasive poison hemlock is near the highway, north of the property. SNRC identified several special status natural resources which are considered Environmentally Sensitive Habitat Areas (ESHA), as defined in MCC Section 20.308.040(G). Identified ESHA includes: (1) The presence of Dog Violet which supports a population of special status Behren's Silverspot Butterfly; (2) Northern Coastal Bluff Scrub and Pacific Reedgrass Meadow; (3) Rare Baker's goldfields; (4) hybrid Coastal Bluff Morning Glory; (5) Supple Daisy. At the time of survey, no special status wildlife was observed, however there is a potential for their presence due to the supporting nature of the above-mentioned vegetation. It should be noted that the vegetation in the area of development consists of non-native grass land.

Mendocino County Code requires that a sufficient buffer be established around all identified ESHA. A Buffer Zone Analysis was included in the Biological Scoping Survey and Botanical Survey from SNRC recommends a minimum 50 foot buffer area between sensitive habitats and the proposed development where feasible. Due to the extensive ESHA on the property there is very limited areas that meet a 50 foot buffer to identified ESHA. The septic system is proposed to be located in the area that is the least impactful according to the report. Due to the necessity to locate the septic in a particular area of the parcel, the residence is unable to comply with the 50 foot buffer from the of identified ESHA, however the residence is proposed to be located in an area that is the least impactful. Due to the presence of ESHA on the site, the previously noted Report of Compliance was prepared for the project describing the sensitivity of the resources present and showing the least impacting location for the proposed development.

Alternative projects to the proposed development were considered including agricultural and passive recreational opportunities and conditional uses in the district such as day care facilities and religious facilities. Staff has determined these various options to be infeasible either due to their potential for greater impact to identified resources and/or the economic feasibility of the alternatives. The subject parcel was purchased with the understanding that residential use is a principally permitted use for this parcel and expectations were set due to nearby development being residential in nature.

Alternative locations for the proposed residence, septic and driveway were considered. The septic location is necessitated by the presence of a well on an adjacent parcel and it is recommended by the project biologist that the largest setback feasible to the wetland be provided from the septic system. Due to these constraints on the septic system, it causes the only feasible building envelope that would meet a 50 foot setback to be utilized for the septic system. The project biologist reviewed alternative building site locations for the residence and determined that, due to the ESHA locations on the property and best sites identified for the driveway and septic, the proposed location as shown on the site plan is the least impactful site for the residence. Despite not meeting the 50 foot setback from the identified ESHA, the proposed residence allows the property owner to develop a residence that is similar in size and scale to residences on adjacent properties in the same vicinity and zone as the project site, while being the least environmentally impactful.

Mitigation measures have been identified by the project biologists to prevent and/or minimize potential impacts from the proposed development to identified ESHA. Mitigation measures, including restoration



measures and proposed buffer areas were suggested in the Report of Compliance. These measures are recommended as **Conditions 18 through 26**.

- c) Discussion: The proposed project will not result in substantial adverse effects on federally protected wetlands through direct removal, filling, or hydrological interruption. A survey was conducted by SNRC to identify the presence of potential wetlands on the property. Wetlands were identified on the northwest side of the property bordering the property line and HWY 1 at the bottom the hill, approximately 350+ from the closest proposed development area. Wetlands observed on the property were approximately 1500 sq. ft. in size and vegetated with hydrophytes vegetation that contained the following plants, Poison Hemlock (*Conium Maculatum*), Common Rush (*Juncus Effusus*) Giant Chain Fern (*woodwardia Fimbrata*), Watercress (*Nastuium Officinails*), Seep Monkeyflower (*Mimulus Guttatus*), and Fireweed (*Chamerion Angustifolium*).

There are no wetlands which qualified as a federally protected wetland on the parcel as none of the biological scoping surveys presented or identified any such qualifiers that needs review from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act or areas considered by the California Coastal Commission as Coastal Act wetlands (1 parameter wetlands). No direct impacts are to occur to the on-site wetlands under the proposed project. Due to the location of the wetland residing 350+ feet northwest of the proposed development, there is no potential that unanticipated impacts could result from the project. However mitigation measures have been taken to address concerns that may arise, requiring that a "sensitive area avoidance and restoration plan" be developed to provide guidance in sensitive areas. Measures to be implemented during construction, and restoration measures to be required should any areas of sensitive habitat be accidentally impacted. The plan will also include measures to prevent accidental oil, fuel and other potential contaminant spills into natural areas and sensitive areas during construction. The plan will also ensure that if riparian vegetation is lost that it is replaced at a minimum 1:2 ratio.

- d) Discussion: The proposed 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 with incorporated mitigation measures. Since the parcel is presently undeveloped it may be host to several butterfly species and act as a wildlife corridor for animals traveling to the coast as stated in the biological scoping survey provided by SNRC. It was determined that the recommended mitigation and avoidance measures were appropriate for the project and the property and nothing additional was recommended. The proposed project will result in development of a portion of the parcel, but approximately 90% of the parcel will remain undeveloped and able to continue acting and functioning as a wildlife corridor. Therefore, impacts are considered less than significant.
- e) Discussion: The proposed project is not consistent with all Local Coastal Plan (LCP) policies relating to ESHA, despite the identification of the least environmentally damaging alternative, the lack of feasible alternatives on site, the proposed mitigation measures to offset project impacts, and siting development to minimize impervious surfaces and minimize vegetation removal. As stated above, Section 20.496.020(A)(1) reads in part, "the buffer area shall be measured from the outside edge of Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width." The project is inconsistent with this LCP policy; however, no alternative exists on the parcel that could be found to be consistent with this LCP policy. Prohibiting development within fifty (50) feet of an ESHA would deprive the owner of all economic use of the property. Consequently, staff evaluated if denial of the project would result in an unconstitutional taking of private property for public use, which is addressed in further detail in the Takings Analysis portion of the Staff Report. Impacts will be less than significant with the recommended mitigation measures.

In summary, the proposed project cannot be found consistent with LCP polices relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation measures required by **Conditions 18 through 26** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development, and restore and enhance ESHA located on the parcel.

- f) Discussion: 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. No impact would occur.

Mitigation Measures (Conditions of Approval 18 through 26 of project):

Recommended Mitigation Measures including those proposed in the report (October 2, 2019 with updated CDFW comments) by Jennifer Riddell Consulting, the report by Theresa Spade Consulting, and the Biological Report of Compliance by Wynn Coastal Planning & Biology are required to provide for the protection of identified environmentally sensitive habitat areas, as follows:

1. Propagate and plant out *Calystegia purpurata* ssp. *saxicola* with a goal of two new, viable plants for every one plant removed or destroyed, by means of 1) planting seeds, 2) propagation of cuttings, and/or 3) transplanting. Plant no more than one (1) plant per square meter and plant in areas with low density of *Calystegia*. Construction staging is to be kept within the construction footprint and all vehicle and foot traffic is to be kept to the paved areas as much as possible. (Riddell, page 5; Wynn, pages 23-24, Section 3.5.2)
2. Large populations of *Calystegia* are to be protected by placement of orange construction fence between the construction area and the population. No ground disturbance, stockpile placement, heavy equipment use, or other disturbance should be allowed within the protected area. (Spade, page 19, Section 6.2; Wynn page 23, Section 3.5.1)
3. Use leftover dirt from building site to create a landscaping berm as see on the Landscaping Plan (Figure 14). This will create a transition between the residence and surrounding landscape when viewed from Highway One (Wynn page 17, Section 3.4.2.3)
4. Keep topsoil from construction footprint to maintain local seed bank and use it for landscaping in final construction phases. This will also contain non-native species, and landscaping plans will need to include plans for invasive plant population reduction. (Riddell, page 6)
5. Ensure landscaping is composed of locally native plants; suggested method is to use seeds and cuttings from plants on site. Mow approximately 8" above the ground to reduce tall, non-native plants while preserving the shorter, native plants. (Riddell, pages 6-7; Wynn pages 23-24, Section 3.5.2)
6. During construction and debris removal, any wood stockpiles should be moved carefully by hand in order to avoid accidental crushing or other damage to frogs. (Spade, page 19, Section 6.2)
7. Prior to entering the site, the tires and undercarriage of heavy equipment should be washed in order to remove any invasive plant seed that may be present. (Spade, page 19, Section 6.2)
8. The bird breeding season typically extends from February to August. Ideally, the clearing of vegetation and the initiation of construction can be done in the non-breeding season between September and January. If these activities can be done during the non-breeding season then no further studies are recommended. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat, and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances. (Spade, page 19, Section 6.2)
9. Pre-construction surveys are needed to determine the presence of bat roosts if work or vegetation removal is conducted between November 1 and August 31. If evidence of bat use is found in association to trees, rock outcroppings, and buildings subject to removal or demolition, then biologists shall conduct acoustic surveys to determine whether a site is occupied. If bats are found, a minimum 50 foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after the bats have left the roost. (Spade, page 19, Section 6.2)

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

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.

a - d) Discussion: Archeological resources are governed by MCC Sec. 22.12.090, which echoes state law regarding discovery of artifacts and states, in part, *“It shall be unlawful, prohibited, and a misdemeanor for any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archaeological site without complying with the provisions of this section”*. Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), *“If an archeological resource is neither a unique archeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.”* No unique paleontological resources or geologic features have been identified as being directly or indirectly impacted as a result of the proposed project. Identification of any unique resources or features with the potential to be affected would trigger the application of California Code of Regulations, Title 14, Chapter 3; California Environmental Quality Act Section 21083.2; and Mendocino County Code, Division IV, governing discovery or identification of potential resources or features. No component of the proposed intends to allow for or facilitate disturbance of sites that contain human remains or internment locations. MCC Section 22.12.090 governs discovery and treatment of archeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. Since resources were not identified in the surveys provided by two prior studies conducted at the project site, including Study S-011060 (Haney 1989) and Study S-011133 (Flaherty 1989), covering 100% of the proposed project area, found no identified cultural resources. **Condition 8**, is in place that advises the applicant of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the recommended conditions, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resource. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

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

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**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.

a - b) 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).

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. The proposed project is not anticipated to 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.

<b><u>VII. GEOLOGY AND SOILS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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.

- a, c) Discussion: The slope of the proposed project site is not more that 30% and is not located on a bluff top. The proposed project will not expose people or structures to substantial adverse effects including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides with incorporated mitigation measures. The nearest active fault is the San Andreas fault which is located several miles off-shore from the project site. As with all parcels within Mendocino County the site would experience some seismic ground shaking as a result of an earthquake occurring. The Local Coastal Plan Map for Land Capabilities and Natural Hazards designates the entire site as “Non-Prime”. Since the proposed project is not located on a blufftop parcel, and the proposed project site is less than 30% geological investigations are not required.
- b) Discussion: As with any development within Mendocino County, 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 a result, the proposed project would not result in substantial soil erosion or the loss of topsoil and a less than significant impact would occur.
- d) Discussion: Expansive soils generally comprise cohesive, fine-grained clay soils and represent a significant structural hazard to buildings erected on them, especially where seasonal fluctuations in soil moisture occur at the foundation-bearing depth. The subsurface soils at the property are mapped as soil unit 117 – Cabrillo-Heeser complex with 0 to 5 percent slopes, 182—Mallopass loam with 0 to 5 percent slopes, and 139—Dystropepts with 30 to 75 percent slopes, by the Soil Survey of Mendocino County, California, Western Part. The Soil Survey notes that “This unit is about 50 percent Cabrillo sandy loam and 30 percent Heeser sandy loam. The Cabrillo and Heeser soils occur as areas so intricately intermingled that it was not practical to map them separately at the scale used.” Therefore it is unclear if the exact soils on the site are Cabrillo or Heeser. The Cabrillo-Heeser complex is primarily sandy loam, however it is noted that the Cabrillo soils are sandy clay loam in the lower 15 inches of the subsoil. Permeability is moderately rapid in the Heeser

soil but the Soil Survey notes that the Cabrillo soil can have moderately slow permeability and can be characterized by seasonally saturated soil conditions. Due to the fact that the primary soil characteristic is sandy loam, impacts are considered less than significant.

- e) Discussion: The subject property has soils that are capable of supporting a septic system. A septic system design has been approved by the Mendocino County Division of Environmental Health, septic permit number ST26838. Therefore, there will be no impact.
- f) Discussion: The potential exists for unique paleontological resources or site or unique geological features to be encountered within the project area, as ground-disturbing construction activities, including grading and excavation, would be required for the proposed project. However, in the event that any archaeological or paleontological resources are discovered during site preparation, grading or construction activities, notification would be required, pursuant to County Code Chapter 22.12 – Archaeological Resources. As such, a less than significant impact would occur.

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

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.

- a - b) 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 2030 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. This project as proposed, creating one additional single-family residence, will have no impact and be below the threshold for project significance of 1,100 metric tons CO2e.

Additionally, Mendocino County’s building code requires new construction to include energy efficient materials and fixtures. Given the limited scale of the new house, the GHG generated by the project will not have a significant impact on the environment.

<b>IX. HAZARDS AND HAZARDOUS MATERIALS.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.

a - b) Discussion: The project will establish a residential use involving the routine transport, use and disposal of hazardous materials in small or limited quantities. These materials include construction materials, household cleaning supplies, and other materials including but not limited to fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. Storage of these materials in the open may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean.

This potential hazard is not significant if these materials, particularly construction debris, are properly stored on the project site and then disposed at an approved collection facility such as the nearby Albion Transfer Station. Cleaning supplies and other household hazardous materials are less of a concern as they are routinely collected with the household waste and transported by waste haulers to approved disposal facilities. Consequently, potential impacts involving the transport, use or disposal of hazardous materials is less than significant.

- c) Discussion: The proposed project will not emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The nearest school to the project site is several miles away. Due to the project location and residential nature, there will be no impact.
- d) Discussion: The proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the development of a single-family residence and associated improvements on the subject parcel would not create a significant hazard to the public or the environment.
- e - f) Discussion: The project site is not subject to any airport land use plan, nor is the project site located within two miles of any airstrip. As a result of the project’s location outside of any airport influence area or private airstrip, there will be no impact in terms of safety hazards for people residing or working in the project area.
- g) Discussion: The project will not result in any physical change to the existing roadway that would impair its use as an evacuation route. Staff is not aware of an adopted emergency response or emergency evacuation plan for the area. Evacuation from this residential neighborhood would likely be via the existing private roads, with which the project will not interfere. Therefore, there will be no impact as a result of the project.
- h) Discussion: The proposed project will not increase any existing wildland fire hazard in the area. Residential development is located on surrounding properties and the addition of one new single-family residence will not substantially increase the existing hazard in the area. The parcel is located in an area classified with a “Moderate Fire Hazard” and “High Fire Hazard” severity rating.<sup>3</sup> Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the Albion Little River Fire District (ALRFD). The project application was referred to CalFire and the ALRFD for input; ALRFD and CalFire did not respond, however for address standards, driveway standards, and defensible space standards, **Condition 16** is recommended to achieve compliance with typical Cal Fire safety standards. With adherence to the typical CalFire recommendations the project will have a less than significant impact in terms of exposure of people to risks related to wildland fires.

<b>X. HYDROLOGY AND WATER QUALITY.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river 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"/>

<sup>3</sup> Mendocino County Department of Planning & Building Services. No Date. *Fire Hazard Zones & Responsibility Areas* [map]



<b>X. HYDROLOGY AND WATER QUALITY.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 checked="" type="checkbox"/>	<input 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.

- a) Discussion: 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 [State Water Resources Control Board (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 proposed septic system would be installed in compliance with all standards and regulations. As a result, the proposed project would have a less than significant impact.
  
- b) Discussion: The project site is located within a mapped "Critical Water Resource" area by the Mendocino County Coastal Groundwater Study. 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 project site is located within a mapped Critical Water Resources Area and the site currently has an existing test well, which is proposed to be converted to a production well under the project. Two 2,500 gallon water tanks are proposed to be installed on-site for storage and fire suppression and 100 square foot pump house is proposed to be constructed. A Well Completion Report was submitted on 2/27/97, permit number 11211. The permit was approved for a test well, where the test well produced 1.5 gallons per minute in 1997. The test well will be converted to a production well and all necessary well permits will need to be obtained prior to the issuance of any building permits. Following the standard conditions of Environmental Health for a production well, Staff finds the proposed project would not adversely affect groundwater resources. See Condition 13. A less than significant impact would occur.
  
- c) Discussion: Although the existing drainage patterns of the site may be slightly altered through the addition of impervious surfaces associated with the permanent structures proposed on the site, the project would

not result in substantial erosion or siltation on- or off-site as the project would be subject to Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.). Chapter 16.30 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). 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. As a result, the introduction of limited impervious surfaces and the slight modification to existing topography resulting from the development and driveway construction would not result in substantial erosion or siltation, and a less than significant would occur.

The project would not 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. Storm drainage infrastructure within the vicinity of the site is limited. Although development is proposed on-site, due to the proposed development footprint, site drainage would continue follow a natural flow pattern and infiltrate into the ground. A less than significant impact would occur.

The portion of the property proposed to be developed is not located in a mapped flood zone area by FEMA, though there is a flood zone area noted along the bluff edge (farthest from the development). As a result, the project would not impede or redirect flood flows and no impact would occur.

- d) Discussion: The property proposed to be developed is not located in a mapped flood area, is not a blufftop parcel, and is located a minimum 1000 feet from coastal waters. Given its geographic location in northern California and infrequency of large tsunamis, and that the property is located more than 100 feet above sea level, the potential hazard for tsunamis affecting this property is very low. There are no large bodies of water in close proximity that may result in a seiche affecting the parcel. As a result, the project would not risk the release of pollutants due to inundation and no impact would occur.
- e) Discussion: As discussed above, the project would be required to comply with Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.), which 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. Therefore, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. A less than significant impact would occur.

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

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.

- a) Discussion: The project site is situated in a long-established rural residential area, and is adjacent to existing residential development. The low-density development will be consistent with the established community. Therefore, there will no division of an established community as a result of the project.
- b) Discussion: The proposed project is consistent with all policies of the Local Coastal Program of the General Plan and the MCC, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas; however, denial of the project based on this policy would constitute a regulatory taking, as described in the Staff Report. The Findings included with the project Staff Report address the analysis of alternatives, the mitigation measures proposed to offset impacts, and evidence supporting the investment backed expectation of the applicant to develop the parcel with a single-family residence.
- c) Discussion: The proposed development is not located in an area subject to a habitat conservation plan or natural community conservation plan. Therefore, there will be no impact as a result of the project.

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

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.

- a - b) Discussion: The project is not located in an area of known mineral resources. No impact is expected and no mitigation is required.

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

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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).

a - d) 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, 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. With the exception of short-term construction related noise, the proposed development will not create a new source of noise that will impact the community. Noise created by the single-family residence is not anticipated to be significant, and no mitigation is required. The permanent residence proposed under the project and associated improvements, are similar to and compatible with the uses that already exist in the area.

Construction of the residence and associated improvements, and use of construction equipment would cause temporary increases in noise; however, these impacts would only be associated with construction and would be temporary in nature. In addition, 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 and would be temporary in nature. Standard permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 7:00 a.m. and 7:00 p.m. 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.

Upon build-out of the project, operational noise would be associated with use of the site for residential purposes. Due to the location of the project in a residential neighborhood and since a single-family residence and appurtenant structures are the only thing proposed at the site under this project, it is determined that a less than significant impact would occur.

e - f) Discussion: The proposed project is not located within an airport zone or within the vicinity of a private airstrip; therefore, there is no possible exposure of people to excessive noise due to project location. No impact,

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

**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.

a - c) Discussion: The project would permit a new single-family residence in a zoning district and General Plan land use designation intended for residential development. 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. The project will not require the displacement of any person living or working the area. No impacts are expected, and no mitigation is required.

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

**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.

a) Discussion: There are no elements of the proposed project that would impact the ability of the County or other local services providers to provide public services to the site or local community.

The site is located within the State Responsibility Area (SRA) and is served by the California Department of Forestry and Fire Protection (CalFire). The site is mapped as located within a “High” fire hazard severity zone (Mendocino County Maps - Fire Hazard Severity Map, 2007). In the Agency Referral Request, CalFire responded with “No Comment”, however typical address standards, driveway standards, and defensible space standards will need to be adhered to as this is a condition of approval. Compliance with CalFire typical conditions would ensure a less than significant impact would occur.

Police protection services within the unincorporated area of the County, including the site, is provided by the Mendocino County Sheriff’s Office. Due to the fact that the parcel is already served by Mendocino County Sheriff’s Office and the additional population anticipated to be served as a result of the project is not significant, a less than significant impact would occur.

Since the proposed project is solely for a single-family residence, the project is not anticipated to substantially increase the usage of local schools, local parks or recreational facilities such that new facilities would be needed. In addition, the usage of other public facilities, such as regional hospitals or libraries, would also not be anticipated to substantially increase. A less than significant impact would occur.

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

- a) Discussion: The project site is located west of Highway 1, but is not designated as a potential public access trail location on the Local Coastal Plan maps. There is no evidence of prescriptive access on the site, nor would the development of one new single-family residence generate enough recreation demand to require the construction of additional facilities. The project would have no impact on public access or recreation, and no mitigation is required.
- b) Discussion: The proposed project does not proposal any recreational facilities nor would it require the construction of new or expanded facilities, which could cause an adverse impact on the environment. Therefore, no impact will occur as a result of the project.

<b><u>XVII. TRANSPORTATION/TRAFFIC.</u> Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

highways and freeways, pedestrian and bicycle paths, and mass transit?				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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.

- a - b) Discussion: The State Route 1 Corridor Study Update provides traffic volume data for State Route 1. The subject property is located off State Route 1 on a private road. The nearest data breakpoint in the study is located approximately one mile south of the property at the intersection of Navarro Ridge Road and State Route 1. The existing level of service at peak hour conditions at this location is Level of Service B. Since the site is currently undeveloped, there will be an increase in traffic to and from the site under both construction and operation of the project. It is expected that construction of the project will result in a slight increase in traffic to and from the site, as construction workers arrive and leave the site at the beginning and end of the day, in addition to minor interruption of traffic on adjacent streets, when heavy equipment necessary for project construction is brought to and removed from the site. Once construction is complete, these workers would no longer be required at the site. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site. The development proposed on-site is not be 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. A less than significant impact would occur.
- c) Discussion: The proposed project is for a single-family residence and appurtenant structures with no structures over 28 feet that could potentially result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. No airport is located in close proximity to the proposed project; therefore, there will be no impact.
- d) Discussion: The proposed project is for a single-family residence and does not propose any activities or development that would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), therefore, there will be no impact.
- e) Discussion: Typical CalFire standard conditions of approval for address standards, driveway standards, and defensible space standards are in place. With adherence to the CalFire typical conditions the project will have a less than significant impact in terms of emergency access.

- f) Discussion: The proposed project will not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The proposed project proposes a new single-family residence and appurtenant structures in a residential neighborhood and access to the parcel is provided via existing private roads. There is no adopted policy or plan applicable to the project site that would be violated. Therefore, there will be no impact.

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

- a - b) 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.

Two previous archaeological studies were submitted in 1989 by Haney 1989 S-011060 and Flaherty 1989 S-011133, covering 100% of the proposed project area. Since resources were not identified in the surveys, **Condition 8** is in place which advises the applicant of the "Discovery Clause." The "Discovery Clause" prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. As of this date, only one response was received from any of the three local tribes and did not have substantive comments. A less than significant impact would occur with the standard zoning code requirements being applicable to the site and adherence to condition 8.

<b><u>XVIX. UTILITIES AND SERVICE SYSTEMS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

- a) Discussion: The infrastructure necessary for electrical, telecommunications, on-site water supply, and wastewater collection connections will be installed as part of the proposed project; however, in order to ensure significant environmental effects would not occur, the respective utility providers and installers would

implement applicable Best Management Practices (BMPs) to reduce the potential for impacts, including but not limited to erosion during construction, to occur. A less than significant impact would occur.

- b) Discussion: Under the project, potable water would be provided by conversion of the current test well to a production well. The production well must be permitted by Environmental Health and be compliant with the Environmental Health standards and provision of potable water. **Condition 4** requires that the project is subject to all permitting and requirements of all other local, state and federal agencies with jurisdiction over the project which would address any concerns about the production well and the ability to provide water in drought years. A less than significant impact would occur with the adherence to Environmental Health’s standards and provision for water.
- c) Discussion: The proposed project would be served by an on-site septic system. A septic system design has been approved by the Mendocino County Division of Environmental Health, septic permit number ST26838. Since the project would be served by an on-site system, no impact would occur.
- d - e) Discussion: A significant amount of solid waste is not anticipated under the project and 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. A local service provider for solid waste service, which will likely consist of curbside pick-up, will serve the proposed project. 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. As such, the proposed project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. A less than significant impact would occur.

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

- a) 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).

As discussed under Section IX, Hazards and Hazardous Materials, above, there are no components of the project that would impair an adopted emergency response plan or emergency evaluation plan, including the adopted County EOP. 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. As a result, a less than significant impact would occur.

- b) Discussion: Under the proposed project, it is not anticipated that wildfire risks would be exacerbated due to slope, prevailing winds, and other factors. The project site has a slope of less than 30% and has sparse, low-growing vegetation with no trees on the property. The project would require compliance with CalFire’s typical fire Safety Regulations to ensure adequate fire protection measures and access. A less than significant impact would occur.
- c) Discussion: The site is currently vacant and undeveloped, and the proposed project would require the installation and maintenance of associated infrastructure, including internal access roads and underground utility line (electricity, water, and on-site septic) installation and connections. However, the developed footprint is not significant in size and during infrastructure installation and associated maintenance, appropriate Best Management Practices (BMPs) would be implemented. A less than significant impact would occur.
- d) Discussion: 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 project site has a slope of less than 30% and located in a rural area with similar residential development on surrounding parcels. A less than significant impact would occur.

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

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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.

- a) 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 Coastal Development Permit to construct a residence and associated improvements, have been analyzed in this document and mitigation measures have been included in the document to ensure impacts would be held to a less than significant level.

Primary concerns center around the fact that the project may result in impacts associated with biological resources that would be significant if left unmitigated or may expose people or structures to hazards related to the geology and soils of the site if left unmitigated. However, implementation of mitigation measures and conditions recommended by Staff and consulting agencies would fully mitigate all potential impacts on these resources to levels that are less than significant.

- b) Discussion: 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. A less than significant impact would occur.
- c) Discussion: 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. Potential environmental impacts associated with approval of the project have been analyzed and, as mitigated, all potential impacts can be reduced to a less-than-significant level.

**DETERMINATION:** On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

4/20/21  
DATE

  
MATT GOINES  
PLANNER I