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

JULIA KROG, DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.gov
www.mendocinocounty.gov/pbs

February 20, 2024

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, March 7, 2024, at 10:00 a.m., will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard**.** This meeting will take place in the **Board of Supervisors Chambers, 501 Low Gap Road, Ukiah California**, and Virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at https://www.youtube.com/MendocinoCountyVideo. In lieu of personal attendance, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov or via Telecomment. The telecomment form may be found at: https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas.

CASE#: U_2023-0004
DATE FILED: 3/15/2023
OWNER/APPLICANT: MENDOCINO UNIFIED SCHOOL DISTRICT
AGENT: MATT KENNEDY, GHD
REQUEST: Coastal Development Use Permit for the demolition and replacement of two existing water tanks, chlorination and control building, and related infrastructure. Improvement of three existing wells and installation of up to 10 new wells.
ENVIRONMENTAL DETERMINATION: The Lead Agency; Mendocino Unified School District has prepared a Mitigated Negative Declaration (SCH#2020080439) for the above project. The County, as a Responsible Agency, has reviewed the project to determine the adequacy of the environmental document.
LOCATION: In the Coastal Zone, 1± miles east-southeast of Mendocino Town center, on the north side of Little Lake Rd (CR 408), east of its intersection with Gurley Ln (CR 407Z), located at 44100 Little Lake Rd, Mendocino; APNs 119-100-23, 119-100-03, 119-100-04.
SUPERVISORIAL DISTRICT: 5 (Williams)
STAFF PLANNER: ROB FITZSIMMONS

The staff report and notice will be available for public review 10 days prior to the hearing on the Department of Planning and Building Services website at: https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas/planning-commission.

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov by March 6, 2024, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Planning Commission, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas/planning-commission.

The Planning Commission's action regarding the item shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

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

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services

PLANNING COMMISSION – STAFF REPORT U_2023-0004
COASTAL DEVELOPMENT USE PERMIT MARCH 7, 2024

SUMMARY

OWNER/APPLICANT:	MENDOCINO UNIFIED SCHOOL DISTRICT 44141 LITTLE LAKE RD MENDOCINO, CA 95460
AGENT:	MATT KENNEDY, GHD 2235 MERCURY WAY, SUITE 130 SANTA ROSA, CA 95407
REQUEST:	Coastal Development Use Permit for the demolition and replacement of two existing water tanks, chlorination and control building, and related infrastructure. Improvement of three existing wells and installation of up to 10 new wells.
LOCATION:	In the Coastal Zone, 1± miles east-southeast of Mendocino Town center, on the north side of Little Lake Rd (CR 408), east of its intersection with Gurley Ln (CR 407Z), located at 44100 Little Lake Rd, Mendocino; APNs 119-100-23, 119-100-03, 119-100-04.
GENERAL PLAN:	Public Facilities (PF)
ZONING:	Public Facilities (PF)
SUPERVISORIAL DISTRICT:	5 (Williams)
ENVIRONMENTAL DETERMINATION:	Mitigated Negative Declaration, Mendocino Unified School District is the Lead Agency SCH# 2020080439
APPEALABLE:	Yes, Conditional Use
RECOMMENDATION:	APPROVE WITH CONDITIONS
STAFF PLANNER:	ROB FITZSIMMONS

BACKGROUND

PROJECT DESCRIPTION: Per the applicant: "The Project would replace MUSD's existing water system facilities at the Project site with newer facilities to make improvements to address existing identified MUSD water system deficiencies, as well as improvements in conjunction with the MCCSD to provide an emergency water supply for MCCSD customers. The Project includes two replacement water storage tanks, redevelopment/reconstruction of two existing MUSD groundwater supply wells (MW #1 and MW #2), conversion of MUSD test well MW #6 to a production well, installation and operation of up to ten new MCCSD emergency groundwater supply wells, a replacement treatment building, new flow meters, an on-site MCCSD connection to the MUSD water distribution system near the replacement treatment building, improvement of an existing access road, new on-site access roads to new groundwater wells, and other site improvements such as potential new fencing and security gates near the proposed replacement tanks."

The two proposed water storage tanks will each be approximately 48 feet high. The proposed treatment/control building is 400 square feet and 13 feet high. The onsite roadway improvements will require substantial grading, 2,163 cubic yards of cut and 653 cubic yards of fill.

APPLICANT'S STATEMENT: See Attachment A, Updated Supplemental Project Description.

RELATED APPLICATIONS:

- U_2022-0012 Construction of an additional 250,000 gallon water tank at the subject parcel along with additional water infrastructure through the Town of Mendocino to the west (Approved)
- CE_2020-0043 Supplemental Well (Approved)

SITE CHARACTERISTICS: From Initial Study/Mitigated Negative Declaration (IS/MND) SCH 2020080439:

> "Existing facilities at the Project site include two in-service water storage tanks (one wooden tank and one steel tank), two in-service groundwater supply wells, a water treatment building, water distribution piping, maintenance building, two shallow decommissioned/abandoned water supply wells, a pump house that has been converted into a student radio transmission station, and a graded access road (see Figures 2 and 3). The MUSD's in-service wooden tank is 24 foot in diameter, 16 feet high, and provides 50,000 gallons of water storage capacity. The MUSD's in-service steel tank is 26 feet in diameter, 16 feet high, and provides 65,000 gallons of water storage capacity. The installation date for the two in-service tanks is unknown, though it is likely that the tanks were constructed during the 1970s, and do not meet current seismic design standards."
> …
> The Project site is located within a designated coastal zone subject to the Coastal Zone Management Act. The Project area is underlain by groundwater basin number 1-021, the Fort Bragg Terrace Area (DWR 2019), which is not mapped by the Environmental Protection Agency (EPA) as a sole source aquifer recharge area and is not identified as an overdrafted groundwater basin. Topography and groundwater flow indicate that groundwater flows northwest towards Slaughterhouse Gulch and is disconnected from the Big River Watershed located south of Mendocino. The Project site is not located within a mapped 100-year or 500-year flood zone (FEMA 2017).
>
> In the Project area, bedrock seasonally forces groundwater to the surface as evident by the presence of springs on the MUSD property. The springs on the MUSD Project site represent a portion of the Slaughterhouse Gulch headwaters. Another distinct spring-fed branch to Slaughterhouse Gulch begins offsite approximately 1,000 feet to the northwest on the northeast portion of Gurley Lane. The two spring systems flow westerly downslope and converge near Calypso Lane to form the defined Slaughterhouse Gulch stream, with year-round surface flows. The stream drains directly to the Pacific Ocean at Agate Beach on the Mendocino coastline.
>
> The local geology in the Project area generally consists of a thin layer of weathered marine terrace sediments (alluvium) ranging from 10 feet to 50 feet thick overlying impermeable Franciscan bedrock.
>
> The Project area is not located within an active Alquist-Priolo earthquake fault zone and no other active or potentially active faults have been mapped within the area. No critical habitat has been designated for federally-listed species within the Project site. One sensitive natural community, Bishop pine forest, was identified at the Project site. This community type is characterized by a Bishop pine overstory and evergreen huckleberry shrub layer in the northern portion of the Project site.
>
> The Project site is located within the North Coast Mendocino County sub-basin of the North Coast Air Basin, which is within the jurisdiction of the Mendocino County Air Quality Management District (MCAQMD). The North Coast Mendocino County sub-basin, like the rest of Mendocino County, is designated as a non-attainment area for the State

particulate matter (PM10) standard (ARB 2018). The sub-basin is in attainment for all other State standards and for all Federal criteria air pollutants (ARB 2018, U.S. EPA 2020).

The Project site is accessible via a graded access road from the maintenance building off Little Lake Road. The graded access road extends to the south side of an existing treatment building and to the south side of the existing tank site."

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR5)	Rural Residential (RR5)	2.9±, 3.25± Acres	Residential
EAST	Public and Semi-Public Facilities (PF)	Public and Semi-Public Facilities (PF)	2.5± Acres	Open Space
SOUTH	Rural Residential (RR5)	Rural Residential (RR5)	2.0±, 5.9± Acres	Agricultural
WEST	Rural Residential (RR5)	Rural Residential (RR5)	1.2±, 2.0± Acres	Residential

From the IS/MND SCH 2020080439:

"The Project site is bordered by residences as well as other nearby surrounding uses including Mendocino K-8 School, the MUSD District office, and commercial establishments along Little Lake Road. Highway 1 and the community of Mendocino are located approximately 0.75 mile to the west of the Project site."

PUBLIC SERVICES:

ACCESS:	Little Lake Road (CR 408)
FIRE DISTRICT:	Mendocino Fire Protection District
WATER/SEWER DISTRICT:	None
SCHOOL DISTRICT:	Mendocino Unified School District

AGENCY COMMENTS: On April 10, 2023, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Any submitted recommended conditions of approval are contained within the resolution. Any comment that would trigger a project modification or denial are discussed in full in the following section.

REFERRAL AGENCIES	COMMENT
Department of Transportation	Comment
Environmental Health	Comment
Building Services-Fort Bragg	Comment
Assessor's Office	No Response
Air Quality Management District	No Response
Archaeological Commission	Comment
Mendocino FPD	No Response
CAL FIRE	No Response
California Coastal Commission	No Response
California Dept. of Fish & Wildlife	No Comment
US Dept. of Fish & Wildlife	No Response
Sherwood Valley Band of Pomo	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response

Local Coastal Program Consistency

Land Use/Zoning:

The project site is located within the Land Use Classification of Public & Semi-Public Facilities, as defined in Chapter 2 of the Coastal Element of the Mendocino County General Plan. The intent of this classification is *"(t)o designate existing major public and community serving uses that should be converted to another use only following approval of a plan amendment. This classification is to be applied to properties which are properly used for or are proposed to be used for public purposes or for specified public utility purposes."* As all potential uses require a conditional use permit, there are no "principal permitted uses." Conditional uses include "*Public and semi-public facilities and utilities, i.e. schools, fire stations, churches, cemeteries, sewage treatment plants, refuse disposal site, sanitary land fills, electrical transmission and distribution lines (see Policy 3.11-9), natural gas pipeline (see Policy 3.11-5), community buildings, a nonprofit corporation or entity which is dedicated to public use and to public purpose, and like public uses."* The proposed project, consisting of emergency-use wells and water infrastructure improvements, falls under the definition of public facilities and utilities, and so can be permitted onsite with a conditional use permit (i.e. U_2023-0004).

Coastal Element Chapter 4.7 *Russian Gulch to Van Damme State Park Planning Area (Big River Planning Area)* does not include policies or goals for unincorporated lands inland of the Town of Mendocino, including those areas associated with the proposed development.

The proposed project is located within the Public and Semipublic Facilities Zoning District. As the proposed project is intended to address existing identified MUSD water system deficiencies and provide an emergency water supply for MCCSD customers, it falls under the definition of *Minor Impact Utilities* pursuant to MCC § 20.320.080. Minor Impact Utilities require a Coastal Development Use Permit in the Public and Semipublic Facilities Zoning District, hence the request for U_2023-0004.

The proposed development conforms to all front, rear, and side yard minimum distances, and the broader intent of the zoning district.

MCC Chapter 20.404 Public and Semipublic Facilities Development Standards (PF)		
SECTION	STANDARD	PROPOSED
20.404.025 Minimum Front & Rear Yards	10 feet	more than 10 feet
20.404.030 Minimum Side Yards	6 feet	more than 10 feet
20.404.035 Building Height Limit	35 feet	48 feet*

*The proposed municipal water tanks will maintain the required setbacks to parcel lines but are expected to exceed the 35-foot Building Height Limit of MCC 20.404.035, instead measuring 48 feet high. However, MCC 20.444.025(B) allows that "(a)dditional heights for public utility structures may be permitted upon approval by the Planning Commission." As reducing the maximum height of the structures would necessitate more or wider tanks and thus more disturbance, allowing for taller water tanks in this instance is in the public interest. The heavily (tall) wooded nature of the site limits the visual impact of the over-height water tanks (see *Visual Resources* section below). Other proposed structures onsite will remain under the standard 35-foot limitation.

A core tenet of the California Coastal Act and the County's certified Local Coastal Plan (Coastal Element Chapter 3.8) is that development shall, if possible, occur in areas where public services are available. The major public works policy of the Act applicable to Mendocino County is the limitation on capacity improvements to Highway 1.

> ***PRC §30254 -*** *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a*

> *limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

The purpose of this project is not to increase the potential development for the area, but instead to address existing deficiencies and provide increased water security and fire prevention for the development that currently exists. As such, it is compatible with the above-cited code. As the project falls under the definition of *Major Public Works* as used in the Coastal Element, Public Resources Code §30114, and pursuant to California Code of Regulations Title 14, §13012, the California Coastal Commission retains appeal jurisdiction over it. The Coastal Commission has not responded to a request for comment on this project.

Visual Resources: The project site is not mapped as a Highly Scenic Area; therefore, applicability of Coastal Element Chapter 3.5 policies and MCC Chapter 20.504 Visual Resources and Special Treatment Areas is limited. The only proposed new outdoor lighting is one low intensity motion-activated light on the replacement water treatment building (not the overheight water tanks), shielded or recessed and directed downward to reduce light spillage onto adjoining properties and public right of way.

As proposed, the project is consistent with Coastal Element Chapter 3.5 and MCC Chapter 20.504. However, the Initial Study/MND found that the following mitigations were necessary pursuant to CEQA to reduce the Aesthetic Impacts of the project to a less than significant level.

> ***Mitigation Measure AES-1: Minimize Tree Loss***
> *The MUSD shall retain a certified arborist to oversee pruning techniques to minimize the potential for tree impacts and tree loss at the Project site. Construction activities within the dripline of trees shall be avoided to the extent feasible during construction. Pruning of trees shall be completed by either a certified arborist or by the contractor under supervision of either an International Society of Arboriculture qualified arborist, American Society of Consulting Arborists consulting arborist, or a qualified horticulturalist. Pruning shall be completed to the minimum degree necessary to accommodate construction vehicles and in a manner that helps preserve tree health. Replacement trees shall be planted on-site to provide visual screening of the site from Little Lake Road and adjacent properties. The MUSD shall ensure that plantings will be monitored annually for five years after Project completion to ensure that the replacement planting(s) has developed and that the trees survive.*
>
> ***Mitigation Measure AES-2: Minimize Visual Impacts***
> *The MUSD shall restore or revegetate staging areas and other work areas disturbed by construction activities, including restoring pre-Project topographic features and reseeding with species comparable to those removed or disturbed during construction. To the extent feasible, the MUSD shall ensure that the proposed new tanks are of a color that would minimize visual contrast and blend in with the surrounding landscape. Access roads shall be designed with the minimum width needed for adequate maintenance and fire access.*

These measures have been incorporated into this permit by reference in **Condition 8.**

Hazards Management: Coastal Element Chapter 3.4 and MCC Chapter 20.500 *Hazard Areas* applies to all development proposed in the Coastal Zone unless and until it is determined by the Coastal Permit Administrator that the project is not subject to threat from geologic, flood, or other hazards. The Initial Study/MND adopted for the project found that impacts relating to flooding and soil erosion were less than significant, requiring no additional mitigation measures. However, the IS/MND did recommend the following measures to mitigate the threat of other hazards:

> ***Mitigation Measure HAZ-1: Waste Management and Disposal***

Prior to the start of construction, the MUSD and/or its Contractor shall develop and then implement a waste management and disposal plan to control and prevent releases of lead paint and lead-laden soil during construction activities that could pose a risk to human health and the environment. At a minimum, the plan shall specify that the existing tanks be dismantled without removing the paint on the tanks. During dismantling, handling, and transporting the tank to the disposal facility, the tank surface shall be stabilized by wrapping and securing the tank pieces in plastic sheeting or coating the outer tank surface with a stabilizer compound to mitigate the potential for friable paint to flake off during transport. The management and disposal of the tank debris shall be conducted in accordance with the off-site facility receiving the dismantled tanks. If the paint is to be removed from the tanks prior to tank removal, TCLP leaching tests shall be performed to determine if the paint is RCRA hazardous waste.
The plan shall specify proper soil management and handling protocols that shall be implemented to minimize airborne dust and protect construction workers and neighboring residents from exposure to hazardous material emissions during tank deconstruction and soil excavation/grading activities. The plan shall identify and implement protocols to protect workers from exposure to chemicals above the applicable federal and state Occupational Safety and Health Administration's (OSHA) Permissible Exposure Limits (PELs), such as the use of personal protective equipment requirements, worker decontamination procedures, and air monitoring strategies to ensure that workers are adequately protected.

By installing a backup emergency community water supply, the project would serve to decrease the risks to life and property from fire, but the IS/MND did find that the following measure would be required to mitigate wildfire hazard risks during construction:

Mitigation Measure HAZ-2: Reduce Wildland Fire Hazards During Construction
Prior to construction, the MUSD and its contractor(s) shall remove and/or clear away dry, combustible vegetation from the construction site. Grass and other vegetation less than 18 inches in height above the ground shall be maintained where necessary to stabilize the soil and prevent erosion. Vehicles shall not be parked in areas where exhaust systems contact combustible materials. Fire extinguishers shall be available on the construction site to assist in quickly extinguishing any small fires. The contractors shall have on site the phone number for the local fire department(s).

These measures ensure the fire risk is minimized and that the project will not contribute significantly to erosion, rendering the project compliant with Coastal Element Chapter 3.4 and MCC 20.500. These measures have been incorporated into this permit by reference in **Condition 8.**

Habitats and Natural Resources: Coastal Element Chapter 3.1 and MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* applies to all development proposed in the Coastal Zone, unless and until it can be demonstrated to the approving authority that the project will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. The 2/27/2023 Biological Report prepared for the project identified several potential Environmentally Sensitive Habitat Areas:

-Two (2) watercourses and associated riparian areas ([Biological Report] Appendix A, Figure 8; Appendix G, Photos 5-6).
-1-parameter wetlands and 3-parameter wetlands ([Biological Report] Appendix A, Figure 8; Appendix G, Photo 5).
-Bishop pine forest (G3/S3) ([Biological Report] Appendix A, Figure 7; Appendix G, Photos 1-4).
-Ten (10) naturally occurring, unstunted, and/or landscaped Mendocino cypress (Hesperocyparis pigmaea, CRPR 1B.2) trees ([Biological Report] Appendix A, Figure 7; Appendix G, Photos 7-9).

Per the California Coastal Commission's (CCC) 12/22/2023 email, the CCC does not retain permitting jurisdiction over projects that impact *unstunted* Mendocino Cypress (see California Court of Appeal in Sierra Club v. California Coastal Commission (12 Cal. App. 4th 602 (1993)) , and "the County should ensure that new development will be set back sufficiently from identified ESHA to meet the LCP-prescribed 100-foot ESHA buffer requirements of LUP Policy 3.1-7 and CZC Section 20.496.020."

All proposed new wells and structures will be more than 100-feet from the identified riparian areas and wetlands, though the existing gravel roadway to be widened does not maintain this buffer.. The roadway widening is necessary for emergency fire access. Portions of the project will take place within the identified Bishop Pine forest and may require removal of some instances of identified Mendocino cypress (development not just within an ESHA buffer but within an ESHA itself).

As noted in CCC's comments, MCC 20.496 and LUP Policy 3.1-7 require a 100-foot buffer be established around any ESHA to protect it from development. However, MCC 20.496.020(A)(4) allows for development to occur within such buffers provided it complies with certain standards. No other feasible location on the parcel outside an ESHA exists. As mitigated (see mitigation measures below), the development shall be compatible with the continuance of the habitat areas by maintaining the functional capacity, and their ability to be self-sustaining and to maintain natural species diversity. As mitigated, the development shall also minimize impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, alteration of natural landforms, and further human intrusion into the wetland.

CDFW indicated that they had no concerns with the project as mitigated by the MND.

The Biological Report evaluated the project's compliance with these standards in its Reduced Buffer Analysis. The IS/MND found the following measures were necessary to comply with the Reduced Buffer standards and to reduce impacts on Biological Resources to a less than significant level:

> ***Mitigation Measure BIO-1: Avoid Loss of Sensitive Plant Species***
> *Removal of mapped occurrences of Mendocino cypress (Hesperocyparis pigmaea) on the Project site shall be avoided to the greatest extent practicable. If impacts are unavoidable to individual Mendocino cypress trees, a replanting ratio of 3:1 shall be implemented with an 80 percent survival rate over 5 years to ensure there is a no loss of Mendocino cypress trees within the Project site.*
> *The MUSD shall also retain a qualified biologist to complete appropriate pre-construction surveys for special status plant species prior to construction within the area of disturbance for the Project, during the appropriate blooming time (spring or summer) for the target species. Survey methods shall comply with CDFW rare plant survey protocols, and shall be performed by a qualified field botanist. Surveys shall be Modified to include detection of juvenile (pre-flowering) colonies of perennial species when necessary. Any populations of special status plant species that are detected shall be mapped. Populations (if present) shall be flagged if avoidance is feasible and if populations are located adjacent to construction areas. The locations of any special status plant populations to be avoided shall be clearly identified in the contract documents (plans and specifications).*
> *If avoidance is not feasible, a Special Status Plant Management Plan shall be prepared and implemented, in which recommendations shall be provided as to the feasibility of relocating the plants or collecting seeds prior to the start of construction. If seed collection is determined to be the more appropriate method for the specified species, seeds shall either be collected and spread on-site, or provided to a local native plant nursery for propagation then planting. For both relocating or seed collection, the MUSD shall indicate an area for relocation, establish success criteria, identify monitoring protocol of the site for one to two seasons, and determine appropriate action if the success criteria is not met.*
> ***Mitigation Measure BIO-2: Standard Construction Measures for Protecting Biological Resources***

Steep-sided excavations capable of trapping mammals would be ramped or covered if left overnight. No poisons or other potentially injurious materials attractive to mammals shall be utilized or left unattended during construction or operation activities.

Mitigation Measure BIO-3: Protect Sonoma Tree Voles and Northern Red Legged Frog
The construction impact area shall be surveyed by a qualified biologist within seven days prior to the start of construction for any tree nests indicative of Sonoma tree voles and any Northern red-legged frogs. If any active Sonoma tree vole nests are found, the nest shall be avoided during construction activities with a buffer zone determined by a qualified biologist. In the event that a Northern red-legged frog is observed in an active construction zone, the contractor shall halt construction activities in the immediate area where observed and the frog shall be moved by a qualified Biologist to a safe location in similar habitat outside of the construction zone.

Mitigation Measure BIO-4: Protect Bat Species
To the extent possible, removal of confirmed or presumed-occupied bat roost habitat shall occur during seasonal periods of bat activity (when bats are volant, i.e., able to leave roosts) between March 1 and April 15 or September 1 and October 15, when evening temperatures rise above approximately 45 degrees F, and when no rainfall greater than ½ inches has occurred in the last 24 hours.

If construction occurs during the bat maternity season (generally April 15th through August 30th), a qualified bat biologist shall conduct habitat surveys for special status bats. Survey methodology should include visual examination of suitable habitat areas for signs of bat use and may optionally utilize ultrasonic detectors to determine if special status bat species utilize the vicinity. Surveys shall be conducted within seven days prior to construction in any areas where potential maternity roosts may be disturbed/removed. Surveys shall be conducted by a qualified biologist. Surveys shall include a visual inspection of the impact area and any large trees/snags with cavities or loose bark. If the presence of a maternity roost is confirmed, roost removal will be prohibited during maternity season and no activity generating significant noise shall occur within 300 feet of the roost. If no bat utilization or roosts are found, then no further study or action is required. If bats are found to utilize the project area, or presence is assumed, a bat specialist should be engaged to advise the best method to prevent impact.

Mitigation Measure BIO-5: Prevent Disturbance to Nesting Birds
Ground disturbance and vegetation clearing shall be conducted, if possible, during the fall and/or winter months and outside of the avian nesting season (March 15 – August 15) to avoid any direct effects to special status and protected birds. If ground disturbance cannot be confined to work outside of the nesting season, a qualified ornithologist shall conduct pre-construction surveys within the vicinity of the construction footprint, to check for nesting activity of native birds and to evaluate the site for presence of raptors and special status bird species. The ornithologist shall conduct at minimum a one-day pre-construction survey within the 7-day period prior to vegetation removal and ground-disturbing activities. If ground disturbance and vegetation removal work lapses for seven days or longer during the breeding season, a qualified ornithologist shall conduct a supplemental avian preconstruction survey before project work is reinitiated.

If active nests are detected within the construction footprint or up to 500 feet from construction activities, the ornithologist shall flag a buffer around each nest (assuming property access). Construction activities shall avoid nest sites until the ornithologist determines that the young have fledged or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within 500 feet of the construction area, buffers will be implemented as needed (buffer size dependent on species). In general, the buffer size for common species would be determined on a case-by-case basis in consultation with the CDFW and, if applicable, with USFWS. Buffer sizes

will take into account factors such as (1) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity; (2) distance and amount of vegetation or other screening between the construction site and the nest; and (3) sensitivity of individual nesting species and behaviors of the nesting birds.

If active nests are detected during the survey, the qualified ornithologist shall monitor all nests at least once per week to determine whether birds are being disturbed. Activities that might, in the opinion of the qualified ornithologist, disturb nesting activities (e.g., excessive noise), shall be prohibited within the buffer zone until such a determination is made. If signs of disturbance or distress are observed, the qualified ornithologist shall immediately implement adaptive measures to reduce disturbance. These measures may include, but are not limited to, increasing buffer size, halting disruptive construction activities in the vicinity of the nest until fledging is confirmed or nesting activity has ceased, placement of visual screens or sound dampening structures between the nest and construction activity, reducing speed limits, replacing and updating noisy equipment, queuing trucks to distribute idling noise, locating vehicle access points and loading and shipping facilities away from noise-sensitive receptors, reducing the number of noisy construction activities occurring simultaneously, and/or reorienting and/or relocating construction equipment to minimize noise at noise-sensitive receptors.

Mitigation Measure BIO-6: Avoid Loss of Sensitive Natural Communities
Removal of mapped occurrences of Bishop pine – Monterey pine forest and woodland shall be avoided to the greatest extent practicable. This alliance shall be managed to retain at least 30 percent Pinus muricata relative cover in the tree canopy to maintain species composition and/or dominance within the stand. Any proposed removals of Pinus muricata trees larger than 6 inches diameter at breast height (dbh) within this community shall be mitigated by planting Pinus muricata saplings within or adjacent to the Bishop pine forest.

A replanting ratio of 1.5:1 shall be implemented for Bishop pine trees to be removed, with an 80 percent survival rate over 5 years. Landscaping on the Project site shall not include any invasive plants and shall ideally consist of native plants compatible with the adjacent plant communities. Removal and replacement of trees shall also be coordinated with CalFire with applicable approvals obtained prior to removal.

Mitigation Measure BIO-7: Minimize Impacts to Aquatic Resources
A buffer zone shall be established adjacent to intermittent watercourses, wetlands, and associated riparian vegetation at the Project site in accordance with Mendocino County Coastal Zoning Code Section 20.496.020. Earthwork shall not occur within 50-feet of an aquatic resources. Earthwork within 100-feet of any aquatic resource shall adhere to standard methods of erosion and sediment control and, if possible, shall be completed during the dry season (April 15-October 15) to reduce sediment load downstream. Earthwork shall be halted during and 24-hours after a qualifying rain event (0.5 inches of precipitation over 24-hours).

With these mitigation measures, the project complies with Coastal Element Chapter 3.1 and MCC 20.496. These mitigation measures are incorporated into the permit by reference in **Condition 8**.

Archeological and Cultural Resources: Although Cultural Resources and Tribal Cultural Resources more specifically were addressed in the adopted Initial Study/Mitigated Negative Declaration, further review of this impact area occurred pursuant to MCC Chapter 22.12.

The IS/MND found the following mitigation measures were necessary to reduce impacts on Cultural and Tribal Cultural Resources to a less than significant level:

Mitigation Measure CR-1: Minimize Impacts to Unknown Archaeological or Tribal Cultural Resources.

In the event that any subsurface archaeological features or deposits, including locally darkened midden soil, are discovered during construction-related earth-moving activities, all ground-disturbing activity in the vicinity of the resource shall be halted, a qualified professional archaeologist shall be retained to evaluate the find, and the appropriate tribal representative(s) shall be notified. If the find qualifies as a historical resource, unique archaeological resource, or tribal cultural resource as defined by CEQA, the archaeologist shall develop appropriate measures to protect the integrity of the resource and ensure that no additional resources are affected. In considering any suggested measures proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the MUSD shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project while mitigation for unique archaeological resources is being carried out.

Mitigation Measure CR-2: Protect Human Remains if Encountered during Construction

If human remains, associated grave goods, or items of cultural patrimony are encountered during construction, work shall halt in the vicinity of the find and the County Coroner shall be notified immediately. The following procedures shall be followed as required by Public Resources Code § 5097.9 and Health and Safety Code § 7050.5. If the human remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of the determination. The Native American Heritage Commission shall then notify the Most Likely Descendant (MLD), who has 48 hours to make recommendations to the landowner for the disposition of the remains. A qualified archaeologist, the MUSD and the MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects. The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects.

Mitigation Measure GEO-1*: Protect Paleontological Resources if Encountered during Construction

If fossils are encountered during construction (i.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants), construction activities shall be diverted away from the discovery within 50 feet of the find, and a professional paleontologist shall be notified to document the discovery as needed, to evaluate the potential resource, and to assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the material, if it is determined that the find cannot be avoided.

The paleontologist shall make recommendations for necessary treatment that is consistent with currently accepted scientific practices. Any fossils collected from the area shall then be deposited in an accredited and permanent scientific institution where they would be properly curated and preserved.

*Note that GEO-1 is redundantly labeled as CR-1 in the MND. Given the context, it is clear that it should instead be referred to as GEO-1.

The Archeological Commission felt these mitigations were inadequate and in their 12/13/2023 meeting requested the following condition be added to the Coastal Development Use Permit: *A Tribal Monitor*

shall be present and the water district shall pay for said monitor during grading. Note that the water district, MCCSD, is not the applicant for this project.

This project was referred to local Native American Tribes for comment on 4/10/2023. Although none responded to the County's request for comment, a response was received to an earlier request for comment as part of preparation of the Archeological Report. From the Archeological Report:

> *On 12 October 2022, a letter was received via email from Sherwood Valley Rancheria's Tribal Historic Preservation Officer Valerie Stanley, which stated that the Tribe is the Most-Likely Descendent for the Project Area, but does not have further information regarding cultural resources. A phone conversation also took place on 12 October 2022 between Ms. Stanley and Samantha Dollinger in which project details and the results of the pedestrian survey were discussed. Ms. Stanley had no further information to provide regarding the presence of cultural resources in the Project Area.*

The Mitigation Measures of the IS/MND are incorporated into the permit by reference in **Condition 8**, and the Archeological Commission's recommended condition has been incorporated into the permit as **Condition 9** (note that the direction of who specifically should pay for the tribal monitor has been changed to the applicant, MUSD, as the Water District is a third party to this application). As conditioned, the project is compliant with MCC Chapter 22.12 and Coastal Element Chapter 3.5, including PRC 30244, requiring that "*where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required."*

Groundwater Resources: The project site is mapped as a critical water resource area. Per MCC 20.516.015(B)(2), "Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies shall be required to show proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies. Such required proof shall be demonstrated prior to final approval of the proposed use." To demonstrate proof of adequate water supply, the applicant submitted a Hydrogeologic Study.

The proposed increase in water supply is intended to only be used on an emergency basis, though it should be noted prolonged drought emergencies are becoming the norm in the county. During circulation of the subsequent MND, concerns were raised in public comment regarding the long-term impacts the "emergency draw" would have on the local groundwater supply. Per MUSD's Response to Comment on Subsequent MND:

> *"Additional Testing and Mitigation: The Memorandum of Understanding between the MUSD and MCCSD (Appendix D) and Mitigation Measure HWQ-2 of the Subsequent MND require proposed well construction to be completed in accordance with MCCCSD Ordinance 2020-01. This includes notification of surrounding properties and a 72-hour pump test as part of a subsequent hydrogeologic study during construction. The additional monitoring and analysis provided by pump tests will provide further estimation of the well field's hydraulic radius of influence, groundwater cone of depression and groundwater level recovery rates, as well as to allow for further means to minimize or eliminate potential impacts on neighboring wells and down gradient conditions. Mitigation Measure HWQ-2 also includes best management practices such as spacing of wells, pumping limitations, monitoring of adjacent domestic wells, well setbacks from surface waters, an on-site stream gauge, and other measures to ensure any pumping for emergency water supply purposes is conducted sustainably and does not interfere with surface water, groundwater levels, or neighboring wells.*
>
> *...*
>
> *The Hydrogeologic Study and Section 3.10 of the Subsequent MND evaluated the potential effects of the Modified Project on groundwater levels and sustainable groundwater management of the basin. This included an evaluation of groundwater recharge, saltwater intrusion, land surface subsidence, groundwater levels, interconnected surface waters, and groundwater quality… Mitigation Measure HWQ-2 from the Subsequent MND is included which requires implementation of best*

management practices to ensure no substantial surface water depletion and minimizes the potential for well interference. This includes spacing of wells, pumping limitations, pump tests, monitoring of adjacent domestic wells, well setbacks from surface waters, monitoring of stream gauges, and other measures. The Memorandum of Understanding between the MUSD and MCCSD (Appendix D) and Mitigation Measure HWQ-2 of the Subsequent MND require well construction to be completed in accordance with MCCCSD Ordinance 2020-01. This includes notification of surrounding properties and a 72-hour pump test as part of a subsequent hydrogeologic study during construction. The additional monitoring and analysis provided by additional pump tests will provide additional estimation of the well field's radius of influence and subsequent operating conditions to allow for further means to minimize or eliminate potential impacts on neighboring wells and down gradient conditions. As noted in the Memorandum of Understanding, if subsequent hydrological testing shows that the water cannot be extracted without negatively impacting neighboring wells, including MUSD's existing wells, then the wells would not be developed for potable water production. If wells were to be utilized during a drought condition and a drop in the water level of adjacent wells is observed, a change and/or reduction in the pumping regime would be implemented.

…

The Project is intended to address existing identified MUSD water system deficiencies and to provide an emergency water supply for MCCSD customers. The drought period of 2020-2022 was the worst multiyear drought in recorded State history. The ongoing drought highlighted the need for improved water security in the face of climate change and natural disasters. The recent drought also showed that MCCSD customers cannot depend on neighboring water districts to meet water demand short fall during dry periods. Water would only be accessed by MCCSD during a State or Federally proclaimed state of emergency based on drought conditions or when a MCCSD-declared water shortage emergency has been issued and interim or immediate relief is needed via hauled water.

The referenced Mitigation Measure was recommended by the IS/MND and is as follows:

Mitigation Measure HWQ-2: Implement Best Management Practices to Prevent Well Interference and Surface Water Depletion.

The proposed wells shall be constructed with approximately 120-foot spacing, which is the anticipated radius of influence that would reduce the potential for wellfield interference. In coordination with the existing MUSD wells (Well 1, Well 2 and Well 6), initially no more than half of the well field (6 to 7 wells) shall be operated at one time to reduce the potential for adverse drawdown effects. Additionally, pumping of any one well shall not exceed 12 hours in a 24-hour period initially to allow for aquifer recharge within the well field.

In accordance with MCCSD's Ordinance 2020-1, the proposed well field shall be pump tested during the MCCSD hydrological testing period, which begins after August 20th and before a total of 6-inches of rainfall has been recorded.

Monitoring of adjacent domestic wells, MUSD wells, and the MUSD North Caisson shall be performed before, during and after the proposed test wellfield installation and pump testing is performed. MCCSD and MUSD shall continue to coordinate with additional adjacent property owners who were not able to install pressure transducers due to access issues to determine if future pressure transducers can be installed.

The MCCSD / MUSD and its contractor shall implement appropriate Best Management Practices to prevent surface water depletion during use of the proposed well field. This shall include, but would not be limited to, the following:

- *Proposed groundwater wells shall be setback from surface waters by a minimum of 1.5 times their anticipated radius of influence.*
- *One stream gauge or staff plate shall be installed in upper Slaughterhouse Gulch, on the Project parcel just down gradient of the existing caisson wells and near the property boundary where observed surface water flows leave the parcel.*

- *MCCSD and MUSD shall perform monitoring of the stream gauge before, during and after the proposed test wellfield installation and pump testing is performed. The gauge should be periodically monitored during MCCSD's hydrological testing period.*
- *MCCSD and MUSD shall convert an existing caisson well into a monitoring well to monitor groundwater levels in the vicinity of the mapped wetland and well field.*

The Hydrogeologic Study and this mitigation measure demonstrates compliance with MCC 20.516. The mitigation measure has been incorporated into the permit by reference in **Condition 8**.

Grading, Erosion, and Runoff: The purpose of MCC Chapter 20.492 *Grading, Erosion, and Runoff* is:

> "*The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff. The approving authority shall determine the extent to which the following standards (of Chapter 20.492) should apply to specific projects, and the extent to which additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts*."

The proposed project involves substantial grading, 2,163 cubic yards of cut and 653 cubic yards of fill, primarily to support the widening of onsite gravel roadways to be compliant with fire access standards. The IS/MND adopted for the project found that the following measures would be required to mitigate impacts on erosion and runoff during construction:

> ***Mitigation Measure HWQ-1: Implement Storm Water Control Measures During Construction***
> *The MUSD and its contractor shall implement appropriate Best Management Practices to prevent the discharge of construction waste, debris or contaminants. Best Management Practices may include, but would not be limited to, the following:*
>
> - *Existing vegetation on the construction site shall be maintained to the maximum extent feasible.*
> - *Areas of disturbed soil shall be reseeded and covered as soon as possible after disturbance.*
> - *Erosion control devices shall be installed in coordination with clearing, grubbing, and grading. Such devices shall include perimeter sediment controls (perimeter silt fence, fiber rolls), stabilized construction exits, stockpile management, wind erosion control, and sediment basins if needed to retain sediment on site.*
> - *BMPs shall be implemented to prevent the release of hazardous construction chemicals during construction. Such BMPs shall include material handling and waste management, material stockpile management, management of any washout areas, control of vehicle/equipment fueling to contractor's staging area, vehicle and equipment cleaning performed off site, and spill prevention and control.*
> - *If more than one acre of land would be disturbed, the MUSD shall obtain coverage under State Water Resources Control Board Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities, as amended by Order No. 2012-0006. The MCCSD or MUSD shall comply with all provisions of the permit, including development and implementation of a Storm Water Pollution Prevention Plan.*
>
> ***Mitigation Measure AIR-1: Dust Control Measures***
> *In accordance with Rule 1-430(b) of the Mendocino County Air Quality Management District Regulations, the MUSD and its Contractor shall implement the following airborne dust control measures during construction activities:*

- *All visibly dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions.*
- *All unpaved surfaces shall have a posted speed limit of 10 miles per hour.*
- *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.*
- *Water shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts.*
- *All earthmoving activities shall cease when sustained winds exceed 15 miles per hour.*
- *The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.*
- *The operator shall keep a daily log of activities to control fugitive dust.*

These mitigation measures ensure the project complies with the grading, erosion, sediment, and runoff standards of MCC 20.492, and are incorporated into the permit by reference in **Condition 8**. Note that the Mendocino County Air Quality Management District Regulations apply regardless of whether AIR-1 is explicitly included in the Conditions of Approval.

Transportation and Circulation: The project site abuts Little Lake Rd (CR 408), a publicly-maintained Minor Collector road. Pursuant to MCC 20.444.020 and 20.516.015(C)(2), a 35 foot corridor preservation setback applies in addition to the parcel's front yard setback. As all proposed structures are set back much further from the front of the parcel, the project as proposed complies with these code sections. The project will not necessitate an increase in the capacity of Highway 1, so applicability of Coastal Element 3.8 is limited.

The adopted IS/MND examined the potential for impacts on local transportation patterns and infrastructure. While no potentially significant long-term effects were identified, the following measures were deemed necessary to mitigate the effects of construction activities in the public right-of-way:

Mitigation Measure TR-1: Implement Traffic Controls During Construction

- *Prior to the start of construction, the MUSD and/or its contractor shall prepare and implement a construction traffic control plan. Traffic controls shall include, but not necessarily be limited to, the following:*
- *Maintain the existing driveway to the Project site, keeping it open and in good, safe condition at all times with adequate turning radii for construction vehicles.*
- *Provide signage along Little Lake Road in advance of the Project site to warn of construction vehicles entering and existing the roadway.*
- *Provide immediate access of emergency vehicles through the construction area at all times.*
- *Prohibit on-street parking or staging of equipment during construction.*

This mitigation measure is incorporated into the permit by reference in **Condition 8**.

Additionally, the Mendocino County Department of Transportation requested the following conditions of approval be applied to this permit:

1. *Prior to commencement of construction activities or issuance of a building permit, the applicant shall repave the existing driveway approach onto Little Lake Road (CR 408), to be paved with asphalt or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.*

2. *Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County right-of-way.*

This and other conditions requested by the Department of Transportation have been included as **Conditions 4** and **10**.

Public Access: The site is not designated as a potential public access trail location, being immediately east of the Town of Mendocino. The Town is co-terminus on its south, west, and north boundaries with Mendocino Headlands State Park. The State Park provides public access to the shore, Pacific Ocean, and Mendocino Bay. The project would not affect public access.

Environmental Determination: The Lead Agency for the project, MUSD, found that the environmental impacts identified for the project can be adequately mitigated so that no significant adverse environmental impacts will result from this project, and so adopted Mitigated Negative Declaration SCH 2020080439 on June 28, 2023 (Resolution No. 2023-15). The following impact areas were found to require mitigation measures in order to bring the potential adverse impacts to less than significant levels: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Transportation, Tribal Cultural Resources, Wildfire, along with the CEQA Mandatory Findings of Significance.

Staff has reviewed the Initial Study/Mitigated Negative Declaration and recommends that the Planning Commission find the analysis contained within it and the adopted Mitigation Measures to be adequate to mitigate any potential direct or indirect environmental effects. These mitigation measures are included in this Staff Report in the sections above and have been incorporated into this permit as Conditions of Approval. The additional recommended Conditions of Approval for U_2023-0004 do not necessitate an amendment to MND SCH 2020080439.

RECOMMENDATION

By resolution, the Planning Commission find the Mitigated Negative Declaration prepared by the Lead Agency to be adequate and grant Coastal Development Use Permit U_2023-0004 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval and mitigation measures.

2/14/2023
DATE

Rob Fitzsimmons
ROB FITZSIMMONS
PLANNER II

Appeal Period: 10 Days
Appeal Fee: $2674.00

ATTACHMENTS:

A. Updated Supplemental Project Description
B. Initial Study/Mitigated Negative Declaration (IS/MND) SCH 2020080439 **(Posted on Line Only and Available at the Planning & Building Services Office)**
C. Location Map
D. Topographical Map
E. Aerial Imagery
F. Zoning Map
G. General Plan Map

Final Subsequent Mitigated Negative Declaration available at: https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas/planning-commission

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

Mendocino Unified School District (MUSD) /
Mendocino City Community Services District (MCCSD)
Water Supply and Storage Project

Updated Supplemental Project Description in Support of Use Permit Application

Project Title	Water Supply and Storage Project
Applicant Name & Address	Mendocino Unified School District 44141 Little Lake Road, Mendocino, CA 95460
Applicant Contact Person & Phone Number	Jason Morse, Superintendent, Mendocino Unified School District (707) 937-5868 / **jmorse@mcn.org**
Authorized Representative	Matt Kennedy, Engineer, GHD, (707) 540-9687 **Matt.Kennedy@ghd.com**
Project Overview	The Project would replace Mendocino Unified School District's existing water system facilities with newer facilities to make improvements to address existing identified water system deficiencies, as well as improvements in conjunction with the Mendocino City Community Services District to provide an emergency water supply for MCCSD customers.
Project Location	The Project site includes three MUSD-owned parcels (119-100-03, 04, & 23) located at 44020 Little Lake Road within unincorporated Mendocino County.

Project Background

The Mendocino Unified School District (MUSD) owns, operates, and maintains a potable and fire water system to serve its K-8 School, High School and District Office, as well as Friendship Park, the Community Center of Mendocino, and a number of irrigation areas affiliated with these primary consumers. A previous inspection conducted by the State Water Resources Control Board (SWRCB) identified certain system deficiencies at its water supply and storage site located at 44020 Little Lake Road in the Mendocino community, and key components of the MUSD's water system infrastructure are reaching the end of their useful life.

In 2020, the MUSD prepared an Initial Study/Proposed MND (State Clearinghouse No. 2020080439) for the Project (2020 MND). The 2020 MND evaluated replacement of existing water storage tanks, rehabilitating existing wells, operation of a new well, replacing a water treatment building, and other accessory improvements. The Initial Study/Proposed MND was made publicly available from August 26 to September 24, 2020 for a required 30-day public review period under CEQA. The MUSD Board of Trustees adopted the MND and approved the Project on October 15, 2020.

After adoption of the MND and approval of the Project, the MUSD agreed to coordinate with the Mendocino City Community Services District (MCCSD) to allow additional water supply and

storge improvements on the MUSD property. The MCCSD is the groundwater management authority within its service area boundary and is responsible for the management of the local aquifer to help prevent overdraft and maintain equitable access to groundwater for the residents, business, and property owners in the MCCSD service area.

In 2022, MCCSD, in cooperation with the MUSD, received a grant in response to a drought scenario from the State of California Department of Water Resources through the Urban and Multibenefit Drought Relief (UMBDR) grant program (Agreement No. 4600014624) to help serve emergency water needs of MCCSD customers. The UMBDR grant Agreement identifies the MUSD and MCCSD as Implementing Agencies. The UMBDR grant funding is for the development of 500,000 gallons of potable water storage at the MUSD's water supply and storage site for MCCSD use, the drilling of up to ten new groundwater supply wells at the MUSD's water supply and storage site for emergency water supply purposes for MCCSD use, and a connection to the MUSD's water distribution system. As noted in the Grant Agreement, the 500,000 gallons of water storage is estimated to store approximately three days of water at a conservation demand of 50 gallons per capita per day, based on the permanent population of 855 residents and an estimated daily tourism population of 2,500 people. The stated purpose of the grant improvements is in response to a drought scenario, as defined by Water Code Section 13198(a) and is intended to: 1) address immediate impacts on human health and safety; 2) address immediate impacts on fish and wildlife resources; or 3) provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies.

Given the additional improvements proposed at the MUSD's site, a reevaluation of the overall potable water storage strategy at the MUSD site was conducted to implement an improved and more integrated design solution. Through this review, the MUSD and MCCSD entered into a Memorandum of Understanding to combine the funded improvements into a single system for better long-term management, maximizing the available funding, leveraging economy of scale, and reducing the total number of water tanks and the project footprint. The grant administrators at the California State Water Resources Control Board and the State of California Department of Water Resources determined that combining the funding to create one project that achieves the overall goals of the improvements is acceptable, and confirmed that the MUSD should remain the CEQA Lead Agency. In the Memorandum of Understanding between MUSD and MCCSD, it was mutually agreed that the MUSD would remain the CEQA Lead Agency for the Project.

The MUSD, serving as the CEQA Lead Agency, prepared a Subsequent MND for the Project in compliance with Section 15162 of the CEQA Guidelines. The Subsequent MND included completion of a full environmental review of the Project, including a new Biological Resources Report, Environmentally Sensitive Habitat Analysis, Archaeological Resources Study, Tribal communications, Aquatic Resources Delineation, and Hydrogeologic Study. The Subsequent MND evaluated each environmental topic area and question in the CEQA Guidelines Appendix G Checklist and included new and expanded mitigation measures to address impacts related to the modified improvements. The Subsequent MND was circulated for a 30-day public review period from May 11, 2023 to June 9, 2023. Noticing and review periods required by CEQA were satisfied. The MUSD Board of Trustees adopted the Subsequent MND and approved the Project on June 28, 2023.

Project Description

The Project would replace MUSD's existing water system facilities at the Project site with newer facilities to make improvements to address existing identified MUSD water system deficiencies, as well as improvements in conjunction with the MCCSD to provide an emergency water supply for MCCSD customers. The Project includes two replacement water storage tanks, redevelopment/reconstruction of two existing MUSD groundwater supply wells (MW #1 and MW #2), conversion of MUSD test well MW #6 to a production well, installation and operation of up to ten new MCCSD emergency groundwater supply wells, a replacement treatment building, new

flow meters, an on-site MCCSD connection to the MUSD water distribution system near the replacement treatment building, improvement of an existing access road, new on-site access roads to new groundwater wells, and other site improvements such as potential new fencing and security gates near the proposed replacement tanks.

Deconstruction of Existing Facilities

The two existing in-service water storage tanks at the Project site would be drained, removed from service, dismantled, and recycled to the extent possible. Removal of the tanks would be phased to maintain water service at all times. Pipelines, valves, vaults, concrete pads, and other infrastructure associated with the existing tanks would also be dismantled as required. An experienced tank demolition contractor would oversee the demolition process and ensure adherence to applicable federal, State and local regulations for worker safety and materials handling.

Safeguards would be provided for protection of personnel and the public during tank removal and construction activities, including temporary fences, warning signs, barricades, and other similar measures. Any loose paint and debris would be collected, stored and disposed of according to local, State and federal regulations. Any asbestos-containing material requiring removal would be properly handled and disposed of according to local, State, and federal regulations. Materials with no practical reuse or that cannot be salvaged or recycled would be disposed of at a local landfill, or at an incinerator.

Installation of New Facilities

The Project would replace the two existing water storage tanks at the site with two new steel tanks providing up to 615,000 gallons of potable water storage. Of that, 115,000 gallons is to meet the recommended operational storage for the MUSD water system. The remaining 500,000 gallons of water storage would be for use as an emergency water supply, managed by MCCSD for the MCCSD service area.

The new tanks would be approximately 50 feet in diameter and approximately 48 feet in height. The new tanks would be constructed in approximately the same locations as the existing tanks that would be removed. An approximately 10-foot wide gravel apron would be constructed around the perimeter of the proposed replacement tanks.

The proposed new tanks have been sized to provide sufficient storage capacity for the recommended operational storage as well as NFPA 1142 requirements and CFC CCR Title 24, Part 9 for fire flows. The tanks would include water level sensors, flowmeters, chlorine analyzers, and tank level alarms that would be located within the water treatment building. The new tanks would be constructed using reinforced slab-on-grade or ring foundations resting on engineered fill materials. Seismic design of the new tanks would conform to the most recent version of the California Building Code (CBC), ASCE 7, ASCE-8, and the AWWA D103 design standards with any local amendments. The tanks would utilize flexible piping and other connections to minimize damage during a seismic event in accordance with site-specific geotechnical recommendations.

Water Source and Well Improvements

The Project would redevelop one existing MUSD water supply well (Well #1), reconstruct a second MUSD water supply well (Well #2), connect MUSD Well #6 to the MUSD system, and install and operate approximately ten additional groundwater wells at the Project site for emergency water supply use by MCCSD. Redevelopment of Well #1 would include procedures designed to provide sand-free water and maximize well yield. Reconstruction of Well #2 would include replacing power conduits and installing transducers and cables routed to the proposed new treatment building.

Each of the proposed new groundwater wells would have an approximately 6-inch diameter casing and would be drilled to a depth of approximately 30 to 50 feet below ground surface. Up to one deep well would be drilled to a depth of approximately 400 feet below ground surface. Based on the relatively shallow aquifer thickness, the shallow wells are anticipated to be constructed with a reduced sanitary surface seal (20-feet in depth) with approval from the Division of Drinking Water. The one potential deep well would have a standard sanitary surface seal. Each groundwater well would include a submersible pump and would have an anticipated capacity of approximately 3 to 10 gallons per minute per well. The proposed well heads would be housed in above grade locking enclosures. Underground piping would be installed to connect the proposed new groundwater wells to the water treatment building and storage tanks. The proposed well connection pipelines would consist of 1-inch to 2-inch PVC pipe.

Water Treatment Building

The Project would construct an approximately 350 square foot concrete masonry unit (CMU) water treatment building on the Project site to house the disinfection, chemical and monitoring equipment, as well as associated piping, valves, and controls. Chlorination of the storage tanks would be completed in accordance with one of the approved methods described in the AWWA Standard C652-22, Disinfection of Water-Storage Facilities. Sodium hypochlorite is recommended for disinfection and would be injected via a flow-paced chemical feed pump. The injection point would be located within the new treatment building, and in close proximity to the storage tanks to enable satisfactory mixing. An emergency back-up generator would be located adjacent to the water treatment building to provide a backup power source in the event of a power outage. The generator would be enclosed and would be equipped with an integrated diesel tank. No separate underground or aboveground diesel storage tank is proposed.

Driveway and Security Improvements

The Project would improve the existing gravel access road within the Project site by widening the road to create a 20-foot wide all-weather gravel road meeting fire department access requirements. The reconstructed access road would extend from the existing maintenance building to the proposed new tanks and treatment building. There would be space for approximately four parked maintenance vehicles, two at the tank site and one at each existing well. New gravel access roads would also be constructed at the site extending to the location of the proposed new groundwater wells. The Project may include a new security fence around the perimeter of the site, with a lockable chain link access swing gate.

Project Construction

A description of the proposed Project construction activities is provided below.

Construction Duration and Hours

The MUSD anticipates that Project construction would commence in 2023 and require approximately 10 months to complete. Construction activities would generally occur Monday through Friday, 7 AM to 5 PM. The Project is not anticipated to require nighttime construction work or construction on weekends or legal holidays.

Construction Staging

Prior to construction, the contractor would mobilize resources to a staging area within a portion of the Project site. This would include transport of construction vehicles and equipment, as well as delivery and storage of construction materials. The contractor may also secure a job site trailer and portable sanitary facilities at staging areas. The staging area would also be used for temporary stockpiling of demolition waste during dismantling of the tanks.

Construction Equipment

Project construction activities would include deconstruction / demolition of existing facilities, site preparation, tank construction, well installation, utility trenching, as well as truck trips to deliver / haul materials away and construction worker trips. These activities would require the use of construction equipment such as an excavator, bulldozer, backhoe, grader, concrete saws, truck-mounted drill rig, aerial lifts, boom truck, crane, and rough terrain forklift. Additional equipment likely to be used would include air compressors, generator sets, and pneumatic and electric powered tools. This equipment would be staged on-site, near the proposed tank area.

Well Construction

Shallow well installations would involve drilling of approximately 6-inch diameter production boreholes to a depth of approximately 30 to 50 feet. The deep well installation would involve drilling of an approximately 6-inch diameter production borehole to a depth of approximately 400 feet. An impervious seal consisting of sand/cement grout would be placed in the well annular space above the filter pack. A well casing and well screen would be installed in the borehole of each groundwater well and the completed boreholes would be logged to confirm the hydrogeologic conditions.

Development of the wells would begin after the annular seal has set for an adequate amount of time. Initial development of the wells may be performed using airlift pumping and swabbing of the well screen. Final development of the wells may potentially be performed by surging and pumping using a temporary test pump. Various well pumping tests may be performed after final well development, including pumping for durations of two hours each at different discharge rates (step-drawdown test), and continuous pumping at the final design capacity of a well (constant-discharge aquifer test). The wells will be constructed in accordance with the MCCSD Groundwater Management Plan, specifically Ordinance 2020-01. This includes notification of surrounding properties, and a 72-hour pump test as part of a hydro-geologic study during construction. Groundwater samples would be collected during the pumping tests to verify the water quality produced.

When the pumping tests have been completed and the test pumps removed, final activities would include video and alignment surveys, as well as disinfection of the completed wells. After disinfection, a mechanical plug would be installed within the well casings. The well sites would be cleaned, the baserock used for the drilling pad would be removed, and mulch would be spread over the site to prevent soil erosion.

Project Operation and Maintenance

Once constructed and operational, water would be treated by the MUSD's water treatment system, and operation and maintenance of the treatment system would remain the responsibility of the MUSD as part of its State permitted public water system.

Emergency water supplies would be accessed by MCCSD during a State or Federally proclaimed state of emergency based on drought conditions or when a MCCSD-declared water shortage emergency has been issued and interim or immediate relief is needed via hauled water. The proposed emergency water supply component of the Project is not intended to replace previously used sources of emergency water supply, but rather, to supplement such supplies for greater reliability.

The volume of emergency water supplies associated with the Project that would be used by MCCSD would depend on the severity of a drought condition, the interim or immediate relief needs of MCCSD customers, and the availability of emergency hauled water that could be imported from other water districts. During years when no drought conditions or water shortage emergency is in effect, no emergency water supplies would be used. Using the most recent

drought condition scenario as an evidentiary support for a range of potential volumes of emergency water to be used as part of the Project, it is estimated that between 0 acre-feet and 5 acre-feet of potable emergency water could be used during a drought condition.

The planned operation is to fill the tanks during the wet season and then maintain the tanks full during summer months when a drought condition is projected, so if the need arises and water from other local systems is unavailable, the supplemental emergency water stored in the tanks could be sustainably available for use.

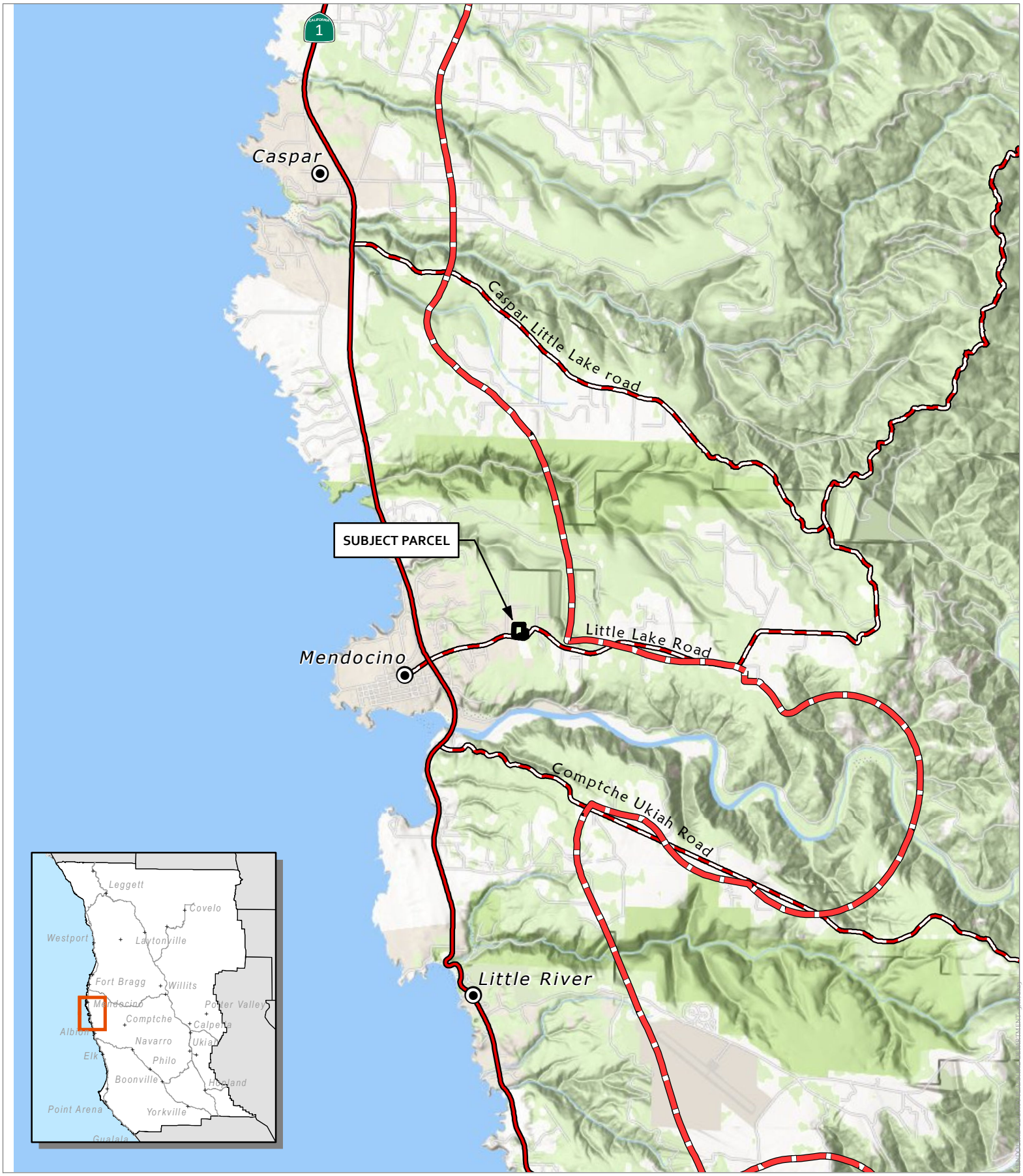
The MUSD would operate and maintain the replacement tanks and water treatment improvements in a manner similar to the existing tanks and water system. MUSD maintenance personnel would periodically visit the site as part of a routine maintenance program, which would include the collection of water samples for testing, as required by the Division of Drinking Water.

MCCSD will operate and maintain the wells that are intended to provide an emergency water supply as part of the UMBDR grant funding. MCCSD will be responsible for costs associated with the maintenance, use, and replacement of the wells, and proportionate costs of operation and maintenance of the tanks and water treatment system, for water accessed by MCCSD.

The MUSD and MCCSD would periodically exercise the wells, when not in use, to ensure that the facilities are maintained and remain operational. Well exercising would be anticipated to occur either weekly or monthly. The wells would be exercised for one hour per week or for a single, four-hour period monthly. Operators may fine-tune the exercise schedule according to the characteristics of the well. Groundwater pumped during exercising would be treated and discharged into the storage tanks.

Operation and maintenance of the Project would generate approximately one traffic trip per day on average, and approximately 10 hauled water truck trips per day when emergency water supplies were being provide for community use during a drought. Water deliveries would involve filling an approximately 3,500-gallon to 4,000-gallon water truck from a metered fire hydrant or from the MUSD's water supply and storage site, and delivery to public and private water tanks by a contracted hauling company. Off-loading would be no different than existing conditions where users have received water deliveries from the City of Fort Bragg and the City of Ukiah.

A backup generator to be located in a sound attenuating enclosure next to the replacement water treatment building and would only be used if power is lost. The MUSD would utilize a generator that will be EPA or CARB certified and achieves emission standards for emergency standby sources, consistent with BAAQMD requirements.

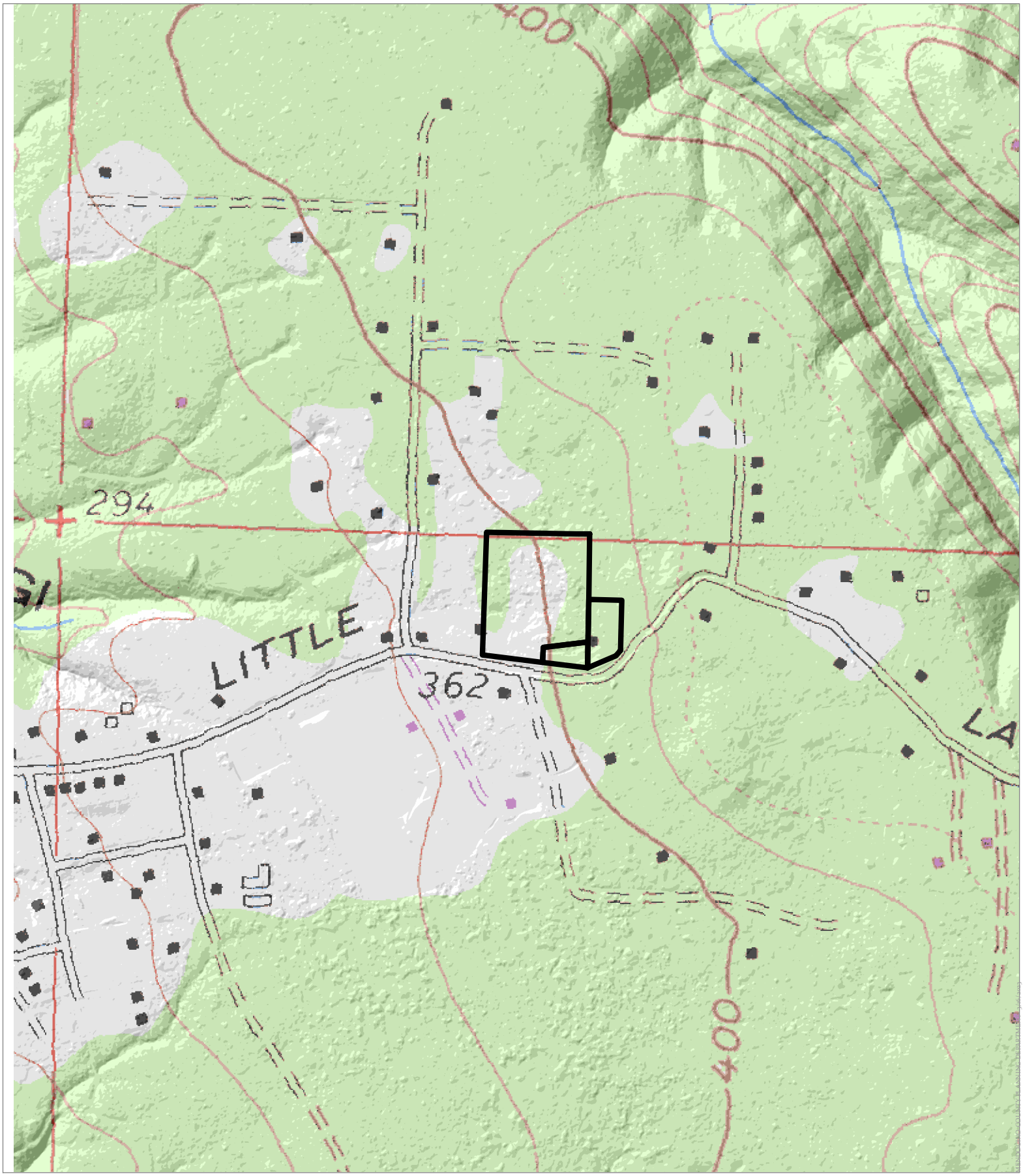


CASE: U 2023-0004
OWNER: Mendocino Unified School District
APN: 119-100-03, 04 & 23
APLCT: Mendocino Unified School District
AGENT: Matt Kennedy
ADDRESS: 44020 Little Lake Road

Major Towns & Places
Highways
Coastal Zone Boundary
Major Roads

0 2,600 5,200 Feet
0 0.5 1 Miles
1:63,360

LOCATION



CASE: U 2023-0004
OWNER: Mendocino Unified School District
APN: 119-100-03, 04 & 23
APLCT: Mendocino Unified School District
AGENT: Matt Kennedy
ADDRESS: 44020 Little Lake Road

0 250 500 Feet
0 0.045 0.09 Miles
N W E S
1:6,000

TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

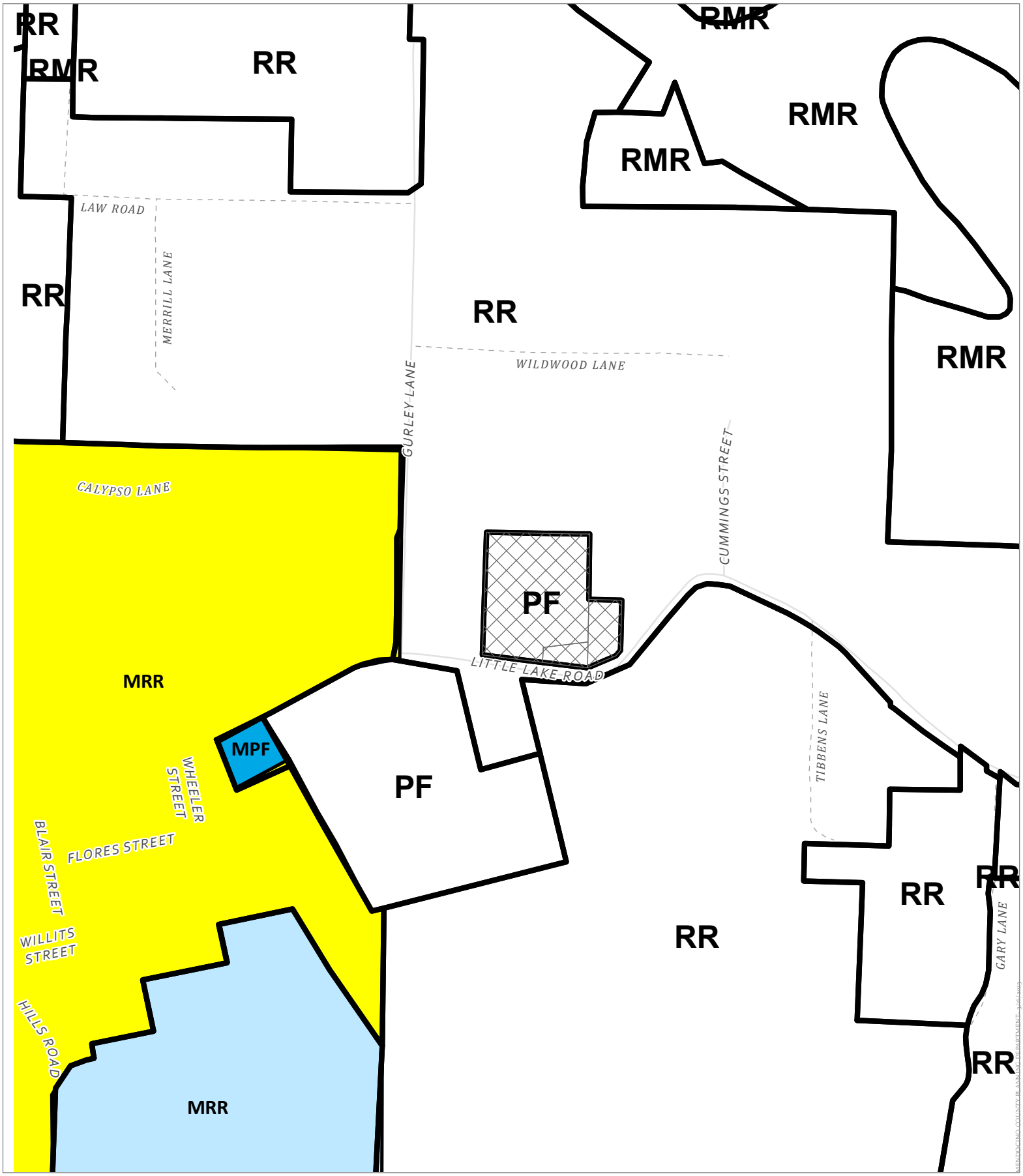
CASE: U 2023-0004
OWNER: Mendocino Unified School District
APN: 119-100-03, 04 & 23
APLCT: Mendocino Unified School District
AGENT: Matt Kennedy
ADDRESS: 44020 Little Lake Road

Public Roads

0 37.5 75 Feet
0 0.005 0.01 Miles

1:913

AERIAL IMAGERY



CASE: U 2023-0004
OWNER: Mendocino Unified School District
APN: 119-100-03, 04 & 23
APLCT: Mendocino Unified School District
AGENT: Matt Kennedy
ADDRESS: 44020 Little Lake Road

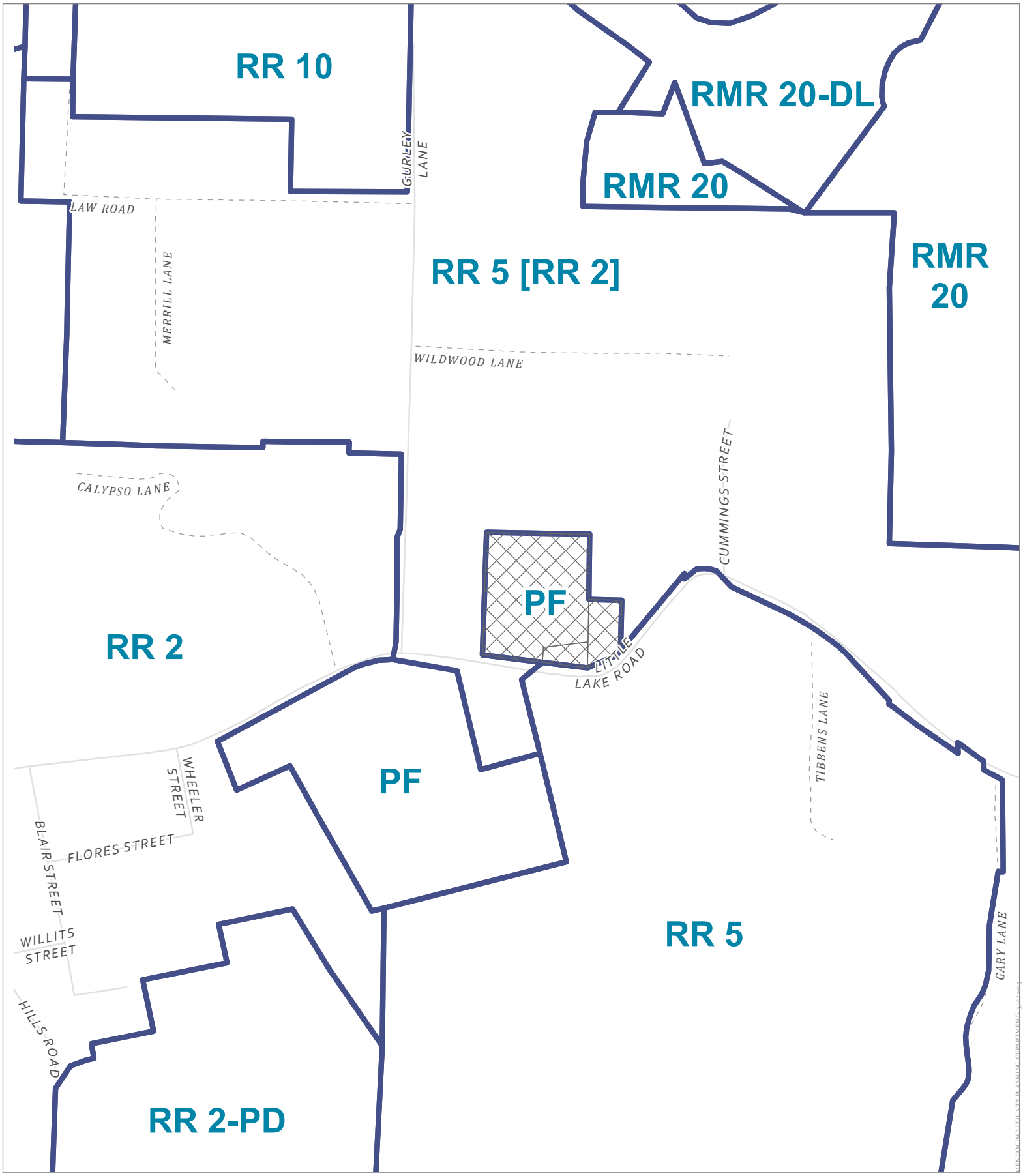
Zoning Districts

Public Roads

0 250 500 Feet
0 0.045 0.09 Miles

1:6,000

ZONING



CASE: U 2023-0004
OWNER: Mendocino Unified School District
APN: 119-100-03, 04 & 23
APLCT: Mendocino Unified School District
AGENT: Matt Kennedy
ADDRESS: 44020 Little Lake Road

General Plan Classes

Public Roads

0 250 500 Feet
0 0.045 0.09 Miles
1:6,000

GENERAL PLAN

Resolution Number _____

County of Mendocino
Ukiah, California

MARCH 7, 2023

U_2023-0004 MENDOCINO UNIFIED SCHOOL DISTRICT

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A COASTAL DEVELOPMENT USE PERMIT FOR THE DEMOLITION AND REPLACEMENT OF TWO EXISTING WATER TANKS, CHLORINATION AND CONTROL BUILDING, AND RELATED INFRASTRUCTURE, IMPROVEMENT OF THREE EXISTING WELLS, AND INSTALLATION OF UP TO 10 NEW WELLS.

WHEREAS, the applicant, Mendocino Unified School District, filed an application for a Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services for the demolition and replacement of two existing water tanks, chlorination and control building, and related infrastructure, improvement of three existing wells, and installation of up to 10 new wells, located in the Coastal Zone, 1± miles east-southeast of Mendocino Town center, on the north side of Little Lake Rd (CR 408), east of its intersection with Gurley Ln (CR 407Z), located at 44100 Little Lake Rd, Mendocino. APNs 119-100-23, 119-100-03, 119-100-04; (the "Project"); and

WHEREAS, the Mendocino Unified School District, as California Environmental Quality Act (CEQA) Lead Agency, prepared an Initial Study and adopted a Mitigated Negative Declaration for this project on June 28, 2023, SCH 2020080439, finding that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent; and

WHEREAS, pursuant to section 15096 of the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3), the County, as a Responsible Agency, has considered the environmental effects of the project as shown in the Initial Study/Mitigated Negative Declaration prepared by the Lead Agency for the Project and determined the analysis contained within it and adopted Mitigation Measures to be adequate; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on March 7, 2024, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based upon the evidence in the record before it, makes the following findings:

1. Pursuant to MCC Sections 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program. The proposed project to install new recycled water pipelines, irrigation systems, fire hydrants, and a new recycled water storage tank is consistent with the intent of the Public and Semi-Public Facilities General Plan Designation. Minor impact utilities are allowed with an approved Coastal Development Use Permit, and the project is consistent with all other provisions of the Mendocino Local

Coastal Program in regard to groundwater resources, natural resources, grading, sustainability, transportation/circulation and public access; and

2. Pursuant to MCC Sections 20.532.095(A)(2), the proposed development, if completed in compliance with the conditions of approval, will be provided with adequate utilities, access roads, drainage and other necessary facilities. As conditioned, all roads and driveways, and drainage will be adequate to access and maintain all components of the project; and

3. Pursuant to MCC Sections 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of all Zoning Districts applicable to the property, as well as all other provisions of Division II of Title 20 of the Mendocino County Code. The project constitutes "Minor Impact Utilities," a conditionally permitted use in the Public and Semipublic Facilities Zoning District in the Coastal Zone in Mendocino County, and the project is compliant with all development standards of the zoning district; and

4. Pursuant to MCC Sections 20.532.095(A)(4), the proposed development, if completed 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. The County, as a Responsible Agency, has reviewed and considered the environmental effects of the project as shown in the Initial Study/Mitigated Negative Declaration prepared by the Lead Agency for the Project, determined the analysis contained within it and adopted Mitigation Measures to be adequate and adopts the Mitigation Measures pertaining to the Project activities within the County's legal authority, specifically those Mitigation Measures listed in condition of approval number 8; and

5. Pursuant to MCC Sections 20.532.095(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources, provided the conditions of approval are adhered to with regard to tribal monitoring and potential discovery of unrecorded archaeological sites or artifacts; and

6. Pursuant to MCC Sections 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. The project will have no long-term effect on public roadway capacity or solid waste collection.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Coastal Development Use Permit U_2023-0004, subject to the Conditions of Approval in Exhibit "A", attached hereto.

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

BE IT FURTHER RESOLVED that the Planning Commission 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 working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

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

ATTEST: JAMES FEENAN
Commission Services Supervisor

By:_____

BY: JULIA KROG
Director of Planning & Building Services

CLIFFORD PAULIN, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

U_2023-0004 - MENDOCINO UNIFIED SCHOOL DISTRICT

MARCH 7, 2024

APPROVED PROJECT DESCRIPTION: Coastal Development Use Permit for the demolition and replacement of two existing water tanks, chlorination and control building, and related infrastructure. Improvement of three existing wells and installation of up to 10 new wells.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of ten years after the effective date except where construction and/or 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 Planning Commission.

4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction, including an encroachment permit from the Mendocino County Department of Transportation for work done in the County right of way.

5. 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.

6. 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.

7. 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.

8. All Mitigation Measures prescribed by Mitigated Negative Declaration SCH 2020080439 shall be implemented, including AES-1, AES-2, AIR-1, BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, CR-1, CR-2, GEO-1, HAZ-1, HAZ-2, HWQ-1, HWQ-2, and TR-1. “GEO-1” refers to the second “CR-1” included in the Mitigated Negative Declaration SCH 2020080439, “Protect Paleontological Resources if Encountered during Construction.”

9. Archaeological and Native American Monitoring. The Applicant shall retain, at the applicant’s expense, a Native American Tribal Monitor to conduct monitoring of all project-related ground disturbing activities. Native American monitoring shall be provided by a locally affiliated tribal member. The monitor shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work within 100 feet of the find shall halt and the find shall be evaluated for listing in the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP). Native American monitoring may be reduced to spot-checking or eliminated at the discretion of the monitors, in consultation with the Applicant, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 60 percent of rough grading. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

10. Prior to commencement of construction activities or issuance of a building permit, the applicant shall repave the existing driveway approach onto Little Lake Road (CR 408), to be paved with asphalt or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
11. The Mitigated Negative Declaration must be filed with the County Clerk. If the applicant can demonstrate that this has already been done for SCH 2020080439, this need not be done again; if it has not yet been filed, the applicant shall pay a fee of $2,916.75 for the filing of the Mitigated Negative Declaration, which 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 project action. Regardless, the applicant shall pay a fee of $50.00 for the filing of the Notice of Determination which 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 project action.