



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: April 4, 2024
TO: Planning Commission
FROM: Planning & Building Services
SUBJECT: U_2023-0004 Redline Resolution and Additional Information

In preparation for the April 4, 2024 Planning Commission hearing on the subject project, staff discovered that Condition 11 needed revisions to reflect the requirements for filing of a Notice of Determination for CEQA compliance. In addition, staff recommends the Planning Commission adopt an additional condition of approval as it relates to the hydrogeologic study and potential impacts to neighboring wells. This recommended condition is Condition 12 in the attached redline resolution.

Finally, staff thought that it may be helpful for the Commission's deliberation of the project to have a copy of the Memorandum of Understanding between MCCSD and MUSD that relates to the project. A copy is attached.

Attachments:

Draft Redline Resolution
MOU between MCCSD and MUSD

Resolution Number

County of Mendocino
Ukiah, California

APRIL 4, 2024

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 April 4, 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

ELORA BABBINI, Vice Chair
Mendocino County Planning Commission

DRAFT

EXHIBIT A

CONDITIONS OF APPROVAL

U_2023-0004 - MENDOCINO UNIFIED SCHOOL DISTRICT

APRIL 4, 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 A Notice of Determination must be filed with the County Clerk. Within 5 days of the local action, the applicant shall submit to the Department of Planning and Building Services a check made payable to the Mendocino County Clerk in the amount of \$50 to facilitate the filing of the required Notice of Determination. 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 \$2,966.75 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.~~
- ~~44-12. The applicant shall comply with the requirements of Mendocino City Community Services District Ordinance 2020-01, as it exists on the date of approval of this application, specifically as it relates to notification of surrounding properties and a 72-hour pump test as part of the hydro-geologic study during construction of the wells. If the wells produce a sufficient quantity of water and the hydro-geologic study concludes that water may be extracted without negatively impacting neighboring well groundwater levels, the wells may be developed for potable water production consistent with any recommendations of the hydro-geologic study. If the hydro-geologic study finds that water cannot be extracted without negatively impacting neighboring wells, any alternative well sites sought to be developed by the applicant shall require an amendment to this Coastal Development Use Permit or a new Coastal Development Use Permit.~~

MEMORANDUM OF UNDERSTANDING
BETWEEN THE MENDOCINO UNIFIED SCHOOL DISTRICT
AND
MENDOCINO CITY COMMUNITY SERVICES DISTRICT

The Memorandum of Understanding (MOU) is between the Mendocino Unified School District (MUSD) and the Mendocino City Community Services District (MCCSD) regarding a project involving the planning, design and construction of new potable water wells, water storage tanks, water treatment, and water system improvements on MUSD property. This MOU replaces the MOU approved by MUSD on September 9, 2022 and approved by MCCSD on October 3, 2022.

MCCSD is a California Community Services District formed pursuant to Government Code Section 61000 et seq., with responsibility for providing sanitary sewer service and treatment, groundwater management and street lighting within a district including the village of Mendocino. The MUSD is a K-12 school district that covers 420 square miles and serves the communities from Caspar on the north to Elk in the south and inland to Comptche.

The drought period of 2020-2022 was the worst multi-year 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 MCCSD is the groundwater management authority within the service area boundary. It is responsible for the management of the Mendocino Headlands Aquifer to help prevent overdraft and maintain equitable access to groundwater for the residents, businesses, and property owners. MCCSD has a robust Groundwater Management Program and Water Shortage Contingency Plan. Even with these plans in place, some wells in the service area run dry each summer and others are not able to keep up with demand. The 2021 drought year exposed another weakness; MCCSD customers cannot depend on neighboring water districts to meet water demand short fall during dry periods. This has led to the need to create a local emergency water supply and storage for use during dry periods.

The MUSD is in the unique position of owning one of the most developed and expansive water systems within the MCCSD service area. MUSD owns, operates, and maintains two wells, 115,000 gallons of potable water storage in two tanks, a water treatment system, and a water distribution main that extends through most of the

MCCSD service area, east to west, and includes fire hydrants. MUSD was awarded a *Drinking Water State Revolving Fund (DWSRF)* grant to replace the two existing water tanks, replace the water treatment system, and bring an additional well online. The project is called the Water Supply and Storage Project.

MCCSD, in cooperation with MUSD, has obtained a California Department of Water Resources grant through the *Urban and Multibenefit Drought Relief (UMBDR) Grant* program to develop a Water Supply and Storage project to help serve the District's water needs during dry periods. This UMBDR grant funding is for the development of 500,000-gallons of potable water storage, and the drilling of up to 10 new groundwater wells.

MCCSD and MUSD have had discussions and agreed to cooperate in the development of a water supply and storage on MUSD owned property that combines both DWSRF and UMBDR grant funding sources to deliver one project. The project combines the storage volume, and incorporates the new wells, treatment building and site improvements. This approach is proposed because combining the funds into one project maximizes the available funding and leverages economy of scale. MUSD's existing water system infrastructure is already being improved and the presence of groundwater on the MUSD property is known. Combining project funding also reduces the total number of water tanks and the project footprint.

This project is supported by the Mendocino County fifth District Supervisor, California State political leaders, local residents, and local businesses.

MCCSD and MUSD therefore agree to the following:

1. MUSD will make available its real property for the purpose of constructing up to ten (10) new potable water wells and incorporating them and 500,000 gallons of additional potable water storage into the MUSD Water Supply and Storage Project.
2. MUSD was designated by the State Water Resources Control Board as the Lead Agency under the California Environmental Quality Act (CEQA). MUSD previously completed an Initial Study (IS)/Mitigated Negative Declaration (MND) for the MUSD funded Water Supply and Storage project. It is mutually agreed that MUSD will remain the lead agency for the combined project.
3. Equitable access to water during periods of drought will be mutually determined between MUSD and MCCSD once all MUSD potable water needs are met.

4. For any water accessed by MCCSD, MCCSD shall be responsible for the proportionate cost of water pumping and treatment, as well as proportionate costs to maintain wells, storage, and water quality.
5. MCCSD and MUSD will coordinate to have a hydro-geologic study, well siting study, geotechnical investigation, survey, updated environmental documents, permitting, and update the Water Supply and Storage Project design for the additional potable water wells, 500,000 gallons of additional storage, and related improvements.
6. The hydro-geologic study and well siting study will inform the design and locations of the wells. 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. If the wells produce a sufficient quantity of water and the hydro-geologic study concludes that water may be extracted without negatively impacting neighboring well groundwater levels, the wells will be developed for potable water production.
7. In the event adequate water is not found as a result of drilling the new wells, an alternative well site(s) may be explored. Similarly, if hydrological testing shows that the water cannot be extracted without negatively impacting neighboring wells, including MUSD's existing wells, alternative well sites may be investigated or a well operations plan developed.
8. In the event adequate water is not found as a result of drilling the new wells, MUSD shall retain the right to use the wells drilled on its property for whatever purpose the hydrological testing identifies as appropriate, subject to state requirements, and MCCSD shall have no further financial commitment to the wells.
9. Water will be treated by the MUSD water treatment system. MCCSD staff will have unrestricted access to the treatment system. Operation and maintenance of the treatment system to ensure health and safety of the water will remain the responsibility of MUSD as part of their State permitted public water system.
10. MUSD will grant MCCSD an access and utility easement onto MUSD property, as determined to be necessary, for the construction, maintenance, service, and use of the storage tanks, wells, and treatment system.

11. Once constructed and operational, MCCSD will operate and maintain the new wells. MCCSD will be responsible for all costs associated with maintenance, use, and replacement of the wells, and proportionate cost of operation and maintenance of the tanks and water treatment system, for any water accessed by MCCSD.
12. MCCSD and MUSD will make sure water is accessible to the Fire Departments as needed for emergency fire suppression.
13. Changes to the UMBDR grant funded improvements are at the discretion of MCCSD, the grant recipient, and require approval of the California Department of Water Resources, the grant provider.
14. Changes to the DWSRF grant funded improvements are at the discretion of MUSD, the grant recipient, and require approval of the State Water Board Division of Financial Assistance, the grant provider.
15. Changes to the project that may affect MUSD will be subject to MUSD approval.
16. This MOU may be modified by MCCSD and MUSD in a subsequent memorandum signed by both parties.

This MOU is hereby accepted by MCCSD and MUSD effective April 20, 2023 at Mendocino, California.

Mendocino City Community Services District


By: Dennak Murphy, Board President

Mendocino Unified School District


By: Michael Schaeffer, Board President