



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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March 20, 2024

**NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT MITIGATED  
NEGATIVE DECLARATION FOR PUBLIC REVIEW AND INTENT TO ADOPT  
A MITIGATED NEGATIVE DECLARATION**

The Mendocino County Coastal Permit Administrator, at their Meeting to be held on Thursday, April 25, 2024, at 10:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project and the Draft Mitigated Negative Declaration that is located in the Coastal Zone. This meeting will take place in the Planning and Building Services Conference Room, located at 860 North Bush Street, Ukiah and virtual attendance will be available via Zoom. The public may participate digitally in meetings by sending comments to [pbscommissions@mendocinocounty.gov](mailto:pbscommissions@mendocinocounty.gov) or via telecomment. The telecomment form may be found at: <https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas>. The meeting is available for viewing on the Mendocino County YouTube page at, <https://www.youtube.com/MendocinoCountyVideo>

**CASE#:** CDP\_2019-0012

**DATE FILED:** 3/22/2019

**OWNER:** HILDEGARD POOS

**APPLICANT:** ERIC POOS

**AGENT(S):** NORMAN AVIS/KELLY GRIMES

**REQUEST:** Standard Coastal Development Permit for after-the-fact authorization of the following: (1) grading and drainage work, (2) tree removal, (3) repair and replacement to existing windows, doors and decking at the existing single-family residence, and (4) the demolition of a 48 sq. ft. shed. Included in the request is the replacement of the on-site septic system.

**ENVIRONMENTAL DETERMINATION:** MITIGATED NEGATIVE DECLARATION

**LOCATION:** In the Coastal Zone, 1.8± miles south of Albion town center, on the south side of Navarro Ridge Road (CR 518), 1± mile east of its intersection with State Route 1 (SR 1), located at 32951 Navarro Ridge Road, Albion; APNs: 123-400-17, 123-380-07, & 126-050-06.

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**STAFF PLANNER:** JESSIE WALDMAN

The Draft Mitigated Negative Declaration, Staff Report, and Notice, will be available 30 days before the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W Fir Street, Fort Bragg, California, or by e-mail to [pbscommissions@mendocinocounty.gov](mailto:pbscommissions@mendocinocounty.gov) no later than April 24, 2024. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail at [pbscommissions@mendocinocounty.gov](mailto:pbscommissions@mendocinocounty.gov), or telecomment, in lieu of personal attendance.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

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 may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m.

JULIA KROG, Director of Planning and Building Services



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

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**APRIL 25, 2024  
CDP\_2019-0012**

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**SUMMARY**

**OWNER:** HILDEGARD POOS  
1301 SW LOOKING GLASS LOOP  
OAK HARBOR, WA 98277

**APPLICANT:** ERIC POOS  
PO BOX 249  
ALBION, CA 95410

**AGENT(S):** NORMAN AVIS  
PO BOX 2509  
FORT BRAGG, CA 95437

KELLY GRIMES  
PO BOX 598  
LITTLE RIVER, CA 95456

**REQUEST:** Standard Coastal Development Permit for after-the-fact authorization of the following: (1) grading and drainage work, (2) tree removal, (3) repair and replacement to existing windows, doors and decking at the existing single-family residence, and (4) the demolition of a 48 sq. ft. shed. Included in the request is the replacement of the on-site septic system.

**LOCATION:** In the Coastal Zone, 1.8± miles south of Albion town center, on the south side of Navarro Ridge Road (CR 518), 1± mile east of its intersection with State Route 1 (SR 1), located at 32951 Navarro Ridge Road, Albion, CA; APNs: 123-400-17, 123-380-07, & 126-050-06.

**APN(s):** 123-400-17, 123-380-07, 126-050-06

**TOTAL ACREAGE:** 18± Acres

**GENERAL PLAN:** Rural Residential 5-acre minimum with Development Limitations Combining District, (RR5DL)  
General Plan, Coastal Element Chapter 2.2

**ZONING:** Rural Residential 5-acre minimum with Development Limitations Combining District, (RR5DL)  
Mendocino County Code, Title 20 Division II Chapters 20.376 & 20.416

**SUPERVISORIAL DISTRICT:** 5 (Williams)

**ENVIRONMENTAL DETERMINATION:** MITIGATED NEGATIVE DECLARATION

**APPEALBLE:** YES, Highly Scenic Area

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** JESSIE WALDMAN

## **BACKGROUND**

**PROJECT DESCRIPTION:** Standard Coastal Development Permit for the after-the-fact authorization and legalization of grading and drainage work, tree removal, replacement of windows and sliding doors at the existing single-family residence, and demolition of a 48 sq. ft. shed. As a result of the after-the fact grading and drainage work conducted without obtaining the necessary permit from the Mendocino County Planning and Building Services (MC PBS), the Division of Environmental Health (DEH) determined the on-site septic system may have been compromised and required a Site Evaluation Report. A Site Evaluation Report was completed and determined the septic system was in fact compromised. DEH approved a septic system permit (ST27919) to ensure the existing single-family residence has adequate septage disposal; therefore, this request includes replacement of the on-site septic system.

Mendocino County Code Enforcement Division posted a Stop Work Notice and a Notice of Violation in August 2016; the violation is associated with unpermitted grading, failure of implementing Best Management Practices (BMP's), and unpermitted repair at the single-family residence.

As part of the original application submitted for the after-the-fact development and replacement septic system project, supplemental studies were provided by the Applicant, which are kept on file with the Mendocino County Department of Planning & Building Services and include the following:

- As-Built Grading Plan, prepared by Cornerstone Civil Design, dated August 29, 2022
- Botanical Report, prepared by Dark Gulch Environmental Consulting, conducted on March 4, 2020
- Updated Botanical and Biological Survey, prepared by Dark Gulch Environmental Consulting, conducted on September 7, 2022
- Tree Letter, prepared by Dark Gulch Environmental Consulting, dated March 10, 2020
- Restoration Plan, prepared by Justin Coffman of NCRM, dated July 29, 2022
- Tree Assessment, prepared by Justin Coffman of NCRM, dated August 15, 2022
- Septic Site Evaluation Report, prepared by Carl Rittiman & Associates, Inc, dated January 13, 2023

The project involves the combination of legalization and authorization of work that has been completed prior to obtaining necessity permits and remediation that is required as the result of the unpermitted development, specifically the replacement of the on-site septic system. Tree removal, driveway maintenance, improvement, repair and maintenance at the single-family residence are allowed accessory and ancillary uses to serve a single-family residence.

The issuance of a Coastal Development Standard Permit is required when a project involves major vegetation removal, grading of more than two (2) cubic yards and repair and/or maintenance located within, or adjacent to, an Environmentally Sensitive Habitat Area (ESHA), which is the case at 32951 Navarro Ridge Road, pursuant to Title 18 Chapter 18.70, Title 20 Division II, and California Code of Regulations Title 14, Division 5.5, Chapter 6 Subchapter 6, § 13250(b)(4) (Improvements to Existing Single-Family Residences).

A Coastal Development Permit, NCE-77-CC-188, was granted by the California Coastal Commission (CCC) on June 15, 1977, for the after the fact construction of a single-family residence. On March 16, 2018, the CCC provided jurisdictional determination and recommendations to be retained with Mendocino County Planning and Building Services, which stated:

*“Thanks again for your patience. As I mentioned previously, As you can see from the documents and the correspondence I provided to Mr. Poos and to you last June, we don’t have very good documentation of the approved plans for this site, but the asbuilts you provided appear to match with the 1977 photos we have (attached) showing the structure the Commission approved afterthefact on June 15, 1977. And, the Commission’s approval did not include any conditions limiting applications for future development to the Commission’s jurisdiction.*”

*Therefore, please proceed with evaluating whether the applicant's proposal for ATF developments are consistent with the Mendocino County certified LCP policies and proceed accordingly."*

In summary, this Coastal Development Permit requests to replace the on-site septic system (ST27919) and after-the-fact authorization and legalization of the following: grading, tree removal and replacement of the doors, windows and decking at the single-family residence and the demolition of a shed.

**APPLICANT'S STATEMENT:** *Replaced five (5) windows, three (3) sliding doors, a section of deck, widened driveway entrance and exit, removed chain link gate and several section of fencing, removed part of block retaining wall to widen entrance and exit, regraded driveway, removes several (approximately 6) overgrown shrubs from old garden area, graded old garden smooth and moved dirt to slope. Used dirt to smooth out sloped area. Replanted sloped area. Removed several fallen and dead pines, removed two (2) live pines, removed one (1) PGE topped dead stump, PGE topped several pines. Removed one (1) storm damaged small shed.*

**RELATED APPLICATIONS ON-SITE:**

- NCR-73-C-061 6-arcel subdivision
- NCR-77-CC-188 Single-Family Residence
- #F-672 (# F-2001) Single-Family Residence
  - Issued November 18, 1974
  - Expired on January 28, 1977, February 18, 1977, June 13, 1980 and January 28, 1986
  - Last inspection was for "WIP" on January 25, 1982
- BF\_2003-0422 Single-Family Residence to re-instate #F672 (F-2001)
  - Code Survey Letter dated May 29, 2003
  - Voided due to no inspections completed, as of June 2003
- BF\_2005-0710 New Gas Service (Finaled)
- BF\_2006-0615 Reroof SFR (Finaled)
- BC\_2016-0006 Non-permitted Grading, remodel (Code Enforcement Case)
- NOV\_2022-0275 Non-permitted Grading, remodel (Code Enforcement Case)

**NEIGHBORING PROPERTY:**

- APN: 126-050-01 CDP\_1999-0077 Single-Family Residence
- State Route 1 (SR 1) EM\_1998-0001, CDP\_1998-0038 CALTRANS

**SITE CHARACTERISTICS:** The approximately 18-acre subject parcel is located within the Coastal Zone, on the south side Navarro Ridge Road (CR 518) approximately one mile southwest of its intersection with State Route 1 (SR 1), as shown on the *Location Map*. Prior to the after-the-fact development, the parcel consisted of an existing single-family residence, a shed, onsite well, septic system and driveway. This Coastal Development Permit requests to remove the shed, replace the on-site septic system (ST27919) and after-the-fact authorization and legalization of the following: grading, tree removal and replacement of the doors, windows and decking at the single-family residence. The site is surrounded by parcels of similar size and zoning of Coastal Rural Residential (RR) with Development Limitations Combining District (DL) and greater than five (5) acres, with the exception of the parcel to the south, as shown on the *Adjacent Parcels* and *Zoning* maps. The parcel to the south is State Route 1 (SR 1) and the Navarro River, as shown on the *Adjacent* map. The subject site is mapped within a Highly Scenic Area, as shown on both the *Local Coastal Program (LCP) Land Use Map 19: Navarro and Highly Scenic and Tree Removal Areas* maps. The site terrain is combined with area of both sloped near Navarro Ridge Road (CR 518) and becomes highly sloped level terrain toward the southern portion of the parcel as it abuts with State Route 1 (SR 1), as shown on the *Aerial* and *Slope* maps. The adjacent property to the north is classified Range Land (RL 160) and is a Type II (Non-Prime) Agricultural Preserve, as shown on the *Williamson Act* map.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR), with Development Limitations Combining District (DL). Where the RR adjacent parcels are developed with residential uses, as shown on the *Zoning, General Plan Classifications and Local Coastal Program (LCP) Land Use Map 19: Navarro* maps.

<b>Table 1: Surrounding Land Use and Zoning</b>				
	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Range Land (RL160)	Range Land (RL160)	85.8 ± Acres	Residential
<b>EAST</b>	Rural Residential (RR5DL)	Rural Residential (RR5DL)	3.94 ± Acres	Residential
<b>SOUTH</b>	Rural Residential (RR5DL)	Rural Residential (RR5DL)	7.5 ± Acres	State Route 1 (SR 1) & State Park
<b>WEST</b>	Rural Residential (RR5 & RR5DL)	Rural Residential (RR5 & RR5DL)	0.9 ± Acres, 1.1 ± Acres	Residential

**PUBLIC SERVICES:**

**Access:** NAVARRO RIDGE ROAD (CR 518)  
**Fire District:** ALBION LITTLE RIVER FIRE DISTRICT (ALRFPD)  
**Water District:** NONE (ON-SITE)  
**Sewer District:** NONE (ON-SITE)  
**School District:** MENDOCINO UNIFIED SCHOOL DISTRICT (MUSD)

**AGENCY COMMENTS:** Multiple project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project, after-the-fact development and replacement septic system. See the below table for a list of agencies and status of no response, comments, or no comments.

<b>Table 2: Agency Responses</b>		
<b>REFERRAL AGENCY</b>	<b>Referral Date May 14, 2019</b>	<b>Referral Date December 7, 2023</b>
Albion Little River Fire District (ALRFPD)	No Response	No Response
Archaeological Commission	Comments	Comments
Assessor's Office	No Comment	No Response
Building Division (Fort Bragg)	No Response	No Response
California Coastal Commission (CCC)	Comments	No Response
California Department of Fish & Wildlife (CDFW)	Comments	Comments
California Department of Parks and Recreation - District (CDPR)	No Comment	No Response
California Department of Parks and Recreation - Northern Service Center (CDPR)	No Comment	No Response
California Native Plant Society	Comments	No Response
California Department of Forestry and Fire Protection (CAL FIRE) (Prevention)	Comments	No Response
CALTRANS	No Response	No Response
Cloverdale Rancheria	No Response	No Response
Department of Transportation (DOT)	No Comment	No Comment
Division of Environmental Health (DEH) (Fort Bragg)	Comments	Comments
Planning Division (Ukiah)	Comments	Comments
Redwood Valley Tribe	No Response	No Response
Sherwood Valley Band of Pomo Indians	Comments	Comments
Northwest Information Center (NWIC)	Comments	Comments
United States Fish & Wildlife Services (USFWS)	No Response	No Response

### LOCAL COASTAL PROGRAM CONSISTENCY

The project to remove the shed, replace the on-site septic system (ST27919) and after-the-fact authorization and legalization of grading, tree removal and replacement of the doors, windows and decking at the single-family residence is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Code as detailed below:

1. **Land Use:** The project site is located within the boundaries of the Local Coastal Program (LCP) area and is shown on the *LCP Land Use Map 19: Navarro* map. The subject parcel is classified as Rural Residential (RR) with Development Limitations Combining District (DL) by the Mendocino County General Plan, as shown on the *General Plan Classifications* map.

The Coastal Element Chapter 2.2 Rural Residential (RR) classification intends to,

*“...encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.”*

The Coastal Element Chapter 2.2 Combining Districts for Development Limitations (DL) classification intends,

*“... to be used only in conjunction with another land use classification on parcels or portions of parcels that according to available data have serious constraints that may prevent or severely limit development including slope over 30 percent, erosion, or landslide. Many parcels with this designation have suffered severe bluff erosion and currently may have no feasible building site remaining. In each case on-site inspection and tests will be necessary to determine whether a building site exists. Wetlands, riparian vegetation, dunes, plant or animal habitats, pygmy soils, and areas subject to flooding are shown separately on the plan maps and are not designated DL.”*

Coastal Element Policy 3.2-9 (Agriculture) to minimize agricultural-residential conflicts states:

*“In order to minimize agricultural-residential conflicts, land divisions or site plans in a residential area shall not result in a residential structure being closer than 200 feet from a parcel designated for agricultural use unless there is no other feasible building site on the parcel.”*

Coastal Element Policy 3.2-13 (Agriculture) for residential uses adjacent to Type II Agricultural Preserves states, in part, that:

*“Limit residential uses and subdivisions adjacent to Type II Ag Preserve to a low density standard to provide a buffer to minimize the conflicts between agricultural operations and residential land uses. ...*

*... For residential development within 200 feet of the agricultural parcel(s), density shall not exceed one dwelling unit per 10 acres. (There shall be a minimum of 10 acres of lot area for each dwelling unit located within the 200-foot limit).”*

The adjacent property to the north is classified Range Land (RL 160) and is a Type II (Non-Prime) Agricultural Preserve, as shown on the *Williamson Act* map. The project of after-the-fact development and replacement septic system is not subject to Coastal Element Policies 3.2-9 and 3.2-13 as the project is accessory and ancillary to the existing residential use. The project does not propose new structures or additional square footage to the existing structures, uses or parcel, whereas the proposed improvements are at ground level (driveway and septic areas) and repair and replacement at the existing single-family residence, therefore the project is exempt from the minimum 200 foot

setback to agricultural parcels.

Without added conditions, the project of after-the-fact development and replacement septic system is consistent with principally permitted uses, accessory uses and ancillary development within the Rural Residential Land Use and Development Limitation classifications, per Mendocino County Coastal Element Chapter 2.2 and Chapter 3.2.

2. **Zoning:** The project site is located within a Rural Residential (RR) district with a Development Limitations Combining District (DL), as shown on the *Zoning Display Map*. The RR district, per Mendocino County Code (MCC) Section 20.376.005, is intended to,

*“...encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.”*

The intent of Development Limitations Combining District, per MCC Section 20.416.005, is,

*“...only to be used in conjunction with another land use classification on parcels or portions of parcels that according to available data have serious constraints that may prevent or seriously limit development. Such constraints include slopes over thirty (30) percent, erosion or landslide potential or other geophysical hazards.”*

Development adjacent to agriculturally designated parcels, such as the subject site, is subject to MCC Section 20.508.020, which states:

*(A) Development Adjacent to Agriculturally Designated Parcels.*

- (1) No new dwellings in a residential area shall be located closer than two hundred (200) feet from an agriculturally designated parcel unless there is no other feasible building site on the parcel.*
- (2) New parcels shall not be created that would result in a dwelling within two hundred (200) feet of an agriculturally designated parcel.*

*(B) Development Adjacent to Type II Agricultural Preserve.*

- (1) New parcels created adjacent to Type II Agricultural Preserve shall be a minimum of ten (10) acres, however, parcels designated Clustering Development Combining District (CL) or Planned Unit Development Combining District (PD) may be developed at a density specified by the base zone provided that no dwelling is closer than two hundred (200) feet from the property line of the Preserve or at the furthest feasible point from said property line. The proposed development will be located approximately 151 feet north of the Type II (Non Prime) Agricultural preserve, inside of the within 200 feet of the Type II (Non-Prime) Agricultural preserve, as shown on the Revised Site Plan map.*

The project involves the combination of legalization and authorization of work that has been completed prior to obtaining necessity permits and remediation that is required as the result of the unpermitted development, specifically the replacement of the on-site septic system. Tree removal, driveway maintenance, shed removal and improvements and repair and maintenance to the existing single-family residence are allowed accessory and ancillary uses to serve a single-family residence.

MCC Chapter 20.376 lists the types of allowed residential uses in the Rural Residential (RR) District. Single-Family Residences are a principally permitted use. MCC Chapter 20.456 lists the types of accessory uses allowed with a single-family residence.



**Condition 5** is recommended requiring the applicant to secure all necessary permits for the project from County, State and Federal agencies having jurisdiction ensures any building regulations will be addressed.

Building Permit F-672 was issued as Permit # 2001 on November 18, 1974, for constructing the single-family residence with an attached garage, which was never finalized yet multiple building inspections were completed. Staff received comment from the Building Division on June 29, 2022, where Staff recommends **Condition 12** to ensure Permit # 2001 be resolved.

With added conditions, the after-the-fact development and replacement septic system is consistent with principally permitted uses and accessory uses of MCC Division II of Title 20, including MCC Chapters 20.376, 20.416 and 20.456 and 20.508 regulations.

- 3. Visual Resources:** The site is mapped as a Highly Scenic Area, as shown in the *Highly Scenic & Tree Removal Areas* Map, and the project is subject to Policies 3.5-1 and 3.5-3 of the Coastal Element, and Mendocino County Code (MCC) Chapter 20.504.

Policy 3.5-1 of the Coastal Element states:

*“...The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.”*

Policy 3.5-3 of the Coastal Element states:

*“...Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes...”*

MCC Section 20.504.010 (Highly Scenic Areas – Purpose) states:

*“... insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.”*

The project does not have significant visual impacts to views and does not propose new structures or additional square footage to the existing structures or parcel. The proposed project includes improvements that are at ground level (driveway and septic areas), removal of a shed and repair and replacement to the existing single-family residence. Pursuant to MCC Chapter 20.504, the project will not impede coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

**Condition 11** is recommended to require an exterior finish schedule for proposed materials and colors which will be visually compatible with the character of the surrounding area consistent with Mendocino County Coastal Element Policy 3.5-1 and MCC Section 20.504.015(C)(3). **Condition 11** is recommended to require exterior lighting specifications to be kept to the minimum necessary for safety and security purposes, be downcast, shielded and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Mendocino County Coastal Element Policy 3.5-1 and MCC Section 20.504.035.

With added conditions, the project will not increase view obstruction from nearby public areas and is visually compatible with the character of surrounding areas and will be consistent with Mendocino County Coastal Element Policies 3.5-1 and 3.5-3 and MCC Chapter 20.504 regulations for parcels to be developed within Highly Scenic Areas.

4. **Grading, Erosion, and Run Off:** The project is located on a crest with relatively flat to moderate slopes towards the Navarro River approximately 400 feet below the project. Per the application, approximately 218 cubic yards of grading was necessary to facilitate the construction of the driveway improvements. Ground disturbance will be required as part of the replacement septic system.

Grading activity took place adjacent to the house and near portions of the ephemeral watercourse on the property. It appeared that the work completed did not deposit any soil into the adjacent watercourse. All of the areas that had been disturbed during the grading process have since been fully revegetated and show no signs of current erosion or sediment deposition to the rest of the hillslope.

As part of the original application submitted for the project, after-the-fact development and replacement septic system, were provided by the Applicant, including As-Built Grading Plans, prepared by Cornerstone Civil Design, dated August 29, 2022.

**Condition 5** is recommended requiring the applicant to secure all necessary permits for the replacement septic system, from County, State and Federal agencies having jurisdiction ensures any building regulations with respects to grading, erosion and runoff protection policies will be addressed.

**Condition 13** is recommended to ensure the existing single-family residence has adequate sewage disposal and consistent with MCC Sections 20.516.015(A) Septage. **Conditions 14 and 15** are recommended to ensure Best Management Practices (BMP's) will be implemented at the time of construction of the replacement septic system and protection measures recommended for the adjacent ESHA and grading activities, including maintaining the improved driveway, parking areas and replacement septic system, shall comply with MCC Chapters 20.492 and 20.500 regulations.

With added conditions, the project of after-the-fact development and replacement septic system is consistent with the Local Coastal Program policies related to grading, erosion and runoff protection policies of the Coastal Element Chapter 3.4 and will be consistent with MCC Section 18.70.027 and MCC Chapter 20.492 regulations.

5. **Habitats and Natural Resources:** Both the LCP Coastal Element Chapter 3.1 policies and Mendocino County Code (MCC) Chapter 20.496 address protections to be granted to Environmentally Sensitive Habitat Areas (ESHA) to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

As part of the original application submitted for the after-the-fact development and replacement septic system, supplemental studies were provided by the Applicant, which are kept on file with the Mendocino County Department of Planning & Building Services, and include the following:

- Botanical Report, including a Reduced Buffer Analysis, prepared by Dark Gulch Environmental Consulting, conducted on March 4, 2020
- Updated Botanical and Biological Survey and Reduced Buffer Analysis, prepared by Dark Gulch Environmental Consulting, conducted on September 7, 2022
- Tree Letter, prepared by Dark Gulch Environmental Consulting, dated March 10, 2020
- Restoration Plan, prepared by Justin Coffman of NCRM, dated July 29, 2022
- Tree Assessment, prepared by Justin Coffman of NCRM, dated August 15, 2022

The Botanical Report and Updated Botanical and Biological Survey by Dark Gulch Environmental Consulting, conducted on September 7, 2022, determined the following:

*This project does not require a least damaging alternative location. The project is located within the developed/landscaped area and does not require any new building. The residence and associated work are located in the only buildable site; the remaining property which amounts to more than 16 acres is all located on a steep slope and is unbuildable.*

*Coastal bluff morning glory (1B.2) was found during the protocol-level botanical surveys (Figure 6). The location of this species is directly adjacent to the property line on the east and is in fact growing on the fence between the Study Areas and the adjoining parcels. Since this area is already developed, it is impossible to completely avoid this species; however appropriate mitigation measures are suggested in subsequent sections.*

*With the lack of ground disturbing activities proposed in this area, the disturbance to this species will be minimal.”*

As previously stated, the grading activity took place adjacent to the house and near portions of the ephemeral watercourse on the property. It appeared that the work completed did not deposit any soil into the adjacent watercourse. All of the areas that had been disturbed during the grading process have since been fully revegetated and show no signs of current erosion or sediment deposition to the rest of the hillslope.

In addition, the after-the fact grading and drainage work conducted without obtaining the necessary development grading permit with the Mendocino County Planning and Building Services (MC PBS), the Division of Environmental Health (DEH) determined the on-site septic system may have been compromised and required a Site Evaluation Report. A Site Evaluation Report was completed and determined the septic system was in fact compromised. DEH approved a septic system permit (ST27919), to ensure the existing single-family residence has adequate septage disposal. The septic system permit approved the most feasible location for both the new and replacement septic systems which are within fifty (50) feet of an ESHA, specifically the Coastal bluff morning glory. No alternative location exists on the parcel that could be found to be consistent with this LCP policy.

Mitigation measures have been identified by the project biologist to prevent and/or minimize potential impacts from the proposed development to identified ESHA. Mitigation measures, including restoration measures and proposed buffer areas, were suggested in the Reduced Buffer Analysis and are supported by CDFW.

The project of after-the-fact development and replacement septic system is considered the only feasible, least environmentally damaging alternative that avoids sensitive plant ESHA, and related ESHA buffer requirements. Mitigation Measures were recommended in the Reduced Buffer Analysis and **Conditions 13 through 19** are recommended to ensure the project does not have an adverse impact on the sensitive resources at the site. The lack of feasible alternatives on site, the proposed mitigation measures to offset project impacts, and siting development to minimize ground disturbance and maximizing natural terrain and slope stability.

In summary, the project of after-the-fact development and replacement septic system is consistent with LCP policies relating to ESHA. The project, after-the-fact development and replacement septic system is the least damaging alternative and the proposed mitigation measures required by **Conditions 13 through 19** will address the impacts to ESHA. These measures will mitigate the impact of the project, after-the-fact development and replacement septic system, restore, and enhance ESHA located on the parcel.

With added conditions, the proposed project will not significantly impact sensitive habitats or resources and is consistent with the Local Coastal Program policies related to Chapter 3.1 and Chapter 20.496 regulations.

6. **Hazards Management:** Chapter 3.4 of the Mendocino County Coastal Element and MCC Chapter 20.500 regulations address Hazards Management within the Coastal Zone. The property is in an area of "Flooding" and "High Fire Hazard" severity rating, as shown on the *LCP Land Capabilities & Natural Hazards* and *Fire Hazard Zones & Responsibility Areas* maps. While portions of the land are subject to flooding, for example the most southern portion of the parcel is adjacent to the Navarro River, the proposed area for development is atop a coastal terrace approximately 400 vertical feet above the Navarro River, as shown on the *Flood Zone* map.

Fire protection services are provided by the California Department of Forestry and Fire Protection (CAL FIRE) and the Albion Little River Fire Protection District (ALRFPD). The project of after-the-fact development and replacement septic system was referred to both fire protection agencies, where ALRFPD made no response at this time. CAL FIRE provided comment regarding tree removal and State Fire Safe Regulations. The tree removal was of a few degrading or dying Bishop Pines trees which were located at the parcel boundary line running parallel to Navarro Ridge Road (CR 518).

As part of the original application submitted for the project, plans were provided by the Applicant including as-built grading plans, prepared by Cornerstone Civil Design, dated August 29, 2022. As previously stated, the Division of Environmental Health (DEH) determined the on-site septic system may have been compromised and required a Site Evaluation Report. A Site Evaluation Report was completed and determined the septic system was in fact compromised. DEH approved a septic system permit (ST27919) to ensure the existing single-family residence has adequate septage disposal; therefore, this request includes replacement of the on-site septic system.

**Conditions 5** is recommended requiring the applicant to secure all necessary permits for the replacement septic system, from County, State and Federal agencies having jurisdiction ensures any building regulations with respects to grading, erosion and runoff protection policies will be addressed.

**Condition 13** is recommended to ensure the existing single-family residence has adequate sewage disposal and consistent with MCC Sections 20.516.015(A) Septage. **Conditions 14 and 15** are recommended to ensure Best Management Practices (BMP's) will be implemented at the time of construction of the replacement septic system and protection measures recommended for the adjacent ESHA and grading activities, including maintaining the improved driveway, parking areas and replacement septic system, shall comply with MCC Chapters 20.492 and 20.500 regulations.

As previously stated, the grading activity took place adjacent to the house and near portions of the ephemeral watercourse on the property. It appeared that the work completed did not deposit any soil into the adjacent watercourse. All of the areas that had been disturbed during the grading process have since been fully revegetated and show no signs of current erosion or sediment deposition to the rest of the hillslope.

With added conditions, project, after-the-fact development and replacement septic system, is consistent with the Local Coastal Program policies related to Chapter 3.4 and MCC Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, tsunamis, landslides, and erosion), fire and flood hazards.

7. **Groundwater Resources:** The site is designated on the Mendocino County Coastal Groundwater Study Map as a Critical Water Resource Area, as shown on the *Ground Water Resources* map. The subject property is already developed with a single-family residence and accessory improvements. The project of after-the-fact development and replacement septic system is ancillary and accessory to the existing residential use of the parcel.

The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. DEH recommended a site evaluation report be completed. This is due to the project, specifically the after-the-fact grading, and its compromise of the on-site septic system serving the existing single-family residence. A Site Evaluation Report was completed, where DEH approved a septic system permit (ST27919) to ensure the existing single-family residence has adequate septage disposal.

**Conditions 5** is recommended requiring the applicant to secure all necessary permits for the project, after-the-fact development and replacement septic system, from County, State and Federal agencies having jurisdiction ensures any groundwater and DEH regulations will be addressed. **Condition 13** is recommended to ensure the existing single-family residence has adequate sewage disposal and consistent with MCC Sections 20.516.015(A) Septage.

With added conditions, the project of after-the-fact development and replacement septic system will be consistent with the Local Coastal Program policies related to groundwater resources Chapter 3.8, MCC Sections 20.516.015(A) and (B) and DEH regulations.

8. **Archaeological/Cultural Resources:** The project of after-the-fact development and replacement septic system was referred to Northwest Information Center (NWIC) and the Mendocino County Archaeological Commission (ARCH). An archaeological survey was requested to be conducted. The applicant submitted an Archaeological Survey Report, prepared by Heath Browning of Browning Cultural Resources, dated September 2022.

NWIC responded, *“Based on the results of S-56187 (Browning 2022), the proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, further study for archaeological resources is not recommended at this time.”*

ARCH responded with the request to schedule for the next available hearing, depending on comments submitted by NWIC. Due to the comments received from NWIC, the project was not scheduled to be heard by ARCH. To ensure consistency with MCC § 22.12.090, **Condition 8** is recommended, which advises the property owners of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. Sherwood Valley Band of Pomo Indians requested all correspondence submitted to Mendocino County Planning and Building Services from NWIC, where staff complied. On February 20, 2024, Sherwood Valley Band of Pomo Indians provided further comments recommending a tribally selected monitor due to the proximity of work near recorded site and monitoring is being focused on any and all excavating work. **Condition 9** is recommended to ensure the project does not have an adverse impact on the sensitive resources adjacent to the site. Redwood Valley Rancheria and Cloverdale Rancheria did not provide response at this time.

With added conditions, the project of after-the-fact development and replacement septic system will be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources, including Coastal Element Policy 3.5-10 and MCC Chapter 22.12 regulations.

9. **Transportation, Utilities and Public Services:** The project of after-the-fact development and replacement septic system would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. In addition, the property is already developed with the current residential density, which will not be altered. MCC Section 20.516.015(C) applies to all new development. As proposed, the project would not significantly change traffic patterns along Navarro Ridge Road (CR 518) or in the Albion area. Access to the site is provided by an existing private driveway and the after-the-fact driveway grading and draining at the access to the parcel from Navarro Ridge Road (CR 518).

On-site electrical utilities are be supplied by PG&E. An on-site septic system was approved by the Mendocino County Division of Environmental Health (DEH), septic system permit number ST27919. Water connection is established with an on-site well.

The project of after-the-fact development and replacement septic system was referred to Mendocino County Division of Environmental Health (DEH) and Department of Transportation (DOT), where DOT responded with no additional comments or recommendations. DEH stated that no well permit is on file, yet confirmed that no action is required regarding water. The recommended a site evaluation report be completed. This is due to the project, specifically the after-the-fact grading, compromising the on-site septic system serving the existing single-family residence. A Site Evaluation Report was completed where DEH approved a septic system permit (ST27919) to ensure the existing single-family residence has adequate septage disposal. **Condition 13** is recommended to ensure the existing single-family residence has adequate utility services and is consistent with MCC Sections 20.516.015(A) Septage.

Without additional conditions, the project does not contribute to the increase of water or sewer usage or add additional traffic on local and regional roadways and is consistent with Mendocino County Coastal Element Chapter 3.8 and MCC Chapter 20.516 regulations and policies for transportation, circulation, utilities, and public services protection.

- 10. Public Access:** The site is located south of Navarro Ridge Road (CR 518), east of State Route 1 (SR 1). The nearest existing public access to the shore is the Navarro State Park Shoreline Access, approximately 2 miles south of the subject parcel, west of State Route 1 (SR 1), as shown on the *LCP Land Use Map 19: Navarro* map. The nearest existing public access is the Navarro Ridge Road Inland Trail (Trail #73) adjacent to the subject parcel, located on Navarro Ridge Road (CR 518). The project of after-the-fact development and replacement septic system will not impact any existing or proposed public access.

Without additional conditions, Staff finds the project of after-the-fact development and replacement septic system to be consistent with Mendocino County policies for Coastal Shoreline Access Element Chapters 3.6 and Chapter 4.9; and will be consistent with MCC Chapter 20.528 regulations.

### **ENVIRONMENTAL DETERMINATION**

The Coastal Permit Administrator finds that the environmental impacts for the project to replace the on-site septic system (ST27919) and after-the-fact authorization and legalization of grading, tree removal and replacement of the doors, windows and decking at the single-family residence and the demolition of a shed can be adequately mitigated through the conditions of approval or features of the project design so that no significant environmental impacts will result from this project; therefore, adopting a Mitigated Negative Declaration is recommended.

### **PROJECT FINDINGS AND CONDITIONS**

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, Staff recommends the Coastal Permit Administrator approves the project to replace the on-site septic system (ST27919) and after-the-fact authorization and legalization of grading, tree removal and replacement of the doors, windows and decking at the single-family residence and the demolition of a shed and adopts the following findings and conditions.

#### **FINDINGS:**

1. Pursuant to MCC Section 20.532.095(A)(1), Coastal Residential Land Use Types are principally permitted in the Rural Residential classification; single-family residential land uses conform to the goals and policies of the certified Local Coastal Program, including policies identified in the Coastal Element Chapter 2.2 (Rural Residential Land Use Classification & Development Limitations), Chapter 3.1 (Habitats and Natural Resources), Chapter 3.2 (Agriculture), Chapter 3.4 (Hazards Management), Chapter 3.5 (Visual Resources, Special Communities and Archaeological Resources) and Chapter 3.6 (Shoreline Access and Trail/Bikeway System), Chapter 3.8 (Transportation, Utilities and Public Services) and Chapter 4.9 (Dark Gulch to Navarro River Planning Area). The project of after-the-fact development and replacement septic system added to a developed parcel with an existing single-family residence is accessory and ancillary to a principally permitted use, within the Rural Residential

land use classification, and is accessory and ancillary use types permitted with the principally permitted uses, does not conflict with and is consistent with the intent of the Rural Residential and Development Limitations Classifications; and

2. Pursuant to MCC Section 20.532.095(A)(2), the after-the-fact development and replacement septic system added to a developed parcel with an existing single-family residence does not increase the parcel's demand for utilities or other such facilities and is consistent with the Local Coastal Plan. The project is required to fulfil all pertinent requirements of all necessary permits for the after-the-fact development and replacement septic system from County, State and Federal agencies having jurisdiction; and
3. Pursuant to MCC Section 20.532.095(A)(3), the project of after-the-fact development and replacement septic system will not degrade or negatively change the characteristics of and will be consistent with the purpose, intent and standards of the Chapter 20.376 Rural Residential District and Chapter 20.416 Development Limitations Combining District and Accessory Use regulations, as well as all other provisions of Division II of Title 20 of the Mendocino County Code; and
4. Pursuant to MCC Section 20.532.095(A)(4), the project of after-the-fact development and replacement septic system, 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. An Initial Study and adoption of a Mitigated Negative Declaration is recommended. Specific conditions were prepared by a biologist and are recommended to ensure compliance with the California Environmental Quality Act requirements for a Mitigated Negative Declaration; and
5. Pursuant to MCC Section 20.532.095(A)(5), the project of after-the-fact development and replacement septic system does not have any adverse impact on any known archaeological or paleontological resources, and **Condition 8** is in place when archaeological sites or artifacts are discovered. The project was not scheduled to be heard by ARCH, as NWIC recommended no further survey be conducted. The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. Sherwood Valley Band of Pomo Indians requested all correspondence from Northwest Information Center (NWIC) submitted to Mendocino County Planning and Building Services, where staff complied. Sherwood Valley Band of Pomo Indians provided further comments recommending a tribally selected monitor due to the proximity of work near recorded site and monitoring is being focused on any and all excavating work. **Condition 9** is recommended to ensure the project does not have an adverse impact on the sensitive resources adjacent to the site; and
6. Pursuant to MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the existing permitted development on the parcel. The project of after-the-fact development and replacement septic system does not affect demands on public services. Solid waste service is available either as curbside pick-up or at the Albion Transfer Station (several miles away); and
7. Pursuant to MCC Section 20.532.095(B)(1), the subject site is located adjacent to the Navarro Ridge Road Inland Trail (Trail #73) running parallel with Navarro Ridge Road (CR 518), staff states that the project of after-the-fact development and replacement septic system will not impact any existing or proposed public access and is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan; and

**CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “\*\*\*)”:**

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 two years after the effective date except where construction and use of the property in

reliance on such permit has been initiated prior to its expiration.

2. The use and occupancy the premises shall be established and maintained in conformance with the provisions of Division II or Title 20 of the Mendocino County Code.
3. 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.
4. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
5. This permit shall be subject to the securing of all necessary permits for the project of after-the-fact development, including grading and removal and replacement of windows, doors, decking and demolition of a shed, and replacement septic system from County, State and Federal agencies having jurisdiction.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Coastal Code.
9. Prior to issuance of any building permit, grading permit or Division of Environmental Health permit associated with this coastal development permit, the property owner coordinate with Sherwood Valley Band of Pomo Indians and a tribally selected monitor for any and all excavation work to ensure the project does not have an adverse impact on the sensitive resources adjacent to the site.
10. Any building permit request shall include all conditions of approval of this Coastal Development Permit. Conditions shall be printed on or attached to the plans submitted.
11. Any Building Permit request associated with this Coastal Development Permit shall include exterior finish schedules on the building plans consistent with Mendocino County Coastal Element Policies 3.5 and Mendocino County Code of Ordinances Section 20.504.015(C) and Section 20.504.035.



12. Prior to issuance of any building permit, grading permit or Division of Environmental Health permit associated with this coastal development permit, the property owner shall obtain a building permit for reinstatement of building permit application F-627, Permit # 2001, to ensure that the single-family residence is constructed to the satisfaction of the Building Division of Mendocino County Planning and Building Service.
13. \*\* Prior to issuance of any building permit or grading permit associated with this coastal development permit, the applicant shall install and furnish evidence to the Planning and Building Services for adequate septage disposal (ST27919) and consistent with MCC Chapter 20.500 and MCC Sections 20.516.015(A) and 20.516.015(B) and to the satisfaction of Mendocino County Division of Environmental Health.
14. \*\* Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/ or native seed mixes for soil stabilization. Construction activities within 500 feet of residential uses shall be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas.
15. \*\* Prior to issuance of any building permit, grading permit or Division of Environmental Health permit associated with this coastal development permit, the applicant shall provide a Grading and Erosion Plan, prepared by a qualified professional, in form and content acceptable to the Coastal Permit Administrator. The Grading and Erosion Plan shall account for any cuts and fills associated with the projects, including the use and installation of retaining walls, confirming the project, after-the-fact development and replacement septic system, is consistent with MCC Chapters 20.492 and 20.500 regulations.
16. \*\* In order to provide for the protection of **Coastal bluff morning glory**, the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
  - a. All work in the 50 foot buffer for Coastal bluff morning glory be performed during the dormant season (November - January); and
  - b. If work during this time is not feasible, a pre-construction survey shall be performed by a qualified biologist no more than 14 days prior to the initiation of tree removal or ground disturbance. The survey shall cover the project area (including the septic replacement area) and surrounding areas within 50 feet; and
  - c. Construction areas shall not extend beyond the area necessary to complete the project and shall not encroach into ESHA buffer beyond that approved under this permit, as follows:
    - i. During construction, materials, including but not limited to lumber, concrete, finish wares, hand tools, power tools, generators, vehicles, and heavy equipment, etc., shall be stored in non-ESHA areas, such as the existing driveway, and shall be clearly designated by high-visibility construction fencing or other signage.
    - ii. Orange construction fencing will be erected between the Coastal bluff morning glory and the existing fence and the project-related activity areas.
17. \*\* In order to provide for the protection of **special status frogs**, the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:

- a. Within one (1) week prior to construction activities, a qualified biologist shall conduct a survey of the construction area for migrating California red-legged frogs and shall conduct a training for the construction crew on identification of California red-legged frogs, as well as the protocols they must follow per this condition:
- i. Prior to the onset of construction, and every morning before moving heavy equipment and/or stockpiles, the construction crew shall perform a visual search around all stacked or stored material, and under parked equipment to detect the presence of frogs. If a California red-legged frog is detected, construction crews will stop all ground disturbing work in the vicinity and contact the United States Fish and Wildlife Service or a qualified biologist to address the issue and provide clearance to re-initiate work; and
  - ii. If a rain event occurs during the construction period, all ground disturbing construction-related activities will cease until at least 48 hours after the rain stops. Prior to resuming ground disturbing construction activities, trained construction crew member will examine the site for the presence of frogs. If no special status frogs are found, construction activities may resume.
18. \*\* In order to provide for the protection of **special status birds**, the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
- d. Any vegetation/tree removal should occur during non-nesting season (August 16 to January 31), outside of the general bird nesting season, to the greatest extent feasible. If tree/vegetation removal during this time is not feasible, a pre-construction survey shall be performed by a qualified biologist no more than 14 days prior to the initiation of tree removal or ground disturbance. The survey shall cover the Project Area (including tree removal areas) and surrounding areas within 500 feet; and
  - e. If active nesting activity is detected within the project footprint or within 500 feet of construction activities, an appropriate no-disturbance buffer shall be established by the qualified biologist. Once it is determined that the young have fledged (left the nest) or the nest has otherwise become inactive (e.g., due to predation), the buffer may be lifted, and work may be initiated within the buffer.
19. \*\* This entitlement does not become effective, or operative, and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife (CDFW) filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,966.75 OR CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to ensure timely compliance with this condition.

3-18-2024

DATE

JESSIE WALDMAN

JESSIE WALDMAN  
PLANNER II

Appeal Period: 10 Days

Appeal Fee: \$2,674.00

**ATTACHMENTS:**

- |  |  |
|--|--|
| A. Location Map                            | N. Appealable Area                         |
| B. Aerial (Vicinity)                       | O. Adjacent Parcels                        |
| C. Aerial                                  | P. Fire Hazard Zone & Responsibility Areas |
| D. Topographical                           | Q. Flood Zone                              |
| E. Site Plan                               | R. Ground Water Resource Area              |
| F. Detailed Site Plan                      | S. Highly Scenic & Tree Removal            |
| G. Floor Plan                              | T. Slope                                   |
| H. Elevations                              | U. Soils                                   |
| I. Zoning                                  | V. Williamson Act                          |
| J. General Plan                            | W. Farmland                                |
| K. LCP Land Use Map 19: Navarro            | X. Miscellaneous Districts                 |
| L. LCP Land Capabilities & Natural Hazards | Y. Biological Resources                    |
| M. LCP Habitat & Resources                 |  |

**Initial Study available online at:** <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

**REFERENCES:**

(Coastal Element) Mendocino County, Planning and Building Services, Planning Division. The County of Mendocino General Plan, Coastal Element. 1985. Accessed December 6, 2023, at: [Coastal Element | Mendocino County, CA](#)

(MCC, 1991) Mendocino County Department of Planning and Building Services. October 1991. Mendocino County Zoning Code Coastal Zoning Code, Title 20 – Division II of the Mendocino County Code. Accessed December 6, 2023, at: [Mini TOC: DIVISION II - MENDOCINO COUNTY COASTAL ZONING CODE | Code of Ordinances | Mendocino County, CA | Municode Library](#)

Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 19: Navarro [map]. 1985. Accessed December 6, 2023, at: [Local Coastal Plan Maps | Mendocino County, CA](#)

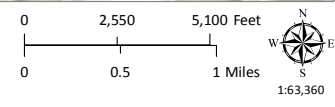
Mendocino County Department of Planning & Building Services. June 2007. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed December 6, 2023, at: [Mendocino County Maps | Mendocino County, CA](#)

Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed December 6, 2023, at: [Mendocino County Maps | Mendocino County, CA](#)



CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

- Major Towns & Places
- Highways
- Coastal Zone Boundary
- Major Roads
- Major Rivers






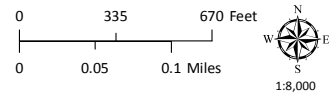
LOCATION MAP

MENDOCINO COUNTY PLANNING DEPARTMENT - 4/14/2019



CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion



-  Named Rivers
-  Public Roads
-  Private Roads

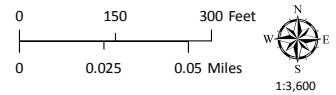


AERIAL IMAGERY



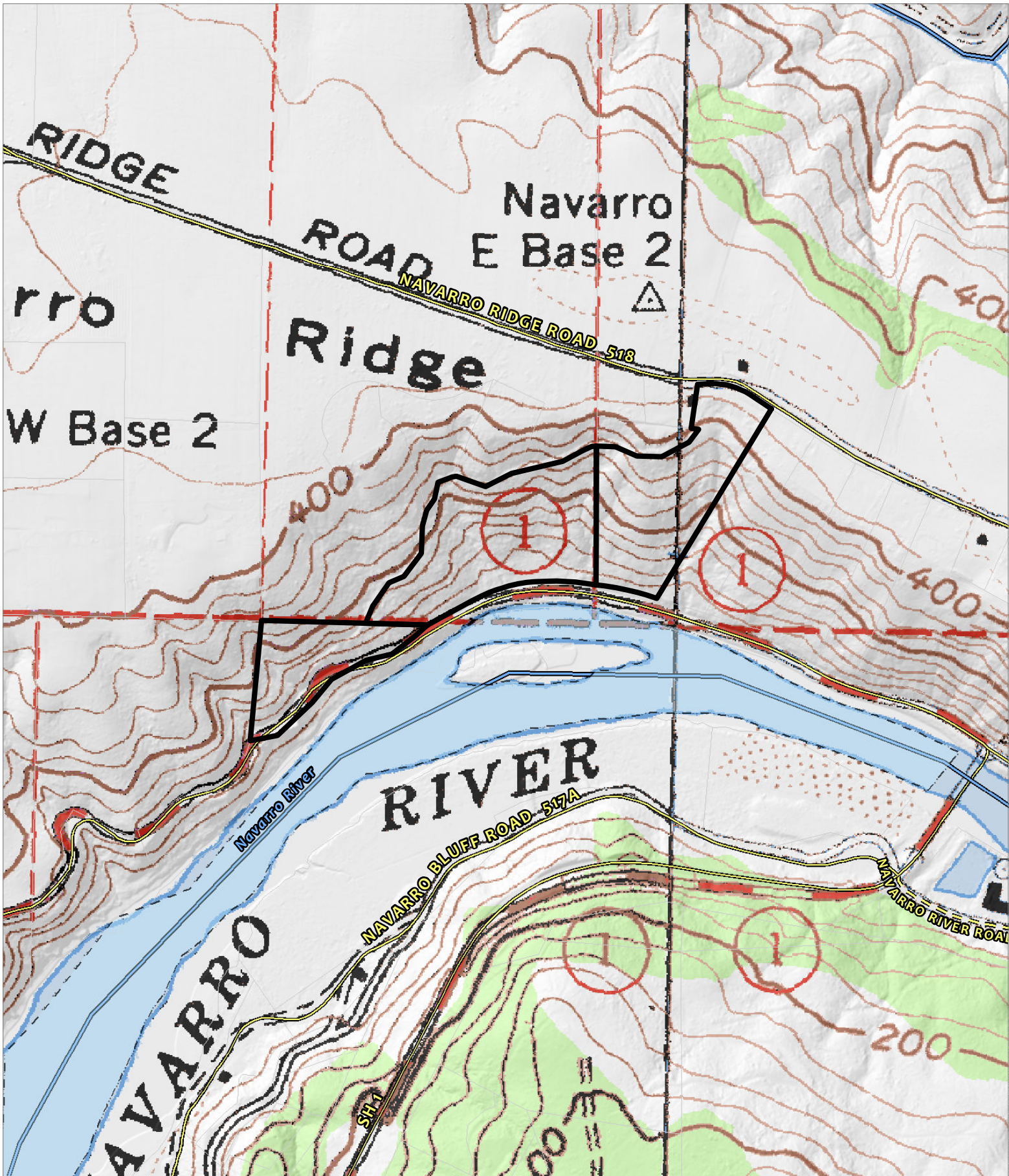
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-  Named Rivers
-  Public Roads






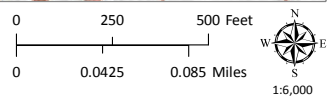
AERIAL IMAGERY

PREPARED BY COUNTY OF CALIFORNIA DEPARTMENT OF PUBLIC WORKS



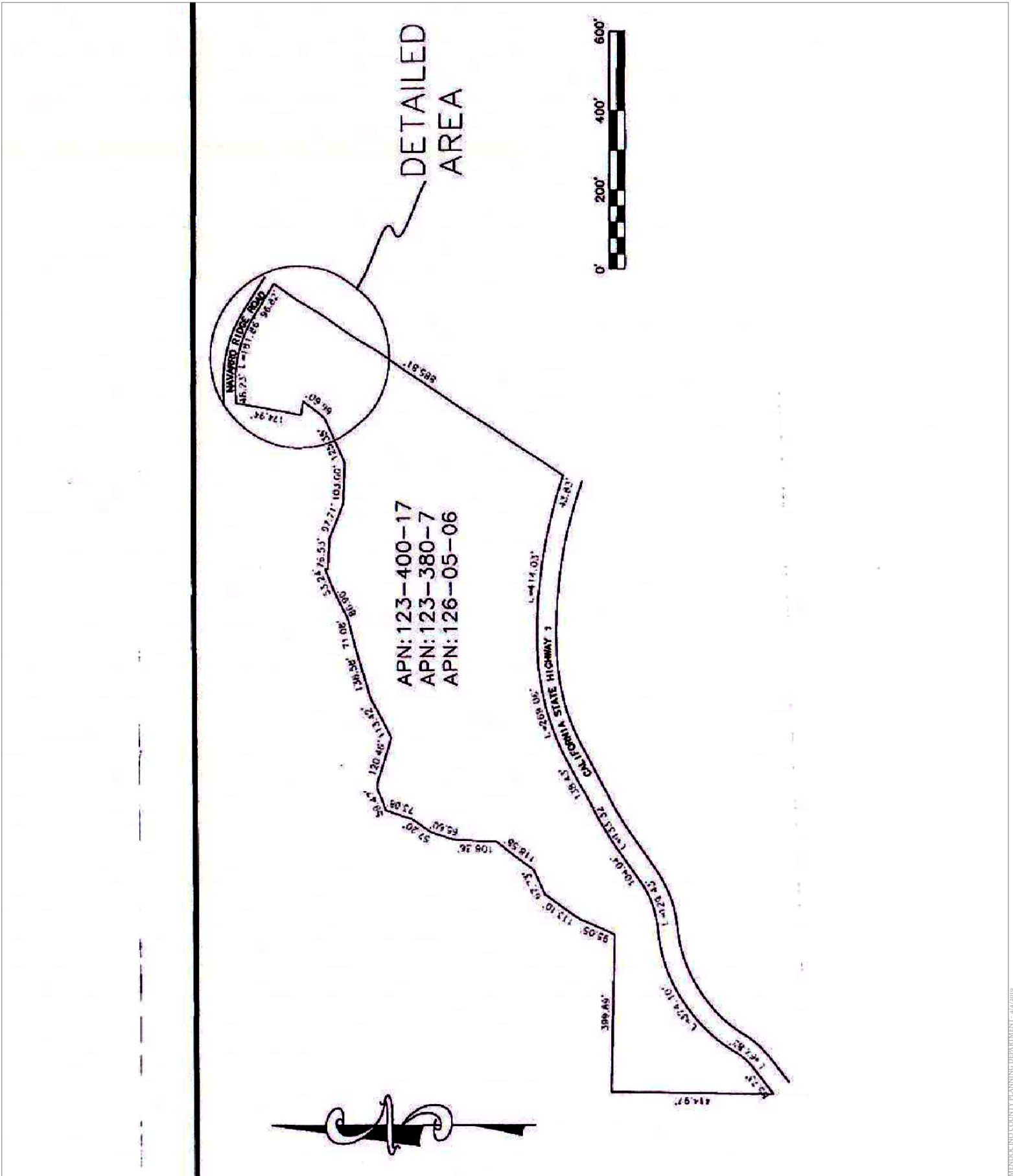
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 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

-  Named Rivers
-  Public Roads
-  Private Roads



**TOPOGRAPHIC MAP**  
 CONTOUR INTERVAL IS 40 FEET

MERCED COUNTY PLANNING DEPARTMENT - 4/12/2019

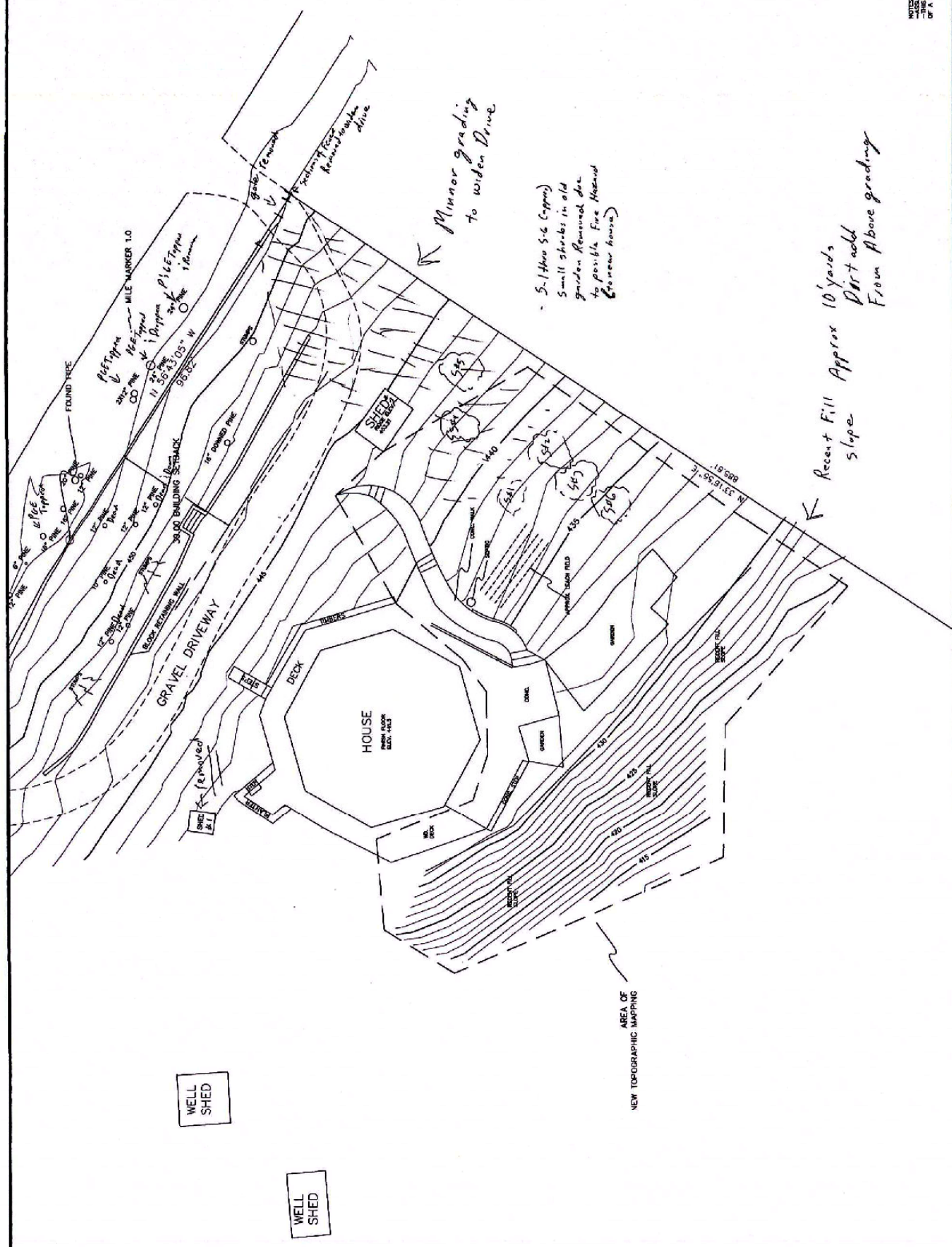


CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

NO SCALE

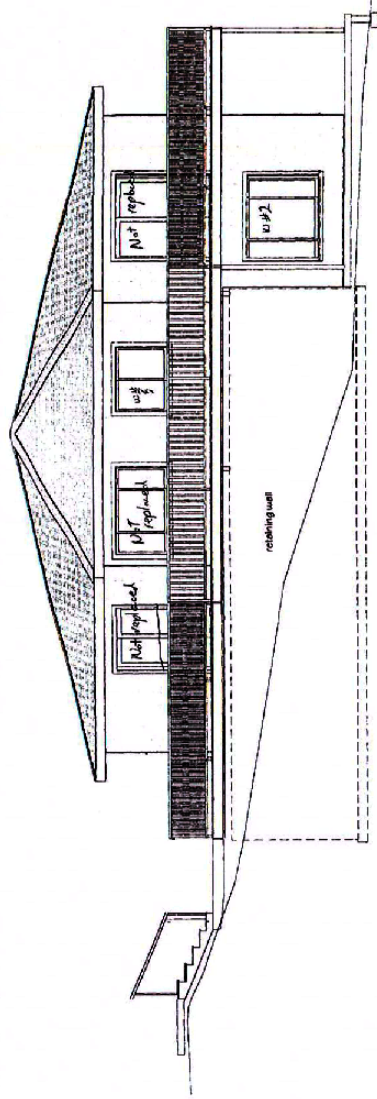
PROJECT SITE





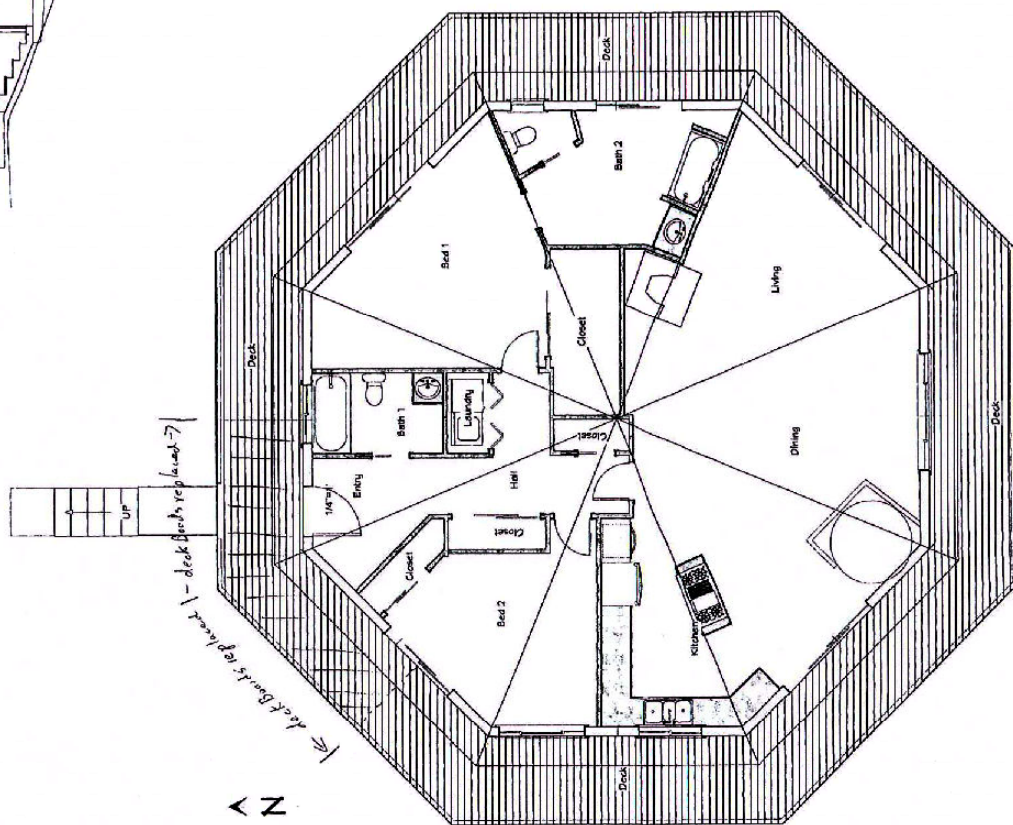
CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

NO SCALE



West Elevation

1/4"=1'



1st Floor Plan

1/4"=1'

CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

NO SCALE

ELEVATION & FLOOR PLAN

# A1

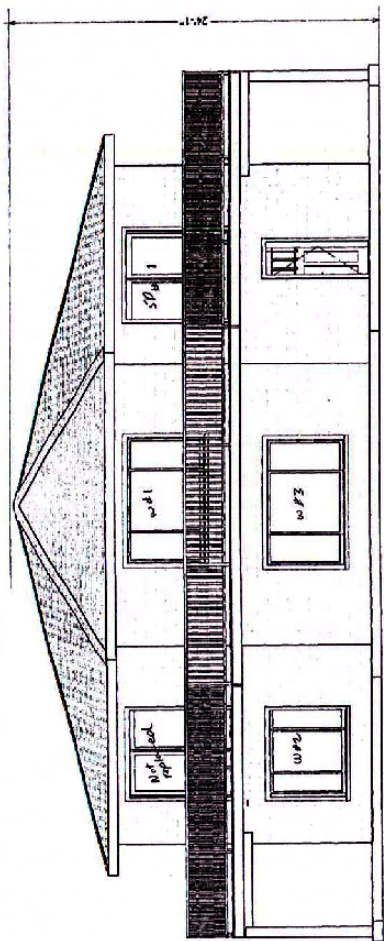
Site Plan  
Building Data  
Exterior Elevations

Eric & Christina Poos  
32951 Navarro Ridge Rd.  
Albion, CA 95410  
APN 123-400-17

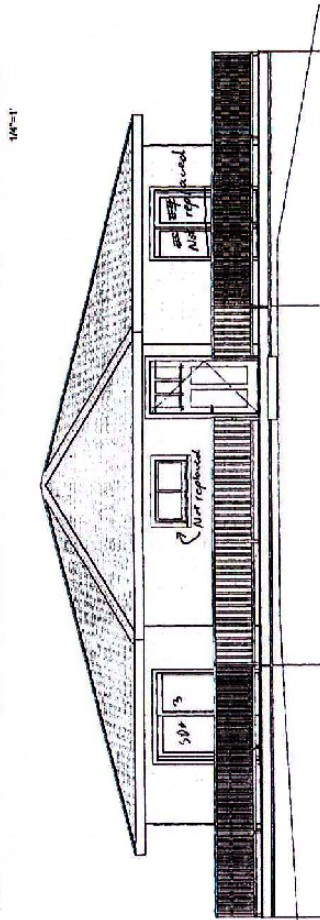
Revisions

No.	Date	By	Comments
1	10/12/2017	A. HERNANDEZ	

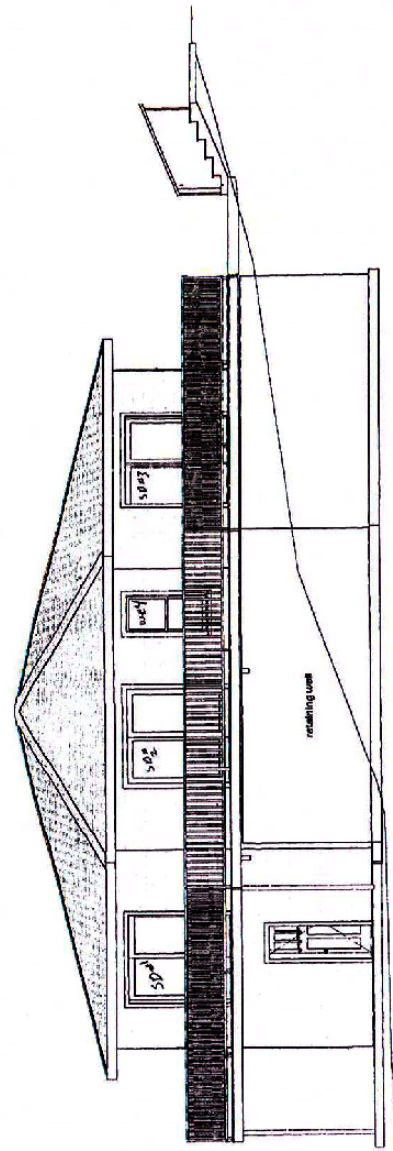
ANDY HERNANDEZ  
Custom Design  
Plans - Drawings  
P.O. Box 2833  
Fruitridge, CA 94717  
707-944-4340  
andyh@msn.com



South Elevation



North Elevation



East Elevation

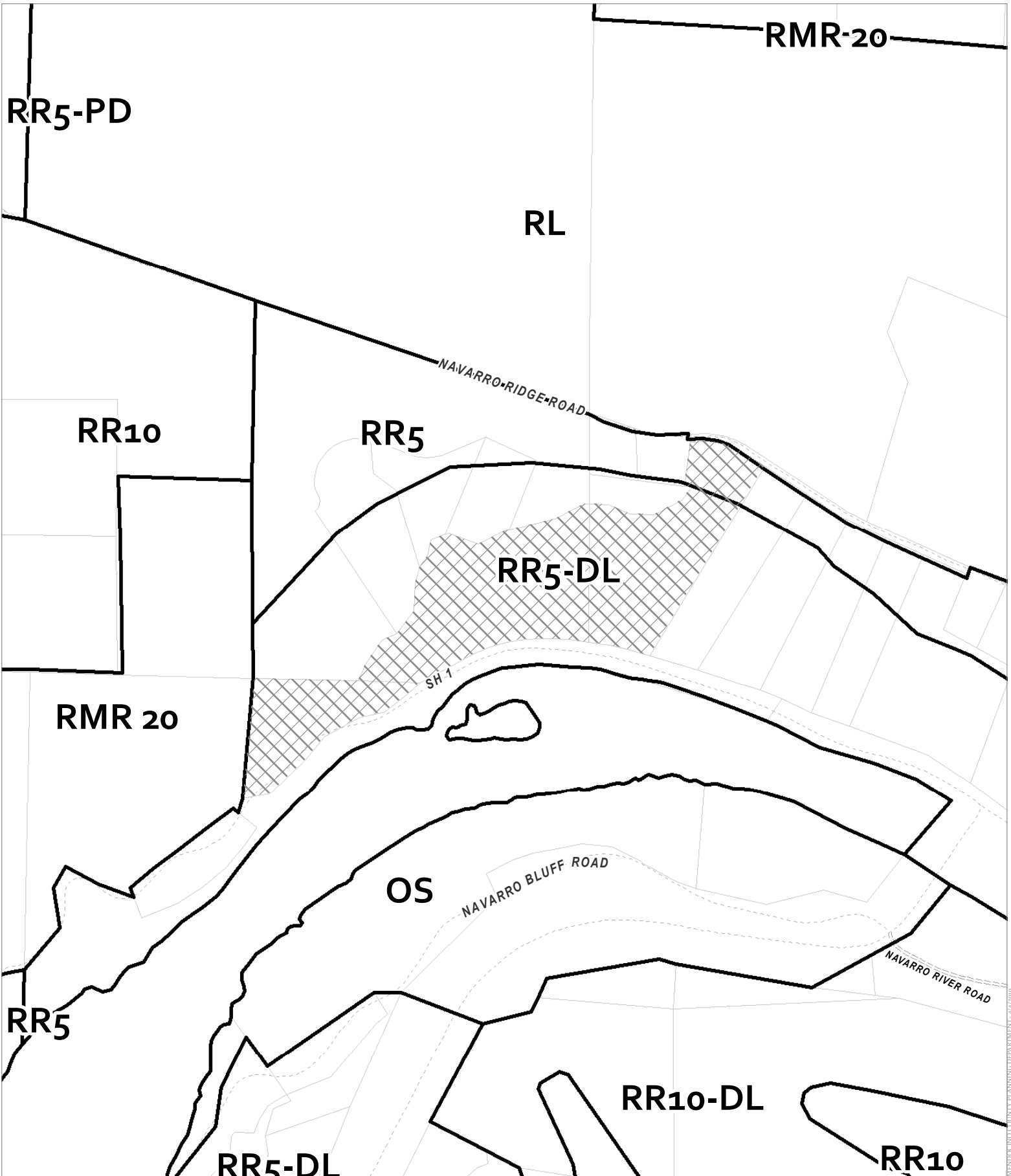
1/4\"/>

MENDOCINO COUNTY PLANNING DEPARTMENT - 4/7/2019



CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
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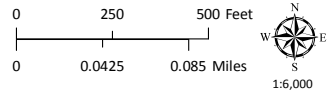
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ELEVATIONS

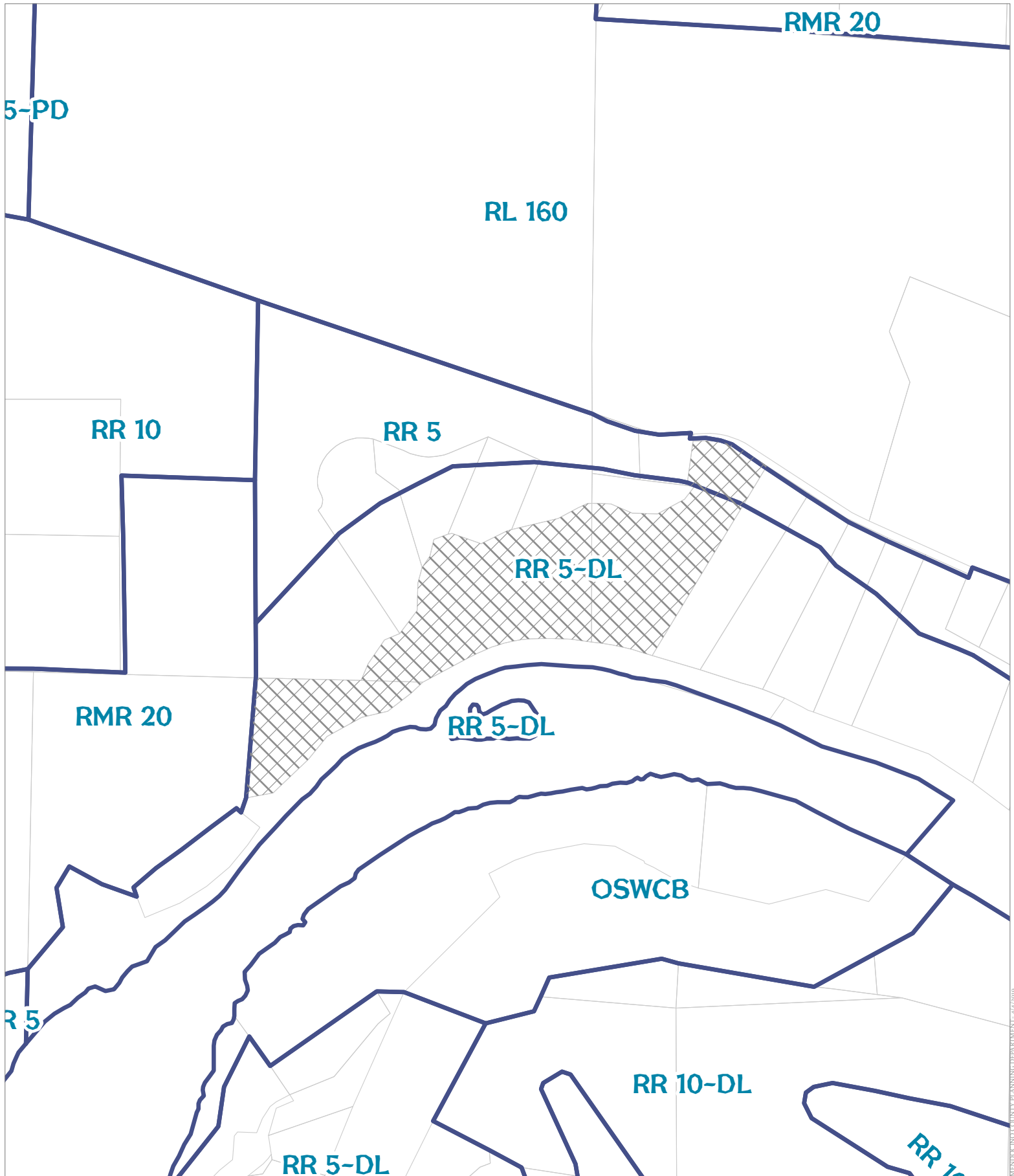


CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion


 Zoning Districts  
 Public Roads

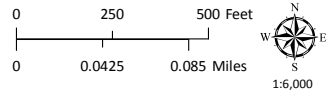


MENDOCINO COUNTY PLANNING DEPARTMENT - 4/4/2019



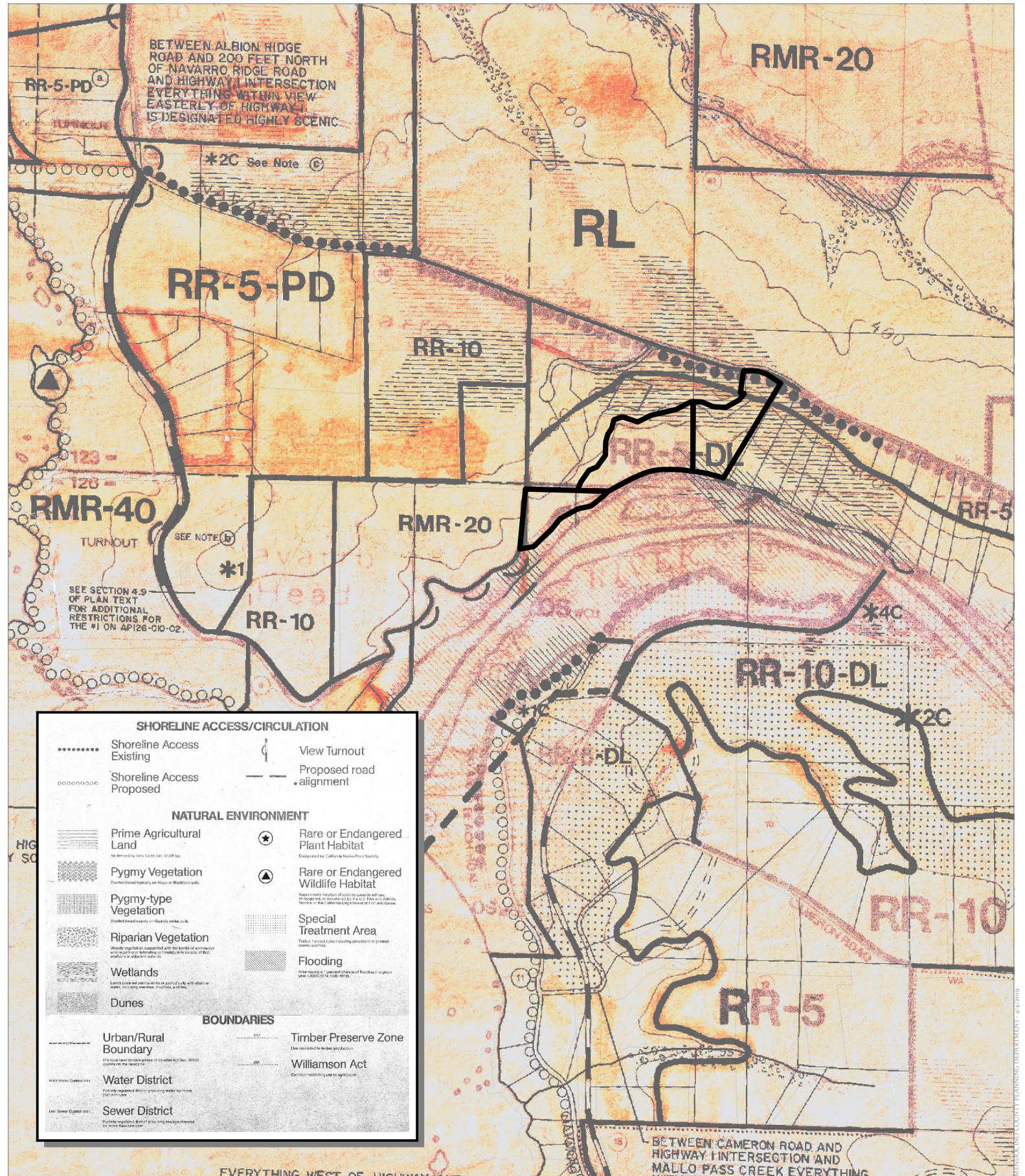
CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

 General Plan Classes

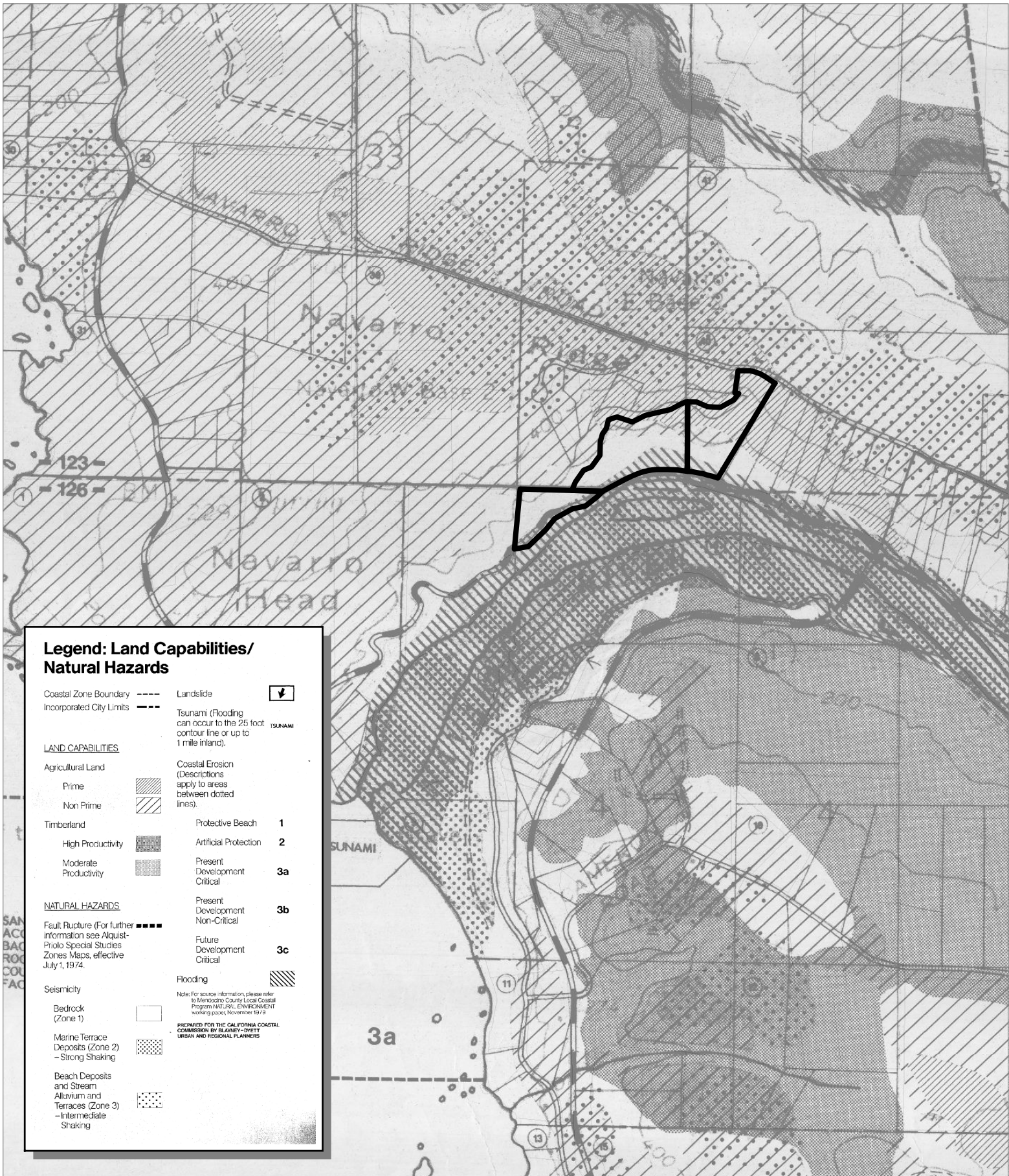


GENERAL PLAN CLASSIFICATIONS

MENDOCINO COUNTY PLANNING DEPARTMENT - 4/7/2019



CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion



**Legend: Land Capabilities/  
Natural Hazards**

Coastal Zone Boundary - - - - -  
 Incorporated City Limits - - - - -

**LAND CAPABILITIES**

Agricultural Land  
 Prime [diagonal lines] Non Prime [cross-hatch]

Timberland  
 High Productivity [horizontal lines] Moderate Productivity [vertical lines]

**NATURAL HAZARDS**

Fault Rupture (For further information see Alquist-Prilo Special Studies Zones Maps, effective July 1, 1974.) [thick dashed line]

Seismicity  
 Bedrock (Zone 1) [white box] Marine Terrace Deposits (Zone 2) - Strong Shaking [dotted box] Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking [dotted box]

Landslide [arrow pointing down]

Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). [wavy line]

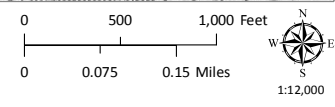
Coastal Erosion (Descriptions apply to areas between dotted lines).  
 Protective Beach 1  
 Artificial Protection 2  
 Present Development Critical 3a  
 Present Development Non-Critical 3b  
 Future Development Critical 3c

Flooding [diagonal lines]

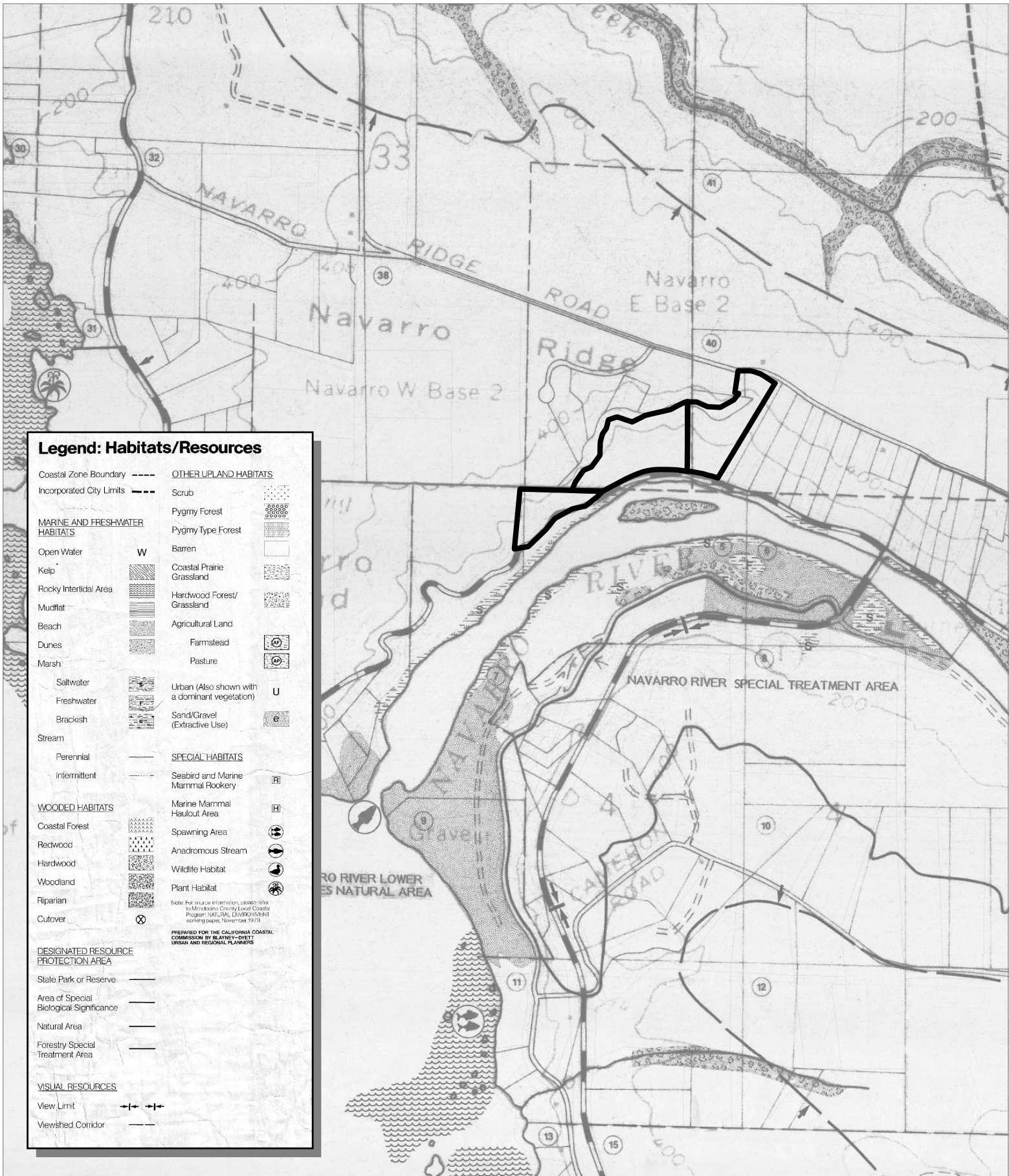
Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working plan November 1979.

PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAVNEY-TWETT URBAN AND REGIONAL PLANNERS

CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion



MENDOCINO COUNTY PLANNING DEPARTMENT - 4/12/2019



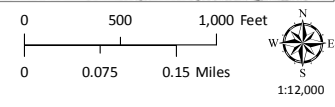
**Legend: Habitats/Resources**

Coastal Zone Boundary	---	<b>OTHER UPLAND HABITATS</b>
Incorporated City Limits	- - - -	Scrub
<b>MARINE AND FRESHWATER HABITATS</b>		
Open Water	W	Pygmy Forest
Kelp	[Pattern]	Pygmy Type Forest
Rocky Intertidal Area	[Pattern]	Barren
Mudflat	[Pattern]	Coastal Prairie Grassland
Beach	[Pattern]	Hardwood Forest/Grassland
Dunes	[Pattern]	Agricultural Land
Marsh	[Pattern]	Farmstead
Saltwater	[Pattern]	Pasture
Freshwater	[Pattern]	Urban (Also shown with a dominant vegetation)
Brackish	[Pattern]	Sand/Gravel (Extractive Use)
Stream		
Perennial	—	<b>SPECIAL HABITATS</b>
Intermittent	- - - -	Seabird and Marine Mammal Rookery
<b>WOODED HABITATS</b>		
Coastal Forest	[Pattern]	Marine Mammal Haulout Area
Redwood	[Pattern]	Spawning Area
Hardwood	[Pattern]	Anadromous Stream
Woodland	[Pattern]	Wildlife Habitat
Riparian	[Pattern]	Plant Habitat
Cutover	[Symbol]	
<b>DESIGNATED RESOURCE PROTECTION AREA</b>		
State Park or Reserve	—	
Area of Special Biological Significance	—	
Natural Area	—	
Forestry Special Treatment Area	—	
<b>VISUAL RESOURCES</b>		
View Limit	—+—+—+—	
Viewshed Corridor	—	

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT mapping paper, November 1979.

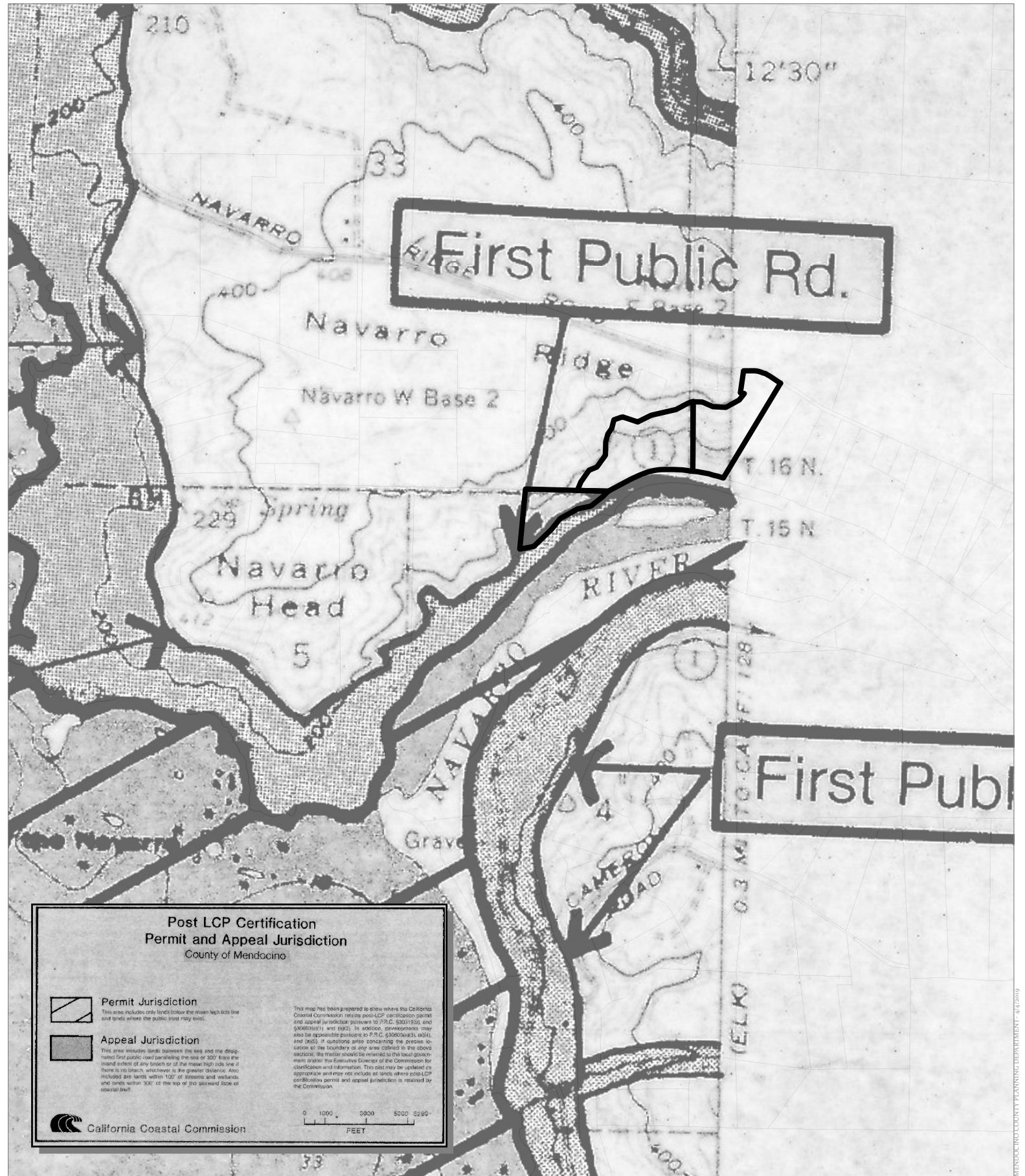
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANEY-DWETT URBAN AND REGIONAL PLANNERS

CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion



MENDOCINO COUNTY PLANNING DEPARTMENT - 4/7/2019

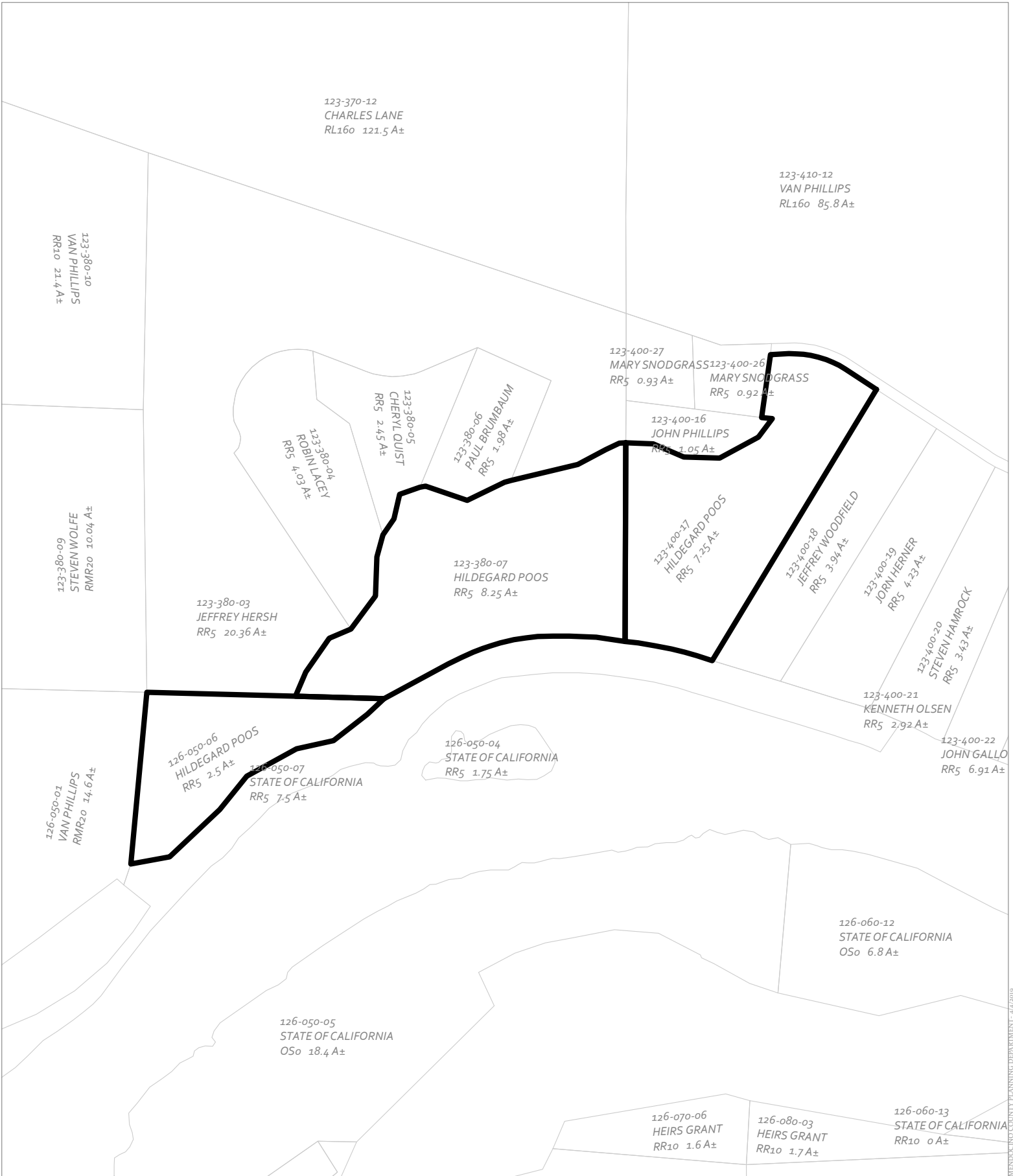




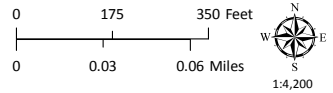
CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

APPEALABLE AREAS

MENDOCINO COUNTY PLANNING DEPARTMENT - 4/7/2019

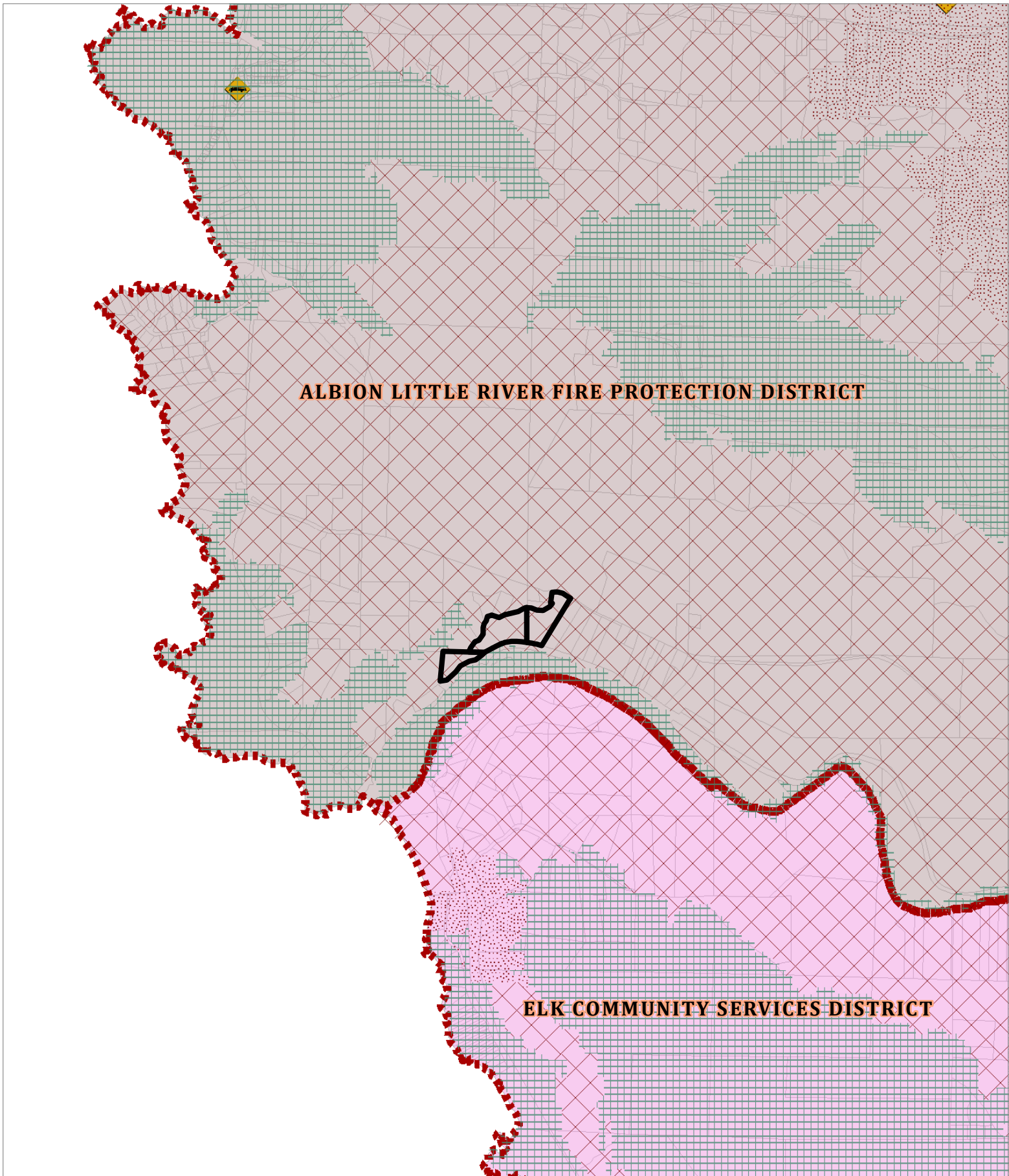


CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
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 ADDRESS: 32951 Navarro Ridge Road, Albion








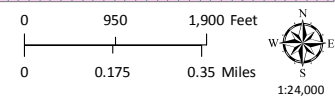
ADJACENT PARCELS

MENDOCINO COUNTY PLANNING DEPARTMENT - 4/17/2019



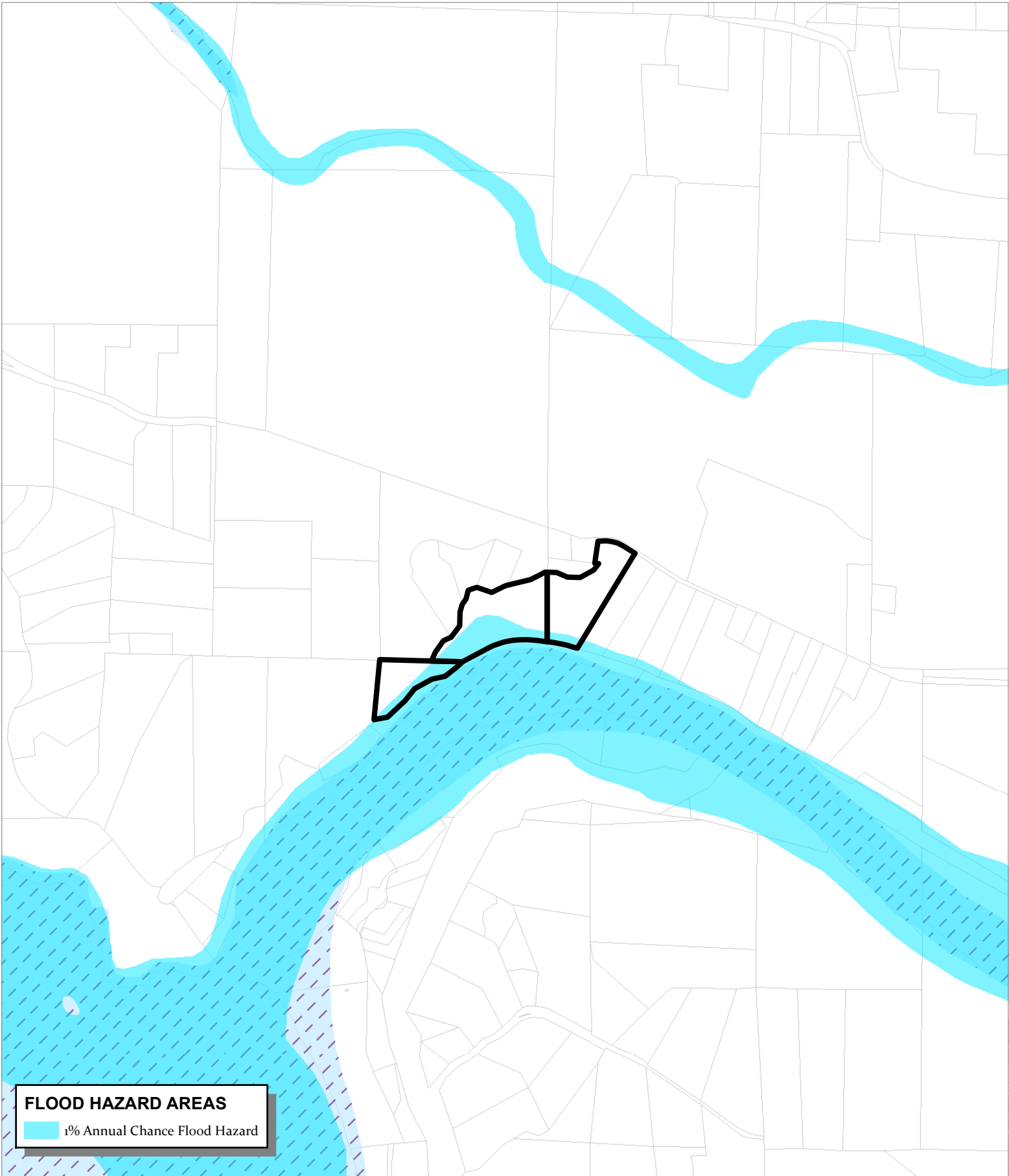
CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard
-  Fire Stations
-  County Fire Districts



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

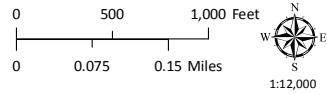
YERKES COUNTY PLANNING DEPARTMENT 4/17/2019



**FLOOD HAZARD AREAS**  
 ■ 1% Annual Chance Flood Hazard

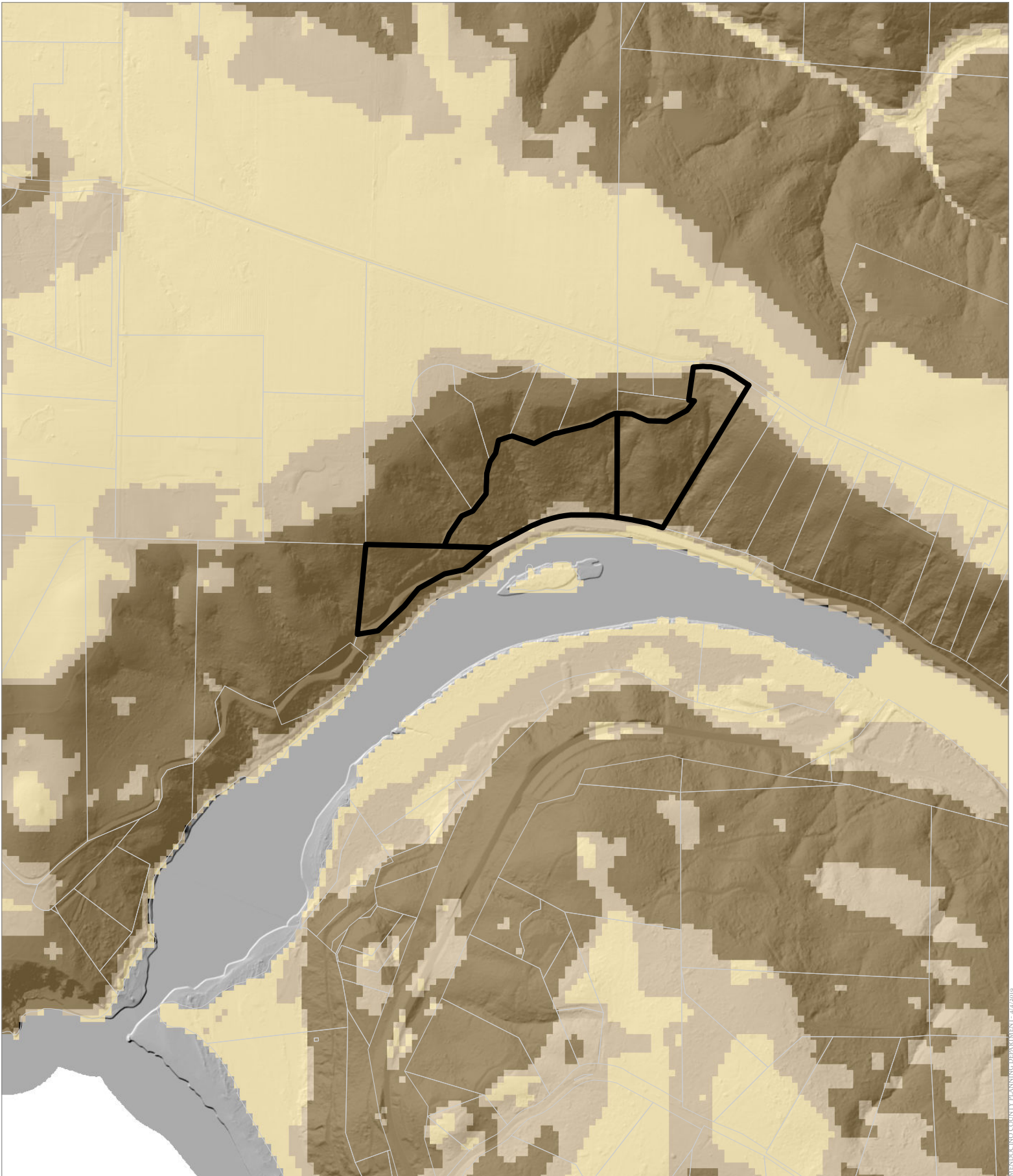
CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

■ Tsunami Inundation Zones

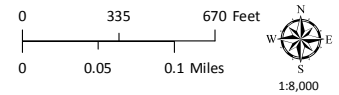
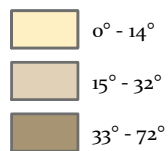


SPECIAL FLOOD HAZARD AREAS

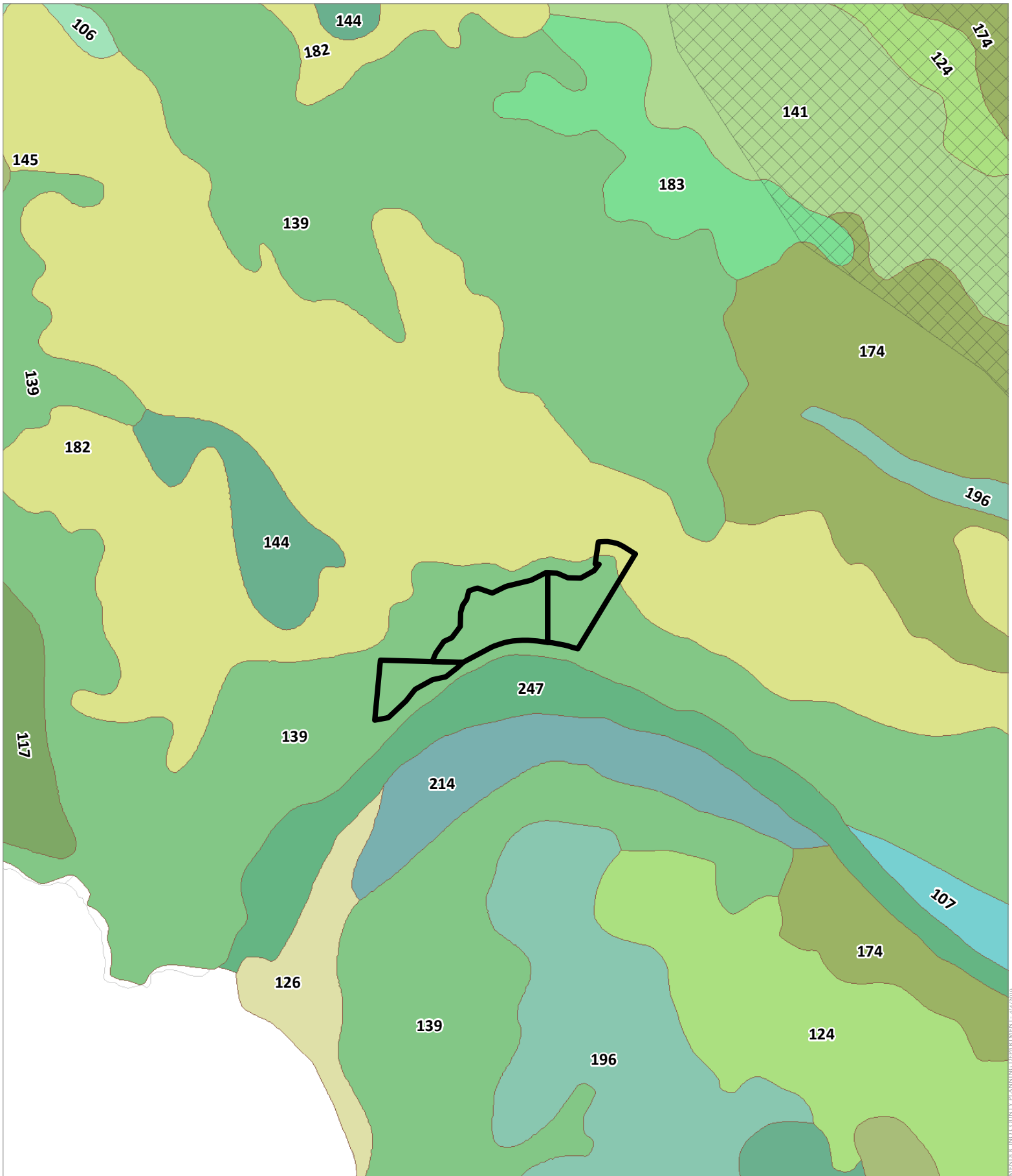
MENDOCINO COUNTY PLANNING DEPARTMENT - 4/4/2019





CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

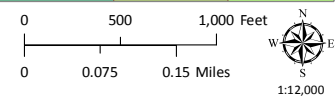


ESTIMATED SLOPE



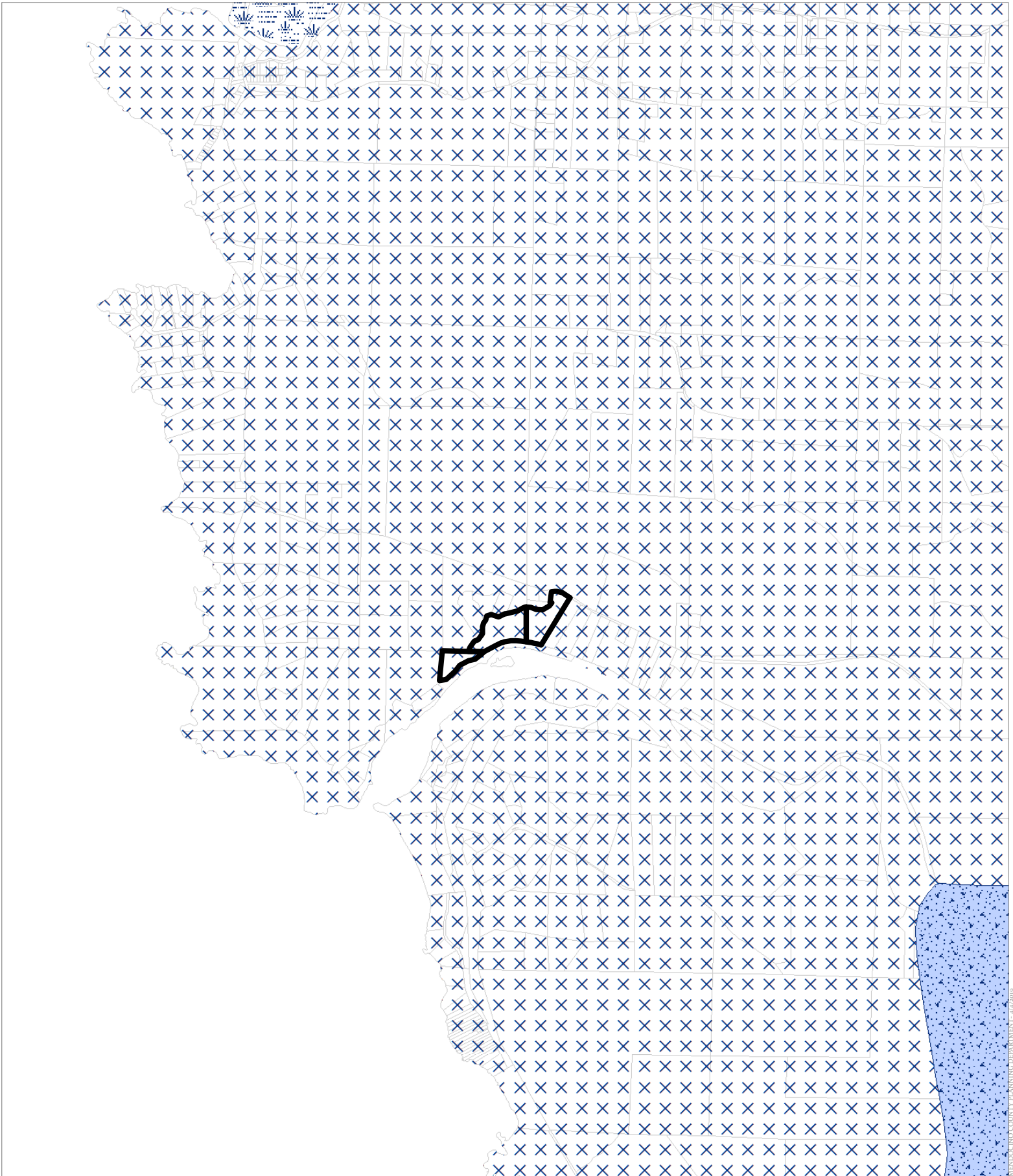
CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

-  Bishop Pine
-  Western Study Soil Types






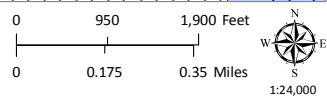
LOCAL SOILS

MENDOCINO COUNTY PLANNING DEPARTMENT - 4/12/2019



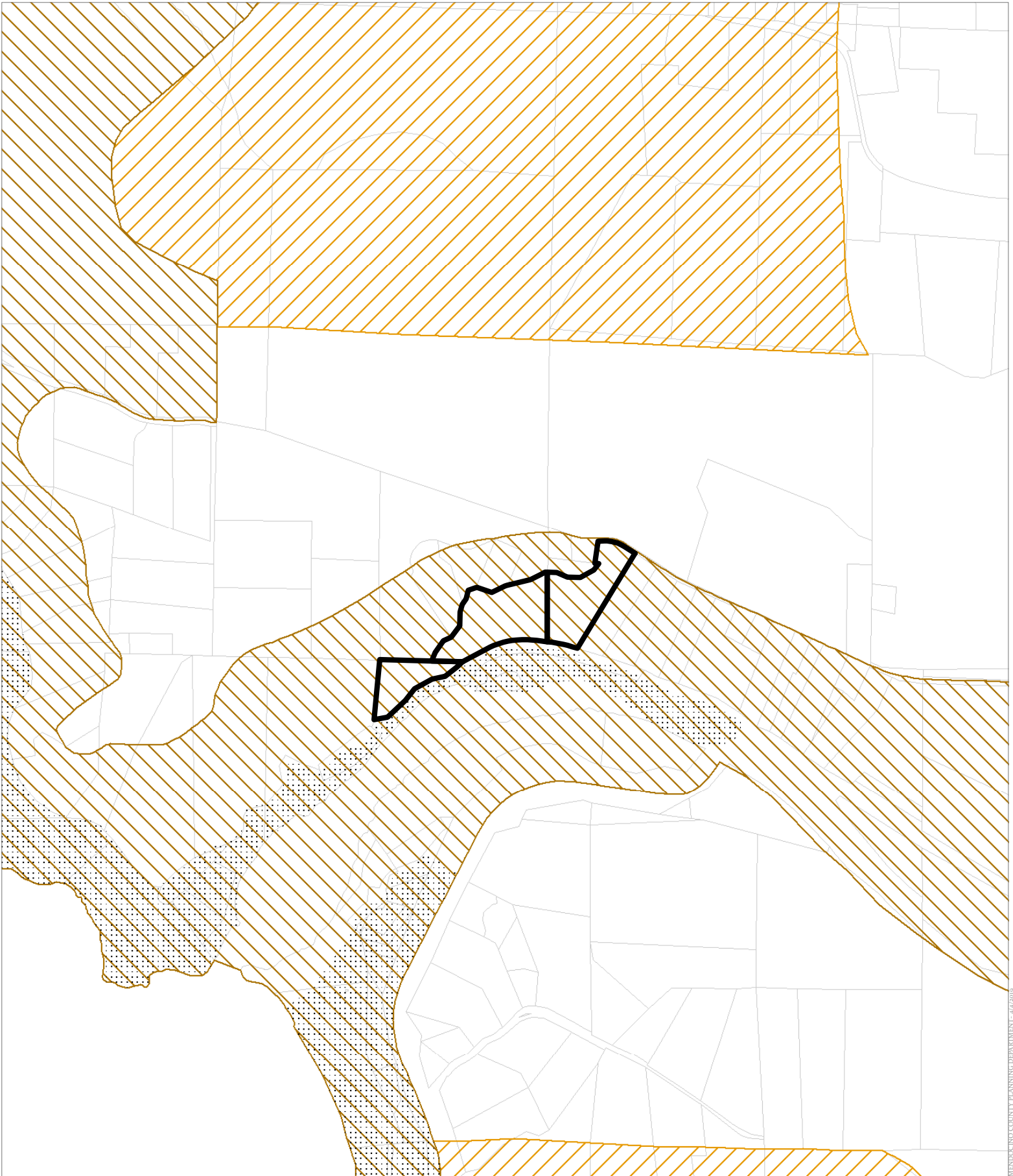
CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

-  Critical Water Areas
-  Marginal Water Resources
-  Critical Water Resources Bedrock






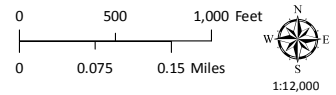
**GROUND WATER RESOURCES**

HENNING COUNTY PLANNING DEPARTMENT - 4/17/2019



CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

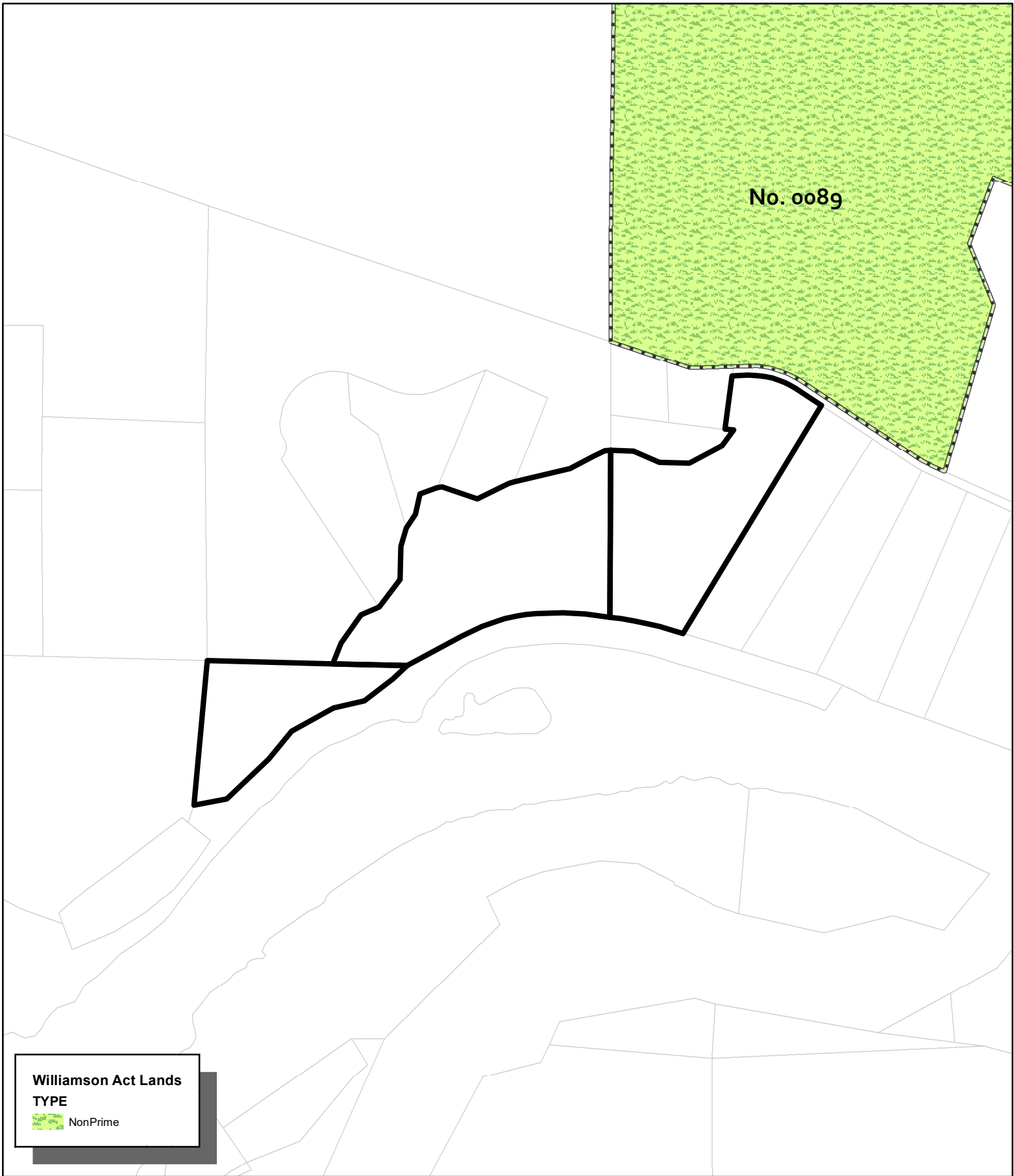
-  Tree Removal Area
-  Highly Scenic Area
-  Highly Scenic Area (Conditional)



**HIGHLY SCENIC & TREE REMOVAL AREAS**

MENDOCINO COUNTY PLANNING DEPARTMENT - 4/17/2019




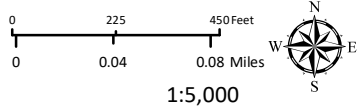


**Williamson Act Lands  
TYPE**

 NonPrime

**CASE: CDP 2019-0012**  
**OWNER: POOS, Hildegard**  
**APN: 123-400-17, ET AL**  
**APLCT: Eric Poos**  
**AGENT: Eric Poos**  
**ADDRESS: 32951 Navarro Ridge Rd., Albion**

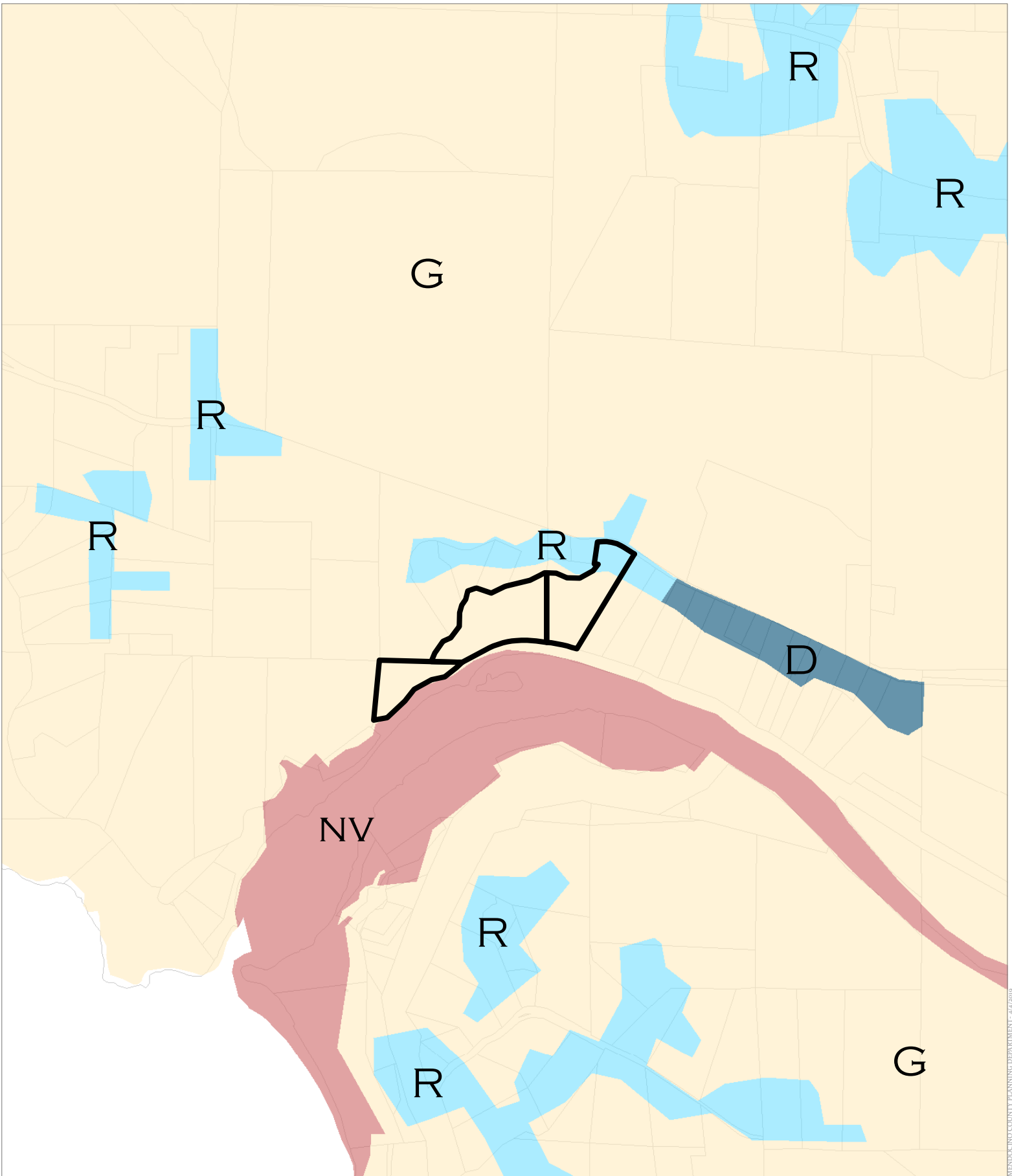
 Assessors Parcels



1:5,000

**WILLIAMSON ACT**

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

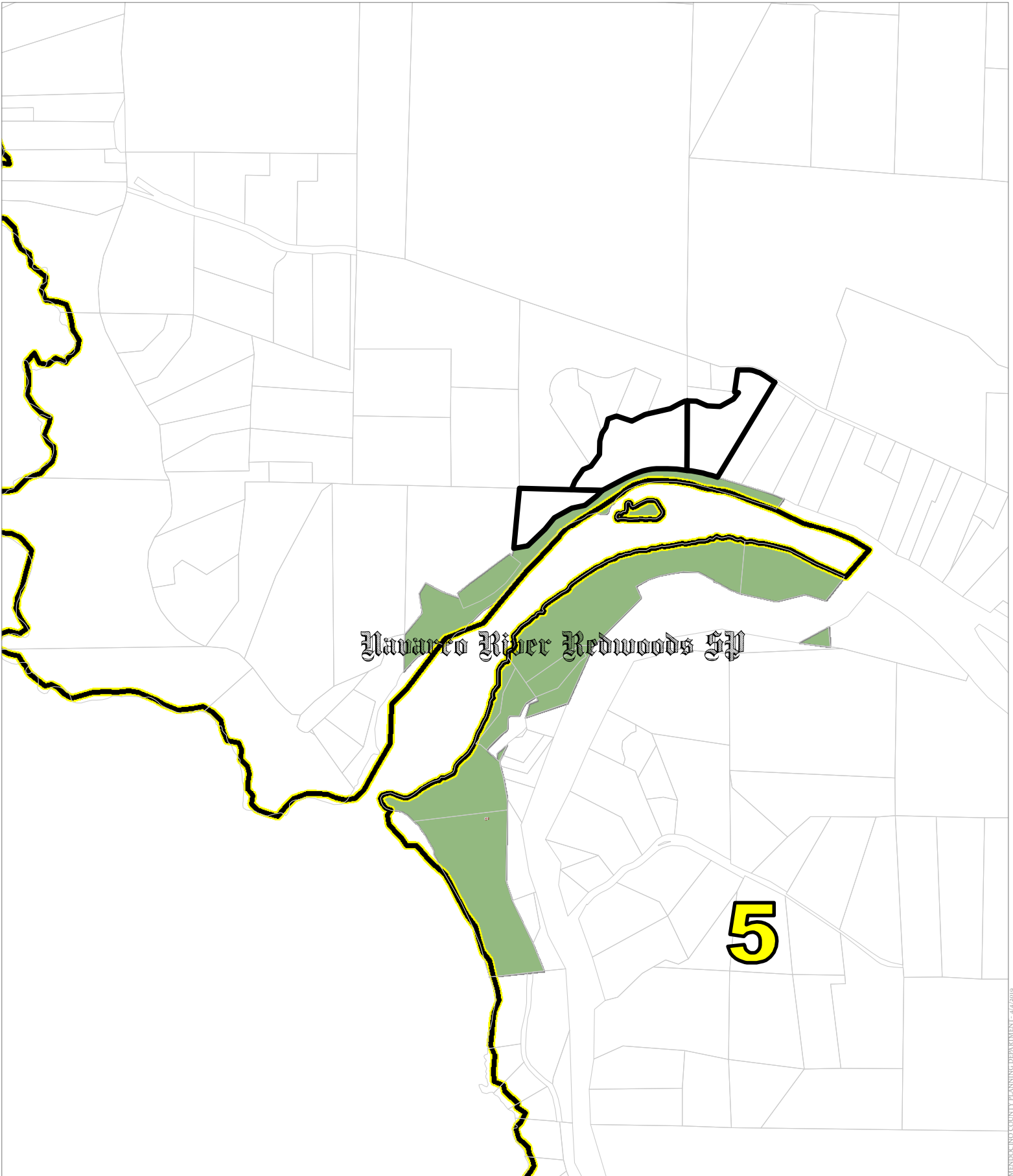


MENDOCINO COUNTY PLANNING DEPARTMENT - 4/7/2019

CASE: CDP 2019-0012  
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


Urban & Built-Up Land (D)

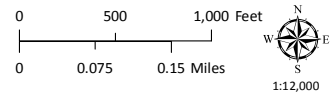
IMPORTANT FARMLAND



MENDOCINO COUNTY PLANNING DEPARTMENT - 4/7/2019

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 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion

-  Cemetery Lots
-  Supervisorial Districts 2010
-  State Parks

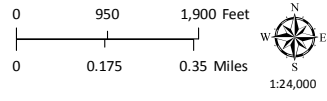


MISC DISTRICTS



LEGEND	
SYM.	DESCRIPTION
□	NATURAL AREAS <small>See Inventory of California Natural Areas, Vol. I For More Information</small>
☆	RARE PLANTS <small>See Inventory of Rare and Endangered Vascular Plants of California. For More Information</small>
•	STEELHEAD and RAINBOW TROUT <sup>®</sup>
—	SILVER SALMON <sup>®</sup>
—	KING SALMON <sup>®</sup>
●	KEY WILDLIFE AREAS <sup>®</sup> <small>Large Areas</small>
◐	LIMITED HABITAT <sup>®</sup> <small>Large Areas</small>
○	KEY WILDLIFE AREAS <sup>®</sup> <small>Small Areas or Point Locations</small>
◑	LIMITED HABITAT <sup>®</sup> <small>Small Areas or Point Locations</small>
---	LINEAR FEATURES <sup>®</sup>

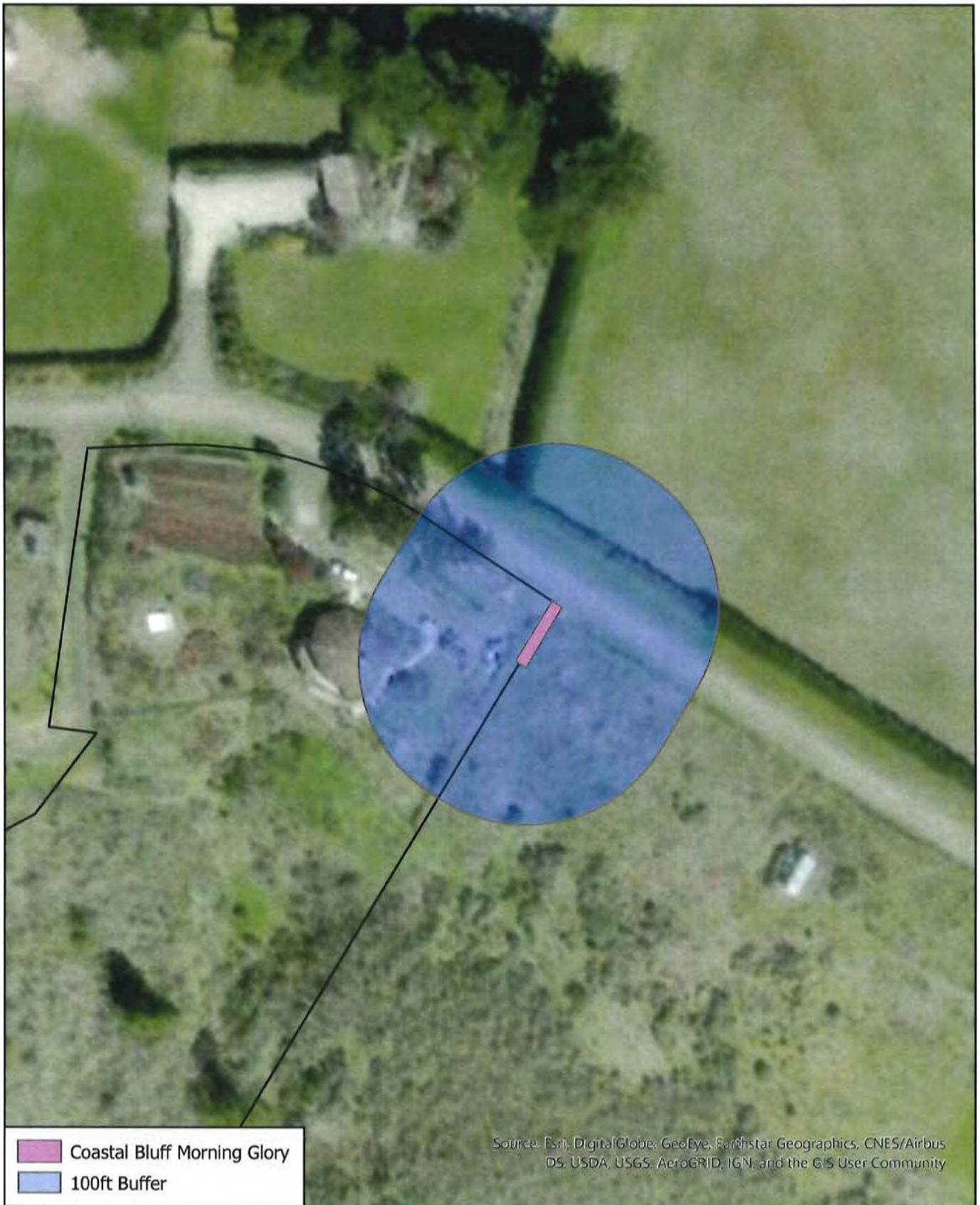
CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion



MENDOCINO COUNTY PLANNING DEPARTMENT - 4/7/2019



Figure 6



- Coastal Bluff Morning Glory
- 100ft Buffer

Coastal Bluff Morning Glory location, with  
100ft Buffer

US Feet



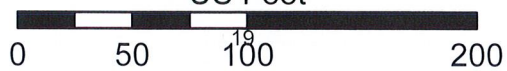
N



Bradley Huff  
6/10/2020



Coastal Bluff Morning Glory location, with  
50ft Buffer  
US Feet





N



Figure 6

Bradley Huff  
6/10/2020

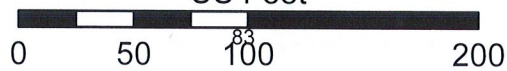


-  Coastal Bluff Morning Glory
-  100ft Buffer

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

Coastal Bluff Morning Glory location, with  
100ft Buffer

US Feet



N



Bradley Huff  
6/10/2020





*PUBLIC DRAFT*  
**INITIAL STUDY AND  
MITIGATED NEGATIVE DECLARATION**

SCH: 2024030626

FOR  
**POOS**  
**STANDARD COASTAL DEVELOPMENT PERMIT  
AT 32951 NAVARRO RIDGE ROAD, ALBION, CA;  
APN(S): 123-400-17, 123-380-07, & 126-050-06**

File No. CDP\_2019-0012

**LEAD AGENCY:**

County of Mendocino  
Department of Planning & Building Services  
860 North Bush Street, Ukiah, CA 95482  
(707) 234-6650

**PREPARED BY:**

Jessie Waldman, Planner II  
Department of Planning & Building Services  
860 North Bush Street, Ukiah, CA 95482  
(707) 234-6650

**March 20, 2024**

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# INTRODUCTION

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In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.), this Draft Initial Study (IS) has been prepared as documentation for a Mitigated Negative Declaration (MND). This Draft IS/MND includes a description of the Project; the location of the Project site; an evaluation of the potential environmental impacts of Project implementation; and written statement that an Environment Impact Report (EIR) is not required because the project will not have a significant adverse impact on the environment.

Pursuant to Section 15367 of the State CEQA Guidelines, the County of Mendocino is the Lead Agency for the Project. As the Lead Agency, The County of Mendocino has the principal responsibility for carrying out the project and has the authority to approve the Project and its accompanying environmental documentation. In addition to addressing the potential environmental impacts that would result from the Project, this Draft IS/MND serves as the primary environmental document for future activities associated with the Project, including discretionary approvals requested or required for Project implementation.

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

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

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

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

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

## PROJECT INFORMATION

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**FILE NUMBER:** CDP\_2019-0012

**OWNER:** HILDEGARD POOS  
1301 SW LOOKING GLASS LOOP  
OAK HARBOR, WA 98277

**APPLICANT:** ERIC POOS  
PO BOX 249  
ALBION, CA 95410

**AGENT(S):** NORMAN AVIS  
PO BOX 2509  
FORT BRAGG, CA 95437

KELLY GRIMES  
PO BOX 598  
LITTLE RIVER, CA 95456

**PROJECT LOCATION:** In the Coastal Zone, 1.8± miles south of Albion town center, on the south side of Navarro Ridge Road (CR 518), 1± mile east of its intersection with State Route 1 (SR 1), located at 32951 Navarro Ridge Road, Albion, CA; APNs: 123-400-17, 123-380-07, & 126-050-06.

**TOTAL ACREAGE:** 18± Acres

**GENERAL PLAN:** Rural Residential 5-acre minimum with Development Limitations Combining District, RR5DL, General Plan, Coastal Element Chapter 2.2

**ZONING:** Rural Residential 5-acre minimum with Development Limitations Combining District, RR5DL, Mendocino County Code, Title 20 Division II Chapters 20.376 & 20.416

**PROJECT DESCRIPTION:** Pursuant to CEQA Guidelines Section 15125, the Project Description is required to identify the existing baseline physical conditions. For this project, the baseline conditions include all existing development and the current parcel configuration. Prior to the after-the-fact development, the parcel consisted of an existing single-family residence, a shed, onsite well, septic system and driveway. This Coastal Development Permit requests to remove the shed, replace the on-site septic system (ST27919) and after-the-fact authorization and legalization of the following: grading, tree removal and replacement of the doors, windows and decking at the single-family residence. The applicant requests request for the after-the-fact authorization and legalization of grading and drainage work, tree removal, replacement of windows and sliding doors at the existing single-family residence, and demolition of 48 sq. ft. shed. As a result of the after-the fact grading and drainage work conducted without obtaining the necessary development grading permit from the Mendocino County Planning and Building Services (MC PBS), the Division of Environmental Health (DEH) determined the on-site septic system may have been compromised and required a Site Evaluation Report. A Site Evaluation Report was completed and determined the septic system was in fact compromised. DEH approved a septic system permit (ST27919) to ensure the existing single-family residence has adequate septage disposal; therefore, this request includes replacement of the on-site septic system.

The project site is developed with a single-family residence, in the Coastal Zone, 2± miles south of the town of Albion, on the south side Navarro Ridge Road (CR 518), approximately one mile southwest of its intersection to State Route 1 (SR 1), as shown on the *Location & Aerial Maps*. The site is surrounded by parcels of similar size and zoning of Coastal Rural Residential (RR) with Development Limitations Combining District (DL) and greater than five (5) acres, with the exception of the parcel to the south, as shown on the *Adjacent Parcels* and *Zoning* maps. The parcel to the south is State Route 1 (SR 1) and the Navarro River, as shown on the *Adjacent* map. The subject site is mapped within a Highly Scenic Area, as shown on both the *Local Coastal Program (LCP) Land Use Map 19: Navarro* and *Highly Scenic and Tree Removal Areas* maps. The site terrain is combined with area of both sloped near Navarro Ridge Road (CR 518) and becomes highly sloped level terrain toward the southern portion of the parcel as it abuts with State Route 1 (SR 1), as shown on the *Aerial* and *Slope* maps. The adjacent property to the north is classified Range Land (RL 160) and is a Type II (Non-Prime) Agricultural Preserve, as shown on the *Williamson Act* map. The surrounding Land Uses and Zoning are detailed in the following table.

In summary, this Coastal Development Permit requests to replace the on-site septic system (ST27919) and after-the-fact authorization and legalization of the following: grading, tree removal and replacement of the doors, windows and decking at the single-family residence and the demolition of a shed.

**TABLE 1: ADJACENT LAND USE AND ZONING**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Range Land (RL160)	Range Land (RL160)	85.8 ± Acres	Residential
<b>EAST</b>	Rural Residential (RR5DL)	Rural Residential (RR5DL)	3.94 ± Acres	Residential
<b>SOUTH</b>	Rural Residential (RR5DL)	Rural Residential (RR5DL)	7.5 ± Acres	State Route 1 (SR 1) & State Park
<b>WEST</b>	Rural Residential (RR5 & RR5DL)	Rural Residential (RR5 & RR5DL)	0.9 ± Acres, 1.1 ± Acres	Residential

**Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements):**

N/A

**Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

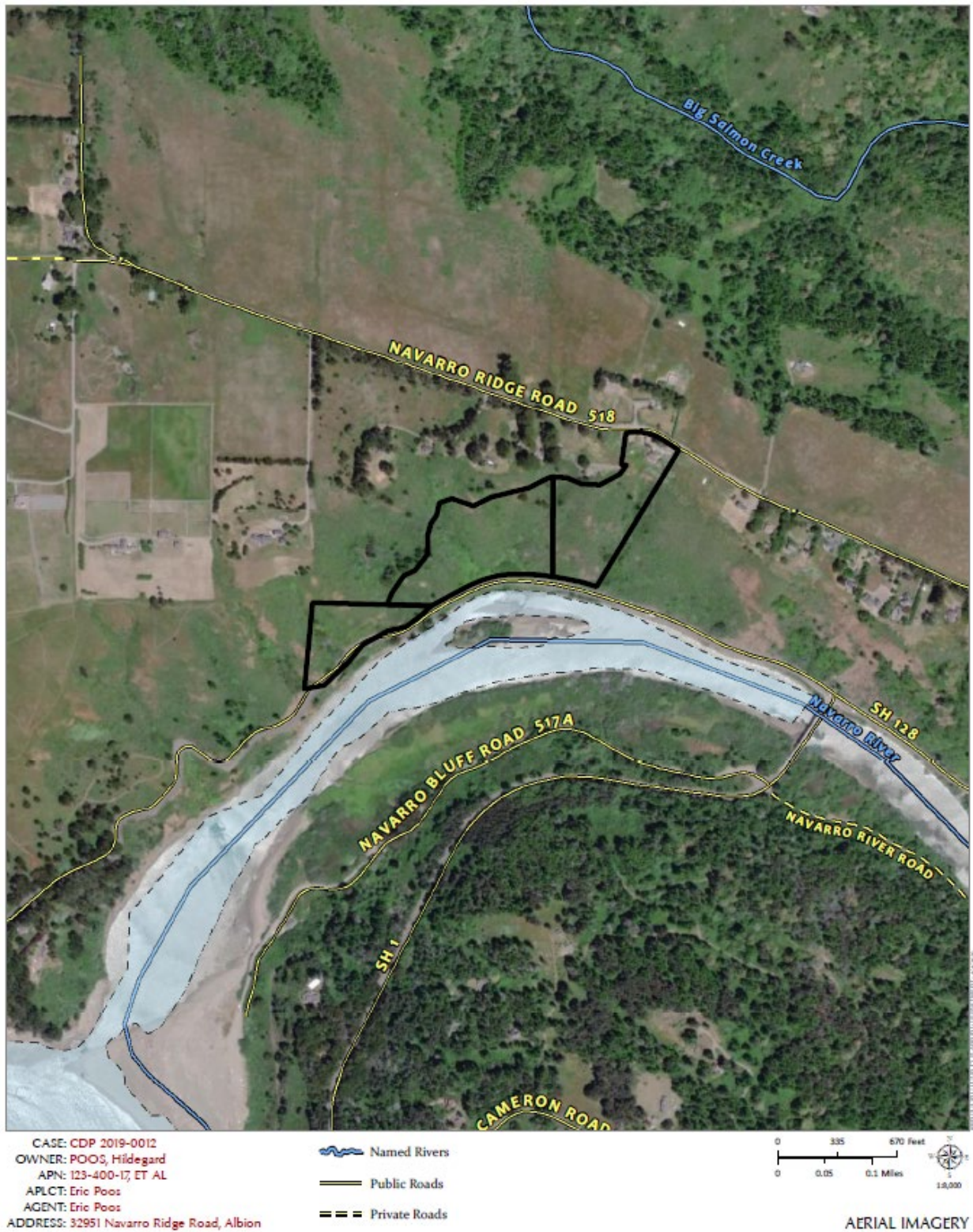
Pursuant to the consultation requirements of Assembly Bill (AB) 52, in July 2022, the County of Mendocino (County) provided formal notification to the California Native American tribes that requested notification of all new potential Negative Declarations within the County. The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. Sherwood Valley Band of Pomo Indians requested all correspondence submitted to Mendocino County Planning and Building Services from NWIC, where staff complied. On February 20, 2024, Sherwood Valley Band of Pomo Indians provided further comments recommending a tribally selected monitor due to the proximity of work near recorded site and monitoring is being focused on any and all excavating work. **Condition 9** is recommended to ensure the project does not have an adverse impact on the sensitive resources adjacent to the site. Redwood Valley Rancheria, and Cloverdale Rancheria did not provide response, at this time.

**PROJECT PLOT PLAN:** See Page 7 of this document.

**FIGURE 1: LOCATION MAP**



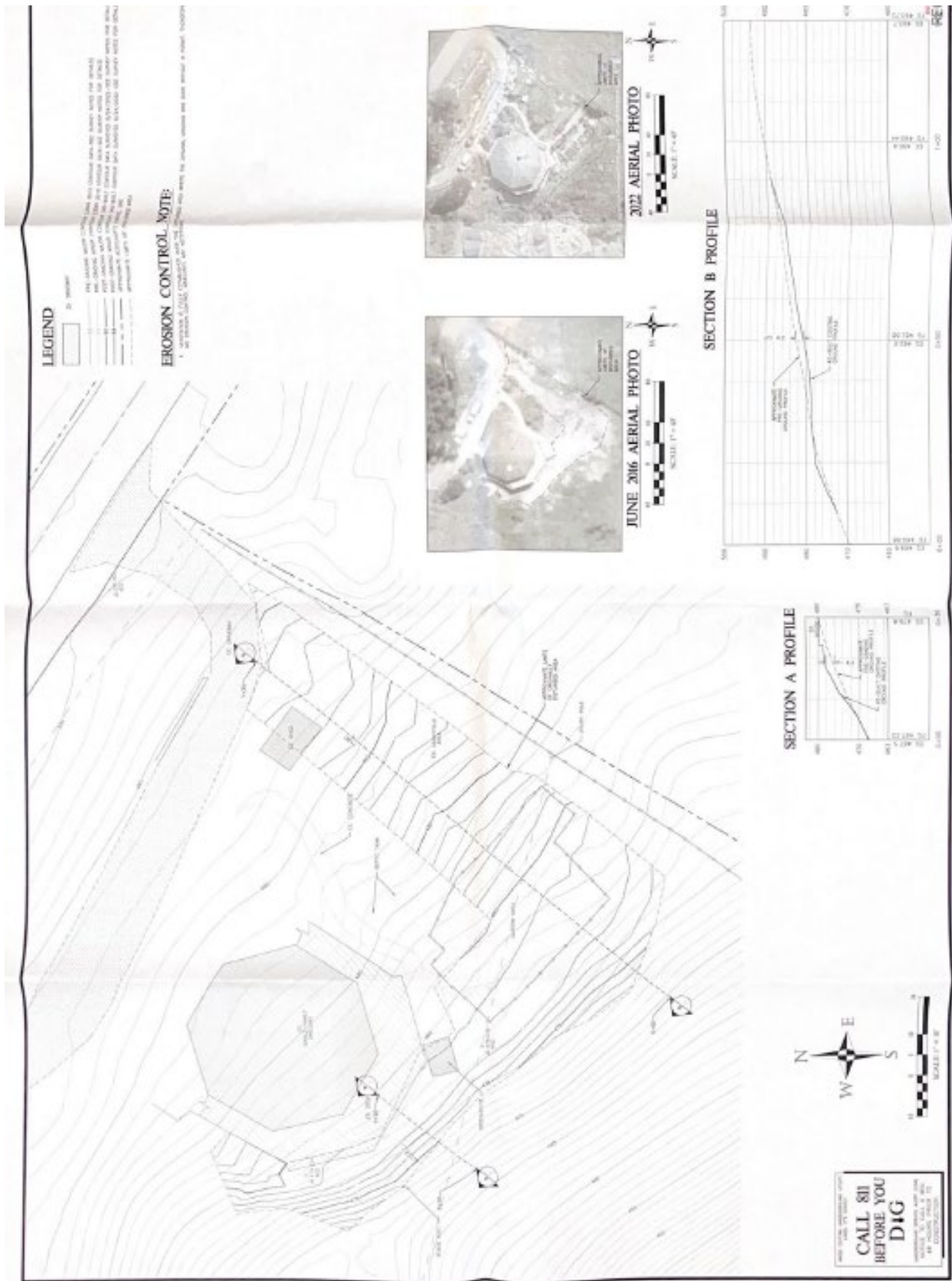
FIGURE 2: AERIAL IMAGERY



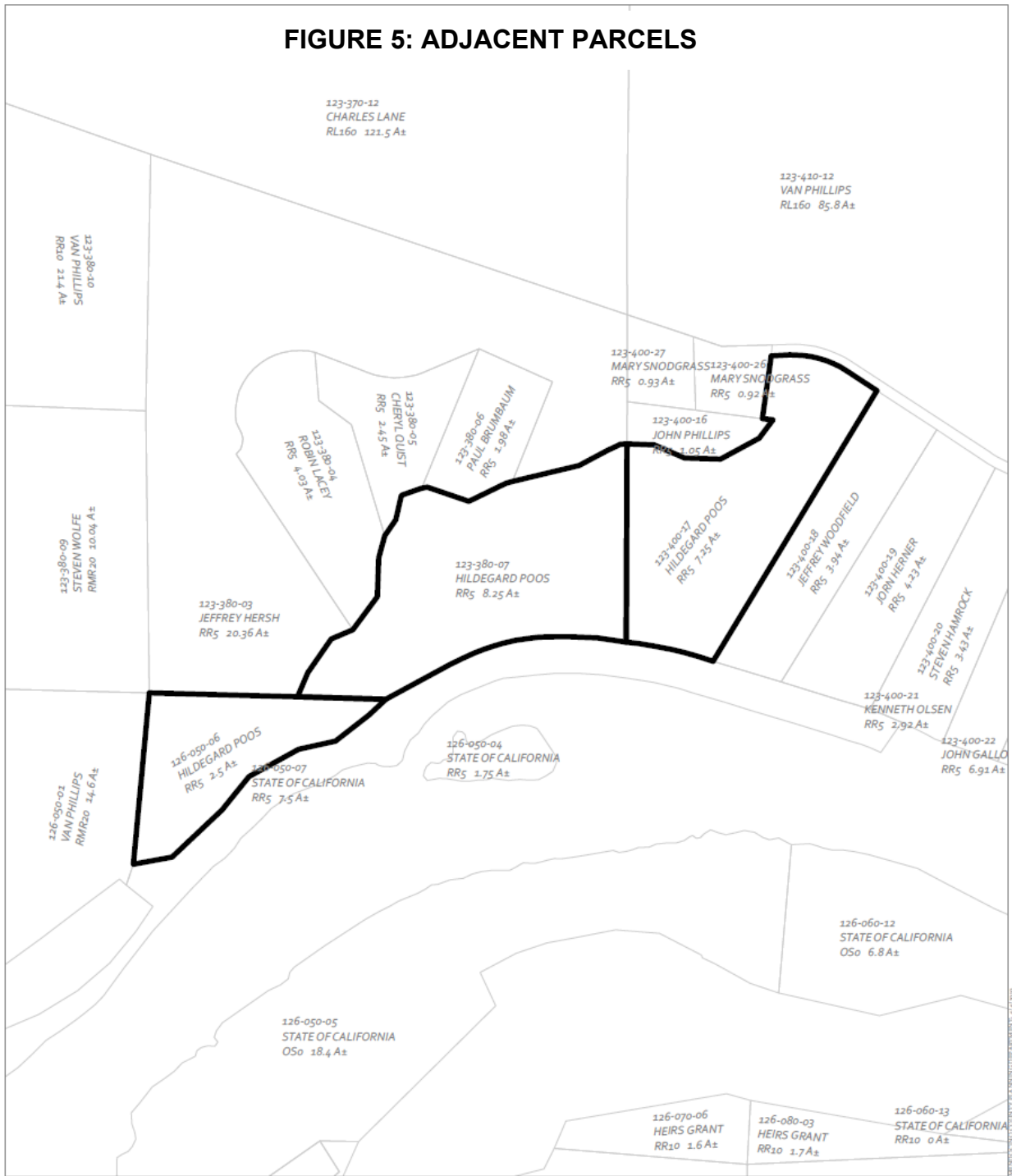




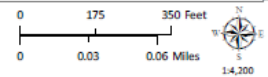
**FIGURE 4: DETAILED PLOT PLAN**



**FIGURE 5: ADJACENT PARCELS**

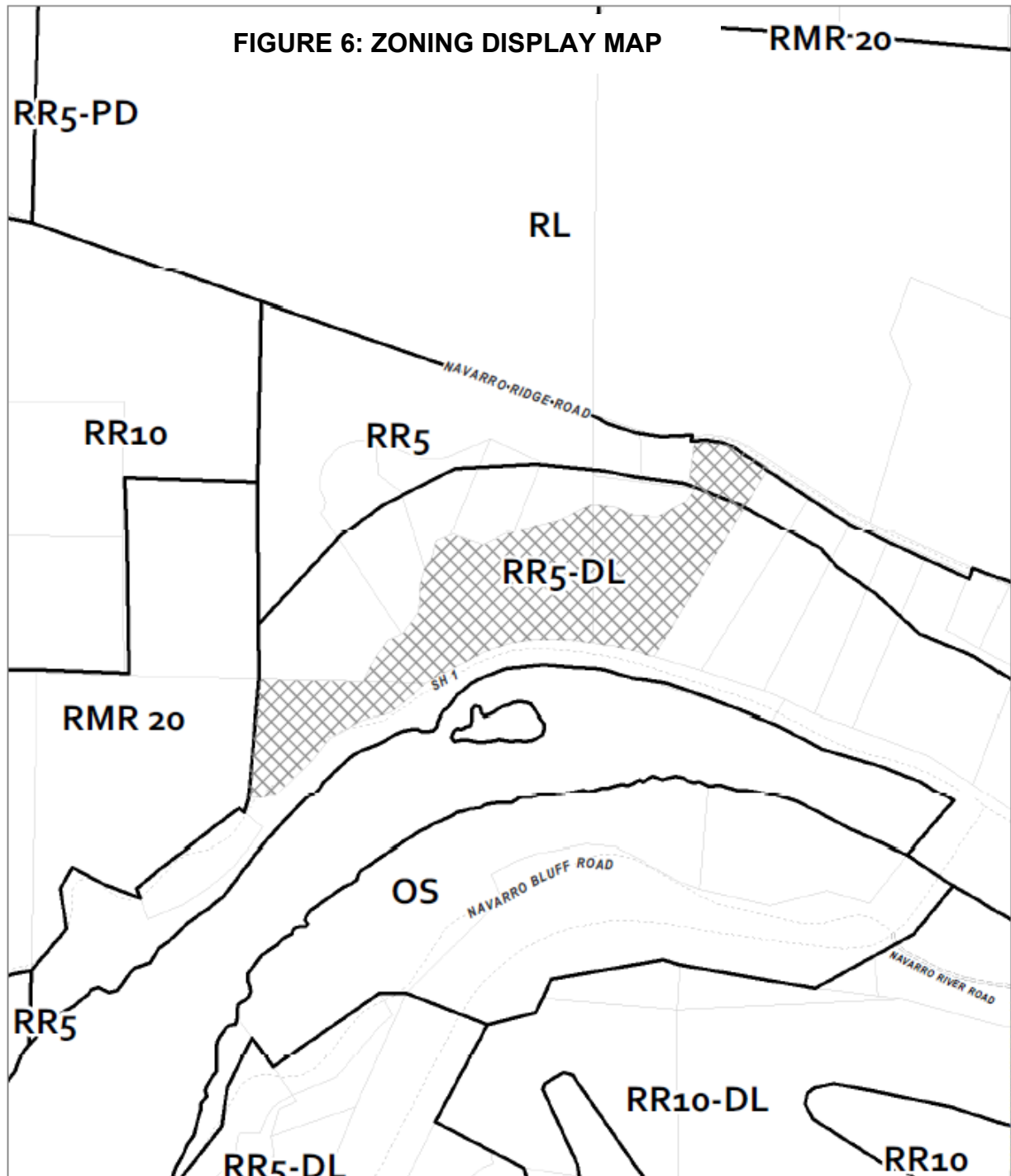


CASE: CDP 2019-0012  
 OWNER: POOS, Hildegard  
 APN: 123-400-17, ET AL  
 APLCT: Eric Poos  
 AGENT: Eric Poos  
 ADDRESS: 32951 Navarro Ridge Road, Albion



**ADJACENT PARCELS**

FIGURE 6: ZONING DISPLAY MAP



CASE: CDP 2019-0012  
OWNER: POOS, Hildegard  
APN: 123-400-17, ET AL  
APLCT: Eric Poos  
AGENT: Eric Poos  
ADDRESS: 32951 Navarro Ridge Road, Albion

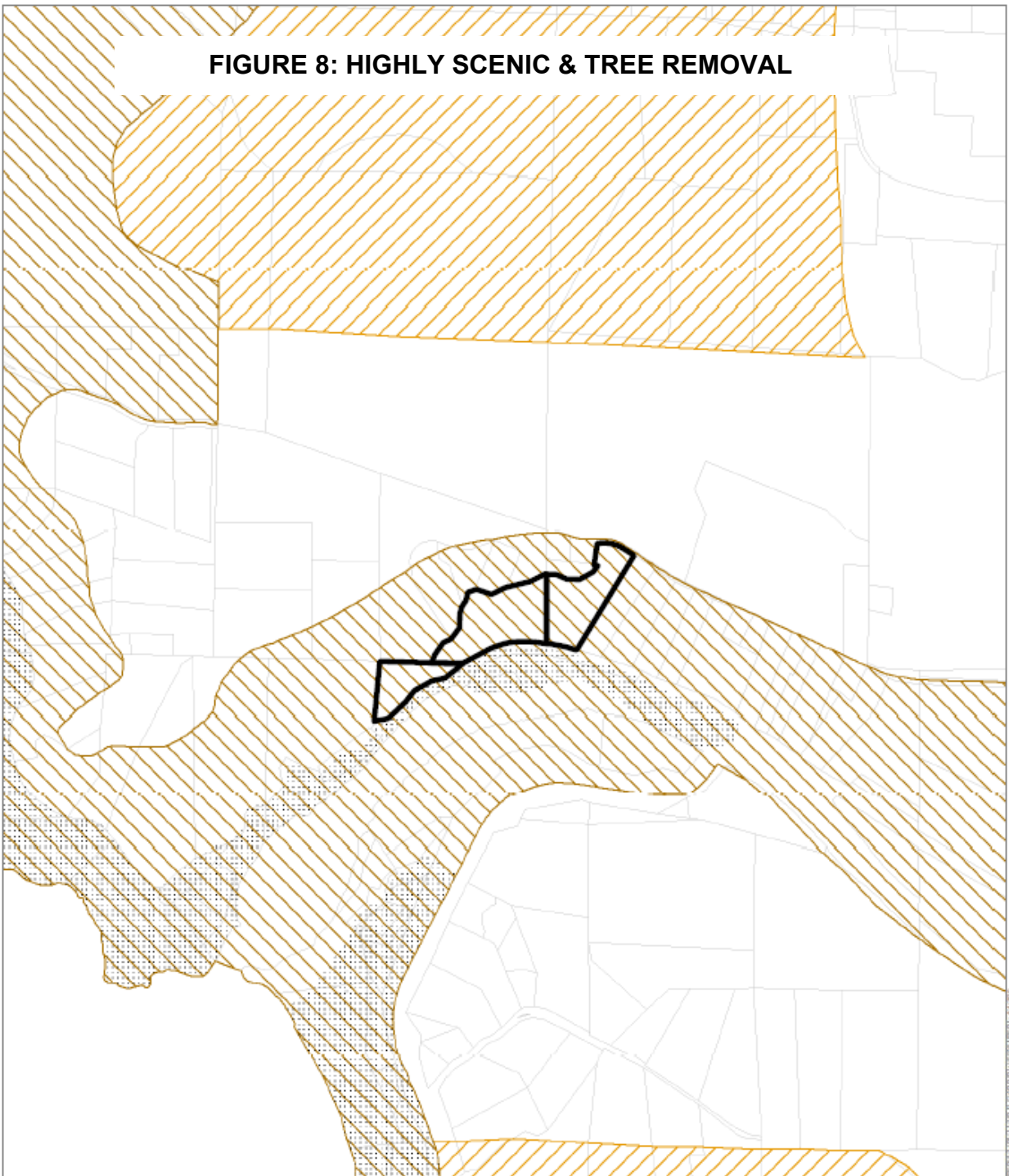
— Zoning Districts  
- - - - - Public Roads

0 250 500 feet  
0 0.0425 0.085 Miles  
1:4,000




ZONING DISPLAY MAP

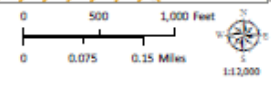


**FIGURE 8: HIGHLY SCENIC & TREE REMOVAL**



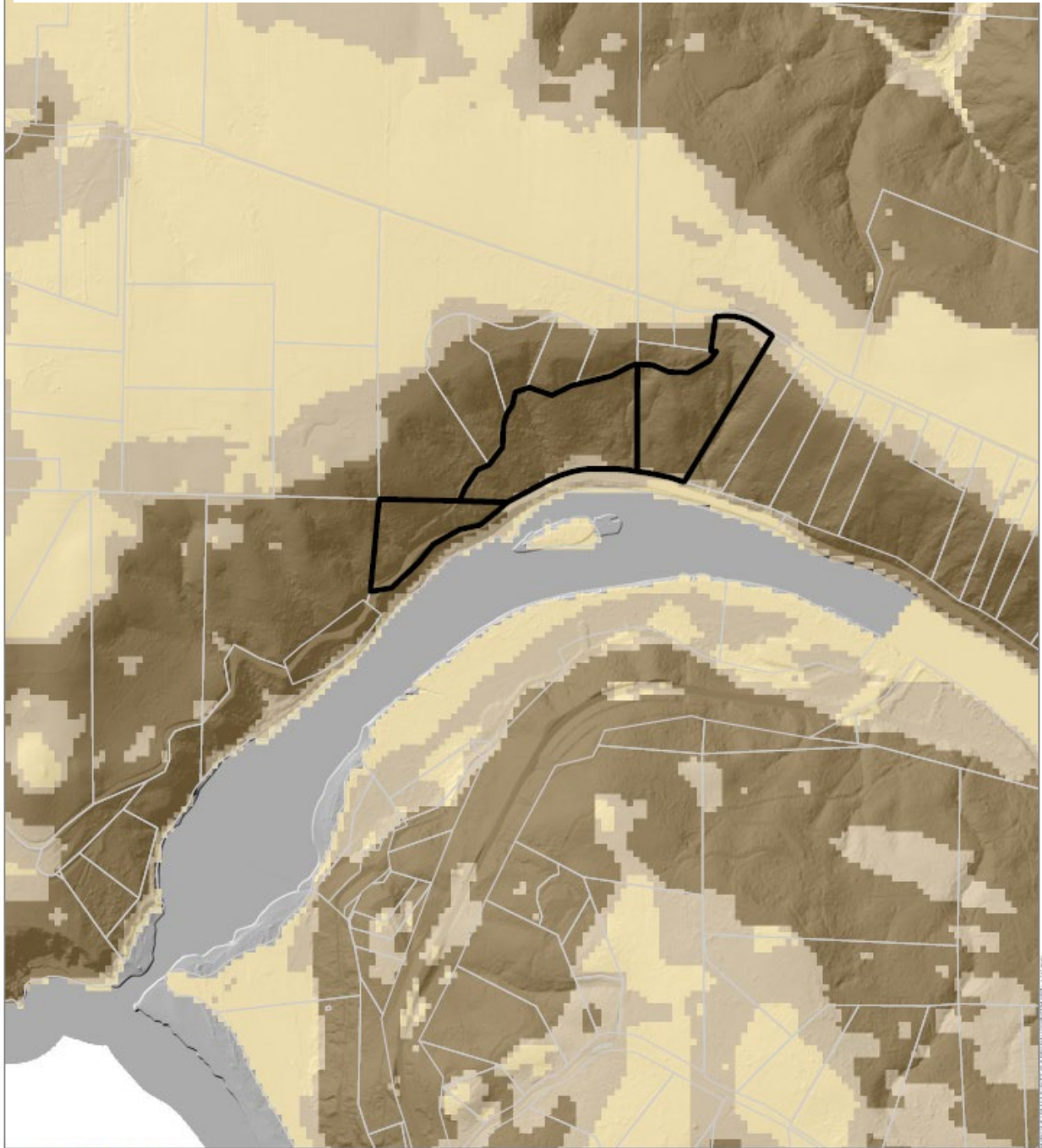
CASE: CDP 2019-0012  
OWNER: POOS, Hildegard  
APN: 123-400-17, ET AL  
APLCT: Eric Poos  
AGENT: Eric Poos  
ADDRESS: 32951 Navarro Ridge Road, Albion

-  Tree Removal Area
-  Highly Scenic Area
-  Highly Scenic Area (Conditional)

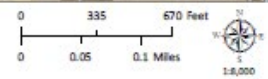
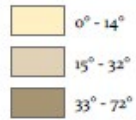


**HIGHLY SCENIC & TREE REMOVAL AREAS**

**FIGURE 9: SLOPE**

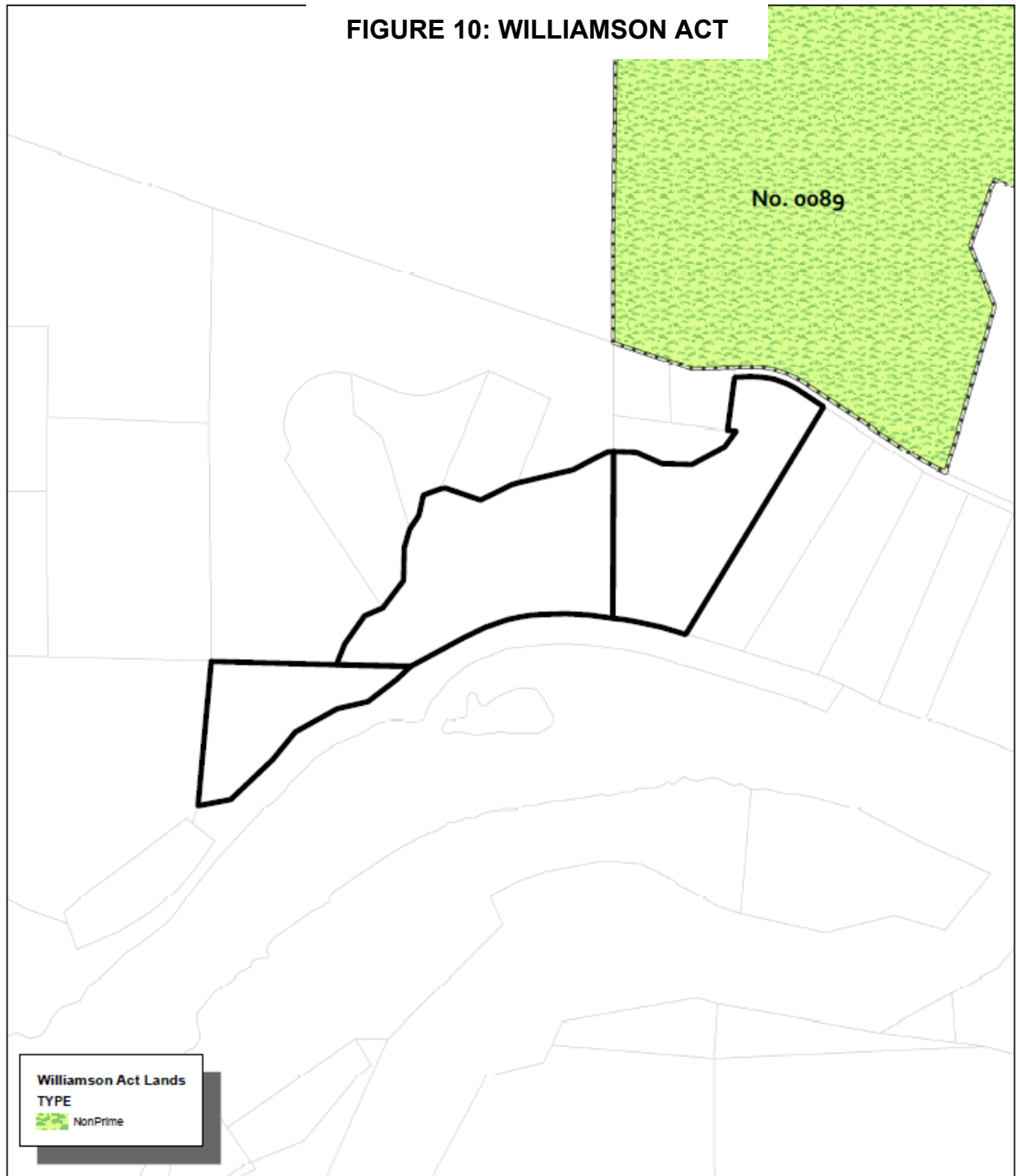


CASE: CDP 2019-0012  
OWNER: POOS, Hildegard  
APN: 123-400-17, ET AL  
APLCT: Eric Poos  
AGENT: Eric Poos  
ADDRESS: 32951 Navarro Ridge Road, Albion



ESTIMATED SLOPE

**FIGURE 10: WILLIAMSON ACT**



**Williamson Act Lands**  
TYPE  
NonPrime

CASE: CDP 2019-0012  
OWNER: POOS, Hildegard  
APN: 123-400-17, ET AL  
APLCT: Eric Poos  
AGENT: Eric Poos  
ADDRESS: 32951 Navarro Ridge Rd., Albion

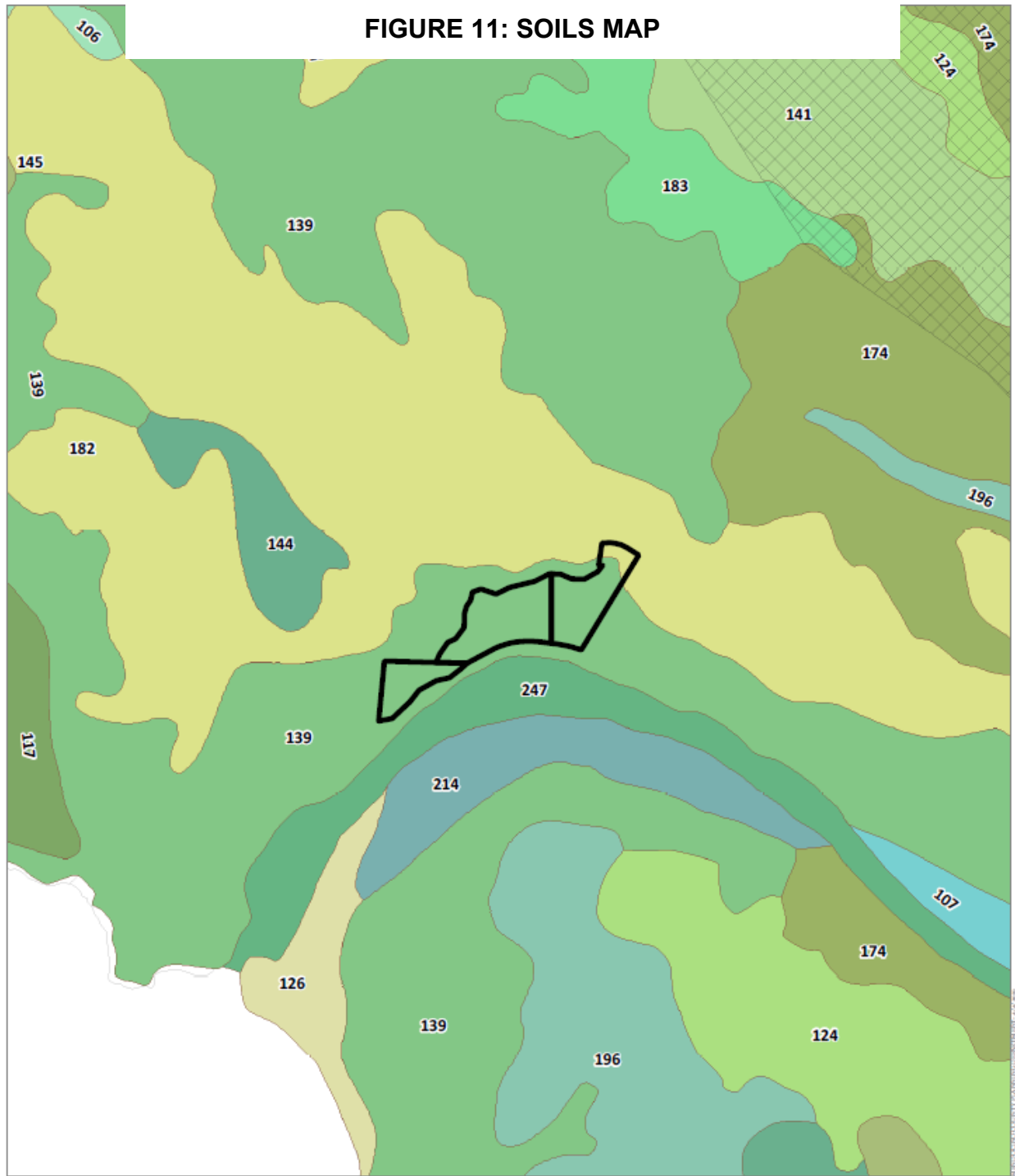
0 225 450 Feet  
0 0.04 0.08 Miles  
1:5,000

WILLIAMSON ACT



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



FIGURE 11: SOILS MAP



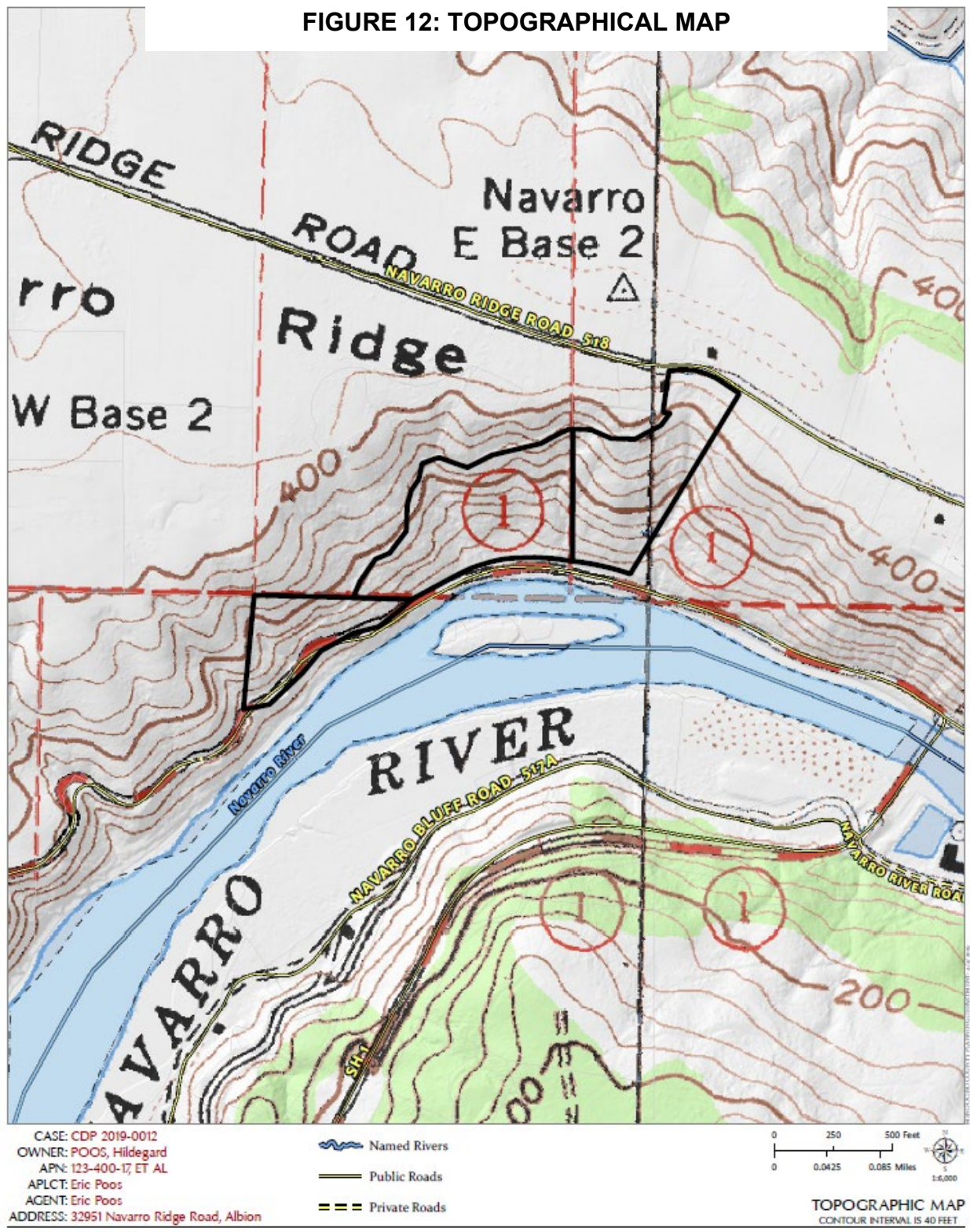
CASE: CDP 2019-0012  
OWNER: POOS, Hildegard  
APN: 123-400-17, ET AL  
APLCT: Eric Poos  
AGENT: Eric Poos  
ADDRESS: 32951 Navarro Ridge Road, Albion

 Bishop Pine  
 Western Study Soil Types

0 500 1,000 Feet  
0 0.075 0.15 Miles  
1:12,000

LOCAL SOILS

**FIGURE 12: TOPOGRAPHICAL MAP**



## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

---

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" as indicated by the checklist on the following pages.

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

## DETERMINATION

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Based on this initial evaluation:

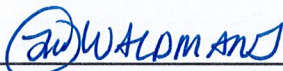
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

JESSIE WALDMAN

Printed Name

03/18/24

Date

PLANNER II

Title

# ENVIRONMENTAL CHECKLIST

## 5.1 AESTHETICS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION:** A scenic vista is defined as a location that offers a high quality, harmonious, and visually interesting view. One roadway in Mendocino County, State Route (SR) 128, was officially added to the eligibility list of State Scenic Highways by California State Assembly Bill 998 on July 12, 2019. According to California Department of Transportation, SR 1 and SR 20 are “eligible” for designation as scenic highways but have not been officially designated as such.

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

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

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

- a) **No Impact:** The site of the proposed project is near, but not adjacent to nor takes access from, a major “visually interesting” roadway: State Route 1. The parcel is located in a designated Highly Scenic Area. The project of after-the-fact development and replacement septic system does not have insignificant visual impacts to views as does not propose new structures or additional square footage to the existing structures or parcel, where the proposed improvements are at ground level (driveway and septic areas) and repair and replacement at the existing single-family residence. There will be no impacts to scenic vistas.
- b) **No Impact:** The subject parcel lies east of State Route 1 and where homes are interspersed between trees and other natural vegetation. The project of after-the-fact development and replacement septic system will be in character with the surrounding environment and nestled such that natural vegetation will remain around it. While the after-the-fact development and replacement septic system is accessory and ancillary to the existing residential use and does not propose new structures or additional square footage to the existing structures or parcel, where the proposed improvements are at ground level (driveway and septic areas) and repair and replacement at the existing single-family residence is similar in size and scale to those on adjacent properties and is not an impact to the visual character of the area. There will be no impacts to scenic resources and historic buildings within a state scenic highway.
- c) **No Impact:** The site is not designated as a potential public access trail location. Existing public access to the shore is the Navarro State Park Shoreline Access, approximately 2 miles south of the subject parcel, west of State Route 1 (SR 1). The nearest existing public access is the Navarro Ridge Road Inland Trail (Trail #73) adjacent to the subject parcel, located on Navarro Ridge Road (CR 518). There will be no impacts to existing visual character or quality of public views of the site and its surroundings.
- d) **Less Than Significant Impact:** MCC Sections 20.504.020 and 20.504.035 provide exterior lighting and finish regulations intended to protect coastal visual resources in Special Communities of the Coastal Zone. Exterior lighting is required to be below the maximum height limit for the district and is required to be shielded (positioned in a manner that light, and glare does not extend beyond the boundaries of the parcel). Exterior finish materials and colors which will be visually compatible with the character of the surrounding area consistent with Mendocino County Coastal Element Policy 3.5-1 and MCC Section 20.504.015(C)(3). **Condition 11** is recommended to remind the property owner of the requirements of MCC Chapter 20.504. As proposed the project satisfies local visual resource goals, policies, and regulations. As proposed, the project is unlikely to become a source of light glare. With adherence to the zoning code standards, the project will have a less than significant impact in terms of creating a new source of light or glare which could adversely affect day or nighttime views in the surrounding area.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **Less Than Significant Impact** on Aesthetics.

## **5.2 AGRICULTURE AND FORESTRY RESOURCES**

<b>WOULD THE PROJECT:</b>	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The Williamson Act (officially the California Land Conservation Act of 1965) provides preferential tax assessments to owners of farmland and open-space land in exchange for a ten year agreement that the land will not be developed or otherwise converted to another use. Since the early 1980’s participation in the program has hovered around 16 million acres enrolled under contract, constituting about one third of all privately held land in the state and about one half of the state’s agricultural land. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses.

The Timberland Production Zone (TPZ) was established in 1976 in the California Government Code as a designation for lands for which the Assessor’s records as of 1976 demonstrated that the “highest and best use” would be timber production and its accessory uses. Public improvements and urban services are prohibited on TPZ lands except where necessary and compatible with ongoing timber production. The original purpose of TPZ Zoning District was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands.

- a) **No Impact:** The project proposes after-the-fact development and the replacement septic system which are accessory and ancillary to the existing residential use and does not propose new structures or additional square footage to the existing structures or parcel, where the proposed improvements are at ground level (driveway and septic areas) and repair and replacement at the existing single-family residence and does not propose the conversion of farmland land. The parcel is zoned Rural Residential with a Development Limitations Combining District (RR(DL)) and is adjacent to both Rural Residential and Range Land zoned parcels. While limited agricultural uses are permitted in the Rural Residential with Development Limitations Combining District (RR(DL)) zoning districts, approval of this application would not convert any agriculturally zoned lands to non-agricultural uses. The project would not convert any land designated “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance” to non-agricultural uses.
- b) **No Impact:** The parcel involved in the project is not part of a Williamson Act Contract. The parcel involved in the project is within the Rural Residential with Development Limitations Combining District (RR(DL)) zoning districts. According to Mendocino County Code (MCC) Section 20.376.005, the intent of this district is to “*encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.*” The intent of

Development Limitations Combining District, per MCC Section 20.416.005, is, "... *intended only to be used in conjunction with another land use classification on parcels or portions of parcels that according to available data have serious constraints that may prevent or seriously limit development. Such constraints include slopes over thirty (30) percent, erosion or landslide potential or other geophysical hazards.*" The proposed project would maintain the intent of the RR(DL) zoning district and development would be limited to the density and use requirements of the RR(DL) zoning district. Therefore, the project will not conflict with existing zoning for agricultural use.

- c) **No Impact:** As previously mentioned, the parcel involved in this project is within the RR(DL) zoning districts. The parcel is not zoned nor adjacent to Forest Land or Timber Production zoning districts. Given the lack of farmland or forest land on the project site and the land use designations for the surrounding areas incentivizing desired uses that would be inherently incompatible with both farmland and timber lands, the proposal would have no potential to conflict with adjacent farmland or forest land. The current proposal does not impact existing or potential forest land or timberland production lands.
- d) **No Impact:** As mentioned above, the project proposes after-the-fact development which entails improvements at ground level (driveway and septic areas) and repair and maintenance at the existing single-family residence within the RR(DL) zoning district and does not propose removal or conversion of forest land.
- e) **No Impact:** No other changes are expected beyond those discussed in questions (a) through (d) above. No off-site conversion of agricultural land or forestland would occur. Future vegetation removal is not considered cumulatively significant because areas of past vegetation removal nearby are not physically connected to the site, and potential vegetation removal is not expected to convert a significant amount of forestland in the area to the extent that the remaining land could not continue as forest uses.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **NO IMPACT** on Agricultural and Forestry Resources.

### 5.3 AIR QUALITY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION:** Mendocino County is located within the North Coast Air Basin, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. Additionally, the Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing state and federal clean air acts, as well as local air quality protection regulations. Any new emission point source is subject to an air quality permit, consistent with the District's air quality plan, prior to project construction. The MCAQMD also enforces standards requiring new construction, including houses, to use energy efficient, low-emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions.

MCAQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. Based on the results of monitoring, the entire County has been determined to be in attainment for all Federal criteria air pollutants and in attainment for all State standards except Particulate Matter less than 10 microns in size (PM10). In January of 2005, MCAQMD adopted a Particulate Matter Attainment Plan establishing a policy framework for the reduction of PM10 emissions, and has adopted Rule 1-430 which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- 3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and
- 7) The operator shall keep a daily log of activities to control fugitive dust. In December 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards and use of wood burning appliances to reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel-powered equipment used for grading or road development must be registered in the Air Resources Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM2.5. All stationary and portable diesel engines over 50 horsepower need a permit through the MCAQMD.

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

- a) **No Impact:** The project proposes to replace the on-site septic system (ST27919) and after-the-fact improvements at the existing single-family residence on a developed parcel. Improvements are the authorization and legalization of grading, tree removal and replacement of the doors, windows and decking at the single-family residence and the demolition of a shed. Residential development could produce emissions both during construction and operation of the development. The project is located within the North Coast Air Basin consisting of Del



Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. The Project Site is located within the MCAQMD which is responsible for enforcing California and federal Clean Air Acts, as well as local air quality protection regulations. Any new emission point source is subject to an air quality permit, consistent with the District's air quality plan, where activities may fall under the jurisdiction of MCAQMD and any necessary permits must be obtained. Therefore, no conflict with MCAQMD or obstruction of their rules and regulations is expected.

- b) **No Impact:** As mentioned above, residential maintenance could produce emissions both during construction and operation of the development and activities may fall under the jurisdiction of MCAQMD and any necessary permits must be obtained. Therefore, no conflict with MCAQMD or obstruction of their rules and regulations is expected.
- c) **No Impact:** There are no sensitive receptors located within the vicinity of the project, nor will the project generate substantial pollutant concentrations as the project proposes residential improvements in a residential neighborhood. There are no short-term or long-term activities or processes associated with the single-family residence that will create objectionable odors, nor are there any uses in the surrounding area that are commonly associated with a substantial number of people (i.e., churches, schools, etc.) that could be affected by any odor generated by the project. Therefore, the project will have no impact in terms of exposure of sensitive receptors to pollutant concentrations or creation of objectionable odors affecting a substantial number of people.
- d) **No Impact:** The project will replace the on-site septic system (ST27919) and after-the-fact development at the existing single-family residence in a low-density rural residential coastal setting where residential development exists on adjacent parcels. Residential uses are consistent with the County's land use plan.

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

The generation of dust during grading activities, another type of area-source emission, will be limited by the County's standard grading and erosion control requirements contained in MCC Chapter 20.492. These policies limit ground disturbance and require immediate revegetation after the disturbance. These existing County requirements will help to ensure PM10 generated by the project will not be significant and that the project will not conflict with nor obstruct attainment of the air quality plan PM10 reduction goals. Approval of this project will not permit large-scale development that may result in a cumulatively considerable net increase in air pollution, including PM10.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **NO IMPACT** on Air Quality.

## 5.4 BIOLOGICAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

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

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

- a) **Less Than Significant Impact With Mitigation Incorporated:** A Botanical Report and Reduced Buffer Analysis were completed for the proposed project by Dark Gulch Environmental Consulting, conducted on March 4, 2020 and updated on September 7, 2022, to include a Biological Scoping Survey; these are kept on file with the Mendocino County Department of Planning & Building Services.

The Updated Botanical and Biological Survey and its Reduced Buffer Analysis determined the existing residence and associated work are located in the only buildable site; the remaining property which amounts to more than 16 acres is all located on a steep slope and is unbuildable. The project of after-the-fact development and replacement septic system is located within 50 feet of Coastal bluff morning glory ESHA.

In addition, the after-the fact grading and drainage work conducted without obtaining the necessary development grading permit with the Mendocino County Planning and Building Services (MC PBS). The Division of Environmental Health (DEH) determined the on-site septic system may have been compromised and required a Site Evaluation Report. A Site Evaluation Report was completed and determined the septic system was in fact compromised. DEH approved a septic system permit (ST27919) to ensure the existing single-family residence has adequate septage disposal. The septic system permit approved the most feasible location for both the new and replacement septic systems which are within fifty (50) feet of an ESHA, specifically the Coastal bluff morning glory. No alternative location exists on the parcel generating new or further impact to ESHA.

Mitigation measures, including restoration measures and proposed buffer areas, have been identified by the project biologist, and their Reduced Buffer Analysis, to prevent and/or minimize potential impacts from the proposed development to identified ESHA. California Department of Fish and Wildlife (CDFW) responded with support of the mitigation measures, including restoration measures and proposed buffer areas, suggested in the Reduced Buffer Analysis.

The location of the project to replacement the on-site septic system (ST27919) and after-the-fact improvements at the existing single-family residence on a developed parcel is considered the only feasible, least environmentally damaging alternative that avoids sensitive plant ESHA, and related ESHA buffer requirements. Mitigation Measures were recommended in the Reduced Buffer Analysis and **Conditions 13 through 19** are recommended to ensure the project does not have an adverse impact on the sensitive resources at the site. The lack of feasible alternatives on site, the proposed mitigation measures to offset project impacts, and siting development to minimize ground disturbance and maximizing natural terrain and slope stability.

In summary, the project to replace the on-site septic system (ST27919) and after-the-fact improvements is consistent with LCP policies relating to ESHA. The location of the project to replace the on-site septic system (ST27919) and after-the-fact improvements is the least damaging alternative and the proposed mitigation measures required by **Conditions 13 through 19** will address the impacts to ESHA. These measures will mitigate the impact of the project to restore, and enhance ESHA located on the parcel.

With added conditions, the proposed project will not significantly impact sensitive habitats or resources and is consistent with the Local Coastal Program policies related to Chapter 3.1 and Chapter 20.496 regulations.

- b) **Less Than Significant Impact With Mitigation Incorporated:** Due to the topography of the site, stormwater runoff naturally flows westward from the east side of the property downhill towards State Route 1 (SR 1). As mentioned above, the Botanical Report and Reduced Buffer Analysis were completed for the proposed project by Dark Gulch Environmental Consulting, conducted on March 4, 2020, and updated on September 7, 2022, to include a Biological Scoping Survey. The reports determined the project would be within 50 feet of the Coastal bluff morning glory ESHA. The after-the-fact development and replacement septic system was placed in an established driveway and septic system area that is flat, reducing the amount of vegetation disturbance and amount of grading that would be needed to occur if they were proposed in another location within the property. No alternative exists on the parcel that could be found to be consistent with this LCP policy.

In summary, the project of after-the-fact development and replacement septic system is consistent with LCP policies relating to ESHA. The project is the least damaging alternative and the proposed mitigation measures required by **Conditions 13 through 19** will address the impacts to ESHA. These measures will mitigate the impact of the project and enhance ESHA located on the parcel.

- c) **Less Than Significant Impact With Mitigation Incorporated:** As mentioned above, the Botanical Report and Reduced Buffer Analysis were completed for the proposed project by Dark Gulch Environmental Consulting, conducted on March 4, 2020 and updated on September 7, 2022, to include a Biological Scoping Survey. The reports determined the project would be within 50 feet of the Coastal bluff morning glory ESHA. The after-the-fact development and replacement septic system was placed in an established driveway and septic system area that is flat, reducing the amount of vegetation disturbance and amount of grading that would be needed to occur if they were proposed in another location within the property and no alternative exists on the parcel that could be found to be consistent with this LCP policy.

The project, after-the-fact development and replacement septic system is considered the only feasible, least environmentally damaging alternative that avoids sensitive plant ESHA, and related ESHA buffer requirements. Mitigation Measures were recommended in the Reduced Buffer Analysis and supported by California Department of Fish and Wildlife (CDFW) and **Conditions 13 through 19** are recommended to ensure the project does not have an adverse impact on the sensitive resources at the site. The lack of feasible alternatives on site, the proposed mitigation measures to offset project impacts, and siting development to minimize ground disturbance and maximizing natural terrain and slope stability.

These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.

- d) **Less Than Significant Impact:** Wildlife movement corridors are routes frequently utilized by wildlife that provide shelter and sufficient food supplies to support wildlife species during migration. Movement corridors generally consist of riparian, woodlands, or forested habitats that span contiguous acres of undisturbed habitat. Wildlife movement corridors are an important element of resident species home ranges, including deer and coyote. The proposed project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species as the proposed application proposes limited development in disturbed areas. As mentioned above, the Botanical Report and Reduced Buffer Analysis was completed for the proposed project by Dark Gulch Environmental Consulting, conducted on March 4, 2020, and updated on September 7, 2022, to include a Biological Scoping Survey. The reports determined the project would be within 50 feet of the Coastal bluff morning glory ESHA.

In summary, the project of after-the-fact development and replacement septic system is consistent with LCP policies relating to ESHA. The project, after-the-fact development and replacement septic system is the least damaging alternative and the proposed mitigation

measures required by **Conditions 13 through 19** will address the impacts to ESHA. These measures will mitigate the impact of the project, restore, and enhance ESHA located on the parcel.

- e) **Less Than Significant Impact With Mitigation Incorporated:** Though some vegetation removal was completed, the project is located within the existing driveway and septic system that is flat, reducing the amount of vegetation disturbance and amount of grading that would be needed to occur if they were proposed in another location within the property and no alternative exists. The proposed project does not conflict with any local policies or ordinances protecting biological resources or tree preservation policies. The proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 13 through 19** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.
- f) **No Impact:** The proposed project will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved habitat conservation plan as there are none that exist that would be applicable to the resources identified on the project site.

#### **MITIGATION MEASURES:**

- 13. **\*\* Prior to issuance of any building permit or grading permit associated with this coastal development permit,** the applicant shall install and furnish evidence to the Planning and Building Services for adequate septage disposal (ST27919) and consistent with MCC Chapter 20.500 and MCC Sections 20.516.015(A) and 20.516.015(B) and to the satisfaction of Mendocino County Division of Environmental Health.
- 14. **\*\* Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/ or native seed mixes for soil stabilization. Construction activities within 500 feet of residential uses shall be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas.**
- 15. **\*\* Prior to issuance of any building permit, grading permit or Division of Environmental Health permit associated with this coastal development permit,** the applicant shall provide a Grading and Erosion Plan, prepared by a qualified professional, in form and content acceptable to the Coastal Permit Administrator. The Grading and Erosion Plan shall account for any cuts and fills associated with the projects, including the use and installation of retaining walls, confirming the project, after-the-fact development and replacement septic system, is consistent with MCC Chapters 20.492 and 20.500 regulations.
- 16. **\*\* In order to provide for the protection of Coastal bluff morning glory,** the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
  - a. All work in the 50 foot buffer for Coastal bluff morning glory be performed during the dormant season (November - January); and
  - b. If work during this time is not feasible, a pre-construction survey shall be performed by a qualified biologist no more than 14 days prior to the initiation of tree removal or ground disturbance. The survey shall cover the project area (including the septic replacement area) and surrounding areas within 50 feet; and
  - c. Construction areas shall not extend beyond the area necessary to complete the project and shall not encroach into ESHA buffer beyond that approved under this permit, as follows:

- i. During construction, materials, including but not limited to lumber, concrete, finish wares, hand tools, power tools, generators, vehicles, and heavy equipment, etc., shall be stored in non-ESHA areas, such as the existing driveway, and shall be clearly designated by high-visibility construction fencing or other signage.
  - ii. Orange construction fencing will be erected between the Coastal bluff morning glory and the existing fence and the project-related activity areas.
17. \*\* In order to provide for the protection of **special status frogs**, the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
- a. Within one (1) week prior to construction activities, a qualified biologist shall conduct a survey of the construction area for migrating California red-legged frogs and shall conduct a training for the construction crew on identification of California red-legged frogs, as well as the protocols they must follow per this condition:
    - i. Prior to the onset of construction, and every morning before moving heavy equipment and/or stockpiles, the construction crew shall perform a visual search around all stacked or stored material, and under parked equipment to detect the presence of frogs. If a California red-legged frog is detected, construction crews will stop all ground disturbing work in the vicinity and contact the United States Fish and Wildlife Service or a qualified biologist to address the issue and provide clearance to re-initiate work; and
    - ii. If a rain event occurs during the construction period, all ground disturbing construction-related activities will cease until at least 48 hours after the rain stops. Prior to resuming ground disturbing construction activities, trained construction crew member will examine the site for the presence of frogs. If no special status frogs are found, construction activities may resume.
18. \*\* In order to provide for the protection of **special status birds**, the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
- d. Any vegetation/tree removal should occur during non-nesting season (August 16 to January 31), outside of the general bird nesting season, to the greatest extent feasible. If tree/vegetation removal during this time is not feasible, a pre-construction survey shall be performed by a qualified biologist no more than 14 days prior to the initiation of tree removal or ground disturbance. The survey shall cover the Project Area (including tree removal areas) and surrounding areas within 500 feet; and
  - e. If active nesting activity is detected within the project footprint or within 500 feet of construction activities, an appropriate no-disturbance buffer shall be established by the qualified biologist. Once it is determined that the young have fledged (left the nest) or the nest has otherwise become inactive (e.g., due to predation), the buffer may be lifted, and work may be initiated within the buffer.
19. \*\* This entitlement does not become effective, or operative, and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife (CDFW) filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,966.75 OR CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to ensure timely compliance with this condition.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT WITH MITAGTION** on Biological Resources.

## 5.5 CULTURAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION:** Archeological resources are governed by MCC Sec. 22.12.090, which echoes state law regarding discovery of artifacts and states, in part, *“It shall be unlawful, prohibited, and a misdemeanor for any person knowingly to disturb, or cause to be disturbed, in any fashion whatsoever, or to excavate, or cause to be excavated, to any extent whatsoever, an archeological site without complying with the provisions of this section”*. MCC Section 22.12.090 governs discovery and treatment of archeological resources, while Section 22.12.100 speaks directly to the discovery of human remains and codifies the procedures by which said discovery shall be handled. Pursuant to California Code of Regulations, Title 14, Chapter 3, Sub Section 15064.5(c)(4), *“If an archeological resource is neither a unique archeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.”*

- a) **Less Than Significant Impact:** The project of after-the-fact development and replacement septic system was referred to Northwest Information Center (NWIC) and the Mendocino County Archaeological Commission (ARCH). An archaeological survey was requested to be conducted. The applicant submitted an Archaeological Survey Report, prepared by Heath Browning of Browning Cultural Resources, dated September 2022.

NWIC responded, *“Based on the results of S-56187 (Browning 2022), the proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, further study for archaeological resources is not recommended at this time.”*

ARCH responded with the request to schedule for the next available hearing, depending on comments submitted by NWIC. Due to the comments received from NWIC, the project was not scheduled to be heard by ARCH. To ensure consistency with MCC § 22.12.090, **Condition 8** is recommended, which advises the property owners of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. Sherwood Valley Band of Pomo Indians requested all correspondence submitted to Mendocino County Planning and Building Services from NWIC, where staff complied. On February 20, 2024, Sherwood Valley Band of Pomo Indians provided further comments recommending a tribally selected monitor due to the proximity of work near recorded site and monitoring is being focused on any and all excavating work. **Condition 9** is recommended to ensure the project does not have an adverse impact on the sensitive resources adjacent to the site. Redwood Valley Rancheria and Cloverdale Rancheria did not provide response at this time.

With added conditions, the project of after-the-fact development and replacement septic system will be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources, including Coastal Element Policy 3.5-10 and MCC Chapter 22.12 regulations.

A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

- b) **Less Than Significant Impact:** As mentioned above, the project proposes the authorization and legalization of grading and drainage work, tree removal, replacement of windows and sliding doors at the existing single-family residence, and demolition of 48 sq. ft. shed. and replacement septic system. Indirect impacts may occur through residential development and maintenance of the developed parcel. Staff notes that **Condition 8** advises the property owners of a “Discovery Clause,” which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project. **Condition 9** is recommended to ensure the project does not have an adverse impact on the sensitive resources adjacent to the site. As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.
  
- c) **Less Than Significant Impact:** As mentioned above, the project proposes the authorization and legalization of grading and drainage work, tree removal, replacement of windows and sliding doors at the existing single-family residence, and demolition of 48 sq. ft. shed. and replacement septic system. Indirect impacts may occur through residential development and maintenance of the developed parcel. As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Cultural Resources.

## 5.6 ENERGY

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

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

Permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The 2019 Building Energy Efficiency Standards are designed to reduce wasteful, uneconomic, inefficient, or unnecessary consumption of energy, and enhance



outdoor and indoor environmental quality. It is estimated that single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards (CEC, 2016).

- a) **No Impact:** The proposed project would not result in any significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation. Nor would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Single-family residential development and the maintenance of the developed parcel would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The proposed project is not anticipated to use or waste significant amounts of energy, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
  
- b) **No Impact:** Indirect impacts may occur through residential development of the resulting parcels. Future residential development would be required to be designed to comply with relevant state and local codes, including the California Energy Code and Green Building Standards Code, through the building permit process. Mendocino County has not adopted a local plan for renewable energy or energy efficiency. Therefore, residential development and maintenance is not expected to conflict with state or local plans for renewable energy or energy efficiency.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **NO IMPACT** on Energy.

## 5.7 GEOLOGY AND SOILS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION:** Of the five known fault zones in Mendocino County, the Maacama Fault Zone is the closest active fault to the subject parcel, located approximately 16 miles to the southwest.

The Maacama Fault extends from northern Sonoma County to north of Laytonville. The Maacama Fault is the northern most segment of a series of closely related faults within the San Andreas Fault system that includes the Hayward, Rodgers Creek, and Healdsburg faults to the south. Historically, the Maacama Fault has generated only a few moderate earthquakes. However, an abundance of micro-earthquakes (less than magnitude 3) are associated with the fault. A magnitude 5.6 earthquake was reported in the Ukiah area in 1869. Several, earthquakes in the magnitude range of 4, with the strongest 4.9, were recorded in the Ukiah area between 1977-1978. At locations east of Willits and Ukiah surface fault creep, or very slow movements across known fault locations, have been documented.

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

- a) **Less Than Significant Impact:** The proposed project will not expose people or structures to substantial adverse effects including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides. The nearest active fault is the San Andreas Fault which is located approximately 2.5 miles and west of the subject parcel. As with all parcels within Mendocino County, the site would experience some seismic ground shaking as a result of an earthquake occurring. The *Local Coastal Plan Map for Land Capabilities and Natural Hazards* designates the parcel as "Barren". The specific soil types underlying the subject parcel are Dystropepts and Mallopass loam complex.

The Dystropepts unit consists of soils on side slopes of marine terraces. These soils formed in material derived from sandstone or shale. The vegetation is mainly brush or grass. Elevation ranges from 10 to 400 feet. Dystropepts are shallow or moderately deep to bedrock and are well drained. A representative profile has a surface layer of dark grayish brown loam about 11 inches thick. The next layer is dark grayish brown very gravelly clay loam about 8 inches thick. Hard and soft, fractured shale is at a depth of about 19 inches. Dystropepts are shallow or moderately deep to bedrock and are well drained. Permeability and available water capacity are extremely variable in the Dystropepts. The effective rooting depth is limited by bedrock at a depth of 10 to 40 inches. Surface runoff is rapid or very rapid, and the hazard of water erosion is severe or very severe. This unit is used as watershed or wildlife habitat.

The Mallopass loam unit consists of very deep, moderately well drained soil is on marine terraces. It formed in alluvium derived from mixed rock sources. The vegetation is mainly perennial grasses and forbs. Elevation ranges from 50 to 800 feet. Included with this soil in mapping are small areas of Biaggi, Crispin, Flumeville, and Windyhollow soils and

Tropaguepts. Also included are small areas that have slopes of 5 to 9 percent. Included areas make up about 15 percent of the total acreage of the unit. The percentage varies from one area to another. Permeability is moderately slow in the Mallopass soil. Available water capacity is high. The effective rooting depth is limited by saturation for brief periods following episodes of heavy rain from December through April. The saturated zone starts between the depths of 48 and 60 inches and extends to a depth of more than 60 inches. Surface runoff is very slow or slow, and the hazard of water erosion is slight if the surface is left bare. This unit is used for livestock grazing, hay production, pasture, or wildlife habitat.

The project is located at a crest from relatively flat to moderate slopes towards the Navarro River approximately 400 feet below the project. Per the application, approximately 218 cubic yards of grading was necessary to facilitate the construction of the driveway improvements.

Grading activity took place adjacent to the house and near portions of the ephemeral watercourse on the property. It appeared that the work completed did not deposit any soil into the adjacent watercourse. All of the areas that had been disturbed during the grading process have since been fully revegetated and show no signs of current erosion or sediment deposition to the rest of the hillslope. Additional ground disturbance may be required as part of the replacement septic system.

The existing development is primarily located within the Dystropepts complex, also the most level portion of the parcel, where majority the parcel sloped and is mapped within the Mallopass loam complex, as shown on the *Soils* and *Slope* maps. The subject parcel consists of mostly grass and shrubs, where a few degrading or dying Bishop Pines trees were located at the parcel boundary line running parallel to Navarro Ridge Road (CR 518).

**Condition 5** is recommended requiring the applicant to secure all necessary permits for the replacement septic system, from County, State and Federal agencies having jurisdiction ensures any building regulations with respects to grading, erosion and runoff protection policies will be addressed.

**Condition 13** is recommended to ensure the existing single-family residence has adequate sewage disposal and consistent with MCC Sections 20.516.015(A) Septage. **Conditions 14 and 15** are recommended to ensure Best Management Practices (BMP's) will be implemented at the time of construction of the replacement septic system and protection measures recommended for the adjacent ESHA and grading activities, including maintaining the improved driveway, parking areas and replacement septic system, shall comply with MCC Chapters 20.492 and 20.500 regulations.

As conditioned, the project will be consistent with Mendocino County policies related to grading, erosion and runoff protection policies, including Coastal Element Policy 3.4 and MCC Section 18.70.027 and MCC Chapter 20.492 regulations. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

- b) **Less Than Significant Impact:** As previously mentioned, the project is located at a crest from relatively flat to moderate slopes towards the Navarro River approximately 400 feet below the project. Per the application, approximately 218 cubic yards of grading was necessary to facilitate the construction of the driveway improvements.

Grading activity took place adjacent to the house and near portions of the ephemeral watercourse on the property. It appeared that the work completed did not deposit any soil into the adjacent watercourse. All of the areas that had been disturbed during the grading process have since been fully revegetated and show no signs of current erosion or sediment deposition to the rest of the hillslope. Additional ground disturbance may be required as part of the replacement septic system.

As conditioned, the project will be consistent with Mendocino County policies related to grading, erosion and runoff protection policies, including Coastal Element Policy 3.4 and MCC Section

18.70.027 and MCC Chapter 20.492 regulations. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

- c) **Less Than Significant Impact:** As previously mentioned, the specific soil types underlying the subject parcel are Dystropepts and Mallopass loam complex. Design and construction of the after-the-fact grading proposed under the project would be subject to the rules and regulations contained in the latest version of the California Building Code, which would reduce the potential for risk of loss, injury, or death involving landslides at the Site. The replacement septic system under the project would be subject to the Mendocino County Division of Environmental Health (DEH) rules and regulations, which would further reduce the potential for risk of loss, injury, or death involving landslides at the Site

As conditioned, the project will be consistent with Mendocino County policies related to grading, erosion and runoff protection policies, including Coastal Element Policy 3.4 and MCC Section 18.70.027 and MCC Chapter 20.492 regulations. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

- d) **No Impact:** The 1994 Uniform Building Code (UBC) has not been in effect since 1997, and the referenced table was removed entirely when the UBC was superseded by the International Building Code in 2000. The 1994 and 1997 editions of the UBC are now obscure, no longer published or easily publicly accessible and so cannot be considered an appropriate reference point for defining expansive soils.
- e) **No Impact:** The subject property has soils that are capable of supporting a septic system. A Septic Repair Design has been approved by the Mendocino County Division of Environmental Health, septic permit number ST27919. Therefore, there will be no impact.
- f) **Less Than Significant Impact:** An archaeological survey was requested to be conducted. The applicant submitted an Archaeological Survey Report, prepared by Heath Browning of Browning Cultural Resources, dated September 2022. The project was referred to Northwest Information Center (NWIC) and the Mendocino County Archaeological Commission (ARCH).

NWIC responded, *“Based on the results of S-56187 (Browning 2022), the proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, further study for archaeological resources is not recommended at this time.”*

ARCH responded with the request to schedule for the next available hearing, depending on comments submitted by NWIC. Due to the comments received from NWIC, the project was not scheduled to be heard by ARCH. To ensure consistency with MCC § 22.12.090, **Condition 8** is recommended, which advises the property owners of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. Sherwood Valley Band of Pomo Indians requested all correspondence submitted to Mendocino County Planning and Building Services from NWIC, where staff complied. On February 20, 2024, Sherwood Valley Band of Pomo Indians provided further comments recommending a tribally selected monitor due to the proximity of work near recorded site and monitoring is being focused on any and all excavating work. **Condition 9** is recommended to ensure the project does not have an adverse impact on the sensitive resources adjacent to the site. Redwood Valley Rancheria and Cloverdale Rancheria did not provide response at this time.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Geology and Soils.

## 5.8 GREENHOUSE GAS EMISSIONS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION:** Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHG) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission, which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (AQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same as those, which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO<sub>2</sub>e (CO<sub>2</sub> equivalent) of operation emission on an annual basis. Additionally, Mendocino County's building code requires new construction to include energy efficient materials and fixtures.

- a) **Less Than Significant Impact:** This project of after-the-fact development and replacement septic system will have no impact and be below the threshold for project significance of 1,100 metric tons CO<sub>2</sub> equivalent. Indirect impacts may occur through residential development of the vacant parcel. The project would not create a stationary source of GHG emissions. As stated, MCAQMD has adopted BAAQMD thresholds of significance for GHG emissions. BAAQMD has not established any construction related thresholds for GHG emissions. The operational GHG emission threshold is 1,100 metric tons of Carbon Dioxide equivalent (MT CO<sub>2</sub>e) per year. The California Emissions Estimator Model (CalEEMod) was used to estimate construction and operational emissions that would result from the project, represented in metric tons CO<sub>2</sub>e per year. According to the results of the model, construction emissions would be equivalent to 68.6 MT CO<sub>2</sub>e per year and operational emissions would be equivalent to 38.8 MT CO<sub>2</sub>e per year. This is below the threshold established by MCAQMD and BAAQMD. Therefore, the project is unlikely to generate significant greenhouse gas emissions.
- b) **No Impact:** MCAQMD has not adopted a GHG or Risk Reduction Plan. Therefore, the project is not expected to conflict with an applicable plan, policy, or regulation.

**MITIGATION MEASURES:** None

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Greenhouse Gas Emissions.

## 5.9 HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Mendocino County has adopted a Hazardous Waste Management Plan to guide future decisions by the County and the incorporated cities about hazardous waste management. Policies in this General Plan emphasize source reduction and recycling of hazardous wastes and express a preference for onsite hazardous waste treatment over offsite treatment. The Hazardous Waste Management Plan proposed a number of hazardous waste programs and set forth criteria to guide the siting of new offsite hazardous waste facilities. However, to date, no facilities have been cited in the county. In 1997, the County Division of Environmental Health assumed responsibility for administering hazardous waste generation and treatment regulations. Solid Waste and Hazardous Waste and Materials Management Policy DE-203 states: *All development projects shall include plans and facilities to store and manage solid waste and hazardous materials and wastes in a safe and environmentally sound manner.*

The California Air Resources Board classifies asbestos as a known human carcinogen. Asbestos of any type is considered hazardous and may cause asbestosis and lung cancer if inhaled, becoming permanently lodged in body tissues. Exposure to asbestos has also been shown to cause stomach and other cancers. Asbestos is the general name for a group of rock-forming minerals that consist of extremely strong and durable fibers. When asbestos fibers are disturbed, such as by grading and construction activities, they are released into the air where they remain for a long period of time. Naturally occurring asbestos is an issue of concern in Mendocino County, which contains areas where asbestos-containing rocks are found. The

presence of ultramafic rocks indicates the possible existence of asbestos mineral groups. Ultramafic rocks contain 90 percent or more of dark-colored, iron-magnesium-silicate minerals. Ultramafic rocks may be partially or completely altered to a rock known as serpentinite, more commonly called serpentine.

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

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

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

- a) **Less Than Significant Impact:** The project to replace the on-site septic system (ST27919) and after-the-fact development allows for the continuance of a residential use involving the routine transport, use, and disposal of hazardous materials in small or limited quantities. These include construction materials, household cleaning supplies, and other materials including but not limited to fuel, cleaning solvents, lubricants associated with automobiles, small craft engines, and power tools. Storage of these materials in the open may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean.

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

- b) **No Impact:** The proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the development of a single-family residence and associated improvements on the subject parcel would not create a significant hazard to the public or the environment.
- c) **No Impact:** The proposed project will not emit hazardous emissions, or handle hazardous, or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The nearest school to the project site is Albion School (several miles away). Due to the project location and residential nature, there will be no impact.
- d) **No Impact:** The proposed project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, the development of a single-family residence and associated improvements on the subject parcel would not create a significant hazard to the public or the environment.
- e) **No Impact:** The project site is not subject to any airport land use plan, nor is the project site located within the vicinity of a private airstrip. As a result of the project's location outside of any airport influence area or private airstrip, there will be no impact in terms of safety hazards for people residing or working in the project area.

- f) **No Impact:** The project will not result in any physical change to the existing roadway that would impair its use as an evacuation route. Evacuation from this residential neighborhood would likely be via the existing County roads which the project will not interfere with. Therefore, there will be no impact as a result of the project.
- g) **Less Than Significant Impact:** The property is in an area of “High Fire Hazard” severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) and the Albion Little River Fire Protection District (ALRFPD). The project was referred to CALFIRE and ALRFPD, where CALFIRE provided comment regarding tree removal and State Fire Safe Regulations. The tree removal was of a few degrading or dying Bishop Pines trees were located at the parcel boundary line running parallel to Navarro Ridge Road (CR 518). As of this date, no response has been received from ALRFPD. **Condition 5** is recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan will be addressed. Therefore, indirect impacts would be less than significant.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Hazards or Hazardous Materials.

## 5.10 HYDROLOGY AND WATER QUALITY

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

**DISCUSSION:** Regulatory agencies include the state and regional water quality control boards; State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB). The State Water Resources Control Board is responsible for implementing water quality standards in



California. Water Code Section 13050(d) states: *Waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.* Typical activities and uses that affect water quality include, but are not limited to, discharge of process wastewater from factories, confined animal facilities, construction sites, sewage treatment facilities, and material handling areas which drain into storm drains.

Water Code Section 1005.1 defines groundwater as *water beneath the surface of the ground, whether or not flowing through known and definite channels.* Both surface water and groundwater define a watershed, as they move from higher to lower elevations. In Mendocino County, groundwater is the main source for municipal and individual domestic water systems, outside of the Ukiah Valley, and contributes significantly to irrigation. Wells throughout Mendocino County support a variety of uses, including domestic, commercial, industrial, agricultural needs, and fire protection. The County's groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. Mountainous areas are underlain by consolidated rocks of the Franciscan Complex, which are commonly dry and generally supply less than 5 gallons per minute of water to wells. Interior valleys are underlain by relatively thick deposits of valley fill, in which yields vary from less than 50 gallons per minute to 1,000 gallons per minute. There are six identified major groundwater basins in Mendocino County. Groundwater recharge is the replacement of water in the groundwater aquifer. Recharge occurs in the form of precipitation, surface runoff that later enters the ground, irrigation, and in some parts of California (but not in Mendocino County) by imported water. Specific information regarding recharge areas for Mendocino County's groundwater basins is not generally available, but recharge for inland groundwater basins comes primarily from infiltration of precipitation and intercepted runoff in stream channels, and from permeable soils along the margins of valleys. Recharge for coastal groundwater basins takes place in fractured and weathered bedrock and coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification - such as paving, building and gravel removal - it is anticipated that continued recharge will re-supply groundwater reservoirs.

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

- a) **Less Than Significant Impact:** The proposed project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. The permanent structures existing on-site have been constructed in accordance with the most recent standards set by all regulatory agencies, including but not limited to, the County, state, and local water quality control boards [State Water Resources Control Board (SWRCB), and the North Coast Regional Quality Control Board (NCRWQCB)]. Since the majority of the site would remain undeveloped, stormwater runoff would continue to flow naturally and infiltrate into the soil. In addition, the preservation of existing vegetation, to the extent feasible, will help to filter potential pollutants from stormwater flows. A Site Evaluation Report was completed and determined the septic system was in fact compromised. DEH approved a septic system permit (ST27919) to ensure the existing single-family residence has adequate septage disposal; therefore, this request includes replacement of the on-site septic system. In addition, the project's on-site septic system would be installed in compliance with all standards and regulations. As a result, the proposed project would have a less than significant impact.
  
- b) **Less Than Significant Impact:** The project site is located within a mapped "Critical Water Resource" area by the Mendocino County Coastal Groundwater Study. The subject property is already developed with a single-family residence and accessory improvements. The project of after-the-fact development and replacement septic system is ancillary and accessory to the existing residential use of the parcel. The project would not substantially deplete groundwater supplies, or interfere substantially with groundwater recharge, as significant water use is not anticipated under the project. Additionally, since the majority of the site would remain undeveloped, stormwater would continue to infiltrate the ground. Division of Environmental

Health (DEH) stated that no well permit is on file yet confirmed that no action was required regarding water. The project does not propose an increase of water demands.

- c) **Less Than Significant Impact:** Due to the topography of the site, stormwater runoff naturally flows southwest from the northeast portion of the property, south of the proposed development. The existing residence footprint and driveway configuration has been minimized in order to minimize the necessary increase in stormwater runoff from the project. These accommodations were designed at time of the original development.

Development is compatible with the continuance of the adjacent habitat. With the recommended avoidance and protection measures, development is expected to allow the habitat area to maintain its functional capacity, remain self-sustaining, and maintain natural species diversity. Of particular importance are measures to minimize invasive plant species presence and to protect sensitive habitat during residential use of the property. The project is not expected to result in the loss of riparian habitat. The project has been minimized and specially located in order to maintain hydrology of the site. Development is expected to allow the habitat area to maintain functional capacity and to be self-sustaining to maintain erosion, siltation and ESHA.

In summary, the proposed project cannot be found consistent with LCP polices relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 13 through 19** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.

- d) **No Impact:** The project site is not located in any flood hazard, tsunami, or seiche zone. Therefore, there would be minimal or no potential risk of release of pollutants due to inundation.
- e) **Less Than Significant Impact:** The project would be required to comply with Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevent Procedure (Mendocino County Code Chapter 16.30 et.seq.), which requires any person performing construction and grading work anywhere in the County to implement appropriate BMPs to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools, and equipment from entering the storm drainage system (off-site). Compliance with these regulations would facilitate the implementation of water quality control efforts at the local and state levels. Therefore, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **Conditions 5** is recommended requiring the applicant to secure all necessary permits for the project of after-the-fact development and replacement septic system from County, State and Federal agencies having jurisdiction ensures any groundwater and DEH regulations will be addressed. **Condition 13** is recommended to ensure the existing single-family residence has adequate sewage disposal and consistent with MCC Sections 20.516.015(A) Septage. A less than significant impact would occur.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Hydrology and Water Quality.

### 5.11 LAND USE AND PLANNING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION:** All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance, as well as several more locally derived specific plans, such as the Gualala Town Plan, or Ukiah Valley Area Plan. The proposed project is not within the boundaries of a locally derived specific plan. During project referrals, a number of agencies that may have jurisdiction over the project were contacted.

- a) **No Impact:** The subject site is situated in a long-established rural residential and grazing area and proposed adjacent to existing residential and grazing development. The project of after-the-fact development and replacement septic system is consistent with the established community. Therefore, there will no division of an established community as a result of the project.
- b) **Less Than Significant Impact:** The project of after-the-fact development and replacement septic system is consistent with all policies of the Local Coastal Program, of the General Plan, and the Mendocino County Code, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas. However, environmental impacts for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant environmental impacts will result from this project. Therefore, adopting a Mitigated Negative Declaration is recommended. The findings included with the project Staff Report address the mitigation measures proposed to offset impacts and evidence supporting the investment backed expectation of the applicant to further develop the parcel with ancillary uses, such as an on-site septic system, and the repair and maintenance of the single-family residence.

With the recommended avoidance and protection measures, development is expected to allow the habitat area to maintain functional capacity and to be self-sustaining to maintain natural species diversity. The proposed project is the least damaging alternative and the proposed mitigation and restoration measures recommended in **Conditions 13 and 19** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Land Use and Planning.

## 5.12 MINERAL RESOURCES

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

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

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

- a) **No Impact:** There are no known mineral resources within the project area that would be of value to the region or residents of the state. The project involves minor groundwork, but this is not expected to uncover any mineral resources. Any potential mineral resources located underneath the site would not be disturbed as a result of the project. No impact is expected to occur.
- b) **No Impact:** There are no delineated locally important mineral resources within the project boundaries. Therefore, there would be no loss of availability of these resources and no impact is expected to occur.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **NO IMPACT** on Mineral Resources.

### 5.13 NOISE

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

**DISCUSSION:** Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular use with its noise environment. Mendocino County relies principally on standards in its Noise Element, its Zoning Ordinance, and other County ordinances, and the Mendocino County Airport Comprehensive Land Use Plan to evaluate noise-related impacts of development. Land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise sensitive.

- a) **Less Than Significant Impact:** Construction of the replacement septic system and use of construction equipment would cause temporary increases in noise; however, these impacts would only be associated with construction and would be temporary in nature. In addition, given the small size of the project, it is anticipated that the effects of construction noise levels and vibration would be less than significant through the implementation of standard permit conditions and would be temporary in nature. Standard building permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas have been included as conditions of approval. Upon build-out of the project, operational noise would be associated with use of the site for residential purposes. Due to the location of the project in a residential neighborhood, and since the after-the-fact development and replacement septic system in support of the existing single-family residence is all that is proposed at the site under this project, it is determined that a less than significant impact would occur.
- b) **Less Than Significant Impact:** As mentioned above, it is anticipated that the effects of construction noise levels and vibration would be less than significant through the implementation of standard permit conditions and would be temporary in nature. Standard building permit conditions require limiting construction hours within 500 feet of residential uses to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas have been included as conditions of approval. Upon build-out of the project, operational noise would be associated with use of the site for residential purposes. Due to the location of the project in a residential neighborhood, and since the after-the-fact development and replacement septic system in support of the existing single-family residence is all that is proposed at the site under this project, it is determined that a less than significant impact would occur.
- c) **No Impact:** The proposed project is not located within an airport zone or within the vicinity of a private airstrip; therefore, there is no possible exposure of people to excessive noise due to project location.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Noise.

## 5.14 POPULATION AND HOUSING

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

**DISCUSSION:** The most recent census for Mendocino County was in 2020, with an estimated population of 87,497. The county has undergone cycles of population boom followed by periods of slower growth. For example, the county population increased by approximately 25 percent between 1950 and 1960, but barely grew from 1960 to 1970. Between 1990 and 2000, the population of Mendocino County increased 7.4

percent, a much slower rate of growth than the 20 percent increase from 1980 to 1990. Population growth slowed further from 2000 to 2007, increasing only 4.6 percent.

Mendocino County’s Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The Mendocino Council of Government’s (MCOG) Regional Housing Needs Plan assigned the County a production goal of 2,552 housing unit for the unincorporated area between 2009 and 2014. Goals and policies were set forth in order to facilitate the development of these housing units at a range of sizes and types to address this need.

- a) **No Impact:** The project would permit after-the-fact development and replacement septic system in support of the existing single-family residence within a zoning district and General Plan land use designation intended for residential development. The project would not trigger the need for new public roads or other infrastructure that would indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. Therefore, the project will have no impact in terms of increasing substantial unplanned population growth in an area, either directly or indirectly.
- b) **No Impact:** As mentioned above, the project would permit after-the-fact development and replacement septic system in support of the existing single-family residence within a zoning district and General Plan land use designation intended for residential development. The project will not require the displacement of any person living or working the area. Therefore, the project will have no impact in terms of displacement of substantial population existing in an area, either directly or indirectly.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **NO IMPACT** on Population and Housing.

### **5.15 PUBLIC SERVICES**

<b>WOULD THE PROJECT</b> result in substantial adverse Physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION:** The Mendocino County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and government operations in the Mendocino County Operational Area. The subject parcel is serviced by the Round Valley Unified School District, Round Valley Indian Health Center, Round Valley County Water District, and the Covelo Fire Protection District.

- a) **No Impact:** The project does not involve the provision of new or physically altered governmental facilities and would not result in the need for these facilities. As mentioned in the response to Population and Housing, the project may result in minimal population growth. This indicates that existing governmental facilities are adequate to provide service both to the project site and elsewhere within respective service areas.

- b) **No Impact:** The project does not involve the provision of new or physically altered governmental facilities and would not result in the need for these facilities. As mentioned in the response to Population and Housing, the project may result in minimal population growth. This indicates that existing governmental facilities are adequate to provide service both to the project site and elsewhere within respective service areas.
- c) **No Impact:** The project does not involve the provision of new or physically altered governmental facilities and would not result in the need for these facilities. As mentioned in the response to Population and Housing, the project may result in minimal population growth. This indicates that existing governmental facilities are adequate to provide service both to the project site and elsewhere within respective service areas.
- d) **No Impact:** The project does not involve the provision of new or physically altered governmental facilities and would not result in the need for these facilities. As mentioned in the response to Population and Housing, the project may result in minimal population growth. This indicates that existing governmental facilities are adequate to provide service both to the project site and elsewhere within respective service areas.
- e) **No Impact:** The project does not involve the provision of new or physically altered governmental facilities and would not result in the need for these facilities. As mentioned in the response to Population and Housing, the project may result in minimal population growth. This indicates that existing governmental facilities are adequate to provide service both to the project site and elsewhere within respective service areas.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **NO IMPACT** on Public Services.

### **5.16 RECREATION**

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

**DISCUSSION:** The County of Mendocino manages a variety of public recreation areas including the Low Gap Park in Ukiah, Bower Park in Gualala, Mill Creek Park in Talmage, Faulkner Park in Boonville, Indian Creek Park and Campground in Philo, and the Lion’s Club Park in Redwood Valley, all of which are operated by the Mendocino County Cultural Services Agency. Additionally, the County is host to a variety of state parks, reserves, other state protected areas used for the purpose of recreation, with 13 located along the coast and 8 located throughout inland Mendocino County. The closest protected area to the proposed project is the Mendocino National Forest, located 9± miles east of the subject parcel.

- a) **No Impact:** The project site is located east of Highway 1 and is not designated as a potential public access trail location on the Local Coastal Plan maps. There is no evidence of prescriptive access on the site, nor would the development of the project of after-the-fact development and replacement septic system will not generate enough recreation demand to require the construction of additional facilities. The project will have no impact on public access or recreation in the area, nor will it require the construction of new or expanded facilities which

could cause an adverse impact on the environment. Therefore, no impact will occur as a result of the project.

- b) **No Impact:** The project does not include construction of recreational facilities, and any population growth caused by the project would not require expansion or construction of new recreational facilities. Therefore, no impact to recreational facilities will occur as a result of the project.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **NO IMPACT** on Recreation.

### **5.17 TRANSPORTATION**

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

**DISCUSSION:** Since the site is currently undeveloped, there will be an increase in traffic to and from the site for any future development of the land. It is expected that construction of any project will result in a slight increase in traffic to and from the site, as construction workers arrive and leave the site at the beginning and end of the day, in addition to minor interruption of traffic on adjacent streets, when heavy equipment necessary for project construction is brought to and removed from the site. Once construction is complete, these workers would no longer be required at the site. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the land use designations were assigned to the site. The development proposed on-site is not expected to significantly impact the capacity of the street system, level of service standards established by the County, or the overall effectiveness of the circulation system, nor substantially impact alternative transportation facilities, such as transit, bicycle, or pedestrian facilities, as a substantial increase in traffic trips or use of alternative transportation facilities is not anticipated. A less than significant impact would occur.

- a) **Less Than Significant Impact:** It is expected that construction of the project will result in a slight increase in traffic to and from the site, as construction workers arrive and leave the site at the beginning and end of the day, in addition to minor interruption of traffic on adjacent streets when heavy equipment, necessary for project construction, is brought to and removed from the site. Once construction is complete, these workers would no longer be required at the site. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site. The development proposed on-site is not expected to significantly impact the capacity of the street system, VMT standards established by the County, or the overall effectiveness of the circulation system, nor substantially impact alternative transportation facilities, such as transit, bicycle, or pedestrian facilities, as a substantial increase in traffic trips or use of alternative transportation facilities is not anticipated.
- b) **Less Than Significant Impact:** Though an increase in traffic trips because of the project (e.g., residential & personal uses) is anticipated, they are not expected to increase VMT above 110



trips per day. Development would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

- c) **Less Than Significant Impact:** The proposed project is not anticipated to substantially increase hazards due to design features or incompatible uses. The project has been referred to various agencies, such as the Mendocino County Department of Transportation (DOT) and CAL FIRE, who have reviewed the project design for compliance with all standards and requirements, to ensure the project, as designed, would not increase hazards due to a geometric design feature. The Mendocino County Department of Transportation (DOT) had no comments on the proposed project.

The site improvements would be required to be designed and constructed in accordance to established standards. CAL FIRE provided comment regarding tree removal and State Fire Safe Regulations. The tree removal consisted of a few degrading or dying Bishop Pines trees were located at the parcel boundary line running parallel to Navarro Ridge Road (CR 518). **Condition 5** is recommended requiring the applicant to secure all necessary permits for the replacement septic system, from County, State and Federal agencies having jurisdiction ensures any building regulations with respects to grading, erosion and runoff protection policies will be addressed.

As previously stated, the grading activity took place adjacent to the house and near portions of the ephemeral watercourse on the property. It appeared that the work completed did not deposit any soil into the adjacent watercourse. All of the areas that had been disturbed during the grading process have since been fully revegetated and show no signs of current erosion or sediment deposition to the rest of the hillslope. Therefore, indirect impacts would be less than significant.

- d) **Less Than Significant Impact:** As mentioned above, CAL FIRE provided comment regarding tree removal and State Fire Safe Regulations. The tree removal was of a few degrading or dying Bishop Pines trees were located at the parcel boundary line running parallel to Navarro Ridge Road (CR 518). **Condition 5** is recommended requiring the applicant to secure all necessary permits for the replacement septic system, from County, State and Federal agencies having jurisdiction ensures any building regulations with respects to grading, erosion and runoff protection policies will be addressed.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Transportation.

### 5.18 TRIBAL CULTURAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DISCUSSION:** Public Resources Code Section 21074 defines Tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

The area known now as Mendocino County has a long history of occupation and use by Native American groups. Notably the Russian and Eel Rivers as well as other watercourses, valleys, and coastal areas provided rich and varied habitat for early human occupation. The first dated chronological periods and related cultural patterns within the region were developed by David A. Fredrickson in his 1973 Ph.D. dissertation<sup>1</sup> and 1984 regional synthesis.<sup>2</sup> This research provides a baseline archaeological information for the area, but there still remains significant gaps in archaeological data for the region that affects our understanding of regional cultural history.

From this understanding, ten (10) Native American tribes had territory within the County’s current borders. The southern third of the County was the home Native Americans speaking the Central Pomo languages. To the north of the Central Pomo groups were the Northern Pomo, who controlled a strip of land extending from the coast to Clear Lake in Lake County. The Coast Yuki occupied a portion of the coast extending from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.

- a) **Less Than Significant Impact:** The project of after-the-fact development and replacement septic system in support of the existing single-family residence on a developed parcel could cause an indirect impact if historical resources are identified within the building envelope. The project was referred to Northwest Information Center (NWIC) and Mendocino County Archaeological Commission (ARCH).

NWIC responded, “Based on the results of S-56187 (Browning 2022), the proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, further study for archaeological resources is not recommended at this time.”

ARCH responded with the request to schedule for the next available hearing, depending on comments submitted by NWIC. Due to the comments received from NWIC, the project was not

<sup>1</sup> Fredrickson, David, A. 1973. *Early Cultures of the North Coast of the North Coast Ranges, California*, UC Davis

<sup>2</sup> Fredrickson, David, A. 1984. *The North Coastal Region, California Archaeology*

scheduled to be heard by ARCH. To ensure consistency with MCC Section 22.12.090, **Condition 8** is recommended, which advises the property owners of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

The project was referred to three local tribes for review and comment, Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. Sherwood Valley Band of Pomo Indians requested all correspondence submitted to Mendocino County Planning and Building Services from NWIC, where staff complied. On February 20, 2024, Sherwood Valley Band of Pomo Indians provided further comments recommending a tribally selected monitor due to the proximity of work near recorded site and monitoring is being focused on any and all excavating work. **Condition 9** is recommended to ensure the project does not have an adverse impact on the sensitive resources adjacent to the site. Redwood Valley Rancheria, and Cloverdale Rancheria did not provide response, at this time.

As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12. A less than significant impact would occur with the standard zoning code requirements being applicable to the site.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Tribal Cultural Resources.

## 5.19 UTILITIES AND SERVICE SYSTEMS

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

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

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

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

- a) **Less Than Significant Impact:** The proposed development would allow for the installation of a replacement septic system. This is due to the project, specifically the after-the-fact grading, and its compromise of the on-site septic system serving the existing single-family residence. A Site Evaluation Report was completed, where DEH approved a septic system permit (ST27919) to ensure the existing single-family residence has adequate septage disposal. **Condition 5** is recommended requiring the applicant to secure all necessary permits for the project of after-the-fact development and replacement septic system from County, State and Federal agencies having jurisdiction ensures any groundwater and DEH regulations will be addressed. **Condition 13** is recommended to ensure the existing single-family residence has adequate sewage disposal and consistent with MCC Sections 20.516.015(A) Septage. The proposed development will not result in the relocation or construction of new or expanded water, stormwater drainage or electric power, natural gas, or telecommunications facilities. A less than significant impact would occur.
- b) **Less Than Significant Impact:** The proposed development includes the development of an on-site replacement septic system. The existing development includes an on-site well, where the Division of Environmental Health (DEH) stated that no well permit is on file, yet confirmed that not action was required regarding water. The project does not propose an increase of water demands; therefore a less than significant impact would occur.
- c) **Less Than Significant Impact:** The project includes an on-site replacement septic system. DEH recommended a site evaluation report be completed. This is due to the project, specifically the after-the-fact grading, and its compromise of the on-site septic system serving the existing single-family residence. A Site Evaluation Report was completed, where DEH approved a septic system permit (ST27919) to ensure the existing single-family residence has adequate septage disposal. **Condition 5** is recommended requiring the applicant to secure all necessary permits for the project, after-the-fact development and replacement septic system, from County, State and Federal agencies having jurisdiction ensures any groundwater and DEH regulations will be addressed. **Condition 13** is recommended to ensure the existing single-family residence has adequate sewage disposal and consistent with MCC Sections 20.516.015(A) Septage. A less than significant impact would occur.
- d) **Less Than Significant Impact:** A significant amount of solid waste is not anticipated under the project and all solid waste generated under the project would be disposed of in accordance with all federal, state, and local statutes and regulations related to solid waste including state and local waste diversion requirements. A local service provider for solid waste service, which will likely consist of curbside pickup, will serve the proposed project. Albion Transfer Station, located approximately 2.5 miles northeast of the project site, can accommodate the solid waste disposal needs of future development. The project will comply with all federal, state, and local

management and reduction statutes and regulation related to solid waste. As such, the proposed project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. A less than significant impact would occur.

- e) **Less Than Significant Impact:** As mentioned above, all solid waste generated under the project would be disposed of in accordance with all federal, state, and local statutes and regulations related to solid waste including state and local waste diversion requirements. A local service provider for solid waste service, which will likely consist of curbside pickup, will serve the proposed project. Albion Transfer Station, located approximately 2.5 miles northeast of the project site, can accommodate the solid waste disposal needs of future development. The project will comply with all federal, state, and local management and reduction statutes and regulation related to solid waste. As such, the proposed project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. A less than significant impact would occur.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Utilities and Service Systems.

## 5.20 WILDFIRE

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

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

- a) **No Impact:** The Mendocino County Office of Emergency Services (OES) is responsible for coordinating the emergency planning process and maintaining the county’s emergency plans, including the Mendocino County Operational Area Emergency Operations Plan and Mendocino County Multi-Hazard Mitigation Plan. The project of after-the-fact development and replacement septic system on a developed parcel. The project site is accessed directly from

Navarro Ridge Road (CR 518) and is not expected to interfere with existing evacuation routes and is not located on property identified for use as part of an emergency response plan.

- b) **Less Than Significant Impact:** The property is in an area of “High Fire Hazard” severity rating. Fire protection services are provided by the California Department of Forestry and Fire Protection (CAL FIRE) and the Albion Little River Fire Protection District (ALRFPD). The project was referred to CAL FIRE and ALRFPD, where CAL FIRE provided comment regarding tree removal and State Fire Safe Regulations. The tree removal was of a few degrading or dying Bishop Pines trees were located at the parcel boundary line running parallel to Navarro Ridge Road (CR 518). As of this date, no response has been received from ALRFPD. **Condition 5** is recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan will be addressed. Therefore, indirect impacts would be less than significant.
  
- c) **Less Than Significant Impact:** Development will include grading at the driveway, repair and maintenance at the existing single-family residence and the installation of a replacement on-site septic system, or other activities that could exacerbate fire risks. However, this project on the subject parcel has been reviewed by CAL FIRE, who provided comment regarding tree removal and State Fire Safe Regulations. The tree removal was of a few degrading or dying Bishop Pines trees were located at the parcel boundary line running parallel to Navarro Ridge Road (CR 518). As of this date, no response has been received from ALRFPD. **Condition 5** is recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan will be addressed. Therefore, indirect impacts would be less than significant.
  
- d) **Less Than Significant Impact:** The location of the project of after-the-fact development and replacement septic system is located on a parcel with mixed slope, ranging from 15% to 75%, as shown on the *Topographical* map. The area of the existing development the project is located within an area of the parcel with mild to moderate slope (approximately 15%) towards the southwest, towards State Route (1) and the Navarro River. **Condition 5** is recommended requiring the applicant to secure all necessary permits for the replacement septic system, from County, State and Federal agencies having jurisdiction ensures any building regulations with respects to grading, erosion and runoff protection policies will be addressed. **Condition 13** is recommended to ensure the existing single-family residence has adequate sewage disposal and consistent with MCC Sections 20.516.015(A) Septage. **Conditions 14 and 15** are recommended to ensure Best Management Practices (BMP’s) will be implemented at the time of construction of the replacement septic system and protection measures recommended for the adjacent ESHA and grading activities, including maintaining the improved driveway, parking areas and replacement septic system, shall comply with MCC Chapters 20.492 and 20.500 regulations. Therefore, indirect impacts would be less than significant.

**MITIGATION MEASURES:** None.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT** on Wildfire.

### 5.21 MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
plant or animal or eliminate important examples of the major periods of California history or prehistory?				
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

- a) **Less Than Significant Impact With Mitigation Incorporated:** project may result in impacts associated with biological resources that would be significant if left unmitigated. However, implementation of mitigation measures and conditions (**Conditions 13 through 19**) as outlined in the respective sections of this IS/MND would fully mitigate all potential impacts on these resources to levels that are less than significant.
- b) **Less Than Significant Impact:** The proposed project will not create any cumulative impacts on the surrounding area and any impact that would occur is considered to be less than significant. Development necessitates separate requirements such as BMP and adherences to the California Building Code.
- c) **Less Than Significant Impact:** Based on discussion throughout this initial study, development will not cause substantial adverse effect on human beings, either directly or indirectly, and have been found to be less than significant or less than significant with mitigation implemented.

**MITIGATION MEASURES:** See Mitigation Measures for Biological Resources **Conditions 13 through 19**.

**FINDINGS:** The proposed project would have **LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED** on Mandatory Findings of Significance.