



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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October 4, 2024

**NOTICE OF PUBLIC HEARING AND INTENT
TO ADOPT A MITIGATED NEGATIVE DECLARATION**

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

CASE#: U_2019-0006

DATE FILED: 4/25/2019

OWNER/APPLICANT: Redwood Coast Wellness Center

AGENT: Debra Lennox

REQUEST: Coastal Development Use Permit to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

LOCATION: In the Coastal Zone, 2.1± miles northeast of the Gualala town center, on the north side of Ocean Ridge Drive (CR 514), 0.1± miles west of its intersection with Old Stage Road (CR 502), located at 38381 Ocean Ridge Drive, Gualala. APN: 144-256-13.

SUPERVISORAL DISTRICT: 5 (Williams)

STAFF PLANNER: Keith Gronendyke

The staff report, draft Mitigated Negative Declaration, and notice will be available for public review 30 days prior to the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>.

Your comments regarding the above project(s) and/or Draft Mitigated Negative Declaration are invited. Written comments may be submitted by mail to the Department of Planning and Building Services Commission Staff, 860 North Bush Street, Ukiah, California. The public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov by November 6, 2024, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Planning Commission, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies> under the Planning Commission tab.

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

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

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

JULIA KROG, Director of Planning and Building Services



**PLANNING COMMISSION STAFF REPORT
FOR COASTAL DEVELOPMENT USE PERMIT**

**NOVEMBER 7, 2024
U_2019-0006**

SUMMARY

OWNER/APPLICANT: Redwood Coast Wellness Center
PO Box 502
Gualala, CA 95445

AGENT: Debra Lennox
PO Box 798
Mendocino, CA 95460

REQUEST: Coastal Development Use Permit to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well.

LOCATION: In the Coastal Zone, 2.1± miles northeast of the Gualala town center, on the north side of Ocean Ridge Drive (CR 514), 0.1± miles west of its intersection with Old Stage Road (CR 502), located at 38381 Ocean Ridge Drive, Gualala. APN: 144-256-13.

TOTAL ACREAGE: 11.16± Acres

GENERAL PLAN: Rural Residential- 5 Acre Minimum, variable to Suburban Residential Planned Development (RR5-PD [SR-PD])

ZONING: Rural Residential- 5 Acre Minimum, Planned Development with Airport Zone combining district. (RR-5:PDAZ)

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: By resolution, the Planning Commission adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant Use Permit U_2019-0006 for the Project based on the facts and findings and subject to the conditions of approval and mitigation measures contained in Exhibit A.

STAFF PLANNER: Keith Gronendyke

BACKGROUND

PROJECT DESCRIPTION: Coastal Development Use Permit to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The project

will establish a reduced riparian buffer as well. The project also is proposed to be constructed in five phases as described by the applicant as such:

- Phase 1: Electrical pole
- Phase 2: Concrete slab
- Phase 3: Pavilion, Parking and driveway and underground utilities
- Phase 4: Pump house and water tanks
- Phase 5: Kitchen, restrooms, and septic system

The original application submittal in 2019 had requested the phased construction of a multi-use recreational facility that included the development of numerous passive and active recreational improvements including construction of an 18-hole disc golf course, horseshoe pits, pétanque terrain and a four (4) lane outdoor lap pool, a children's splash pool, locker rooms, an indoor therapy pool, a covered multi-use pavilion, parking, utilities, and bathrooms.

Since the 2019 project submittal, the Redwood Coast Wellness Center reduced their original project request resulting in a re-referral of the project on December 6, 2022. Following this referral, the applicant secured biological and botanical surveys that further delayed the project's review timeline to satisfy applicable development application procedures.

APPLICANT'S STATEMENT: *"Proposed open pavilion with commercial kitchen, storage, restrooms, septic system, concrete sidewalk all around, accessible van parking space, pump house, developed well, two 5000-gallon water storage tanks, electrical pole and underground utility service and gravel parking area. Upgrade existing driveway. The project will establish a reduced riparian buffer. Tree Removal for the future leach field will be addressed upon septic system permit application process."*

RELATED APPLICATIONS:

- **PR2022-0059:** Planning review of Septic System Permit No. ST24129 (*On Hold pending action on U_2019-0006*)
- **PAC_2016-0010:** Pre-Application Conference for Redwood Coast Recreational Center.
- **CE_2015-0044:** Test Well

SITE CHARACTERISTICS: According to the application the following applies to the subject property:

"The property is surrounded on its east, south and west sides by parcels of Block Four of the Ocean Ridge subdivision No. 1, created in 1964. The parcels are approximately 1/3 acre in size and covered with mixed stands of redwood and pine. All except two parcels are developed with one or two story built single-family-residences of varying size and architectural style. Visibility between the RCRC property and neighboring residences is filtered through trees except ;for 38300 Old Stage Rd, which overlooks part of the RCRC property and is visible from the site.

On its north side, the property borders on Bower Park, a public park with a fenced in pond, trails, children's playground, two outdoor tennis courts, an outdoor basketball court, a clubhouse and parking.

Ocean Ridge Airport is located approximately one mile northeast and includes a cluster of industrial buildings and workshops in addition to airplane hangars and airport facilities."

Staff would add that the project site is located on a ridge within the Coast Range and is approximately one mile from the Pacific Ocean. The subject parcel is covered by Bishop Pine and Redwood forests and non-native grassland. Additionally, there are four ephemeral streams and a man-made pond on the property. The topography of the site is south and west facing gentle to moderate slopes that drop towards the previously mentioned man-made pond. The project site is directly adjacent to Bower Park, a County owned park.

Existing amenities on the property include the man-made lake, a small stage and covered barbeque area, a bench kiosk and two storage sheds.

It should be noted that the only area that the proposed septic system and leach field would function properly is where it is being proposed, within the Bishop pine forest ESHA

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Open Space (OS), Rural Residential, Planned Development (RR5:PD)	Open Space (OS), Rural Residential	6.34± to 11.27± Acres	Residential, Open Space
EAST	Rural Residential (RR)	Rural Residential (RR)	0.34± to 0.37± Acres	Residential
SOUTH	Rural Residential (RR)	Rural Residential (RR)	0.30± to 0.32± Acres	Residential
WEST	Rural Residential (RR)	Rural Residential (RR)	0.28± to 0.38± Acres	Residential

PUBLIC SERVICES:

Access: Ocean Ridge Drive (CR 514)
 Fire District: South Coast Fire Protection District
 Water District: North Gualala Water Company
 Sewer District: None
 School District: Arena Union Elementary

LOCAL COASTAL PROGRAM CONSISTENCY: The proposed project is consistent with the goals and policies of the General Plan, Zoning Code and Local Coastal Program, as detailed below:

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 31: Gualala* map. The subject parcel is classified as Rural Residential (RR5-PD [SR-PD]), by the Mendocino County General Plan, as shown on the *General Plan Classifications* map.

Chapter 2.2 of the General Plan Coastal Element lists the intent of the Rural Residential land use designation as:

“... 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 Rural Residential classification is not intended to be a growth area and residences should be located in such a manner as to create minimal impact on agricultural viability. The maximum density on RR 5 designated parcels is one dwelling per 5 acres. This proposal does not include any residential component. Conditionally allowed uses include public facilities and recreation-education uses. Additionally, the parcel's close location to the Pacific Ocean is not conducive to large scale commercial agricultural uses.

COMBINING DISTRICTS: The parcel also is within the Planned Development Combining District, which is intended to be used as a combining Land Use Classification with, among others, RR-5 land use designated parcels. Per the County of Mendocino's Coastal Element:

“... The use of Planned Development is intended to require a site plan for new development so that a parcel will be reviewed to ensure maximum preservation of open space, protection of views from public roads, pygmy vegetation areas where the entire parcel is pygmy soil types and resource protection, while allowing residential, commercial and industrial uses on an existing parcel with site area per unit specified and the site plan for the parcel reviewed to ensure maximum preservation of open space and views from public roads...”

The project is proposing to construct a pavilion consisting of two-bathroom facilities, a storage room, and a commercial kitchen along with a large open area for eating and entertaining. The structure is proposed to have a 7 and 12 gabled roof with a green standing seam metal covering. The maximum height of the structure is shown at twenty-two feet. The siding of the pavilion is proposed to be hard panel with batts running vertically every twelve inches.

This development would honor the intended uses when located in Planned Development Combining District in that maximum preservation of open space would be preserved, given the large lot size and the small size of the proposed structures. Also, the development would be located behind existing single-family residences and behind a line of very mature pine and redwood trees which would serve to protect the views from Old Stage Road, which is a public road. Commercial uses are allowed on parcels located within the Planned Development combining district as well.

ZONING: The project site is located within a variable density zoning of Rural Residential with variable zoning to Suburban Residential (RR5-PD [SR-PD]). As the parcel exists at the lower density of Rural Residential, five acre minimum, zoning district, the zoning and applicable development standards are that of the Rural Residential (RR 5) district. The zoning is 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 proposed project consists of the construction of an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking spaces, an improved gravel driveway and gravel parking area, pump house with well, the installation of two 5,000-gallon water storage tanks, an electrical pole, and underground services. The project will establish a reduced riparian buffer as well. This minor construction would not impact the agricultural viability of the property as agricultural use is not a prime utilization of this location due to temperature and usually windy conditions.

The proposed development will result in an overall lot coverage of less than 1 percent, which is well below the 20 percent maximum allowable lot coverage.

The project site is within the Planned Development Combining District. Section 20.428.010 (A) of the Planned Development Chapter of the LCP states that: *“A use permit shall be required for all development within a PD Combining District.”* As this staff report is for the approval of a use permit to establish a community recreation use on the subject property, this application is consistent with the Planned Development (PD) Overlay District.

The proposed site is within the Airport Zone Combining District. This combining district regulates uses when located within specific airport zones from A to D. The subject parcel is located within Airport Zone D. Properties located within this zone do not have restrictions on use unless the use is hazardous to flight, which would not be the case with the proposed project. No referral or review by the Airport Land Use Commission is necessary for the subject application.

HABITATS AND NATURAL RESOURCES: In 2014, a Scoping Report was prepared by Matt Green Forestry and Biological Consulting for an undetermined project but was generally described as a recreation center. At that time, the only activities being discussed were the removal of dead and dying trees. The report identified two forest types on the property, a redwood/bishop pine mixed stand and a pure bishop pine stand. Other vegetation types observed were grassland and the aforementioned man-made pond. Other potentially occurring plants and animal species were also looked for at the site with site visits made once in 2013 and three times in 2014. The conclusion of this report was that:

“ There is a possibility that at least 13 plant species and eight land based fauna species could occur on the property based on habitat availability. Only one species (coast lily) is currently known to be found on the property. Surveys will be conducted with each step that proposes to disturb the ground or soil on the property with mechanical equipment. Surveys must be done annually as species can move from place to place.”

Subsequent to this report a new Environmentally Sensitive Habitat Area (ESHA) Survey was written by WRA Environmental Consultants and dated August 2022. This report conducted an ESHA assessment of the subject parcel and noted the previous biological scoping report conducted in 2014 and what that report indicated (see above). The new report does specifically detail the proposed project as:

“a public use pavilion with kitchen and restrooms as well as accessory infrastructure including a gravel parking lot, water tanks, pump house, power pole, power line and leach field. The proposed leach field areas will be developed in stages. Immediate construction will install three of six lines, with the second set of lines developed at a later date, if/when needed. The replacement leach field will not be developed at this time. A septic line of 2-inch PVC pipe will be trenched in an 18-inch-deep trench from the proposed development to the leach field. The leach field lines will be 12-inches deep. Communication to WRA indicates that trees will necessarily be removed for installation of the leach field. Information regarding the trees to be removed was not available to include in this report. However, the information will be provided within the Habitat Mitigation and Monitoring Plan (HMMP). A power line is proposed to be installed adjacent to Ocean Ridge Drive to provide power to the pump house. Power line will be trenched to the pump house along the existing gravel driveway.” Additionally, the report acknowledges that WRA performed the assessment to help the project applicant to develop a project that avoids and/or minimizes potential impacts to sensitive natural resources to the maximum extent feasible. The report further states: *“During the site visits, WRA identified several ESHA, including aquatic resources, terrestrial communities, and special-status plant species within the study area. The areas of proposed impacts are within ESHA and ESHA buffer. Therefore, avoidance of ESHA buffers is not feasible to complete the project. The project will provide the community with a gathering place in a parcel already utilized for recreation purposes and enhance degraded ESHA buffer habitat. A reduced buffer analysis was performed in this report as development is proposed within ESHA buffers. Mitigation measures are included as part of the project and provided herein to ensure that wetland, streams, and man-made pond (aquatic resources collectively) special-status species and sensitive terrestrial resources (e.g., Bishop pine forest) within the project are protected or not significantly impacted. A complete listing of natural resources or potential ESHA within the study area is included...”*

Furthermore: *“The proposed pavilion and associated structures are located outside the literal extent of Bishop pine forest, but portions are within the fifty- and one-hundred-foot buffer. The leach fields are located within the literal extent of Bishop pine forest. The pavilion and associated structures are outside the 100-foot buffer of special-status plants. The proposed leach field is outside the 100-foot buffer of special status plants; however, the replacement leach field is within the fifty-foot buffer of California sedge and thin-leaved horkelia.*

Approximately 0.27-acre of Bishop pine forest 100-foot buffer will be permanently impacted. Of the 0.27-acre, 0.06 acre will occur within the 50-foot buffer. Permanent impacts are due to development of the pavilion, gravel driveway, pump house, water tanks and power pole. Mitigation measures...will be incorporated into the project to mitigate permanent impacts to the Bishop pine forest buffer.

Approximately 0.19 acre of Bishop pine forest will be temporarily impacted through installation of both leach fields and leach lin. The location of the leach fields were determined to be the only suitable location within the entire Study Area by qualified professionals. Approximately 0.02 acre of Bishop pine forest and special-status plant 50-foot buffer will be temporarily impacted through installation of leach field, leach line and power line .Impacts are considered temporary as impacts include ground disturbance and below ground development (i.e., placing of septic line and power line) which will allow for the eventual return of existing habitats and their functions. Mitigation measures will be incorporated into the project to reduce and mitigate temporary impact to Bishop pine forest and special-status plant species”.

Staff reached out to the representative for the California Department of Fish and Wildlife (CDFW) for comments on the reduced buffer of fifty feet and CDFW concurred with the reduced buffer and mitigation measures proposed in the WRA Environmentally Sensitive Habitat Area Survey along with additional mitigation measures proposed by CDFW. Additional mitigation measures in a subsequent document, a Report of Compliance, completed by WRA and submitted to the Mendocino County Planning Department on May 3, 2024, also are incorporated into the conditions of approval. These mitigation measures can be found as Condition **Numbers 14 to 29** of Exhibit A to the Resolution.

Additionally, the conclusion of the Report of Compliance reads: *“The proposed development of the septic/leach field within Bishop pine forest may significantly impact ESHA. However, mitigation measures will be adopted so that ESHA are not significantly degraded by the proposed development. Based upon a parcel-wide assessment by septic professionals, the proposed location is the only location within the entire parcel that is suitable for a septic/leach field; as such, no alternatives are available.”*

HAZARDS: The project's location is within a high fire hazard severity zone. Staff recommends that all development on the project site must meet all requirements of California Resources Code 4290 for development in a high fire hazard zone, which applies to the subject parcel. **Condition 13** has been added to address this requirement. The project, as proposed, would result in lot coverage of less than 1 percent, which would not exceed the maximum allowed lot coverage of 20 percent for parcels of this size located within a RR District. With the inclusion of the standard conditions, staff finds the project to be consistent with Mendocino County policies for fire protection.

VISUAL RESOURCE AND SPECIAL TREATMENT AREAS: The project site is not within a designated Highly Scenic Area or within a Tree Removal Area. The proposal would construct a series of relatively small structures with the proposed pavilion consisting of a commercial kitchen, bathroom facilities, a storage room and an eating area being the largest proposed building. At its highest, it will be twenty-two (22) feet tall. The structure would not be visible from Old Stage Road, as a row of single-family-dwellings and a long row of evergreen trees stand between the road and the proposed structure. As such, staff finds the proposed project would not have significant visual impacts.

MCC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources in Highly Scenic Areas, Special Treatment Areas, and Special Communities of the Coastal Zone. Exterior lighting is required to be within the zoning district's height limit regulations and requires exterior lighting to be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel. In reviewing the plans submitted with the application, the proposed exterior lighting is described as the following: *“Downcast, low wattage, shielded lighting attached to posts and wall structures underside of roof or overhang.”* Staff finds that the proposed lighting is in conformance with these standards. **Condition 34** has been added to support Section 20.504.035 of the Mendocino County Coastal Zoning Ordinance.

GRADING, EROSION AND RUN-OFF: There is an existing gravel road accessed from Ocean Ridge Drive that will be utilized to access a new graveled parking area with fourteen spaces with one space being reserved for handicapped individuals. The gravel driveway will be of a looping design with the eastern side being for vehicles entering the site, while the western side being for vehicles leaving the site. The Mendocino County Department of Transportation (MCDOT) has indicated that a commercial driveway approach would need to be constructed at the entrance off of Ocean Ridge Road. **Condition 9** has been added to satisfy this requirement. This project also includes the installation of a septic system and leach fields to treat the effluent and kitchen waste from the proposed kitchen and restroom facilities. The proposed leach field and replacement areas would be located within the 100 foot buffer on an on-site Environmentally Sensitive Habitat Area (ESHA) including aquatic areas, terrestrial communities and special-status plant species and will require mitigation measures to lessen the possible impacts to a less than significant level. A broader and more thorough discussion can be found above in the Habitat and Natural Resources section of this report.

TRANSPORTATION/CIRCULATION: The project would not contribute significant 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.

PUBLIC ACCESS: The project site is not designated as a potential public access point on the certified LCP maps as it is approximately one mile inland from the Pacific Ocean. As the project site is located east of the first public road, no findings related to public access are required for the project.

PUBLIC SERVICES: The project site is located within the North Gualala Water District, but the site has an existing private well for potable water needs. This well will be utilized to provide potable water to the project. Additionally, the site is not located within a sewer district and a septic system and leach field is proposed to be installed.

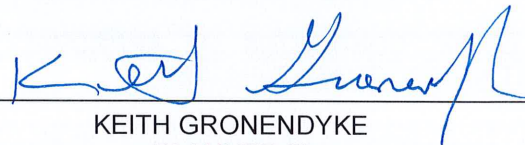
ARCHAEOLOGICAL/CULTURAL RESOURCES: Previously, an Archaeological Resources Study was completed in 2019 by the Anthropological Studies Center. This report was completed as part of the review for the previous project, which proposed a much larger area of ground disturbance than the current project described in this staff report. This survey included the entire parcel associated with the proposed development. The conclusion of this study was that: *"The records search and literature review identified no recorded archaeological or architectural resources in the project area. The pedestrian archaeological survey located no archaeological resources in the project area. Background research indicates a moderate sensitivity for prehistoric archaeological resources on the surface, but a low sensitivity for buried prehistoric resources. Sensitivity for historic-era archaeological resources on the surface within the project area is moderate, but low for buried resources."* The report was reviewed by the Mendocino County Archaeological Commission at their December 11, 2019, meeting. At that time, the survey completed by the Anthropological Studies Center was accepted with the additional comment that at the discretion of the project archaeologist, an archaeological monitor shall be present for any future ground disturbing activities. As the current project's scope and size has been greatly reduced, staff feels that the aforementioned determination would still suffice for this project and has added **Conditions of approval numbers 11 and 12** to address the Archaeological Commissions recommendation.

GROUNDWATER RESOURCES: The subject property is located within the North Gualala Water Company for potable water needs, but the application indicates that the project site already has an established well for potable water needs. Additionally, the project is proposing to install two 5,000-gallon water tanks to store potable water. As such, the North Gualala Water Company will not be needed to provide potable water for the project proposal.

ENVIRONMENTAL DETERMINATION: The Planning Commission finds that the project could have a significant effect on the environment but based on the initial study completed for the project, and mitigation measures added to the conditions of approval, all potential significant impacts have been mitigated to a less than significant level. As such, a mitigated negative declaration has been adopted.

7-16-2024

DATE



KEITH GRONENDYKE
PLANNER III

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

ATTACHMENTS:

- | | |
|-------------------------|-------------------------------|
| A. Location Map | H. Fire Hazards Map |
| B. Topographical Map | I. Slope Map |
| C. Aerial Map | J. Soils Map |
| D. Site/Tentative Map | K. Ground Water Resource Area |
| E. Adjacent Owner Map | L. Highly Scenic/Tree Removal |
| F. Zoning Map | M. Wetlands |
| G. General Plan/LCP Map | |

AGENCY COMMENTS: On June 25, 2019, original project referrals were sent out. Since that time, the project request was significantly altered and re-referred out on December 6, 2022, to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below.

REFERRAL AGENCIES	COMMENT
Air Quality Management	No Response
Airport Land Use Commission	Comments
Archaeological Commission	Comments
Assessor	No Response
Building Inspection - Fort Bragg	No Comment
California Coastal Commission	No Response
California Department of Fish and Wildlife	No Response
Cloverdale Rancheria	No Response
Cultural Services Agency	No Response
CALFIRE -Resource Management	No Response
CALFIRE -Land Use	No Response
Environmental Health - Fort Bragg	No Response
Gualala Municipal Advisory Council	No Response
Manchester Rancheria	No Response
Mendocino Transit Authority	No Response
North Gualala Water Company	No Comment
Planning – Fort Bragg	Comments
Redwood Valley Rancheria	No Response
Reginal Water Quality Control Board	No Response
Sherwood Valley Band of Pomo Indians	No Response
Sonoma State University	No Response
South Coast Fire Protection District	No Response

RESOLUTION, CONDITIONS OF APPROVAL (Exhibit A) & MITIGATION MONITORING AND REPORTING PROGRAM (Exhibit B):

MITIGATED NEGATIVE DECLARATION / Initial Study available online at:
<https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>



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

SCH: 2024070695

FOR
**COASTAL DEVELOPMENT USE PERMIT FOR
REDWOOD COAST WELLNESS CENTER AT 38381
OCEAN RIDGE DRIVE, GUALALA CA;
APN: 144-256-13**
File No. U_2019-0006

LEAD AGENCY:

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

PREPARED BY:

Keith Gronendyke, Planner III
Department of Planning & Building Services
860 North Bush Street, Ukiah, CA 95482
(707) 234-6650

July 11, 2024

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INTRODUCTION

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 Negative Declaration (MND) for the proposed project to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well. (the "Project"). 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

FILE NUMBER: U_2019-0006

OWNER/APPLICANT: Redwood Coast Wellness Center
P O Box 502
Gualala, CA 95445

AGENT: Debra Lennox
P O Box 798
Mendocino CA 85460

PROJECT LOCATION: In the Coastal Zone, 2.1± miles northeast of the Gualala town center, on the north side of Ocean Ridge Drive (CR 514), 0.1± miles west of its intersection with Old Stage Road (CR 502), located at 38381 Ocean Ridge Drive, Gualala; APN: 144-256-13.

TOTAL ACREAGE: 11.16± Acres

GENERAL PLAN: Rural Residential- 5 Acre Minimum, variable to Suburban Residential Planned Development, Airport Zone (RR5-PDAZ [SR-PDAZ])

ZONING: Rural Residential, 5 Acre Minimum, Planned Development (RR-5:PDAZ)

PROJECT DESCRIPTION: Coastal Development Use Permit to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well. The project also is proposed to be constructed in four phases as described by the applicant as such:

Phase 1: Electrical pole

Phase 2: Concrete slab

Phase 3: Pavilion, Parking and driveway and underground utilities

Phase 4: Pump house and water tanks

Phase 5: Kitchen, restrooms, and septic system

The original application submittal in 2019 had requested for the phased construction of a multi-use recreational facility that included the development of numerous passive and active recreational improvements including construction of an 18-hole disc golf course, horseshoe pits, pétanque terrain and a four (4) lane outdoor lap pool, a children's splash pool, locker rooms, an indoor therapy pool, a covered multi-use pavilion, parking, utilities, and bathrooms.

Since the 2019 project submittal, the Redwood Coast Wellness Center reduced their original project request resulting in a re-referral of the project on December 6, 2022. Following this referral, the applicant secured biological and botanical surveys that further delayed the project's review timeline to satisfy applicable development application procedures.

According to the applicant the following applies to the subject property:

"The property is surrounded on its east, south and west sides by parcels of Block Four of the Ocean Ridge subdivision No. 1, created in 1964. The parcels are approximately 1/3 acre in size and covered with mixed stands of redwood and pine. All except two parcels are developed with one or two story built single-family-residences of varying size and architectural style. Visibility between the RCRC property and neighboring residences is filtered through trees except ;for 38300 Old Stage Rd, which overlooks part of the RCRC property and is visible from the site.

On its north side, the property borders on Bower Park, a public park with a fenced in pond, trails, children's playground, two outdoor tennis courts, an outdoor basketball court, a clubhouse and parking.

Ocean Ridge Airport is located one mile northeast and includes a cluster of industrial buildings and workshops in addition to airplane hangars and airport facilities."

Staff would add that the project site is located on a ridge within the Coast Range and is approximately one mile from the Pacific Ocean. The subject parcel is covered by Bishop Pine and Redwood forests and non-native grassland. Additionally, there are four ephemeral streams and a man-made pond on the property. The topography of the site is south and west facing gentle to moderate slopes that drop towards the previously mentioned man-made pond

Existing amenities on the property include the man-made lake, a small stage and covered barbeque area, a bench kiosk and two storage sheds. It should be noted that the only area that the proposed septic system and leach field would function properly is where it is being proposed, within the Bishop pine forest ESHA

The surrounding Land Uses and Zoning are detailed in the following table.

TABLE 1: ADJACENT LAND USE AND ZONING

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Open Space (OS), Rural Residential, Planned Development (RR5:PD)	Open Space (OS), Rural Residential	6.34± to 11.27± Acres	Residential, Open Space
EAST	Rural Residential (RR)	Rural Residential (RR)	0.34± to 0.37± Acres	Residential
SOUTH	Rural Residential (RR)	Rural Residential (RR)	0.30± to 0.32± Acres	Residential
WEST	Rural Residential (RR)	Rural Residential (RR)	0.28± to 0.38± Acres	Residential

Other Public Agencies Whose Approval is Required: Mendocino County Environmental Health, Mendocino County Building Department.

Pursuant to the consultation requirements of Assembly Bill (AB) 52, in December 2022, the County of Mendocino (County) provided formal notification to the California Native American tribes that requested notification of all new potential Mitigated Negative Declarations within the County. The following tribes were notified: Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians.

PROJECT PLOT PLAN: See Page 6 of this document.

FIGURE1: LOCATION MAP

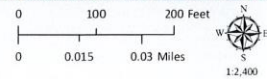


FIGURE 2: AERIAL IMAGERY



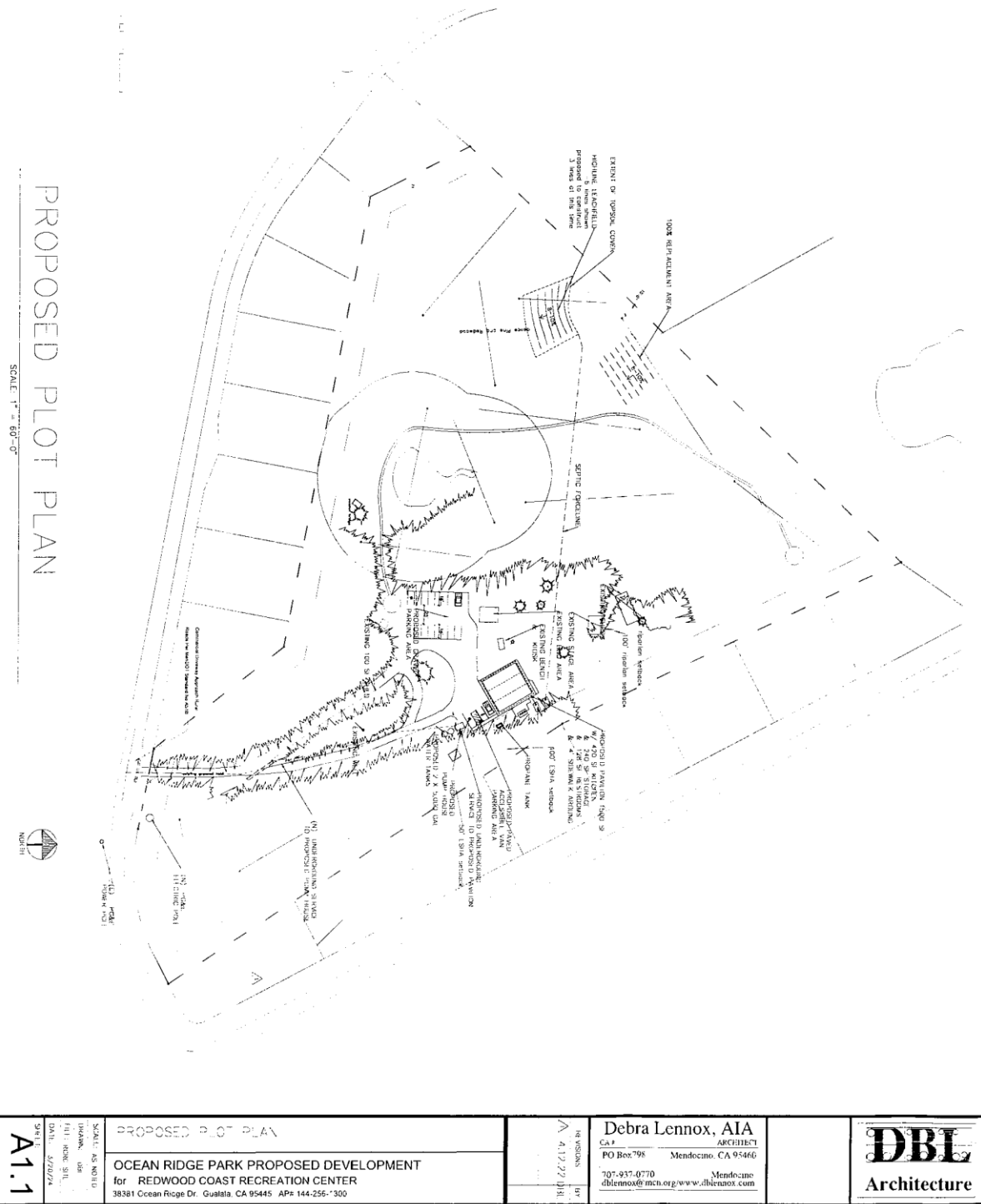
CASE: U 2019-0006
OWNER: Redwood Coast Wellness Center
APN: 144-256-13
APLCT: Redwood Coast Recreation Center
AGENT: Matthias Oppliger
ADDRESS: 38381 Ocean Ridge Drive, Gualala

Public Roads
Driveways/Unnamed Roads



AERIAL IMAGERY

FIGURE 3: PLOT PLAN



SCALE: 1" = 80'-0"
 PROPOSED PLOT PLAN
 NORTH

PROPOSED PLOT PLAN
 OCEAN RIDGE PARK PROPOSED DEVELOPMENT
 for REDWOOD COAST RECREATION CENTER
 38381 Ocean Ridge Dr. Gualala, CA 95445 AP# 144-256-7300

NO VISIONS
 4/8
 4.12.22 JBL

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DBL
 Architecture

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

DETERMINATION

Based on this initial evaluation:

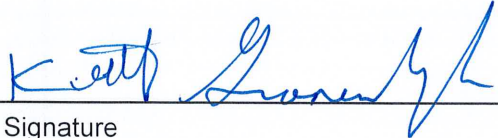
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

KEITH GRONENDYKE

Printed Name

7-16-2024

Date

Planner III

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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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, c, d) **Less Than Significant:** The proposed project would have no impact on a scenic vista or scenic resources within a state scenic highway. The project site is not located in a designated Highly Scenic Area. Development would not be visible from State Route 1, nor have any effect on a scenic vista, including views of the coast. State Route 1 is located approximately 1.67 miles west of the project site. While there are single family residences located east of the project's proposed pavilion building, a line of trees between the development and the residences would shield the development from direct views from the residences. Lighting is proposed as part of the development, but it has been stated that the lighting will be down shielded to minimize any negative impacts. Staff recommends the addition of **Condition #34** which would require that any outdoor lighting not create a new source of substantial light or glare.
- b) **No Impact:** The project is not located along a state scenic highway.

MITIGATION MEASURES: None

FINDINGS: The proposed project would have no impact and a less than significant impact on Aesthetics.

5.2 AGRICULTURE AND FORESTRY RESOURCES

WOULD THE PROJECT:	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"/>
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-e) **No Impact:** Mendocino County General Plan Chapter 7 (Coastal Element) and Mendocino County Coastal Zoning Code (MCC), respectively classify and designate the site as Rural Residential (RR). The site is neither classified as Agriculture, nor is it mapped as important farmland. The subject property does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Additionally, the subject property is not located within or adjacent to lands within a Williamson Act contract nor within a timber production zone. Therefore, no impact to agricultural or forestry resources would occur as a result of implementing the proposed project.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- Combustion emission associated with operation of off-road equipment
- Combustion emissions associated with operation of on-road motor vehicles
- Fugitive dust from earth-moving activities
- Smoke emissions produced intermittently during use of the proposed barbeque

Anticipated emissions during operation of the project include:

- Combustion emissions associated with operation of on-road motor vehicles
- Particulate matter and smoke from the proposed barbeque

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

During the construction phase, the proposed project has the potential to increase PM₁₀ in the immediate vicinity of the site due to site grading and preparation. Local impacts to the area during construction would be mitigated using standard dust control measures. After construction is completed, any bare soil created by the construction phase of the project would be revegetated as soon as feasible with native vegetation and/or native seed. There are no sensitive receptors in the immediate vicinity of the project. The site is located in an established rural residential area. The proposed project would not create significant objectionable odors during its normal operation or during construction and is not in a location that would affect substantial numbers of people. The project will not significantly alter air quality during barbecuing events.

MITIGATION MEASURES: None

FINDINGS: The proposed project would have a less than significant 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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.** Originally in 2014, a Scoping Report was prepared by Matt Green Forestry and Biological Consulting for an undetermined project but was generally described as a recreation center. At that time, the only activities being discussed were the removal of dead and dying trees. The report identified two forest types on the property, a redwood/bishop pine mixed stand and a pure bishop pine stand. Other vegetation types observed were grassland and the aforementioned man-made pond. Other potentially occurring plants and animal species were also looked for at the site with site visits made once in 2013 and three times in 2014. The conclusion of this report was that: *"There is a possibility that at least 13 plant species and eight land based fauna species could occur on the property based on habitat availability. Only one species (coast lily) is currently known to be found on the property. Surveys will be conducted with each step that proposes to disturb the ground or soil on the property with mechanical equipment. Surveys must be done annually as species can move from place to place."*¹

Subsequent to this report a new Environmentally Sensitive Habitat Area (ESHA) Survey was written by WRA Environmental Consultants and dated August 2022. This report conducted an ESHA assessment of the subject parcel and noted the previous biological scoping report conducted in 2014 and what that report indicated (see above). The new report does specifically detail the proposed project as: *"a public use pavilion with kitchen and restrooms as well as accessory infrastructure including a gravel parking lot, water tanks, pump house, power pole, power line and leach field. The proposed leach field areas will be developed in stages. Immediate construction will install three of six lines, with the second set of lines developed at a later date, if/when needed. The replacement leach field will not be developed at this time. A septic line of 2-inch PVC pipe will be trenched in an 18-inch-deep trench from the proposed development to the leach field. The*

leach field lines will be 12-inches deep. Communication to WRA indicates that trees will necessarily be removed for installation of the leach field. Information regarding the trees to be removed was not available to include in this report. However, the information will be provided within the Habitat Mitigation and Monitoring Plan (HMMP). A power line is proposed to be installed adjacent to Ocean Ridge Drive to provide power to the pump house. Power line will be trenched to the pump house along the existing gravel driveway.” Additionally, the report acknowledges that WRA performed the assessment to help the project applicant to develop a project that avoids and/or minimizes potential impacts to sensitive natural resources to the maximum extent feasible. The report further states: “During the site visits, WRA identified several ESHA, including aquatic resources, terrestrial communities, and special-status plant species within the study area. The areas of proposed impacts are within ESHA and ESHA buffer. Therefore, avoidance of ESHA buffers is not feasible to complete the project. The project will provide the community with a gathering place in a parcel already utilized for recreation purposes and enhance degraded ESHA buffer habitat. A reduced buffer analysis was performed in this report as development is proposed within ESHA buffers. Mitigation measures are included as part of the project and provided herein to ensure that wetland, streams, and man-made pond (aquatic resources collectively) special-status species and sensitive terrestrial resources (e.g., Bishop pine forest) within the project are protected or not significantly impacted. A complete listing of natural resources or potential ESHA within the study area is included...”²

Furthermore: “The proposed pavilion and associated structures are located outside the literal extent of Bishop pine forest, but portions are within the fifty- and one-hundred-foot buffer. The leach fields are located within the literal extent of Bishop pine forest. The pavilion and associated structures are outside the 100-foot buffer of special-status plants. The proposed leach field is outside the 100-foot buffer of special status plants; however, the replacement leach field is within the fifty-foot buffer of California sedge and thin-leaved horkelia.

Approximately 0.27-acre of Bishop pine forest 100-foot buffer will be permanently impacted. Of the 0.27-acre, 0.06 acre will occur within the 50-foot buffer. Permanent impacts are due to development of the pavilion, gravel driveway, pump house, water tanks and power pole. Mitigation measures...will be incorporated into the project to mitigate permanent impacts to the Bishop pine forest buffer.

Approximately 0.19 acre of Bishop pine forest will be temporarily impacted through installation of both leach fields and leach line. The location of the leach fields was determined to be the only suitable location within the entire Study Area by qualified professionals. Approximately 0.02 acre of Bishop pine forest and special-status plant 50-foot buffer will be temporarily impacted through installation of leach field, leach line and power line. Impacts are considered temporary as impacts include ground disturbance and below ground development (i.e., placing of septic line and power line) which will allow for the eventual return of existing habitats and their functions. Mitigation measures will be incorporated into the project to reduce and mitigate temporary impact to Bishop pine forest and special-status plant species.

Staff reached out to the representative for the California Department of Fish and Wildlife (CDFW) for comments on the reduced buffer of fifty feet and CDFW concurred with the mitigation measures proposed in the WRA Environmentally Sensitive Habitat Area Survey along with additional mitigation measures proposed by CDFW. Additional mitigation measures in a subsequent document, a Report of Compliance, completed by WRA and submitted to the Mendocino County Planning Department on May 3, 2024, also are incorporated into the conditions of approval. Mitigation Measures BIO-1 through BIO-16 can be found as **Conditions 14 to 29** in the Conditions of Approval of the proposed resolution and are included below.

Additionally, the conclusion of the Report of Compliance reads: “The proposed development of the septic/leach field within Bishop pine forest may significantly impact ESHA. However, mitigation measures will be adopted so that ESHA are not significantly degraded by the proposed development. Based upon a parcel-wide assessment by septic professionals, the proposed location is the only location within the entire parcel that is suitable for a septic/leach field; as such, no alternatives are available.”

b-f) Less Than Significant Impact. Waters of the United States (U.S.), including wetlands, are broadly defined to include navigable waterways, and tributaries of navigable waterways, and adjacent wetlands. Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface water or groundwater, supporting vegetation adapted to life in saturated soil. Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the U.S. Army Corps of Engineers

(Corps). The Corps holds sole authority to determine the jurisdictional status of waters of the U.S., including wetlands. Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetland and waters of the U.S. provide critical habitat components, such as nest sites and reliable sources of water for a wide variety of wildlife species. In the Coastal Zone, wetlands are recognized if any one of the three Corps parameters (hydrophytic vegetation, hydric soils, or hydrology) are present. The Environmentally Sensitive Habitat Area Survey conducted by WRA Environmental Consultants dated August 2022 indicates that there is one small seasonal wetland and a man-made pond in the study area. The report did not recommend any action needed to be taken with regards to the small seasonal wetland.

Additionally, the report noted that there were several ephemeral streams within the study area, but that these streams only convey water during and immediately after rainfall with vegetation within the streams sparse to absent. No riparian vegetation was noted within the streams.

Mendocino County does not have a tree preservation ordinance, a Habitat Conservation Plan, a Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

PROJECT SPECIFIC MEASURES: The following project specific modification measures have been included in the Conditions of Approval for the project, as written by WRA Environmental Consultants:

- BIO-1: Minimize vegetation removal to the greatest extent practical by targeting vegetation only within the grading footprint of development. Minimize the number of Bishop pine trees to be removed for the installation of the leach fields to the greatest extent practical. Erect temporary fencing around the project boundary to prevent unnecessary impacts to Bishop pine forest and the associated buffer.
- BIO-2: All staging and laydown areas for all construction materials and planning shall utilize the non-native grassland and developed areas.
- BIO-3: Replacement of all Bishop pine trees removed for the installation of the leach field, or any other project activity will have the requirement of a minimum ratio of 2:1 (trees restored:trees removed). Replacement may include natural regeneration or supplemental plantings of trees from local seed stock.

Prior to ground disturbance in the proposed leach fields, characteristics of the Bishop pine forest shall be collected (i.e., species present, absolute cover of each species, overall cover for each stratum) to visually monitor re-establishment progress.

Natural recruitment will be the preferred method of replacement. Should natural recruitment not succeed, supplemental plantings shall be necessary.

Limbs with cones and cones present on the forest floor will be collected and retained to be burned within the replacement area (and enhancement area, if possible). Limbs and cones will be stored in the shade and covered on bottom and top to reduce potential seed loss from heat. Following completion of topsoil placement, burn piles will be located throughout the replacement area in sizes that conform to County burn regulations. Burn piles should be small and numerous across the enhancement area to replicate a site wide fire and promote regeneration across a large portion of the area. The number of piles and area covered should be determined by the size of the enhancement area but should cover a minimum of fifty percent of the area to be enhanced. Burning will be conducted in the late fall or early winter to create natural burn conditions.

Container plants to be installed for supplemental planting within the replacement and enhancement areas will be native tree, shrub and herbaceous species that are ecologically appropriate for the site and be from local seed or rootstock. Bishop pine trees should be planted in sunny locations due to low shade tolerance. The proposed plant palette with container sizes is:

COMMON NAME	SCIENTIFIC NAME	CONTAINER SIZE
Bishop pine	<i>Pinus muricata</i>	15 gallon
Tan oak	<i>Notholithocarpus densiflorus</i>	15 gallon
Coast redwood	<i>Sequoia sempervirens</i>	15 gallon
Shrub Species		
Coyote bush	<i>Baccharis pilularis</i>	5 gallon
Blue blossom	<i>Ceanothus thrysiflorus</i>	5 gallon
Redwood manzanita	<i>Arctostaphylos columbiana</i>	5 gallon
Shatterberry	<i>Arctostaphylos nummularia</i> var. <i>nummularia</i>	5 gallon
Chaparral pea	<i>Picheingia montana</i>	5 gallon
Wavy leaved ceanothus	<i>Ceanothus foliosus</i> var. <i>foliosus</i>	5 gallon
Herb Species		
Bear grass	<i>Xerophyllum tenax</i>	1 gallon
Modesty	<i>Wipplea modesta</i>	1 gallon
Rose flowered lotus	<i>Hosackia rosea</i>	1 gallon
Braken fern	<i>Pteridium aquilinum</i> var. <i>pubescens</i>	1 gallon
Milkwort	<i>Polygala californica</i>	1 gallon

Planting will occur in the late fall to take advantage of seasonal rains and improve conditions for plant establishment. Three inches of mulch will be placed in planting basins to hold and conserve water around the plants, and foliage protection cages will be installed, if needed, to protect the plants from wildlife browsing. One-year time release fertilizer tablets will be placed in each pit prior to installation of container plantings.

The enhancement area will be the same size as the actual area of impact caused by the project, meeting a 1:1 ratio of impacted to enhanced area. One or more areas may be used. Success criteria are based on baseline conditions, which are to be enhanced through re-vegetation on native species.

BIO-4: Where feasible, tree roots greater than 2-inches diameter will be avoided during trenching by going around the tree roots or under. If avoidance is not feasible, roots shall be cut by hand to reduce exposed surfaces and reduce potential introduction of pathogens.

BIO-5: Leach fields located within the Bishop pine forest shall limit the area of disturbance and tree removal to the greatest extent practicable. Machinery (i.e., excavators and backhoes) used within the Bishop pine forest shall be limited to the smallest size appropriate to complete the work.

BIO-6: Bishop pine forest vegetation within the leach fields shall be allowed to naturally re-establish.

BIO-7: Any topsoil disturbed shall be set aside to be placed back onto disturbed areas. Areas of ground disturbance shall be replaced to pre-construction conditions using local soil (i.e., no off-parcel soil shall be placed in the disturbed areas). The following requirements for topsoil treatment will be conducted:

- Subsoil should be separated from the topsoil to reduce dilution of seed stock and changes in soil chemistry.
- Topsoil will be stored in shaded area, kept covered and placed in rows no more than 3-feet high.
- Topsoil should be re-applied within six months of excavation.
- No off-site (off-parcel) topsoil will be brought in.

Following completion of topsoil placement, the disturbed area will be covered with jute netting to prevent erosion. As plant species of Bishop pine forest are adapted to germinate in exposed mineral soil, no other soil cover (i.e., hay, hydroseed) should be applied. Following placement of jute, the replacement area will be fenced off with orange construction fencing to inhibit entry and signage will be placed to indicate area of restoration.

BIO-8: Areas of ground disturbance shall be monitored for five-years for invasive species establishment.

Invasive species include any species on the California Invasive Species Council (Cal-IPC) list which are known to impact Bishop pine forest habitat. Any individuals of these invasive species that becomes established during those five years shall be eradicated. Supplemental planting will occur if natural recruitment actions are deemed insufficient, as determined by success criteria. Site preparation for supplemental planting should avoid impacts to native vegetation to the greatest extent feasible. Prior to planting, invasive species should be removed from the area to be planted. If irrigation is necessary, installation of an irrigation system will avoid native vegetation to the greatest extent feasible.

Permanent photo-documentation points will be established at several locations in order to visually track the progress toward meeting final success criteria. Annual site visits will be conducted to monitor progress; the monitoring site visit will be conducted in late summer or early fall. A brief letter report will be submitted to the Redwood Coast Recreation Center board each year to report on progress in meeting success criteria. Photos from designated photo points will be included as an appendix. Other relevant information pertaining to the revegetation effort, such as a summary of invasive species control actions and corrective measures taken when success criteria were not met. If necessary, recommendations to help achieve final success criteria will be made in the annual letter. All monitoring and report preparation shall be conducted by a qualified biologist.

Reports that discuss monitoring results will be submitted to the RCRC board and to the Mendocino County Planning Department by December 31 of each monitoring year. These reports will assess the progress in meeting success criteria, will identify any problems with erosion, sedimentation and/or general causes of poor plant survival. If necessary, annual reports will include recommendations to improve success in achieving final success criteria.

After five years, a final monitoring report, describing the success of meeting the success criteria and an evaluation of the success of any necessary corrective measures undertaken will be prepared and submitted to the Mendocino County Planning Department and any other relevant public agency (CDFW, CCC).

BIO-9: Tree/vegetation removal and initial ground disturbance shall occur from August 16 to January 31, outside of the general bird nesting season. If tree/vegetation removal and initial ground disturbance during this time is not feasible, a pre-construction nesting survey should be performed by a qualified biologist no more than seven days prior to the initiation of tree removal or ground disturbance. The survey should cover the area of disturbance and surrounding areas within 500 feet. If active bird nests are found during the survey, an appropriate no-disturbance buffer should be established by the qualified biologist. Once it is determined that the young have fledged (left the nest) or the nest otherwise becomes inactive (e.g., due to predation), the buffer may be lifted, and work may be initiated within the buffer. If vegetation removal or land disturbance activities have ceased for more than fourteen days during the nesting season, an additional nesting survey should be conducted as a nest may have been built and occupied within that time frame.

BIO-10: Construction and ground disturbing activities shall be conducted during the dry season (June 1 through October 15). If work is to be conducted within the wet season (November through May), a qualified biologist shall conduct a pre-construction survey of the project area no more than forty-eight hours prior to initiation of ground disturbance. A biological education program shall be provided by a qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. Following worker education, each construction work member present is anticipated to have the information needed to identify the species and be relied upon to follow measures should a CRLF be observed. The worker education program shall include information regarding the identification and natural history of CRLF (including photographs), the potential for occurrence of this species within work areas, protocols to be followed for daily surveys, the legal status, and the ramifications for take, the purpose of the exclusion fencing and importance of maintaining it and specific measures being implemented to avoid impacts to the species. If CRLF is observed in the course of pre-construction or daily surveys or during work, all ground disturbance shall halt and CDFW shall be notified immediately.

BIO-11: All ground disturbing activities shall cease for forty-eight hours following a rainfall event where 0.25-inches or greater precipitation within a twenty-four-hour period was predicted.

BIO-12: If work is to be conducted within the wet season; exclusion fencing shall be installed prior to October 15 around the proposed development area in such a manner as to preclude CRLF from entering ground disturbance areas. The fencing shall have a minimum height above ground of thirty-eight inches, the bottom of the fence buried at a minimum depth of four inches. Erosion control fencing (silt fencing) may serve as the exclusion fence if it meets the requirements above. The area(s) of fence installation will be inspected by a qualified biologist to ensure that it is effective. The fencing shall remain installed until on-site mechanized ground disturbance is completed.

BIO-13: A pre-construction Sonoma Tree Vole (STV) survey should be performed by a qualified biologist no more than fourteen days prior to the initiation of tree removal. The survey should cover the trees proposed for removal and surrounding areas within 100 feet. If evidence of nests is found during the survey, one of the following should occur:

1. The tree should not be cut (if planned to do so) and be avoided with a fifty-foot no disturbance buffer and occurrence should be submitted to the California Natural Diversity Database (CNDDDB).
2. If the tree cannot remain or be avoided, a qualified biologist will determine the best method and location for relocation. This information will be provided in a letter to CDFW for approval.

If no evidence of nesting is found, no consultation is necessary, and construction can proceed. If more than six months pass between the survey and a period of no disturbance or tree removal, an additional survey should be conducted.

BIO-14: Four Western Pond Turtle (WPT) surveys should be conducted by a qualified biologist on sunny days prior to initiation of ground disturbance to determine if WPT are present. Surveys should focus on the pond and immediate areas. If WPT is not observed, absence can be presumed, and no further measures are necessary. If WPT is observed, see Mitigation measure below BIO-15.

BIO-15: WPT requires aquatic habitat but may move away from such areas and disperse to nest in adjacent uplands. To prevent WPT (if present) from entering the proposed development area and thereby reducing the potential for an impact to such; the following measures are recommended:

- Exclusion fencing shall be installed around the area of development during the wet season, prior to WPT nesting season (prior to April 1). See Mitigation Measure BIO-12.
- Following fencing installation and within forty-eight hours of the initiation of ground disturbance, a pre-construction survey covering all ground disturbance areas shall be performed by a qualified biologist. If WPT is observed within the covered areas, ground disturbance shall not proceed, and permission to relocate WPT shall be requested from CDFW.
- Following the pre-construction survey and prior to the initiation of work, a biological education program shall be provided by the qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. Following worker education, each construction work member present is anticipated to have the information needed to identify the species and be relied upon to follow measures should a WPT be observed. The worker education program shall include information regarding the identification and natural history of WPT (including photographs), the potential for occurrence of this species within work areas, the legal status and the ramifications for disturbance/kill, the purpose of the exclusion fencing and the importance of maintaining it and specific measures that are being implemented to avoid impacts to such species (which will include halting all ground disturbance and work immediately alerting CDFW if the species is observed in the course of the work).

BIO-16: Populations of California sedge within twenty-five feet of the leach line shall be fenced off prior to land disturbance associated with leach line installation; no construction related activities shall occur within the fenced areas and all disturbance shall occur the farthest distance possible from the fenced areas. Land disturbance for the leach line shall be limited to the smallest footprint possible.

FINDINGS: The proposed project would have a less than significant effect, with project specific modification measures incorporated along with a less than significant impact 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-c) Less Than Significant Impact. Previously, an archaeological Resources Study was completed in 2019 by the Anthropological Studies Center. This report was completed as part of the review for the previous project, which proposed a much larger area of ground disturbance than the current project described in this staff report. This survey included the entire parcel associated with the proposed development. The conclusion of this study was that: *“The records search and literature review identified no recorded archaeological or architectural resources in the project area. The pedestrian archaeological survey located no archaeological resources in the project area. Background research indicates a moderate sensitivity for prehistoric archaeological resources on the surface, but a low sensitivity for buried prehistoric resources. Sensitivity for historic-era archaeological resources on the surface within the project area is moderate, but low for buried resources.”* The report was reviewed by the Mendocino County Archaeological Commission at their December 11, 2019, meeting. At that time, the survey completed by the Anthropological Studies Center was accepted with the additional comment that at the discretion of the project archaeologist, an archaeological monitor shall be present for any future ground disturbing activities. As the current project’s scope and size has been greatly reduced, staff feels that the aforementioned determination would still suffice for this project and has added Conditions of Approval Numbers **11 and 12** to address the Archaeological Commissions recommendation.

Comments were requested from the following tribes: Cloverdale Rancheria, Redwood Valley Rancheria and Sherwood Valley Band of Pomo Indians, no comments were received. The proposed project complies with MCC Sections 22.12.090 *Discoveries* and 22.12.100 *Discoveries of Human Remains*.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a 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, b) **No Impact:** Neither project construction nor operation is anticipated to result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources.

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 type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative 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 San Andreas Fault Zone is the closest active fault to the subject parcel, located approximately 26 miles to the south.

The San Andreas Fault traverses the southwestern corner of the County and continues offshore north of Manchester. It is capable of generating very strong earthquakes, the last major event occurring in 1906 with a magnitude of 7.9 near San Francisco. This event caused severe shaking in Mendocino County and extensive structural damage along the southern coastline of the County. Very little seismic activity has been recorded on the San Andreas Fault north of San Francisco since the 1906 event; however, the Fault is still considered active.

The 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.

Areas susceptible to erosion occur throughout Mendocino County where surface soils possess low-density and/or low-strength properties. Slopes are another factor in soil erosion – the greater the slope, the greater the erosion hazard, especially if the soil is bare. Soils on 9 percent slopes and greater have a moderate erosion hazard, and soils on slopes greater than 15 percent have a high erosion hazard. Elevations at the subject parcel range from sea level at the western boundary to 55 feet above sea level at the eastern boundary. The property slopes slightly from east to west

a-d) **No Impact.** The site is not 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. The project site is not located on an expansive soil type. The closest fault area to the project is the San Andreas Fault Zone Area, which is located approximately 0.67 miles to the east.

- f) **Less than Significant Impact.** Previously, an archaeological Resources Study was completed in 2019 by the Anthropological Studies Center. This report was completed as part of the review for the previous project, which proposed a much larger area of ground disturbance than the current project described in this staff report. This survey included the entire parcel associated with the proposed development. The conclusion of this study was that: *“The records search and literature review identified no recorded archaeological or architectural resources in the project area. The pedestrian archaeological survey located no archaeological resources in the project area. Background research indicates a moderate sensitivity for prehistoric archaeological resources on the surface, but a low sensitivity for buried prehistoric resources. Sensitivity for historic-era archaeological resources on the surface within the project area is moderate, but low for buried resources.”* The report was reviewed by the Mendocino County Archaeological Commission at their December 11, 2019, meeting. At that time, the survey completed by the Anthropological Studies Center was accepted with the additional comment that at the discretion of the project archaeologist, an archaeological monitor shall be present for any future ground disturbing activities. As the current project’s scope and size has been greatly reduced, staff feels that the aforementioned determination would still suffice for this project and recommends Condition #11 and #12 to address the Archaeological Commissions recommendation.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a less than significant and no 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 checked="" type="checkbox"/>	<input 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 CO₂e (CO₂ equivalent) of operation emission on an annual basis. Additionally, Mendocino County’s building code requires new construction to include energy efficient materials and fixtures.

- a, b) **Less Than Significant Impact.** Construction activities are not anticipated to generate significant greenhouse gas emissions or conflict with an applicable plan, policy, or regulation. Given the relatively small size of the project scale, the project would not have a measurable or considerable contribution to the cumulative GHG impact at the local, regional, or State level. The project will not generate substantial additional vehicle miles traveled. There are no adopted local plans for reducing the emission of greenhouse gases.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 on-site hazardous waste treatment over off-site treatment. The Hazardous Waste Management Plan proposed a number of hazardous waste programs and set forth criteria to guide the siting of new off-site 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 Municipal Airport Land Use Compatibility Plan (UKIALUCP) 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-g) **Less Than Significant Impact.** The project poses a slight threat of hazardous materials exposure to the public or the environment during construction and other activity phases. The severity of potential effects varies with the activity conducted, the concentration and type of hazardous material or waste present, and the proximity of sensitive receptors. Construction of the proposed project would involve the as-needed use of limited amounts of potentially hazardous materials, including but not limited to solvents, fuels, oils, and transmission fluids associated with construction vehicles and equipment. However, materials used during construction would be contained, stored, and handled in compliance with applicable standards and regulations established by the Department of Toxic Substances Control (DTSC), the U.S. Environmental Protection Agency (EPA), and the Occupational Safety and Health Administration (OSHA). Any associated risk would be adequately reduced to a less than significant level through compliance with these standards and regulations. The project would not create a significant hazard to the public or the environment because it does not propose the storage, use, transport, emission, or disposal of hazardous substances. In addition, the project does not propose to demolish any existing structures that are known to contain hazardous materials on site and, therefore, would not create a hazard related to the release of asbestos, lead-based paint, or other hazardous materials from demolition activities. A Less Than Significant Impact would occur.

The construction phase of the project and other activities associated would involve the as-needed use of potentially hazardous material. Project operation is not anticipated to involve hazardous substances.

Construction activities associated with the project would 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 the Forager School, a pre-school facility approximately 1.96 miles southwest in the Town of Gualala.

The project site is not included on a list of hazardous material sites compiled pursuant to Government Code, Section 65962.5.

The nearest airport is Ocean Ridge Airport, approximately 1/4-mile northeast of the project site. The project location is within Airport Zone D, which does not have limitations on projects, except for projects that could be hazardous to flight, which this project does not.

The development proposes to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well and will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Additionally, all construction would be on-site and would not result in traffic queuing on nearby streets.

MITIGATION MEASURES: None

FINDINGS: The proposed project would have a less than significant 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-c, e) **Less Than Significant Impact:** The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Additionally, while the amount of impervious area on the site would increase, implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area and would not result in substantial flooding on- or off-site. A less than significant impact would occur.

The proposed project would not violate any water quality standards or waste discharge requirements. All necessary permits for the one on-site well drilling and other project related activities would be obtained from the Mendocino County Division of Environmental Health. The construction of the pavilion, storage facilities, parking spaces and driveway, pump house and well and two 5,000-gallon water storage tanks would be in compliance with all standards and requirements.

The proposed project would be required to employ Standard Best Management Practices (BMPs), such as straw bales, coir rolls, and/or silt fencing structures to ensure the minimization of erosion resulting from construction and to avoid runoff into sensitive habitat areas. Additionally, the project would be required to stabilize disturbed soils and vegetate bare soil created by the construction phase of the project. As required by MCC Chapter 20.492, the proposed project would not substantially alter the existing drainage pattern of the site or area and would not result in substantial soil erosion or siltation on- or off-site. A less than significant impact would occur.

The proposed project would not otherwise substantially degrade water quality as appropriate measures relating to water quality protection would be implemented through appropriate BMPs which will be reviewed and approved to assure it is in compliance with Mendocino County Ordinance No. 4313, Stormwater Runoff Pollution Prevention Procedure. This ordinance 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). As such, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

- d) **No Impact:** Per the California Department of Conservation’s Tsunami Maps, the project is not located in a tsunami inundation zone.

MITIGATION MEASURES: None

FINDINGS: The proposed project would have a less than significant and no 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"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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, b) **No Impact:** The Project is situated in a long established rural residential area and adjacent to existing residential development. The project does propose a slightly increased density, but will not impact surrounding property owners, and will be consistent with the established community. A long-established County Park, Bower Community Park, is located immediately north of the project site.

The Project is subject to Mendocino County’s Coastal Element Land Use Plan 4.8 and Coastal Zoning Code Section 20.532. As such, the Applicant is required to comply with policies and regulations regarding development within Environmentally Sensitive Habitat Areas.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have No Impact on Land Use and Planning.

5.12 MINERAL RESOURCES

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, b) **No Impact:** The County is the administrator of the California Surface Mining and Reclamation Act (SMARA). Therefore, all activities undertaken regarding essentially non-renewable resources are subject to review and approval from the local jurisdiction. Mendocino County has many aggregate mineral resources, the demand for which varies. However, any negative impacts to either active mining activities or mining reclamation efforts would be required to be reviewed and approved by the County. There are no known mineral resources with the project area, nor are there delineated locally important mineral resources within the project boundaries. Therefore, there will be no loss of availability of a known mineral resource or loss in locally important mineral resource recovery sites.

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 checked="" type="checkbox"/>	<input 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 Compatibility 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, b, c) **Less Than Significant Impact:** Any noise or ground-borne vibration resulting from the project would not violate a local general plan or noise ordinance as all development within the Mendocino County Coastal Zone is subject to Exterior Noise Limit Standards specified in Appendix B of Title 20, Division II of Mendocino County Code. Construction may expose nearby residences to some noise, but work shall be limited to weekdays between 8:30am and 4:30pm Monday through Friday.

The site is located within an airport zone. The proposed project is approximately 1/4 mile southwest of Ocean Ridge Airport and would not subject people in the area to excessive noise levels. A check of the Noise Contours of the Mendocino County Airport Comprehensive Land Use Plan shows that the project location in relation to the Ocean Ridge Airport is not within any noise contours for excessive sound generation by aircraft.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **no 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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, b) **Less Than Significant** The proposed project is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000 gallon water storage tanks, electrical pole and underground services and, as such, will not induce substantial population growth and the project also is not commercial in nature nor does it extend major infrastructure that would induce population growth. The proposed project does not displace any existing housing, or displace any people, and therefore would not necessitate construction of replacement housing elsewhere

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have no impact on Population and Housing.

5.15 PUBLIC SERVICES

WOULD THE PROJECT result in substantial adverse Physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	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-e) **No Impact:** The proposed development's construction and other project specific activities will not result in adverse impacts associated with provision of governmental facilities or need for new or physically altered governmental facilities that may result in environmental impacts in order to maintain acceptable service ratios and response times for public services. The project site is served by CalFire and the South Coast Fire Protection District for fire responsibility duties and the Mendocino County Sheriff's Office for security concerns

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have no impact on Public Services.

5.16 RECREATION

WOULD THE PROJECT:	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, b) **No Impact:** The project will not impact the use of existing neighborhood and regional parks and other recreational facilities. Accelerated physical deterioration of the facilities is not anticipated, nor is construction or expansion of existing recreational facilities. This project is similar in nature to the existing County Park facility (Bower Park) located to the immediate north.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have no impact on Recreation.

5.17 TRANSPORTATION

WOULD THE PROJECT:	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 a slight increase in traffic to and from the site for the 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 a 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, but an increase in visitor traffic can be expected. 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-d) **Less Than Significant:** The project will not conflict with a program, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

The project will not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), which states:

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

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

The County of Mendocino has not established a threshold with regard to VMT impact significance consistent with CEQA Guidelines Section 15064.3, subdivision (b). Though there may be an increase in vehicle miles traveled as a result of the project, the proposed accessory dwelling unit and garage would not significantly affect neighboring roadway travel and will not significantly increase vehicle miles traveled overall.

The proposed project, once completed, will not substantially increase hazards due to design features or incompatible uses. The Project does not propose any improvements within a County right-of-way.

The proposed project will not result in inadequate emergency access. The primary concern for emergency access in remote areas is for wildland fires. Fire protection services for wildland areas are provided by the California Department of Forestry and Fire Protection (CalFire) and the South Coast Fire Protection District for structural protection. Neither agency provided any comments of concern on the project.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have no 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. dissertation¹ and 1984 regional synthesis.² 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) **No Impact:** Previously, an archaeological Resources Study was completed in 2019 by the Anthropological Studies Center. This report was completed as part of the review for the previous project, which proposed a much larger area of ground disturbance than the current project described in this staff report. This survey included the entire parcel associated with the proposed development. The conclusion of this study was that: *"The records search and literature review identified no recorded archaeological or architectural resources in the project area. The pedestrian archaeological survey located no archaeological resources in the project area. Background research indicates a moderate sensitivity for prehistoric archaeological resources on the surface, but a low sensitivity for buried prehistoric resources. Sensitivity for historic-era archaeological resources on the surface within the project area is moderate, but low for buried resources."* The report was reviewed by the Mendocino County Archaeological Commission at their December 11, 2019, meeting. At that time, the survey completed by the Anthropological Studies Center was accepted with the additional comment that at the discretion of the project archaeologist, an archaeological monitor shall be present for any future ground disturbing activities. As the current project's scope and size has been greatly reduced, staff feels that the aforementioned determination would still suffice for this project and has added **Conditions of Approval Numbers 11 and 12** to address the Archaeological Commissions recommendation.

Comments were requested from the following tribes: Cloverdale Rancheria, Redwood Valley Rancheria and Sherwood Valley Band of Pomo Indians, no comments were received. The proposed project complies with MCC Sections 22.12.090 *Discoveries* and 22.12.100 *Discoveries of Human Remains*.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have no 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 on-site 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-e) **No Impact:** The project proposes the construction of an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking spaces, an improved gravel driveway and gravel parking area, pump house with

well, the installation of two 5,000 gallon water storage tanks, an electrical pole and underground services and would not affect, or result in, relocation or construction of new electric, natural gas, or telecommunications facilities. The project would result in a slight increase in water usage, but the site has an existing on-site well for potable water needs. As such, sufficient water supplies will be available for foreseeable future development during normal, dry, and multiple dry years. The project site utilizes on-site wastewater treatment, and the proposed project will slightly increase the demands. Solid waste will increase slightly during use of the facilities. The Applicant is required to comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have no 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, WOULD THE PROJECT:	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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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-d) **Less Than Significant:** There are no components of the project that would impair an adopted emergency response plan or emergency evaluation plan, including the adopted County EOP. The Site is located within a “High Fire Hazard” severity zone. All future development project components would be required to be designed in accordance with state and local standards, including safety and emergency access requirements and CalFire’s Fire Safe Regulations. Under the proposed project, it is not anticipated that wildfire risks would be exacerbated due to slope, prevailing winds, and other factors. The project would require compliance with any CalFire’s Fire Safe Regulations to ensure adequate fire protection measures and access. The project does not require installation or maintenance of infrastructure such as road, fuel breaks, or other utilities. All future development will require compliance with the California Building Code. The project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges, as the Site is located in a relatively flat

area. There are no mapped landslides at the project site. The project will be required to meet the requirements of California Resources Code 4290 as detailed in **Condition of Approval Number 13**.

MITIGATION MEASURES: None

FINDINGS: The proposed project would have no 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 plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input 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 modification measures Incorporated:** Originally in 2014, a Scoping Report was prepared by Matt Green Forestry and Biological Consulting for an undetermined project but was generally described as a recreation center. At that time, the only activities being discussed were the removal of dead and dying trees. The report identified two forest types on the property, a redwood/bishop pine mixed stand and a pure bishop pine stand. Other vegetation types observed were grassland and the aforementioned man-made pond. Other potentially occurring plants and animal species were also looked for at the site with site visits made once in 2013 and three times in 2014. The conclusion of this report was that: “ *There is a possibility that at least 13 plant species and eight land based fauna species could occur on the property based on habitat availability. Only one species (coast lily) is currently known to be found on the property. Surveys will be conducted with each*

step that proposes to disturb the ground or soil on the property with mechanical equipment. Surveys must be done annually as species can move from place to place.”¹

Subsequent to this report a new Environmentally Sensitive Habitat Area (ESHA) Survey was written by WRA Environmental Consultants and dated August 2022. This report conducted an ESHA assessment of the subject parcel and noted the previous biological scoping report conducted in 2014 and what that report indicated (see above). The new report does specifically detail the proposed project as: “*a public use pavilion with kitchen and restrooms as well as accessory infrastructure including a gravel parking lot, water tanks, pump house, power pole, power line and leach field. The proposed leach field areas will be developed in stages. Immediate construction will install three of six lines, with the second set of lines developed at a later date, if/when needed. The replacement leach field will not be developed at this time. A septic line of 2-inch PVC pipe will be trenched in an 18-inch-deep trench from the proposed development to the leach field. The leach field lines will be 12-inches deep. Communication to WRA indicates that trees will necessarily be removed for installation of the leach field. Information regarding the trees to be removed was not available to include in this report. However, the information will be provided within the Habitat Mitigation and Monitoring Plan (HMMP). A power line is proposed to be installed adjacent to Ocean Ridge Drive to provide power to the pump house. Power line will be trenched to the pump house along the existing gravel driveway.*” Additionally, the report acknowledges that WRA performed the assessment to help the project applicant to develop a project that avoids and/or minimizes potential impacts to sensitive natural resources to the maximum extent feasible. The report further states: “*During the site visits, WRA identified several ESHA, including aquatic resources, terrestrial communities, and special-status plant species within the study area. The areas of proposed impacts are within ESHA and ESHA buffer. Therefore, avoidance of ESHA buffers is not feasible to complete the project. The project will provide the community with a gathering place in a parcel already utilized for recreation purposes and enhance degraded ESHA buffer habitat. A reduced buffer analysis was performed in this report as development is proposed within ESHA buffers. Mitigation measures are included as part of the project and provided herein to ensure that wetland, streams, and man-made pond (aquatic resources collectively) special-status species and sensitive terrestrial resources (e.g., Bishop pine forest) within the project are protected or not significantly impacted. A complete listing of natural resources or potential ESHA within the study area is included...*”²

Furthermore: “*The proposed pavilion and associated structures are located outside the literal extent of Bishop pine forest, but portions are within the fifty- and one-hundred-foot buffer. The leach fields are located within the literal extent of Bishop pine forest. The pavilion and associated structures are outside the 100-foot buffer of special-status plants. The proposed leach field is outside the 100-foot buffer of special status plants; however, the replacement leach field is within the fifty-foot buffer of California sedge and thin-leaved horkelia.*

Approximately 0.27-acre of Bishop pine forest 100-foot buffer will be permanently impacted. Of the 0.27-acre, 0.06 acre will occur within the 50-foot buffer. Permanent impacts are due to development of the pavilion, gravel driveway, pump house, water tanks and power pole. Mitigation measures...will be incorporated into the project to mitigate permanent impacts to the Bishop pine forest buffer.

Approximately 0.19 acre of Bishop pine forest will be temporarily impacted through installation of both leach fields and leach line. The location of the leach fields was determined to be the only suitable location within the entire Study Area by qualified professionals. Approximately 0.02 acre of Bishop pine forest and special-status plant 50-foot buffer will be temporarily impacted through installation of leach field, leach line and power line. Impacts are considered temporary as impacts include ground disturbance and below ground development (i.e., placing of septic line and power line) which will allow for the eventual return of existing habitats and their functions. Mitigation measures will be incorporated into the project to reduce and mitigate temporary impact to Bishop pine forest and special-status plant species.

Staff reached out to the representative for the California Department of Fish and Wildlife (CDFW) for comments on the reduced buffer of fifty-feet and CDFW concurred with the mitigation measures proposed in the WRA Environmentally Sensitive Habitat Area Survey along with additional mitigation measures proposed by CDFW along with additional mitigation measures found in a subsequent document, a Report of Compliance, completed by WRA and submitted to the Mendocino County Planning Department on May 3, 2024. also are incorporated into the conditions of approval staff has added all recommended mitigation measures stipulated by the WRA report along with the CDFW

measures.

b, c) 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. Future development would require separate requirements such as BMPs and adherences to the California Building Code.

Future development will not cause substantial adverse effect on human beings. All future projects will be required to adhere to Local and State codes regarding development.

PROJECT SPECIFIC MODIFICATION MEASURES: The following mitigation measures have been included in the Conditions of Approval for the project, as written by Wynn Coastal Planning and Biology:

BIO-1: Minimize vegetation removal to the greatest extent practical by targeting vegetation only within the grading footprint of development. Minimize the number of Bishop pine trees to be removed for the installation of the leach fields to the greatest extent practical. Erect temporary fencing around the project boundary to prevent unnecessary impacts to Bishop pine forest and the associated buffer.

BIO-2: All staging and laydown areas for all construction materials and planning shall utilize the non-native grassland and developed areas.

BIO-3: Replacement of all Bishop pine trees removed for the installation of the leach field, or any other project activity will have the requirement of a minimum ratio of 2:1 (trees restored:trees removed). Replacement may include natural regeneration or supplemental plantings of trees from local seed stock.

Prior to ground disturbance in the proposed leach fields, characteristics of the Bishop pine forest shall be collected (i.e., species present, absolute cover of each species, overall cover for each stratum) to visually monitor re-establishment progress.

Natural recruitment will be the preferred method of replacement. Should natural recruitment not succeed, supplemental plantings shall be necessary.

Limbs with cones and cones present on the forest floor will be collected and retained to be burned within the replacement area (and enhancement area, if possible). Limbs and cones will be stored in the shade and covered on bottom and top to reduce potential seed loss from heat. Following completion of topsoil placement, burn piles will be located throughout the replacement area in sizes that conform to County burn regulations. Burn piles should be small and numerous across the enhancement area to replicate a site wide fire and promote regeneration across a large portion of the area. The number of piles and area covered should be determined by the size of the enhancement area but should cover a minimum of fifty percent of the area to be enhanced. Burning will be conducted in the late fall or early winter to create natural burn conditions.

Container plants to be installed for supplemental planting within the replacement and enhancement areas will be native tree, shrub and herbaceous species that are ecologically appropriate for the site and be from local seed or rootstock. Bishop pine trees should be planted in sunny locations due to low shade tolerance. The proposed plant palate with container sizes is:

COMMON NAME	SCIENTIFIC NAME	CONTAINER SIZE
Bishop pine	<i>Pinus muricata</i>	15 gallon
Tan oak	<i>Notholithocarpus densiflorus</i>	15 gallon
Coast redwood	<i>Sequoia sempervirens</i>	15 gallon
Shrub Species		
Coyote bush	<i>Baccharis pilularis</i>	5 gallon
Blue blossom	<i>Ceanothus thrysiflorus</i>	5 gallon
Redwood manzanita	<i>Arctostaphylos columbiana</i>	5 gallon
Shatterberry	<i>Arctostaphylos nummularia</i> var.nummularia	5 gallon

Chaparral pea	Picheringia montana	5 gallon
Wavy leaved ceanothus	Ceanothus foliosus var. foliosus	5 gallon
Herb Species		
Bear grass	Xerophyllum tenax	1 gallon
Modesty	Wipplea modesta	1 gallon
Rose flowered lotus	Hosackia rosea	1 gallon
Braken fern	Pteridium aquilinum var. pubescens	1 gallon
Milkwort	Polygala californica	1 gallon

Planting will occur in the late fall to take advantage of seasonal rains and improve conditions for plant establishment. Three inches of mulch will be placed in planting basins to hold and conserve water around the plants, and foliage protection cages will be installed, if needed, to protect the plants from wildlife browsing. One-year time release fertilizer tablets will be placed in each pit prior to installation of container plantings.

The enhancement area will be the same size as the actual area of impact caused by the project, meeting a 1:1 ratio of impacted to enhanced area. One or more areas may be used. Success criteria are based on baseline conditions, which are to be enhanced through re-vegetation on native species.

BIO-4: Where feasible, tree roots greater than 2-inches diameter will be avoided during trenching by going around the tree roots or under. If avoidance is not feasible, roots shall be cut by hand to reduce exposed surfaces and reduce potential introduction of pathogens.

BIO-5: Leach fields located within the Bishop pine forest shall limit the area of disturbance and tree removal to the greatest extent practicable. Machinery (i.e., excavators and backhoes) used within the Bishop pine forest shall be limited to the smallest size appropriate to complete the work.

BIO-6: Bishop pine forest vegetation within the leach fields shall be allowed to naturally re-establish.

BIO-7: Any topsoil disturbed shall be set aside to be placed back onto disturbed areas. Areas of ground disturbance shall be replaced to pre-construction conditions using local soil (i.e., no off-parcel soil shall be placed in the disturbed areas). The following requirements for topsoil treatment will be conducted:

- Subsoil should be separated from the topsoil to reduce dilution of seed stock and changes in soil chemistry.
- Topsoil will be stored in shaded area, kept covered and placed in rows no more than 3-feet high.
- Topsoil should be re-applied within six months of excavation.
- No off-site (off-parcel) topsoil will be brought in.

Following completion of topsoil placement, the disturbed area will be covered with jute netting to prevent erosion. As plant species of Bishop pine forest are adapted to germinate in exposed mineral soil, no other soil cover (i.e., hay, hydroseed) should be applied. Following placement of jute, the replacement area will be fenced off with orange construction fencing to inhibit entry and signage will be placed to indicate area of restoration.

BIO-8: Areas of ground disturbance shall be monitored for five-years for invasive species establishment. Invasive species include any species on the California Invasive Species Council (Cal-IPC) list which are known to impact Bishop pine forest habitat. Any individuals of these invasive species that becomes established during those five years shall be eradicated. Supplemental planting will occur if natural recruitment actions are deemed insufficient, as determined by success criteria. Site preparation for supplemental planting should avoid impacts to native vegetation to the greatest extent feasible. Prior to planting, invasive species should be removed from the area to be planted. If irrigation is necessary, installation of an irrigation system will avoid native vegetation to the greatest extent feasible.

Permanent photo-documentation points will be established at several locations in order to visually track the progress toward meeting final success criteria. Annual site visits will be conducted to monitor progress; the monitoring site visit will be conducted in late summer or early fall. A brief letter report will

be submitted to the Redwood Coast Recreation Center board each year to report on progress in meeting success criteria. Photos from designated photo points will be included as an appendix. Other relevant information pertaining to the revegetation effort, such as a summary of invasive species control actions and corrective measures taken when success criteria were not met. If necessary, recommendations to help achieve final success criteria will be made in the annual letter. All monitoring and report preparation shall be conducted by a qualified biologist.

Reports that discuss monitoring results will be submitted to the RCRC board by December 31 of each monitoring year. These reports will assess the progress in meeting success criteria, will identify any problems with erosion, sedimentation and/or general causes of poor plant survival. If necessary, annual reports will include recommendations to improve success in achieving final success criteria.

After five years, a final monitoring report, describing the success of meeting the success criteria and an evaluation of the success of any necessary corrective measures undertaken will be prepared and submitted to the Mendocino County Planning Department and any other relevant public agency (CDFW, CCC).

BIO-9: Tree/vegetation removal and initial ground disturbance shall occur from August 16 to January 31, outside of the general bird nesting season. If tree/vegetation removal and initial ground disturbance during this time is not feasible, a pre-construction nesting survey should be performed by a qualified biologist no more than seven days prior to the initiation of tree removal or ground disturbance. The survey should cover the area of disturbance and surrounding areas within 500-feet. If active bird nests are found during the survey, an appropriate no-disturbance buffer should be established by the qualified biologist. Once it is determined that the young have fledged (left the nest) or the nest otherwise becomes inactive (e.g., due to predation), the buffer may be lifted, and work may be initiated within the buffer. If vegetation removal or land disturbance activities have ceased for more than fourteen days during the nesting season, an additional nesting survey should be conducted as a nest may have been built and occupied within that time frame.

BIO-10: Construction and ground disturbing activities shall be conducted during the dry season (June 1 through October 15). If work is to be conducted within the wet season (November through May), a qualified biologist shall conduct a pre-construction survey of the project area no more than forty-eight hours prior to initiation of ground disturbance. A biological education program shall be provided by a qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. Following worker education, each construction work member present is anticipated to have the information needed to identify the species and be relied upon to follow measures should a CRLF be observed. The worker education program shall include information regarding the identification and natural history of CRLF (including photographs), the potential for occurrence of this species within work areas, protocols to be followed for daily surveys, the legal status, and the ramifications for take, the purpose of the exclusion fencing and importance of maintaining it and specific measures being implemented to avoid impacts to the species. If CRLF is observed in the course of pre-construction or daily surveys or during work, all ground disturbance shall halt and CDFW shall be notified immediately.

BIO-11: All ground disturbing activities shall cease for forty-eight hours following a rainfall event where 0.25-inches or greater precipitation within a twenty-four-hour period was predicted.

BIO-12: If work is to be conducted within the wet season; exclusion fencing shall be installed prior to October 15 around the proposed development area in such a manner as to preclude CRLF from entering ground disturbance areas. The fencing shall have a minimum height above ground of thirty-eight inches, the bottom of the fence buried to a minimum depth of four inches. Erosion control fencing (silt fencing) may serve as the exclusion fence if it meets the requirements above. The area(s) of fence installation will be inspected by a qualified biologist to ensure that it is effective. The fencing shall remain installed until on-site mechanized ground disturbance is completed.

BIO-13: A pre-construction Sonoma Tree Vole (STV) survey should be performed by a qualified biologist no more than fourteen days prior to the initiation of tree removal. The survey should cover the trees proposed for removal and surrounding areas within 100 feet. If evidence of nests is found during the survey, one of the following should occur:

1. The tree should not be cut (if planned to do so) and be avoided with a fifty-foot (50) no disturbance buffer and occurrence should be submitted to the California Natural Diversity Database (CNDDDB).
2. If the tree cannot remain or be avoided, a qualified biologist will determine the best method and location for relocation. This information will be provided in a letter to CDFW for approval.

If no evidence of nesting is found, no consultation is necessary, and construction can proceed. If more than six months pass between the survey and a period of no disturbance or tree removal, an additional survey should be conducted.

BIO-14: Four Western Pond Turtle (WPT) surveys should be conducted by a qualified biologist on sunny days prior to initiation of ground disturbance to determine if WPT are present. Surveys should focus on the pond and immediate areas. If WPT is not observed, absence can be presumed, and no further measures are necessary. If WPT is observed, See Mitigation measure 28 below.

BIO-15: WPT requires aquatic habitat but may move away from such areas and disperse to nest in adjacent uplands. To prevent WPT (if present) from entering the proposed development area and thereby reducing the potential for an impact to such, The following measures are recommended:

- Exclusion fencing shall be installed around the area of development during the wet season, prior to WPT nesting season (prior to April 1).
- Following fencing installation and within forty-eight hours of the initiation of ground disturbance, a pre-construction survey covering all ground disturbance areas shall be performed by a qualified biologist. If WPT is observed within the covered areas, ground disturbance shall not proceed, and permission to relocate WPT shall be requested from CDFW.
- Following the pre-construction survey and prior to the initiation of work, a biological education program shall be provided by the qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. following worker education, each construction work member present is anticipated to have the information needed to identify the species and be relied upon to follow measures should a WPT be observed. The worker education program shall include information regarding the identification and natural history of WPT (including photographs), the potential for occurrence of this species within work areas, the legal status and the ramifications for disturbance/kill, the purpose of the exclusion fencing and the importance of maintaining it and specific measures that are being implemented to avoid impacts to such species (which will include halting all ground disturbance and work immediately alerting CDFW if the species is observed in the course of the work).

BIO-16: Populations of California sedge within twenty-five feet of the leach line shall be fenced off prior to land disturbance associated with leach line installation; no construction related activities shall occur within the fenced areas and all disturbance shall occur the farthest distance possible from the fenced areas. Land disturbance for the leach line shall be limited to the smallest footprint possible.

FINDINGS: The proposed project would have a less than significant impact with conditions of approval incorporated and a less than significant impact on Mandatory Findings of Significance.

Resolution Number PC

County of Mendocino
Ukiah, California

NOVEMBER 7, 2024

U_2019-0006 – REDWOOD COAST WELLNESS CENTER (RCWC)

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM RELATED THERETO, AND GRANTING A COASTAL DEVELOPMENT USE PERMIT FOR AN OPEN PAVILION WITH A COMMERCIAL KITCHEN, STORAGE FACILITIES, RESTROOMS, A SEPTIC SYSTEM FOR EFFLUENT DISPOSAL, CONCRETE SIDEWALK ALL AROUND, ACCESSIBLE PARKING SPACE, IMPROVED GRAVEL DRIVEWAY AND GRAVEL PARKING AREA, PUMP HOUSE WITH WELL, INSTALLATION OF TWO 5,000-GALLON WATER STORAGE TANKS, ELECTRICAL POLE, AND UNDERGROUND SERVICES.

WHEREAS, RCWC, the applicant, filed an application for a Coastal Development Use Permit with the Mendocino County Department of Planning and Building Services to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, installation of two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well. Located in the Coastal Zone, 2.1± miles northeast of the Gualala town center, on the north side of Ocean Ridge Drive (CR 514), 0.1± miles west of its intersection with Old Stage Road (CR 502), located at 38381 Ocean Ridge Drive, Gualala. APN: 144-256-13; General Plan Rural Residential (RR 5-PD [SR-PD]); Zoning Rural Residential (RR-5:PDAZ); Supervisorial District 5; (the “Project”); and

WHEREAS, an Initial Study and Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on October 7, 2024 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, the Planning Commission held a public hearing on November 7, 2024, at which time all relevant testimony and evidence presented orally or in writing was heard and received regarding the Mitigated Negative Declaration and the Project, and

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

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

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

1. Pursuant with MCC Section 20.532.095(A)(1), Coastal Community Recreation use Types are conditionally permitted in the Rural Residential classification; commercial recreation 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) Chapter 3.4 (Hazards Management), Chapter 3.5 (Visual Resources, and Archaeological Resources) and Chapter 3.6 (Shoreline Access and Trail/Bikeway System), Chapter 3.8 (Transportation, Utilities and Public Services) and Chapter 4.12 (Anchor Bay-Gualala Planning Area). The proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage

tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well, and is a conditionally permitted use within the Rural Residential land use classification and is consistent with the intent of the Rural Residential Use Classification; and

2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The proposed project will be served by an existing well, two above ground water storage tanks as noted above and an on-site sewage disposal system, consisting of a septic tank and leach lines. A new commercial road approach is required for the development, as recommended by the Department of Transportation. Drainage and other necessary facilities have been considered in project design; and
3. Pursuant with MCC Section 20.532.095(A)(3), the project is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code. The proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The proposed development preserves the integrity of the Rural Residential Use Zoning District by allowing the use of conditionally permitted uses in the Rural Residential Zoning District; With compliance with the conditions of approval, the proposed recreation facilities, would satisfy all development requirements for the district; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. An Initial Study has been prepared which identified potentially significant impacts, which can be reduced to less than significant levels with the incorporation of several mitigation measures. The proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000 gallon water storage tanks, electrical pole and underground services, and the project will have a less than significant impact on the environment with mitigation measures incorporated into the conditions of approval. As such, a Mitigated Negative Declaration was prepared; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. Previously, an Archaeological Resources Study was completed in 2019 by the Anthropological Studies Center. This report was completed as part of the review for the previous project, which proposed a much larger area of ground disturbance than the current project described in this staff report. This survey included the entire parcel associated with the proposed development. The conclusion of this study was that: *"The records search and literature review identified no recorded archaeological or architectural resources in the project area. The pedestrian archaeological survey located no archaeological resources in the project area. Background research indicates a moderate sensitivity for prehistoric archaeological resources on the surface, but a low sensitivity for buried prehistoric resources. Sensitivity for historic-era archaeological resources on the surface within the project area is moderate, but low for buried resources."* The report was reviewed by the Mendocino County Archaeological Commission at their December 11, 2019, meeting. At that time, the survey completed by the Anthropological Studies Center was accepted with the additional comment that at the discretion of the project archaeologist, an archaeological monitor shall be present for any future ground disturbing activities. As the current project's scope and size has been greatly reduced, staff feels that the aforementioned determination would still suffice for this project and has added conditions of approval to address the Archaeological Commissions recommendation.

6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. Solid waste service is available either as curbside pick-up or at the South Coast Transfer Station on Fish Rock Road approximately 2.5 miles north of the project site. The existing level of service at peak hour conditions at this location is considered Level of Service B. 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.

7. Pursuant with Section 20.532.100(A)(1)(a), (b), and (c), the proposed development is to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, install two 5,000-gallon water storage tanks, electrical pole, and underground services. The proposed development will maintain reduced buffers to identified Environmentally Sensitive Habitat Areas. There is no feasible less environmentally damaging alternative. An Environmentally Sensitive Habitat Area (ESHA) Survey was written by WRA Environmental Consultants and dated August 2022. This report stated in part: *"The areas of proposed impacts are within ESHA and ESHA buffer. Therefore, avoidance of ESHA buffers is not feasible to complete the project. The project will provide the community with a gathering place in a parcel already utilized for recreation purposes and enhance degraded ESHA buffer habitat. A reduced buffer analysis was performed in this report as development is proposed within ESHA buffers. Mitigation measures are included as part of the project and provided herein to ensure that wetland, streams, and man-made pond (aquatic resources collectively) special-status species and sensitive terrestrial resources (e.g., Bishop pine forest) within the project are protected or not significantly impacted. A complete listing of natural resources or potential ESHA within the study area is included."*

A Report of Compliance was prepared by WRA Environmental Consultants for the project, consistent with Mendocino County Code Section 20.532.060(E), to determine if the proposed development is consistent with ESHA policies pursuant to MCC Section 20.532.100(A)(1). All feasible mitigation measures capable of reducing or eliminating project related impacts are recommended for adoption with Exhibit A.

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

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Coastal Development Use Permit, subject to the Conditions of Approval and Mitigation Measures in Exhibit "A" and the Mitigation Monitoring and Reporting Program in Exhibit "B", attached hereto.

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

BE IT FURTHER RESOLVED that the Planning Commission action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

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

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

By: _____

BY: JULIA KROG
Director

CLIFFORD PAULIN, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL AND MITIGATION MEASURES

U_2019-0006 - REDWOOD COAST WELLNESS CENTER

NOVEMBER 7, 2024

Coastal Development Use Permit to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, installation of two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well.

APPROVED PROJECT DESCRIPTION: Coastal Development Use Permit to construct an open pavilion with a commercial kitchen, storage facilities, restrooms, a septic system for effluent disposal, concrete sidewalk all around, accessible parking space, improved gravel driveway and gravel parking area, pump house with well, installation of two 5,000-gallon water storage tanks, electrical pole, and underground services. The project will establish a reduced riparian buffer as well.

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. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. Construction should occur during daylight hours to limit disturbing construction noise and minimize artificial lights.
5. Standard Best Management Practices shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Areas of bare soil should be seeded with native erosion control seed mix and/or covered with biodegradable erosion control materials (e.g., coconut fiber, jute or weed free straw).
6. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
7. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.

8. 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.

Transportation

9. Prior to the start of Phase 4 of the Project, a commercial road approach shall be constructed onto Ocean Ridge Drive (CR 514) in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by the applicant and approved by Department of Transportation staff during field review, to be paved with asphaltic concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
10. The Permit holder shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within the County right-of-way.

Archaeological

11. During any ground disturbing activities, at the discretion of the project archaeologist, a tribal monitor shall be present.
12. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

CAL FIRE

13. All requirements of California Resources Code 4290 shall be followed for commercial development.

Biological Resources

14. ** BIO-1: Minimize vegetation removal to the greatest extent practical by targeting vegetation only within the grading footprint of development. Minimize the number of Bishop pine trees to be removed for the installation of the leach fields to the greatest extent practical. Erect temporary fencing around the project boundary to prevent unnecessary impacts to Bishop pine forest and the associated buffer.
15. ** BIO-2: All staging and laydown areas for all construction materials and planning shall utilize the non-native grassland and developed areas.
16. ** BIO-3: Replacement of all Bishop pine trees removed for the installation of the leach field or any other project activity will have the requirement of a minimum ratio of 2:1 (trees restored:trees removed). Replacement may include natural regeneration or supplemental plantings of trees from local seed stock.

Prior to ground disturbance in the proposed leach fields, characteristics of the Bishop pine forest shall be collected (i.e., species present, absolute cover of each species, overall cover for each stratum) to visually monitor re-establishment progress.

Natural recruitment will be the preferred method of replacement. Should natural recruitment not succeed, supplemental plantings shall be necessary.

Limbs with cones and cones present on the forest floor will be collected and retained to be burned within the replacement area (and enhancement area, if possible). Limbs and cones will be stored in the shade and covered on bottom and top to reduce potential seed loss from heat. Following completion of topsoil placement, burn piles will be located throughout the replacement area in sizes that conform to County burn regulations. Burn piles should be small and numerous across the enhancement area to replicate a site wide fire and promote regeneration across a large portion of the area. The number of piles and area covered should be determined by the size of the enhancement area but should cover a minimum of fifty percent of the area to be enhanced. Burning will be conducted in the late fall or early winter to create natural burn conditions.

Container plants to be installed for supplemental planting within the replacement and enhancement areas will be native tree, shrub and herbaceous species that are ecologically appropriate for the site and be from local seed or rootstock. Bishop pine trees should be planted in sunny locations due to low shade tolerance. The proposed plant palette with container sizes is:

COMMON NAME	SCIENTIFIC NAME	CONTAINER SIZE
Bishop pine	<i>Pinus muricata</i>	15 gallon
Tan oak	<i>Notholithocarpus densiflorus</i>	15 gallon
Coast redwood	<i>Sequoia sempervirens</i>	15 gallon
Shrub Species		
Coyote bush	<i>Baccharis pilularis</i>	5 gallon
Blue blossom	<i>Ceanothus thrysiflorus</i>	5 gallon
Redwood manzanita	<i>Arctostaphylos columbiana</i>	5 gallon
Shatterberry	<i>Arctostaphylos nummularia</i> var. <i>nummularia</i>	5 gallon
Chaparral pea	<i>Picheingia montana</i>	5 gallon
Wavy leaved ceanothus	<i>Ceanothus foliosus</i> var. <i>foliosus</i>	5 gallon
Herb Species		
Bear grass	<i>Xerophyllum tenax</i>	1 gallon
Modesty	<i>Wipplea modesta</i>	1 gallon
Rose flowered lotus	<i>Hosackia rosea</i>	1 gallon
Braken fern	<i>Pteridium aquilinum</i> var. <i>pubescens</i>	1 gallon
Milkwort	<i>Polygala californica</i>	1 gallon

Planting will occur in the late fall to take advantage of seasonal rains and improve conditions for plant establishment. Three inches of mulch will be placed in planting basins to hold and conserve water around the plants, and foliage protection cages will be installed, if needed, to protect the plants from wildlife browsing. One-year time release fertilizer tablets will be placed in each pit prior to installation of container plantings.

The enhancement area will be the same size as the actual area of impact caused by the project, meeting a 1:1 ratio of impacted to enhanced area. One or more areas may be used. Success criteria are based on baseline conditions, which are to be enhanced through re-vegetation on native species.

17. ** BIO-4: Where feasible, tree roots greater than 2-inches diameter will be avoided during trenching by going around the tree roots or under. If avoidance is not feasible, roots shall be cut by hand to reduce exposed surfaces and reduce potential introduction of pathogens.

18. ** BIO-5: Leach fields located within the Bishop pine forest shall limit the area of disturbance and tree removal to the greatest extent practicable. Machinery (i.e., excavators and backhoes) used within the Bishop pine forest shall be limited to the smallest size appropriate to complete the work.
19. ** BIO-6: Bishop pine forest vegetation within the leach fields shall be allowed to naturally re-establish.
20. ** BIO-7: Any topsoil disturbed shall be set aside to be placed back onto disturbed areas. Areas of ground disturbance shall be replaced to pre-construction conditions using local soil (i.e., no off-parcel soil shall be placed in the disturbed areas). The following requirements for topsoil treatment will be conducted:

- Subsoil should be separated from the topsoil to reduce dilution of seed stock and changes in soil chemistry.
- Topsoil will be stored in shaded area, kept covered and placed in rows no more than 3-feet high.
- Topsoil should be re-applied within six months of excavation.
- No off-site (off-parcel) topsoil will be brought in.

Following completion of topsoil placement, the disturbed area will be covered with jute netting to prevent erosion. As plant species of Bishop pine forest are adapted to germinate in exposed mineral soil, no other soil cover (i.e., hay, hydroseed) should be applied. Following placement of jute, the replacement area will be fenced off with orange construction fencing to inhibit entry and signage will be placed to indicate area of restoration.

21. ** BIO-8: Areas of ground disturbance shall be monitored for five-years for invasive species establishment. Invasive species include any species on the California Invasive Species Council (Cal-IPC) list which are known to impact Bishop pine forest habitat. Any individuals of these invasive species that becomes established during those five years shall be eradicated. Supplemental planting will occur if natural recruitment actions are deemed insufficient, as determined by success criteria. Site preparation for supplemental planting should avoid impacts to native vegetation to the greatest extent feasible. Prior to planting, invasive species should be removed from the area to be planted. If irrigation is necessary, installation of an irrigation system will avoid native vegetation to the greatest extent feasible.

Permanent photo-documentation points will be established at several locations in order to visually track the progress toward meeting final success criteria. Annual site visits will be conducted to monitor progress; the monitoring site visit will be conducted in late summer or early fall. A brief letter report will be submitted to the Redwood Coast Recreation Center board each year to report on progress in meeting success criteria. Photos from designated photo points will be included as an appendix. Other relevant information pertaining to the revegetation effort, such as a summary of invasive species control actions and corrective measures taken when success criteria were not met. If necessary, recommendations to help achieve final success criteria will be made in the annual letter. All monitoring and report preparation shall be conducted by a qualified biologist.

Reports that discuss monitoring results will be submitted to the RCRC board by December 31 of each monitoring year. These reports will assess the progress in meeting success criteria, will identify any problems with erosion, sedimentation and/or general causes of poor plant survival. If necessary, annual reports will include recommendations to improve success in achieving final success criteria.

After five years, a final monitoring report, describing the success of meeting the success criteria and an evaluation of the success of any necessary corrective measures undertaken will be prepared and submitted to the Mendocino County Planning Department and any other relevant public agency (CDFW, CCC).

22. ** BIO-9: Tree/vegetation removal and initial ground disturbance shall occur from August 16 to January 31, outside of the general bird nesting season. If tree/vegetation removal and initial ground disturbance during this time is not feasible, a pre-construction nesting survey should be performed by a qualified

biologist no more than seven days prior to the initiation of tree removal or ground disturbance. The survey should cover the area of disturbance and surrounding areas within 500-feet. If active bird nests are found during the survey, an appropriate no-disturbance buffer should be established by the qualified biologist. Once it is determined that the young have fledged (left the nest) or the nest otherwise becomes inactive (e.g., due to predation), the buffer may be lifted, and work may be initiated within the buffer. If vegetation removal or land disturbance activities have ceased for more than fourteen days during the nesting season, an additional nesting survey should be conducted as a nest may have been built and occupied within that time frame.

23. ** BIO-10: Construction and ground disturbing activities shall be conducted during the dry season (June 1 through October 15). If work is to be conducted within the wet season (November through May), a qualified biologist shall conduct a pre-construction survey of the project area no more than forty-eight hours prior to initiation of ground disturbance. A biological education program shall be provided by a qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. Following worker education, each construction work member present is anticipated to have the information needed to identify the species and be relied upon to follow measures should a CRLF be observed. The worker education program shall include information regarding the identification and natural history of CRLF (including photographs), the potential for occurrence of this species within work areas, protocols to be followed for daily surveys, the legal status, and the ramifications for take, the purpose of the exclusion fencing and importance of maintaining it and specific measures being implemented to avoid impacts to the species. If CRLF is observed in the course of pre-construction or daily surveys or during work, all ground disturbance shall halt and CDFW shall be notified immediately.
24. ** BIO-11: All ground disturbing activities shall cease for forty-eight hours following a rainfall event where 0.25-inches or greater precipitation within a twenty-four-hour period was predicted.
25. ** BIO-12: If work is to be conducted within the wet season, exclusion fencing shall be installed prior to October 15 around the proposed development area in such a manner as to preclude California Red Legged Frog (CRLF) from entering ground disturbance areas. The fencing shall have a minimum height above ground of thirty-eight inches, the bottom of the fence buried at a minimum depth of four inches. Erosion control fencing (silt fencing) may serve as the exclusion fence if it meets the requirements above. The area(s) of fence installation will be inspected by a qualified biologist to ensure that it is effective. The fencing shall remain installed until on-site mechanized ground disturbance is completed.
26. ** BIO-13: A pre-construction Sonoma Tree Vole (STV) survey should be performed by a qualified biologist no more than fourteen days prior to the initiation of tree removal. The survey should cover the trees proposed for removal and surrounding areas within 100 feet. If evidence of nests is found during the survey, one of the following should occur:
 1. The tree should not be cut (if planned to do so) and be avoided with a fifty-foot no disturbance buffer and occurrence should be submitted to the California Natural Diversity Database (CNDDB).
 2. If the tree cannot remain or be avoided, a qualified biologist will determine the best method and location for relocation. This information will be provided in a letter to CDFW for approval.

If no evidence of nesting is found, no consultation is necessary, and construction can proceed. If more than six months pass between the survey and a period of no disturbance or tree removal, an additional survey should be conducted.

27. ** BIO-14: Four Western Pond Turtle (WPT) surveys should be conducted by a qualified biologist on sunny days prior to initiation of ground disturbance to determine if WPT are present. Surveys should focus on the pond and immediate areas. If WPT is not observed, absence can be presumed, and no further measures are necessary. If WPT is observed, see Mitigation measure 28 below.
28. ** BIO-15: WPT requires aquatic habitat but may move away from such areas and disperse to nest in adjacent uplands. To prevent WPT (if present) from entering the proposed development area and thereby

reducing the potential for an impact to such, the following measures are recommended:

- Exclusion fencing shall be installed around the area of development during the wet season, prior to WPT nesting season (prior to April 1).
 - Following fencing installation and within forty-eight hours of the initiation of ground disturbance, a pre-construction survey covering all ground disturbance areas shall be performed by a qualified biologist. If WPT is observed within the covered areas, ground disturbance shall not proceed, and permission to relocate WPT shall be requested from CDFW.
 - Following the pre-construction survey and prior to the initiation of work, a biological education program shall be provided by the qualified biologist to all personnel that will be present at the site during ground disturbance and related activities. Following worker education, each construction work member present is anticipated to have the information needed to identify the species and be relied upon to follow measures should a WPT be observed. The worker education program shall include information regarding the identification and natural history of WPT (including photographs), the potential for occurrence of this species within work areas, the legal status and the ramifications for disturbance/kill, the purpose of the exclusion fencing and the importance of maintaining it and specific measures that are being implemented to avoid impacts to such species (which will include halting all ground disturbance and work immediately alerting CDFW if the species is observed in the course of the work).
29. ** BIO-16: Populations of California sedge within twenty-five feet of the leach line shall be fenced off prior to land disturbance associated with leach line installation; no construction related activities shall occur within the fenced areas and all disturbance shall occur the farthest distance possible from the fenced areas. Land disturbance for the leach line shall be limited to the smallest footprint possible.
 30. 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.
 31. The project site address must be posted at the beginning of construction and maintained thereafter. It shall be posted on both sides of a mailbox or posted at the driveway entrance, so it is visible from both directions of travel with minimum three (3) inch letter height, a 3/8-inch stroke and reflectorized contrasting with the mailbox color.
 32. Landscaping on the parcel shall not include any invasive plants and shall consist of native plants compatible with the present plant communities.
 33. Prior to issuance of a building permit, an exterior finish schedule shall be submitted for proposed materials and colors which will be visually compatible with the character of the surrounding area.
 34. Exterior lighting shall be kept to the minimum necessary size and wattage for safety and security purposes and shall 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.
 35. Construction shall be limited to the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.
 36. If no view-obscuring fencing exists between the kitchen and parking areas of the project and the residential lots to the east, the applicant shall install a six-foot high view-obscuring fence prior to final inspection of building permits for kitchen and/or parking areas.