



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

JULIA KROG, DIRECTOR
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June 2, 2023

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

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, July 6, 2023, at 9:30 a.m., will conduct a public hearing on the following project and Draft 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.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

CASE#: MS_2022-0004

DATE FILED: 9/28/2022

OWNER: ERICKSON BROTHERS PROPERTIES LLC

APPLICANT: ROBERT NEESE

AGENT: RON FRANZ

REQUEST: Minor Subdivision of an existing 10± acre parcel into four (4) parcels and one (1) remainder parcel. Parcel 1 would be 0.74± acres, Parcel 2 would be 0.75± acres, Parcel 3 would be 4.39± acres, Parcel 4 would be 1.09± acres, and the Remainder Parcel would be 3.15± acres.

ENVIRONMENTAL DETERMINATION: Negative Declaration

LOCATION: In Ukiah, on the east side of North State Street (CR 104) 0.5± miles north of its intersection with Brush Street (CR 217), located at 1211 North State Street, Ukiah; APN 001-360-39.

SUPERVISORIAL DISTRICT: 1 (McGourty)

STAFF PLANNER: LIAM CROWLEY

A copy of the Draft Negative Declaration, Staff Report and Notice will be available for public review 30 days prior to the hearing at 860 North Bush Street, Ukiah, California, and at 120 West Fir Street, Fort Bragg, California. The staff report, draft negative declaration, and notice will also be available on the Department of Planning and Building Services website at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. The public may participate digitally in meetings in lieu of personal attendance by sending comments to pbscommissions@mendocinocounty.org, or orally via telecomment by July 5, 2023 in lieu of personal attendance. All public comment will be made available to the Commissioners, 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.org/government/planning-building-services/meeting-agendas/planning-commission>.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal is the 10th day after the Planning Commission's decision. 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 prior to the expiration of the above noted appeal period. 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.

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.

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.

JULIA KROG, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- MINOR SUBDIVISION**

**JULY 6, 2023
MS_2022-0004**

SUMMARY

OWNER: ERICKSON BROTHERS PROPERTIES LLC
2001 HULDA DRIVE
UKIAH, CA 95482

APPLICANT: ROBERT NEESE
2001 HULDA DRIVE
UKIAH, CA 95482

AGENT: RON FRANZ
2335 APPOLINARIS DRIVE
UKIAH, CA 95482

REQUEST: Minor Subdivision of an existing 10± acre parcel into four (4) parcels and one (1) remainder parcel. Parcel 1 would be 0.74± acres, Parcel 2 would be 0.75± acres, Parcel 3 would be 4.39± acres, Parcel 4 would be 1.09± acres, and the Remainder Parcel would be 3.15± acres.

LOCATION: In Ukiah, on the east side of North State Street (CR 104) 0.5± miles north of its intersection with Brush Street (CR 217), located at 1211 North State Street, Ukiah; APN 001-360-39.

TOTAL ACREAGE: 10.12± Acres

GENERAL PLAN: Commercial (C)

ZONING: General Commercial (C-2)

SUPERVISORIAL DISTRICT: 1st (McGourty)

ENVIRONMENTAL DETERMINATION: Negative Declaration

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: LIAM CROWLEY

BACKGROUND

PROJECT DESCRIPTION: Request for a Minor Subdivision of an existing 10± acre parcel into four (4) parcels and one (1) remainder parcel. Parcel 1 would be 0.74± acres, Parcel 2 would be 0.75± acres, Parcel 3 would be 4.39± acres, Parcel 4 would be 1.09± acres, and the Remainder Parcel would be 3.15± acres. The proposed Parcels 1 and 4 are developed with existing commercial buildings. Parcel 2 is developed with an existing single-family residence and accessory structures.

RELATED APPLICATIONS:

- U_2012-0003: Use Permit for heavy automobile and equipment repair, approved 06/14/2012
- TU_2013-0075: Encroachment Permit for sidewalk improvements, finalized 12/31/2013
- MS 21-85: Minor Subdivision which established the current parcel, Parcel Map recorded 07/03/1985, the subject parcel is Parcel 2 of MS 21-85

SITE CHARACTERISTICS: The site is in a commercial area north of Ukiah. An auto repair business fronts

North State Street (CR 104) and a plumbing service fronts Ford Road (CR 250). A residence is located directly east of the auto repair business. The remainder of the parcel is vacant, containing mostly grasses and a few scattered trees. Two small berms separate the site into three mostly flat segments. The central segment has a gentle east-facing slope.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Commercial (C)	General Commercial (C-2)	1.3±, 8.4± Acres	Commercial
EAST	Public Services (PS) (City of Ukiah)	Public Facilities (PF) (City of Ukiah)	14± Acres	Civic
SOUTH	(City of Ukiah)	(City of Ukiah)	26± Acres	Civic
WEST	C	Limited Commercial (C-1)	0.4±, 0.7±, 0.3± Acres	Commercial

PUBLIC SERVICES:

Access: North State Street (CR 104); Ford Road (CR 250)
 Fire District: Ukiah Valley Fire Protection District (UVFPD)
 Water District: Millview County Water District
 Sewer District: Ukiah Valley Sanitation District
 School District: Ukiah Unified

AGENCY COMMENTS: On December 13, 2022, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. Any comment that would trigger a project modification, denial, conditions of approval, or required permits are discussed in full in the following section.

REFERRAL AGENCIES	COMMENT
Air Quality Management District	No Response
Airport Land Use Commission	No Comments
Archaeological Commission	Comments
Assessor's Office	No Response
Building Division (Ukiah)	Comments
Department of Transportation	Comments
Environmental Health	Comments
Ukiah City Planning Department	Comments
Ukiah Valley Fire Protection District	No Response
Ukiah Valley Sanitation District	No Comments
Millview County Water District	No Response
Sonoma State University	Comments
CALFIRE (Land Use)	No Response
California Dept. of Fish and Wildlife	No Response
Regional Water Quality Control Board	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

KEY ISSUES

1. General Plan Consistency: The subject lot is classified as Commercial (C) as defined in Chapter 3 of the Mendocino County General Plan. The Commercial land use classification is intended...

"...to be applied to lands appropriate for a variety of commercial uses. Lands classified Commercial should be within or contiguous to developed areas, such as near the

boundaries of cities and in Community Planning Areas, and should be served by the publicly-maintained circulation network and should be situated in locations where future growth is anticipated. Residential uses in the commercial classification shall require County findings that the site need not be reserved for future commercial uses, and that the residential use is compatible with existing or anticipated commercial uses.

General Uses: General commercial, mixed uses, public facilities, public services, public assemblies, residential developments, utility installations.”

The proposed subdivision is within the jurisdictional boundary of the Millview County Water District and Ukiah Valley Sanitation District. It is intended that each resulting lot be provided with water and sewage via connection to these District networks. Parcel 1 would be accessed via North State Street. Parcel 2 is provided access from North State Street via an existing easement. The proposed configuration of Parcel 2 also includes access via Ford Road. Parcels 3 and 4 would be accessed via Ford Road. The Remainder parcel would be accessed from a fifty (50) foot wide easement connected to Ford Road. The site is within the jurisdictional boundary of the Ukiah Valley Fire Protection District and is within the Local Responsibility Area. No development is proposed. The proposed Parcels 1 and 4 are developed with existing commercial buildings. Parcel 2 is developed with an existing single-family residence and accessory structures. The Commercial land use classification establishes a minimum lot size of 6,000 square feet for residential use and no minimum lot size for commercial uses because the lot is within both a water and sewer district. As proposed, each resulting lot would be greater than 6,000 square feet. Therefore, staff finds that the proposed subdivision request is consistent with the Commercial General Plan land use classification.

2. Zoning Consistency: The subject lot is within the General Commercial (C-2) zoning district as defined in Chapter 20.092 in the Mendocino County Code (MCC). The C-2 district is intended...

“...to create and enhance commercial areas where complete retail sales and services are available and desirable for public service and convenience. Typically this district would be applied in the central core of community areas where central area commercial facilities were desired, or at major roadway intersections. Uses in this district are also intended to facilitate live/work convenience through multiple story construction and shared parking arrangements for a range of residential and commercial uses.”

No development is proposed as part of the subdivision request. Existing and future land uses would be required to meet the standards of the C-2 district, including yard setbacks. For the C-2 district, the minimum front yard is ten (10) feet. No minimum side or rear yard is required, except that any side or rear yard contiguous to any district other than commercial or industrial shall have a minimum side yard of five (5) feet and a minimum rear yard of twenty (20) feet. Based on the tentative map provided, the existing structures would meet the minimum setback requirements. In addition, proposed Condition #11 requires that setbacks be shown on the Parcel Map. MCC Section 20.092.025 establishes a minimum lot size of 6,000 square feet for residential uses and 4,000 square feet for mobile home and manufactured home subdivisions. No minimum lot size is established for commercial uses. As no development is proposed, the proposed subdivision should meet the most restrictive minimum lot size of 6,000 square feet. Each proposed lot is at least 30,000 square feet in size. Therefore, staff finds that the proposed subdivision is consistent with the C-2 zoning district.

3. Ukiah Valley Area Plan (UVAP): The proposal is consistent with applicable policies of the UVAP as follows:

Policy LU 1.2a: Use land use planning and decision-making to promote compact development forms, mixed uses, infill, reuse, and sustainable technologies. Such strategies are intended to promote resource management and conservation, service and infrastructure efficiencies, and avoid the degradation or waste of social, economic and environmental resources. The parcel is within an urban area surrounded by other uses and future development of the resulting lots can be considered infill development.

Policy LU 1.4: Continue to allow growth in High Intensity Development Corridors. The parcel is along the North State Street corridor and subdivision would allow future growth,

including commercial uses.

Policy WM 2.2a: Development proposals shall provide adequate proof of water to the Department of Planning and Building Services and the Division of Environmental Health that adequate water supplies are available to support the new use/development based on the adopted standards. Conditions of approval require that proof of water be provided for the resulting lots, such as a “will-serve letter” from the applicable water district.

4. **Ukiah Municipal Airport Land Use Compatibility Plan:** The site is located within the general Airport Influence Area but is not located within a Compatibility Zone. As such, the project is not subject to review by the Airport Land Use Commission (ALUC). The project was referred to the ALUC on December 13, 2022. ALUC commented that the site is not located in an airport zone.
5. **Division of Land Regulations:** The project was reviewed by the Mendocino County Subdivision Committee on April 13, 2023. The Committee recommended conditional approval of the proposed subdivision to the Planning Commission pursuant to findings required by MCC Section 17-48.5. The Committee’s recommendations are part of the attached resolution, including Exhibit A. The Committee did not find conflicts with the County Division of Land Regulations.

Pursuant to Mendocino County Division of Land Regulations Section 17-52(F), the applicant is requesting that the Planning Commission consider approving a greater width-depth ratio for Parcel 4 as this parcel would be used for commercial purposes. Section 17-52(F) calls for an average depth of a lot to be no greater than three (3) times the average width but allows the Planning Commission to approve a greater width-depth ratio when necessitated by topography or other physical conditions, or where the property is to be used for commercial or industrial purposes. As currently proposed, the average length of Parcel 4 would be 394 feet and the average width would be 127 feet. Therefore, the depth of Parcel 4 would exceed three (3) times the width of the lot by thirteen (13) feet. Due to the existing commercial use of the proposed lot (Roto Rooter) and minor deviation, staff supports approval of a greater width-depth ratio per MCC 17-52(F).

Pursuant to Mendocino County Division of Land Regulations Section 17-52(L), the applicant is requesting that the Planning Commission consider approving a “flag lot” for Parcel 2 where secondary access to the abutting Ford Road is provided by a strip which is part of said parcel due to topography and special condition. The strip would provide access to Ford Road should the existing primary access easement be terminated. Staff finds that the proposed configuration is appropriate because the slope separating the eastern edge of Parcel 2 from the western edge of Parcel 3 is greater than that separating the northern edge of Parcel 2 from APN: 001-360-38 (where the existing access strip is located). The access strip meets the depth and width requirements of Section 17-52(L), and the Department of Transportation has confirmed that improvements are not required for the access strip at this time as the existing access easement is sufficient. Staff supports approval of the configuration per MCC Section 17-52(L).

6. **Environmental Protection:** An Initial Study for the proposed project was completed in accordance with the California Environmental Quality Act (CEQA) and no significant environmental impacts were identified. Therefore, a Negative Declaration was prepared. It was noted that future development could have some impacts, however these were considered less than significant impacts.
7. **Fire Safety Findings:** Pursuant to California Government Code Section 66472.02, the site is within a Local Responsibility area and is within the “Urban Unzoned” classification according to CAL FIRE. As such, the findings required by Section 66472.02 do not apply to this project.

RECOMMENDATION

By resolution, adopt a Negative Declaration and grant Minor Subdivision MS_2022-0004 as proposed by the applicant, based on the facts and findings and subject to the conditions of approval contained in Exhibit A of the Resolution.

6/1/23

DATE



LIAM CROWLEY
PLANNER II

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

ATTACHMENTS:

- A. Location
- B. Aerial Imagery
- C. Tentative Map
- D. Zoning
- E. General Plan
- F. Adjacent Parcels
- G. Ukiah Valley Fire Protection District
- H. Wildland-Urban Interface
- I. MS4 Stormwater
- J. Estimated Slope
- K. Eastern Soil Classifications
- L. Schools
- M. Ukiah Airport Zone
- N. Water Districts
- O. City Limits
- P. Dam Inundation Zone
- Q. Ukiah Valley Area Plan

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

Negative Declaration / Initial Study available online at:

<https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>



CASE: MS 2022-0004

OWNER: ERICKSON BROTHERS PROPERTIES LLC

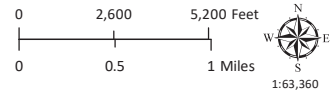
APN: 001-360-39

APLCT: Robert Neese

AGENT: Ron W. Franz

ADDRESS: 1211 N State Street, Ukiah

● Major Towns & Places



LOCATION

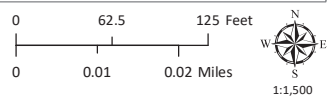
MENDOCINO COUNTY PLANNING DEPARTMENT - 06/09/2023



FORD ROAD

NORTH STATE STREET

Public Roads



CASE: MS 2022-0004
OWNER: ERICKSON BROTHERS PROPERTIES LLC
APN: 001-360-39
APLCT: Robert Neese
AGENT: Ron W. Franz
ADDRESS: 1211 N State Street, Ukiah

AERIAL IMAGERY

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/07/2023

Title Report

A Preliminary Title report for this property was prepared by Redwood Empire Title Company, Order Number 20220191RB, dated January 26, 2022.
All existing easements are shown hereon.

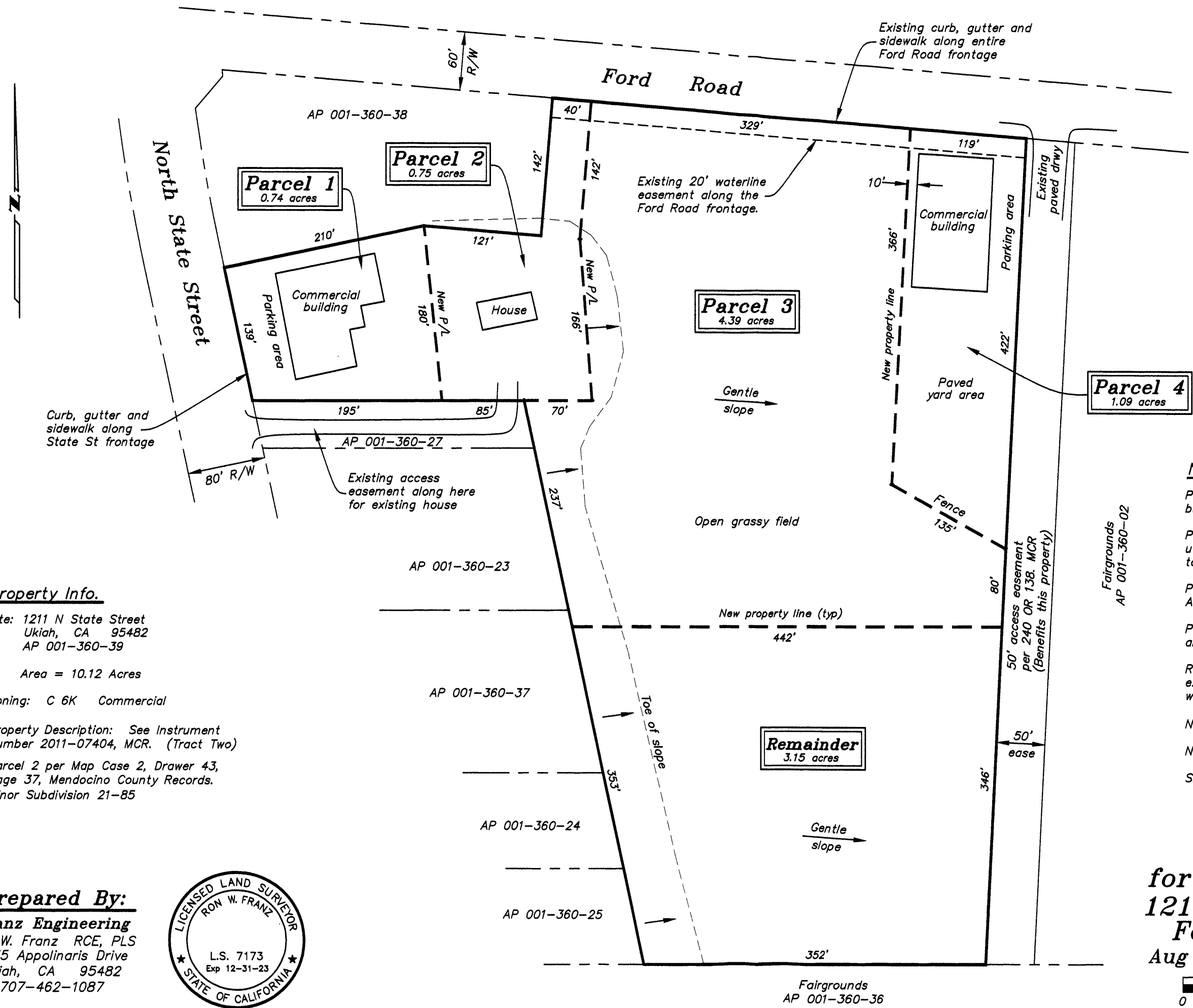
Owner:

Erickson Brothers Properties, LLC
2001 Hulda Drive
Ukiah, CA 95482
Robert Neese = 707-477-8246

Notes

- Parcel 1 is fully developed with a commercial business. It has all existing utilities and services.
- Parcel 2 has an existing residence and has all existing utilities and services. It also has an access easement to North State Street.
- Parcel 3 is vacant and has frontage on Ford Road. All services are existing along Ford Road.
- Parcel 4 has an existing business and also has all existing utilities and services.
- Remainder Parcel is vacant. It has access along an existing 50' easement on the east side. Future utilities will come from Ford Road in the existing easement.
- No grading work will be needed for the subdivision.
- No road improvements are necessary or proposed.
- Site has public sewer and public water service.

**Tentative Map
for a minor subdivision
1211 N State Street and
Ford Road, Ukiah CA
Aug 29, 2022 -- Scale: 1"=100'**



Property Info.

Site: 1211 N State Street
Ukiah, CA 95482
AP 001-360-39

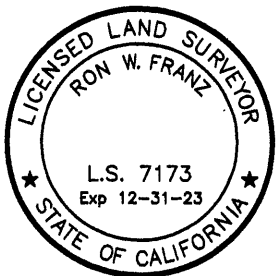
Area = 10.12 Acres

Zoning: C 6K Commercial

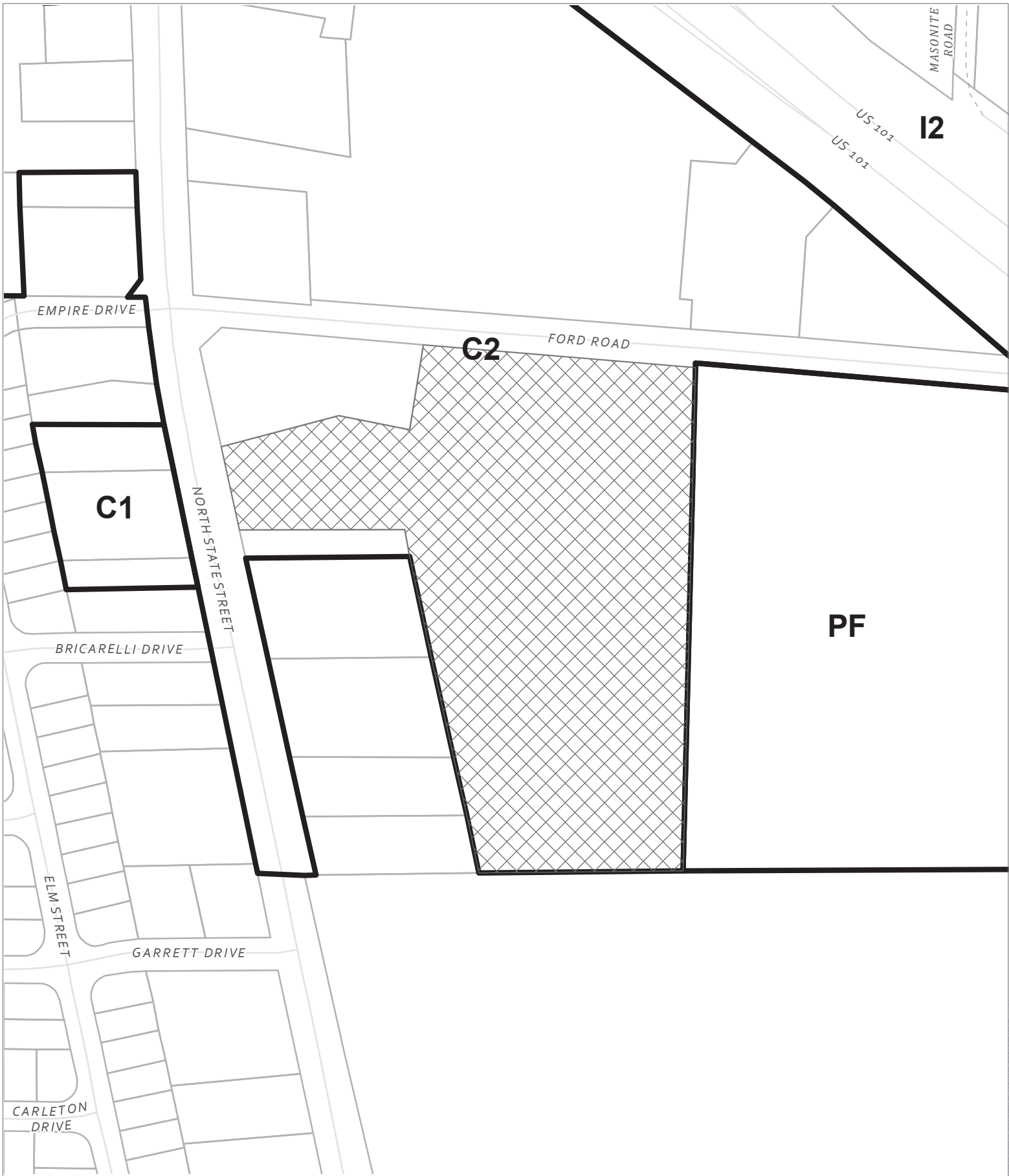
Property Description: See Instrument Number 2011-07404, MCR. (Tract Two)

Parcel 2 per Map Case 2, Drawer 43, Page 37, Mendocino County Records. Minor Subdivision 21-85


Prepared By:
Franz Engineering
Ron W. Franz RCE, PLS
2335 Appolinaris Drive
Ukiah, CA 95482
707-462-1087

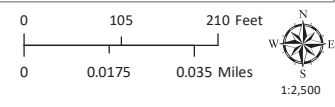


Fairgrounds AP 001-360-36

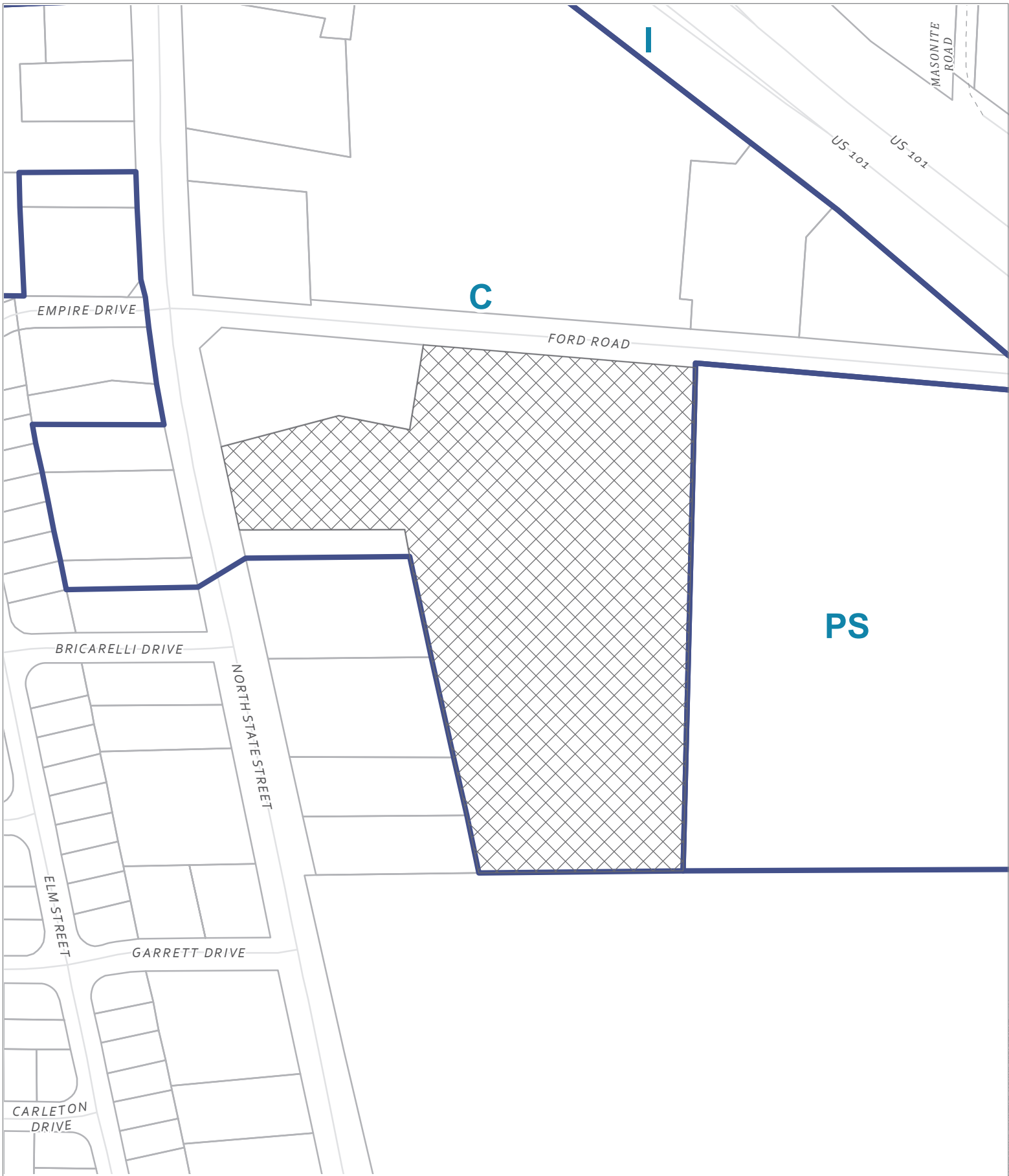


CASE: MS 2022-0004
OWNER: ERICKSON BROTHERS PROPERTIES LLC
APN: 001-360-39
APLCT: Robert Neese
AGENT: Ron W. Franz
ADDRESS: 1211 N State Street, Ukiah



 Zoning Districts
 Public Roads

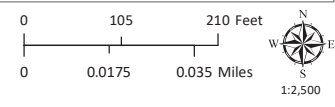


ZONING



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 General Plan Classes
 Public Roads



GENERAL PLAN

170-190-17
TESORO SIERRA PROPERTIES L
0 A±

170-190-25
UKIAH LLC
8.39 A±

170-190-26
UKIAH LLC
1.39 A±

FORD ROAD

001-360-38
MOLLOY SUCCTEE MARGARETA
1.3 A±

001-360-27
KOCH MARKET LLC
0 A±

001-360-23
KOCH MARKET LLC
0 A±

001-360-39
ERICKSON BROTHERS PROPERTI
10.12 A±

001-360-02
TWELFTH DISTRICT AGRICULTU
14.1 A±

001-360-37
J A S PROPERTIES LLC
0 A±

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J A S PROPERTIES LLC
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PRENDIVILLE PROPERTIES
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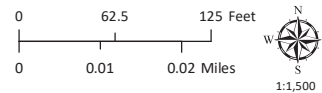
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001-386-14
PERKOWSKI ROBERT M & DEBRA
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ESUS JR & GLORIA ROC
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U HAUL REAL ESTATE COMPANY
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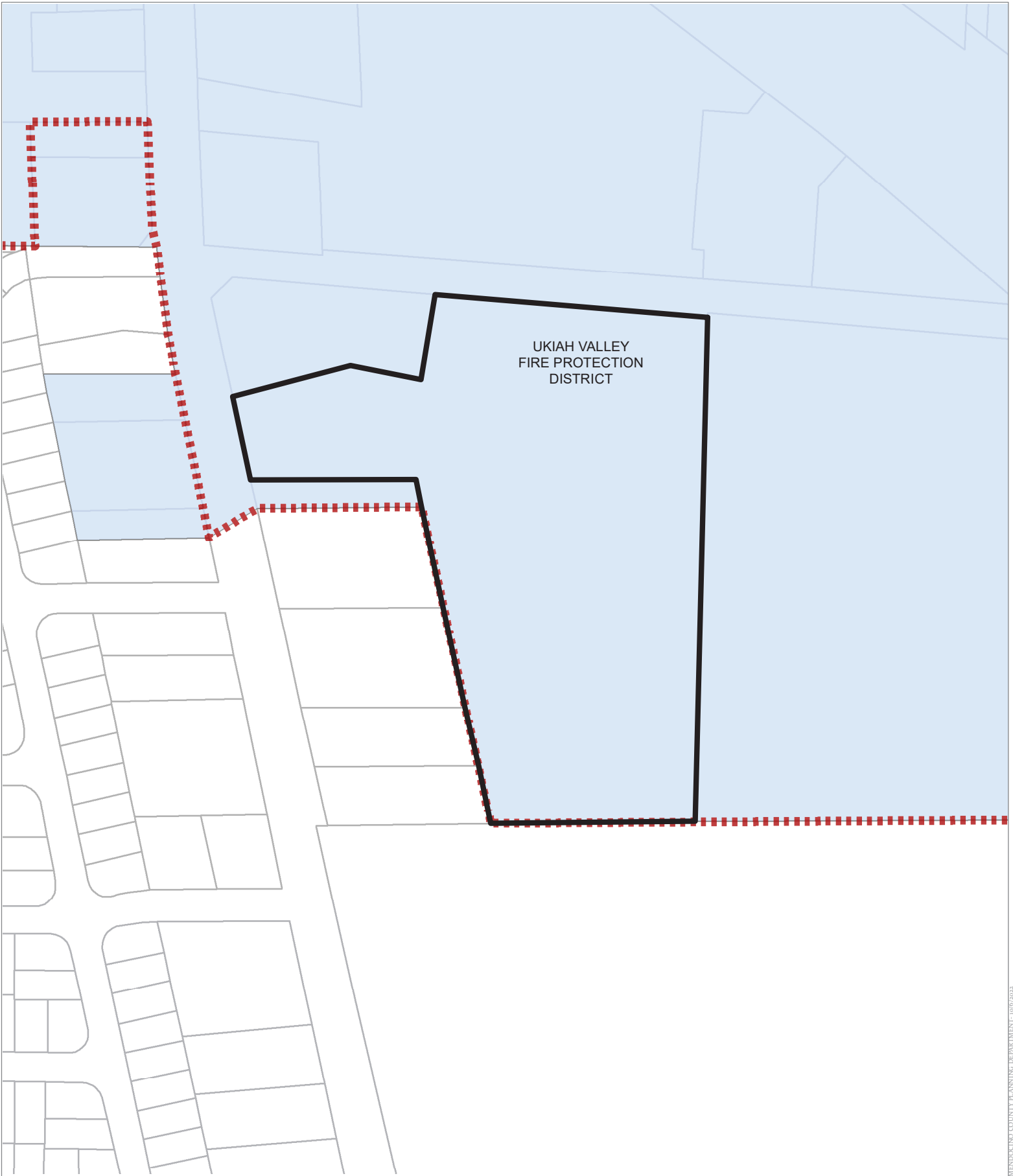
NORTH STATE STREET

 Public Roads



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ADJACENT PARCELS

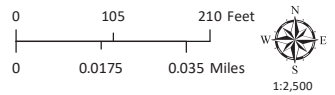


UKIAH VALLEY
FIRE PROTECTION
DISTRICT

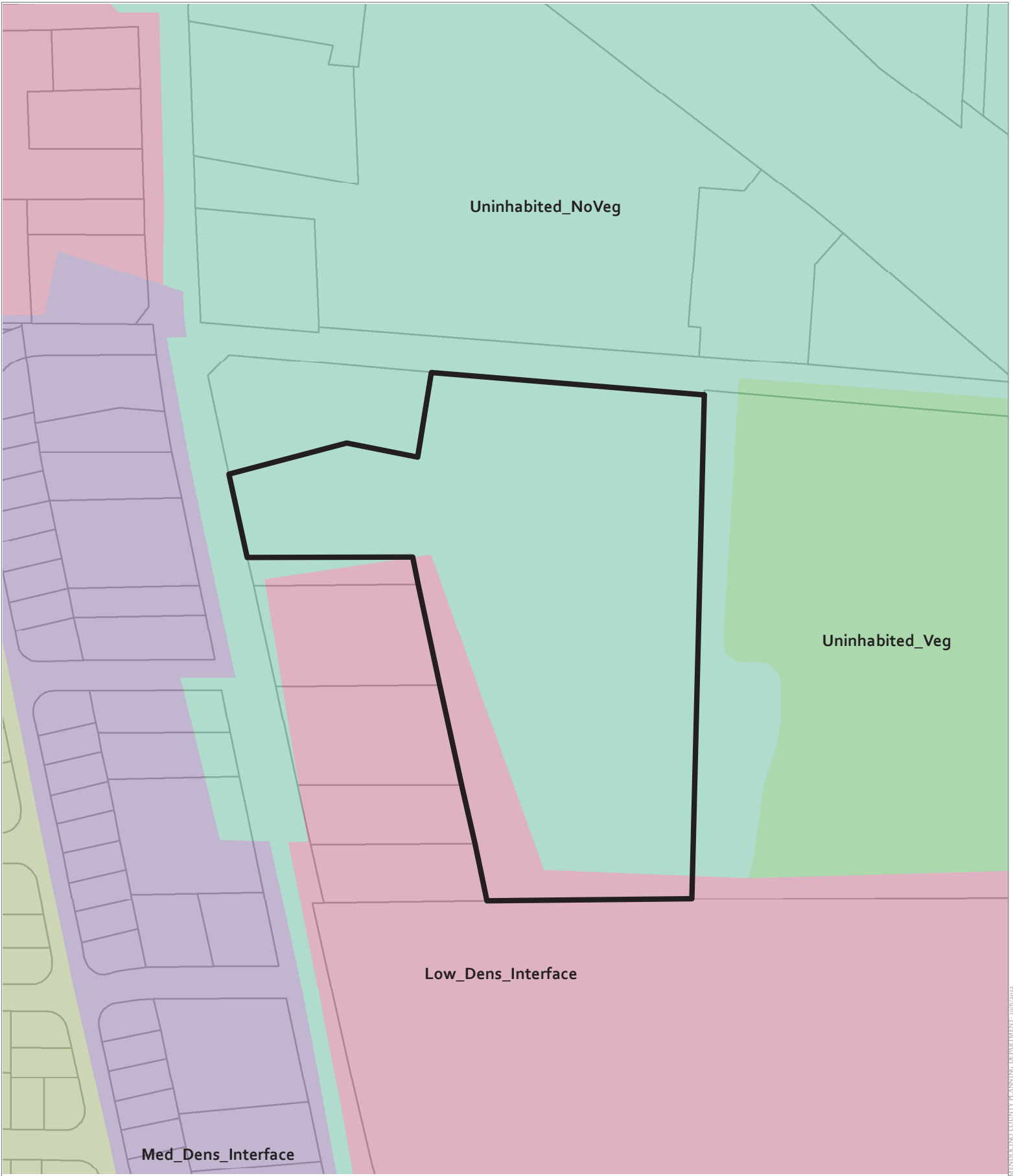
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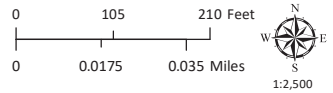
County Fire Districts



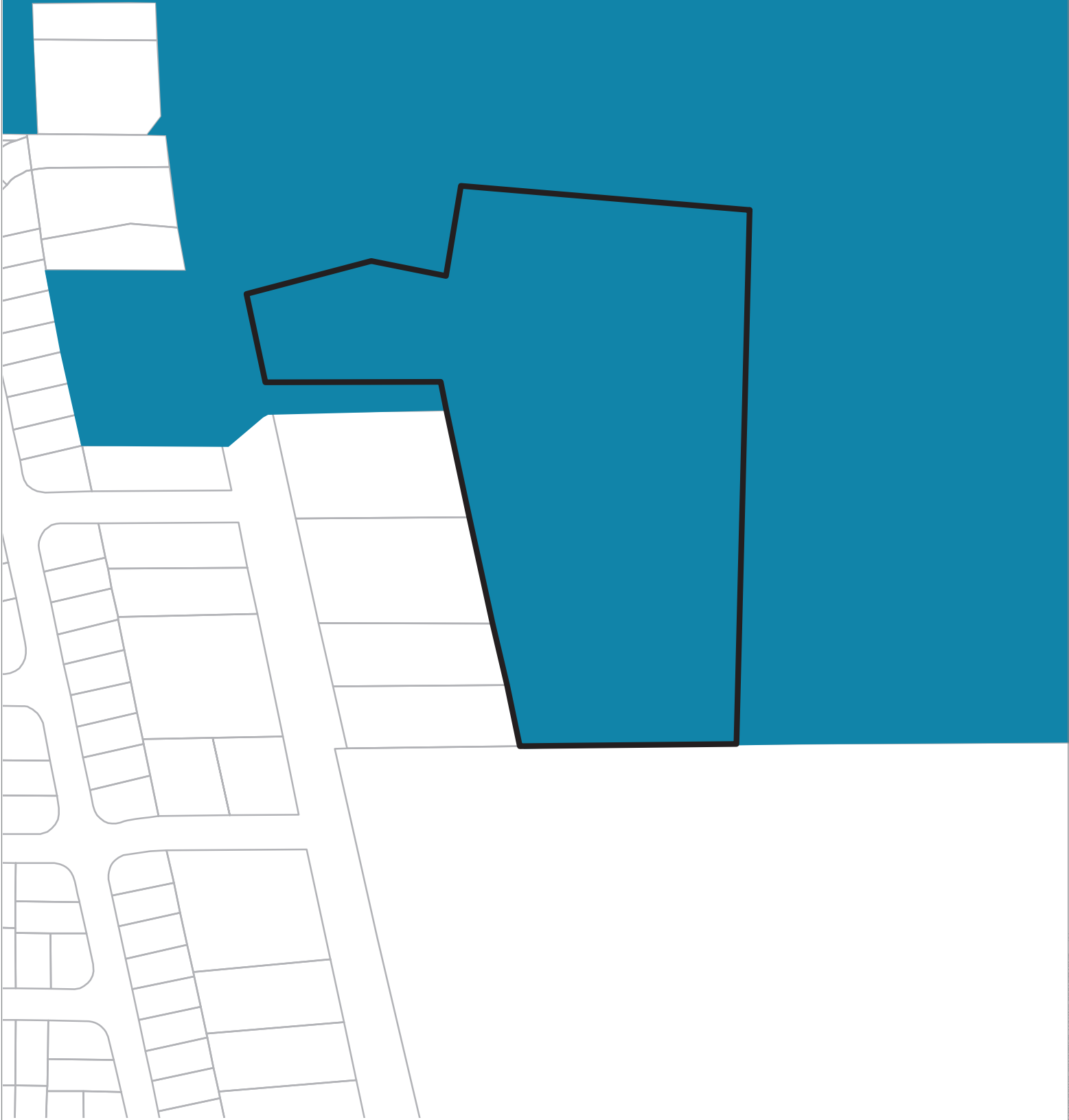
UKIAH VALLEY FIRE PROTECTION DISTRICT



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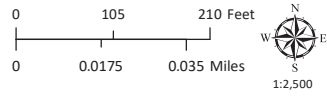
WILDLAND-URBAN INTERFACE



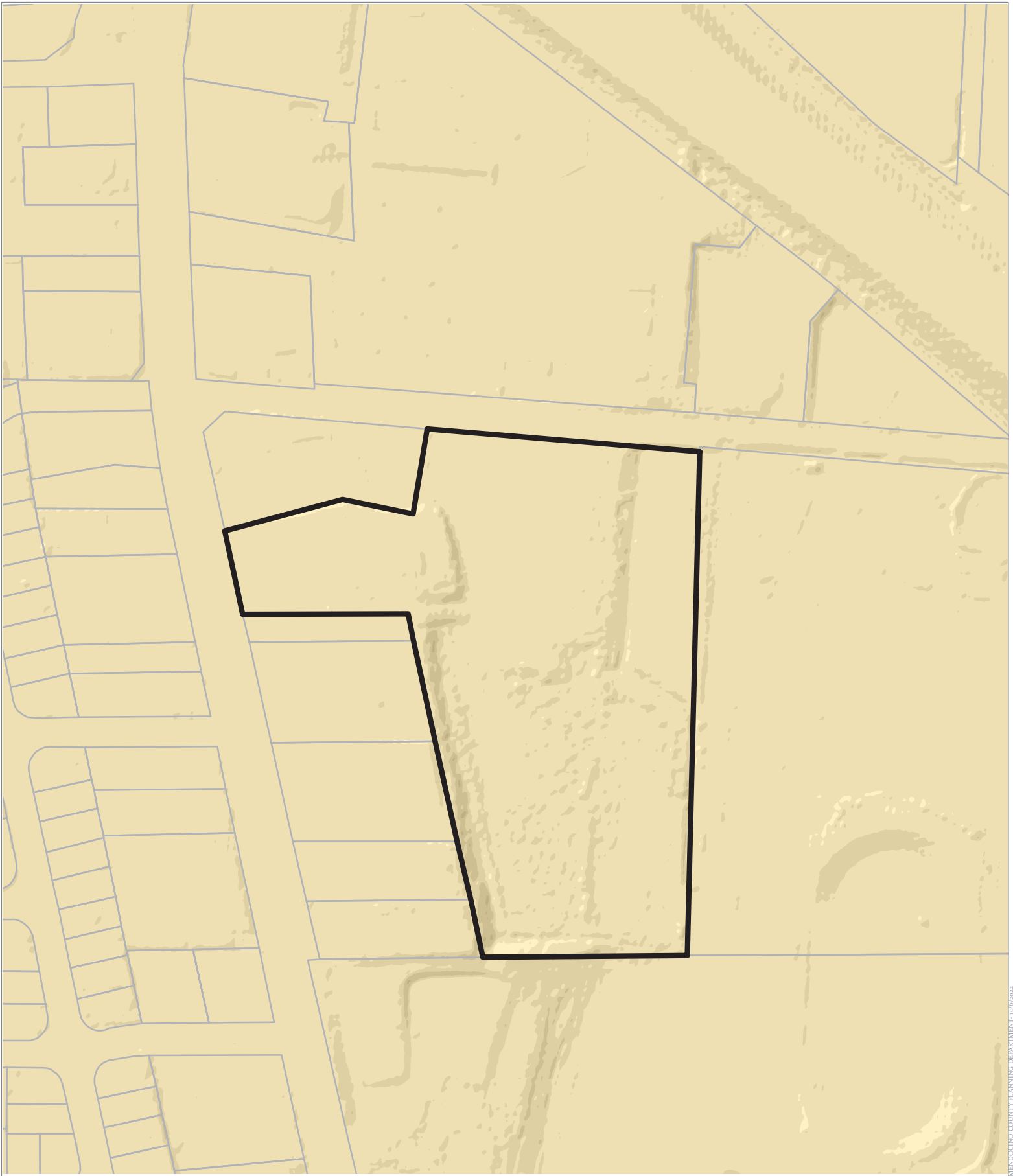
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/6/2022

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 Ukiah Stormwater Areas



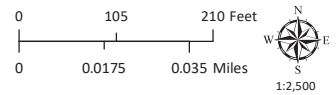
MS4 STORMWATER



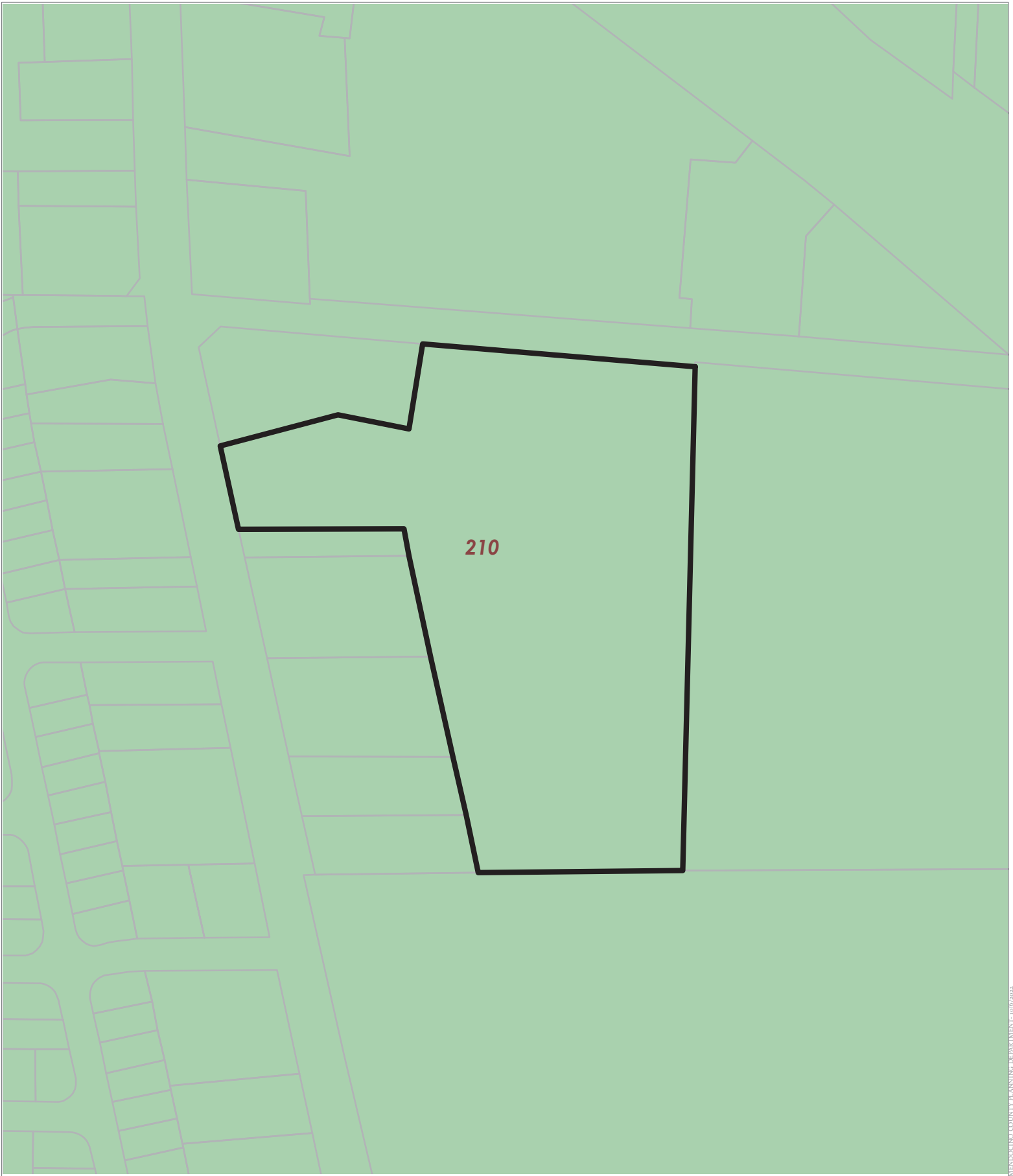
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 0° - 14°

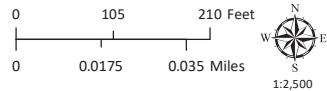


ESTIMATED SLOPE

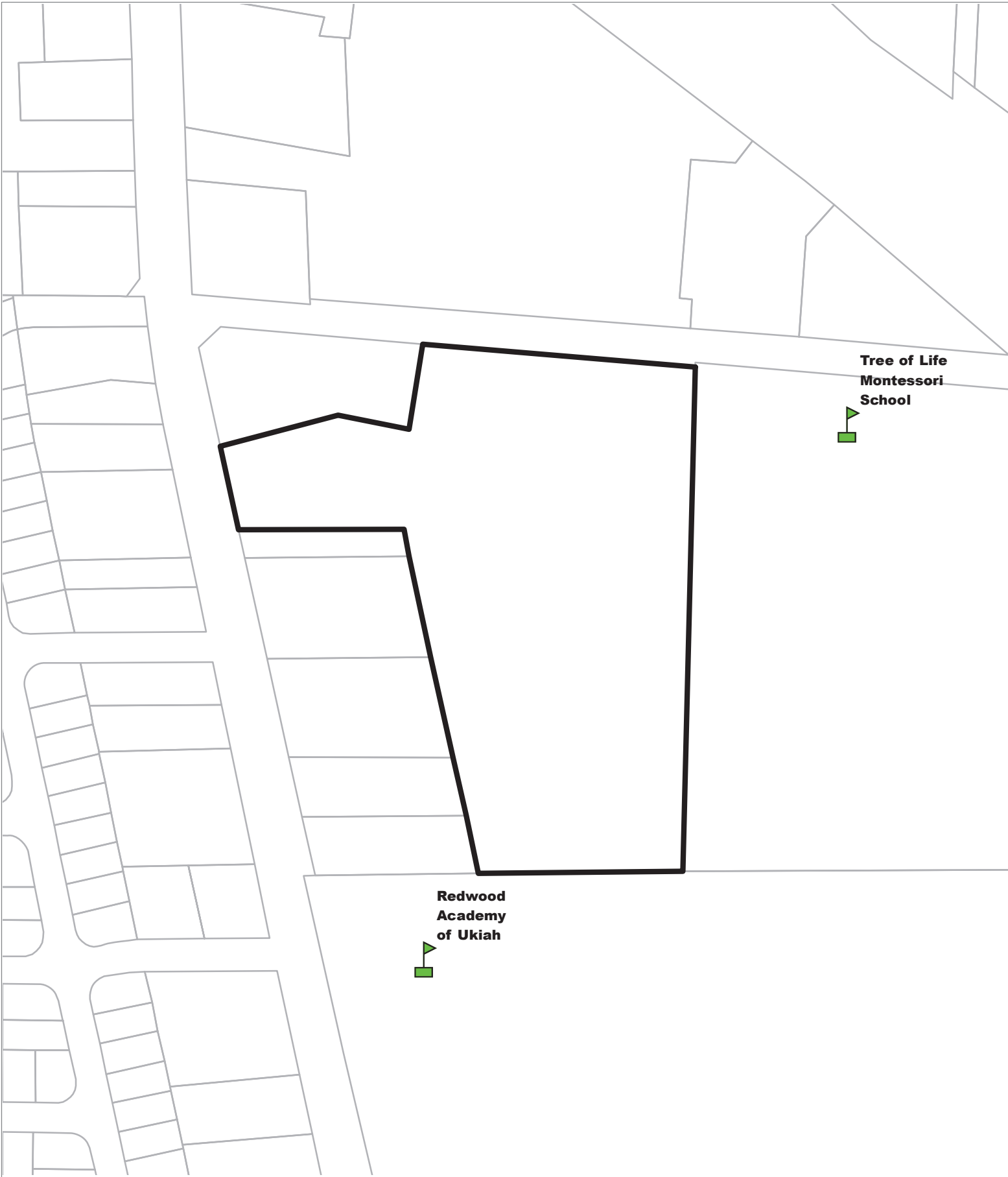


MENDOCINO COUNTY PLANNING DEPARTMENT - 10/6/2023

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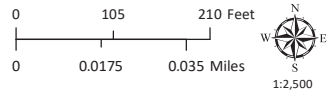
EASTERN SOIL CLASSIFICATIONS



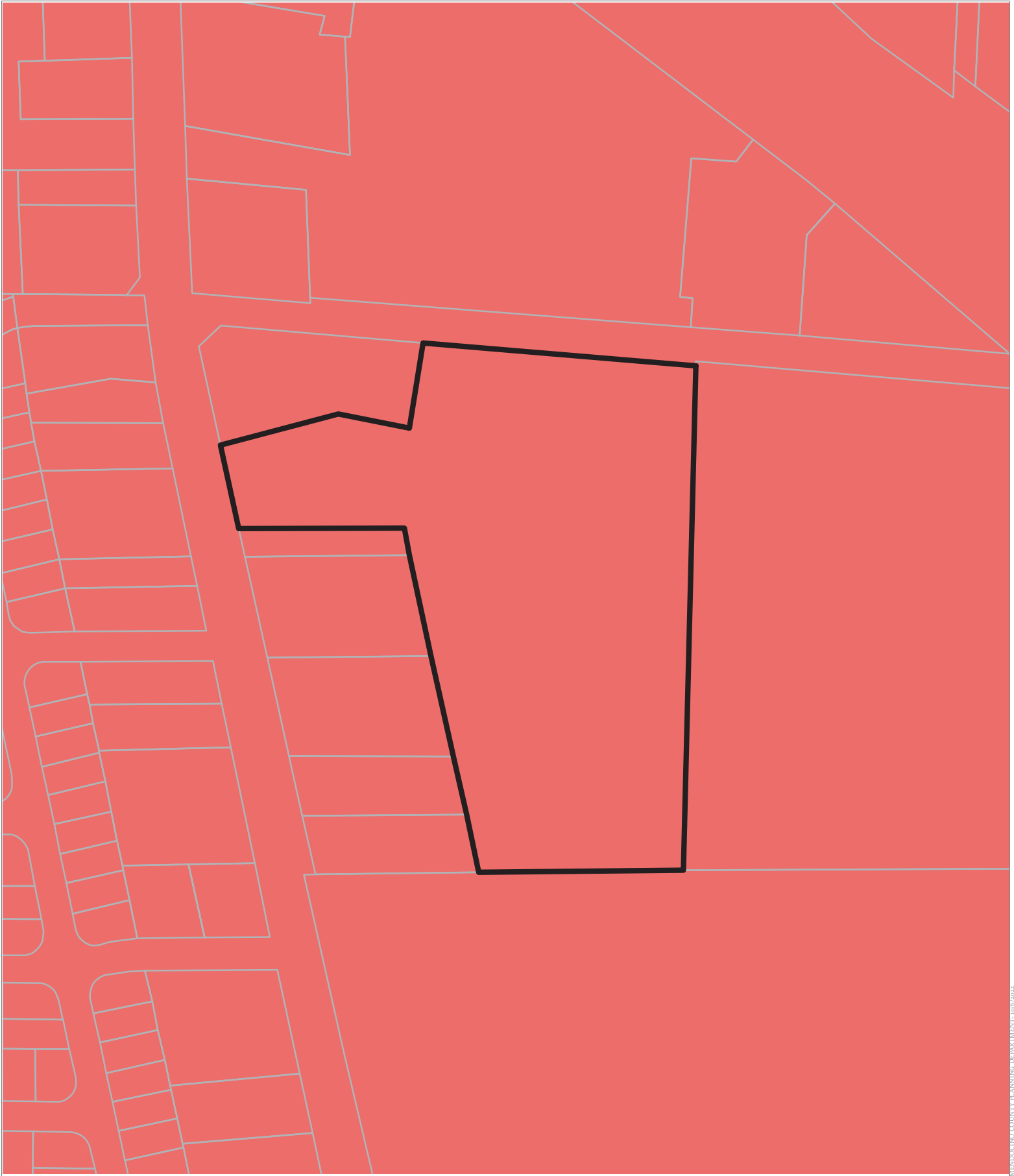
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/6/2022

CASE: MS 2022-0004
OWNER: ERICKSON BROTHERS PROPERTIES LLC
APN: 001-360-39
APLCT: Robert Neese
AGENT: Ron W. Franz
ADDRESS: 1211 N State Street, Ukiah

 School Buildings

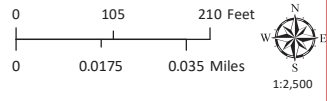


SCHOOLS

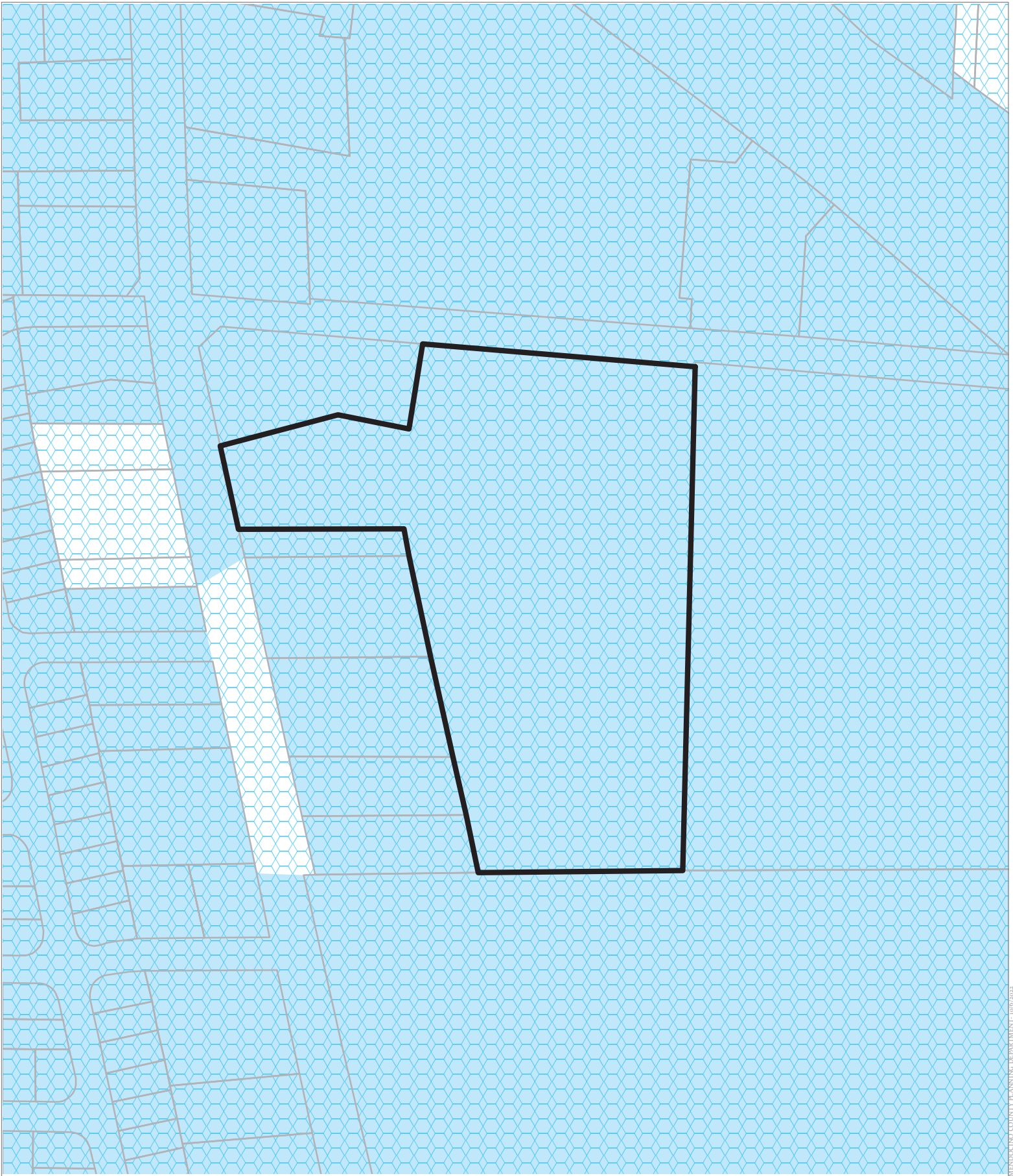


MENDOCINO COUNTY PLANNING DEPARTMENT - 10/10/2023

CASE: MS 2022-0004
OWNER: ERICKSON BROTHERS PROPERTIES LLC
APN: 001-360-39
APLCT: Robert Neese
AGENT: Ron W. Franz
ADDRESS: 1211 N State Street, Ukiah



UKIAH AIRPORT ZONE



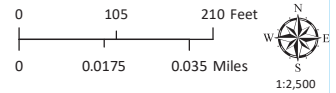
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OWNER: ERICKSON BROTHERS PROPERTIES LLC
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ADDRESS: 1211 N State Street, Ukiah



Russian River Flood District



County Water Districts



WATER DISTRICTS

170-190-17
TESORO SIERRA PROPERTIES L
0 A±

170-190-25
UKIAH LLC
8.39 A±

170-190-26
UKIAH LLC
1.39 A±

FORD ROAD

001-360-38
MOLLOY SUCCTEE MARGARETA
1.3 A±

001-360-27
KOCH MARKET LLC
0 A±

001-360-23
KOCH MARKET LLC
0 A±

001-360-39
ERICKSON BROTHERS PROPERTI
10.12 A±

001-360-37
J A S PROPERTIES LLC
0 A±

001-360-24
J A S PROPERTIES LLC
0 A±

001-360-25
PRENDIVILLE PROPERTIES
0 A±

City of Ukiah

001-360-02
TWELFTH DISTRICT AGRICULTU
14.1 A±

001-386-10

PERKOWSKI ROBERT & DEBRA
0 A±

001-386-14

ESUS JR & GLORIA ROC
0 A±

001-386-16

U HAUL REAL ESTATE COMPANY
0 A±

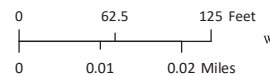
NORTH STATE STREET

001-360-36

CASE: MS 2022-0004
OWNER: ERICKSON BROTHERS PROPERTIES LLC
APN: 001-360-39
APLCT: Robert Neese
AGENT: Ron W. Franz
ADDRESS: 1211 N State Street, Ukiah

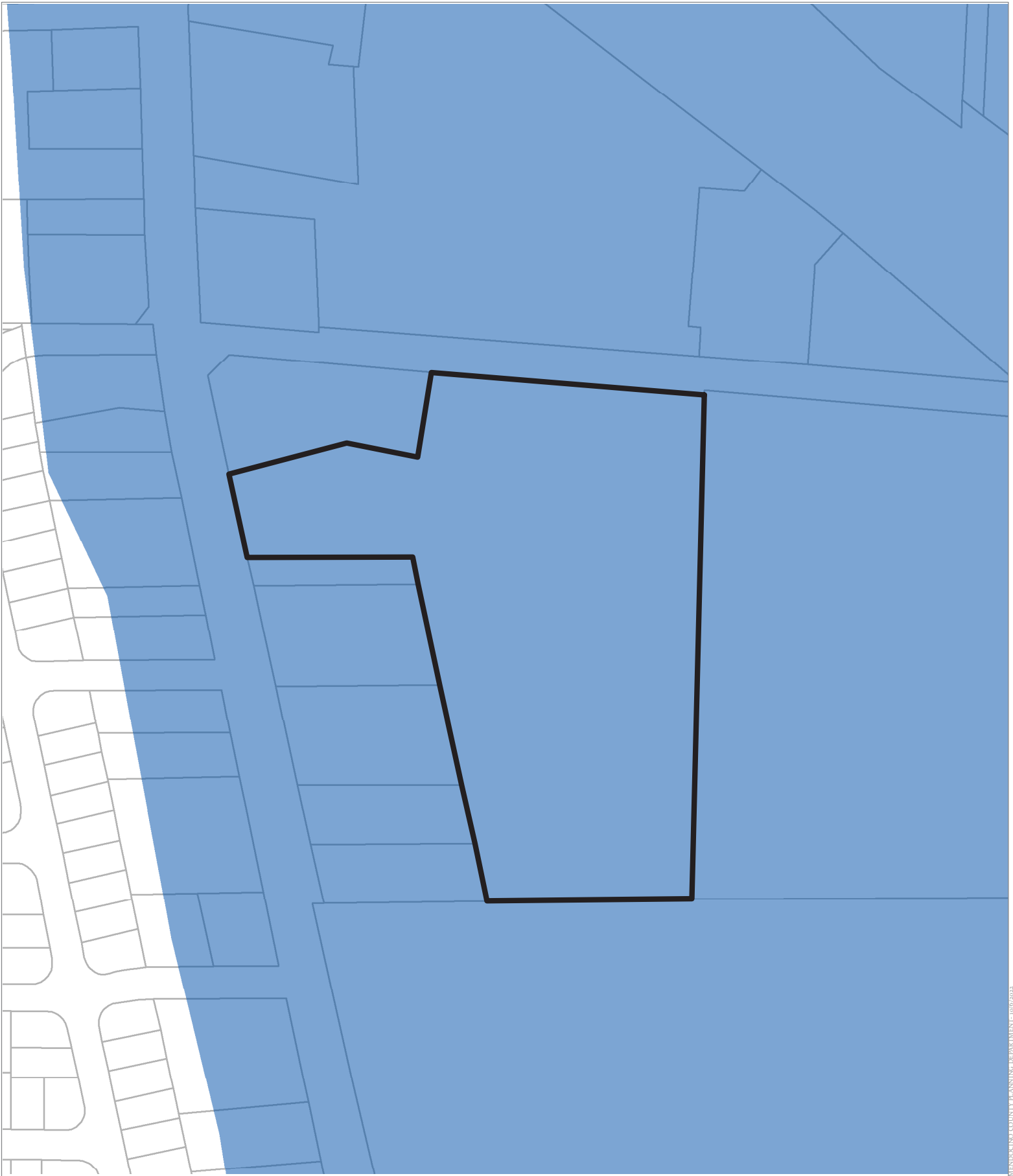
 City Limits

 Public Roads



1:1,500

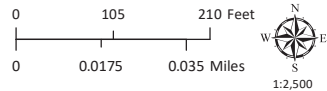
CITY LIMITS



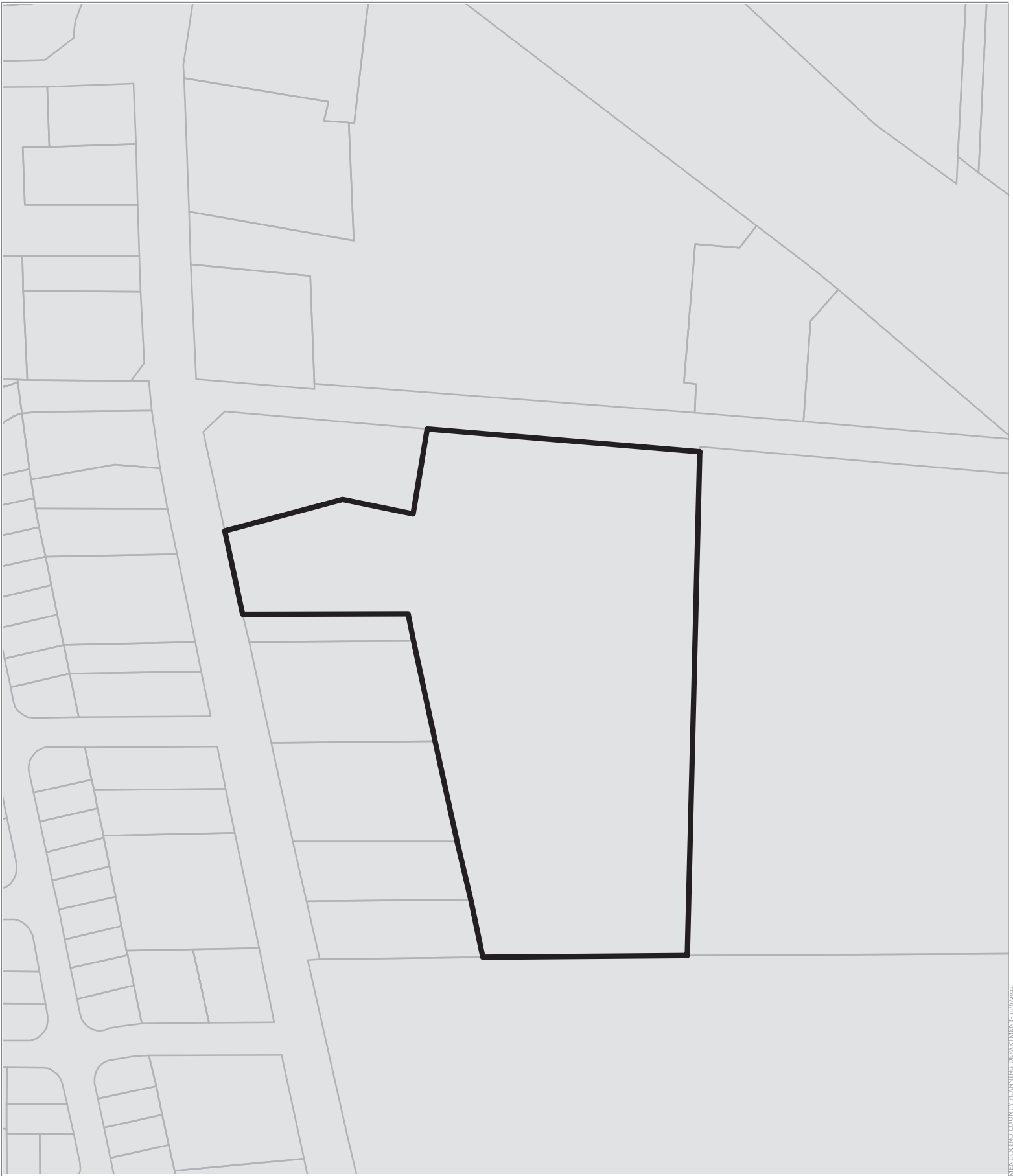
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/6/2023

CASE: MS 2022-0004
OWNER: ERICKSON BROTHERS PROPERTIES LLC
APN: 001-360-39
APLCT: Robert Neese
AGENT: Ron W. Franz
ADDRESS: 1211 N State Street, Ukiah

 Estimated Inundation Zones



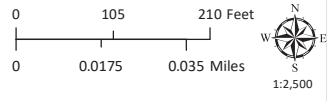
DAM INUNDATION ZONE



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/6/2023

CASE: MS 2022-0004
OWNER: ERICKSON BROTHERS PROPERTIES LLC
APN: 001-360-39
APLCT: Robert Neese
AGENT: Ron W. Franz
ADDRESS: 1211 N State Street, Ukiah

 UVAP Boundary



UKIAH VALLEY AREA PLAN

***PUBLIC DRAFT
INITIAL STUDY AND ENVIRONMENTAL CHECKLIST***

FOR

***ERICKSON BROTHERS PROPERTIES LLC
MINOR SUBDIVISION***

May 9, 2023

**Lead Agency:
County of Mendocino**

Lead Agency Contact:
Liam Crowley, Planner II
Mendocino County Planning & Building Services
860 North Bush Street, Ukiah, CA 95482
707-234-6650

Section I	Description Of Project.
<p>DATE: May 9, 2023 CASE#: MS_2022-0004 DATE FILED: 9/28/2022 OWNER/APPLICANT: ERICKSON BROTHERS PROPERTIES LLC REQUEST: Minor Subdivision of an existing 10± acre parcel into four (4) parcels and one (1) remainder parcel. Parcel 1 would be 0.74± acres, Parcel 2 would be 0.75± acres, Parcel 3 would be 4.39± acres, Parcel 4 would be 1.09± acres, and the Remainder Parcel would be 3.15± acres. ENVIRONMENTAL DETERMINATION: Negative Declaration LOCATION: In Ukiah, on the east side of North State Street (CR 104) 0.5± miles north of its intersection with Brush Street (CR 217), located at 1211 North State Street, Ukiah; APN 001-360-39. STAFF PLANNER: LIAM CROWLEY</p>	
Section II	Environmental Checklist.
<p><i>“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of “no” responses.</i></p>	

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

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

An explanation for all checklist responses is included, and all answers consider the whole action involved, including off site as well as on-site impacts; cumulative as well as project level impacts; indirect as well as direct impacts; 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 BACKGROUND

Location, Existing Conditions, and Environmental Setting: The site is in the Ukiah area, on the east side of North State Street (CR 104) 0.5± miles north of its intersection with Brush Street (CR 217), located at 1211 North State Street, Ukiah; APN: 001-360-39. The site includes Assessor Parcel Number (APN) 001-360-39.

Staff conducted a site visit of the property on March 7, 2023. The existing parcel abuts both North State Street (CR 104) and Ford Road (250) north of the City of Ukiah. The parcel contains two existing commercial structures and a residence. One commercial structure is currently used as an auto body and repair shop, while the other is used for a plumbing service business. A curb, gutter, and sidewalk exist along both frontages. An easement extends from North State Street east to the residence. A twenty (20) foot waterline easement runs along the Ford Road frontage. A fifty (50) foot access easement runs along the eastern property line. Portions of the lot surrounding the commercial buildings are paved, while the remaining area is mostly covered in grass or gravel. A steep slope separates the western portion of the lot with frontage on North State Street and the remaining area to the east. The western portion of the lot is approximately ten (10) to fifteen (15) feet higher in elevation than the eastern portion. Otherwise, both portions of the lot are relatively flat. A few trees and shrubs lie along the sloped area and outer boundaries. The property is bordered by commercial uses to the north and west. The Redwood Empire Fair grounds border the property to the south and east.

Project Description: Minor Subdivision of an existing 10± acre parcel into four (4) parcels and one (1) remainder parcel. Parcel 1 would be 0.74± acres, Parcel 2 would be 0.75± acres, Parcel 3 would be 4.39± acres, Parcel 4 would be 1.09± acres, and the Remainder Parcel would be 3.15± acres. No planned development has been identified on the tentative map submitted for the proposed subdivision. Subdivision of the existing parcel may induce future development, such as the construction and operation of commercial or residential structures when the resulting lots are purchased. However, specific impacts related to future development are not reasonably foreseeable because no plans for development were submitted as part of the subdivision application. Without information on the potential size, location, number, or use of future structures, assumptions regarding future development and related impacts are speculative.¹ However, general assumptions can be made regarding future development, and generalized impacts may be found. The Project’s application materials are on file with the Mendocino County Department of Planning and Building Services, located at 860 North Bush Street, Ukiah, CA 95482 and are hereby incorporated by reference.

Tiering: In accordance with CEQA Guidelines Section 15152, “tiering” is used throughout the document when impacts have been adequately addressed by the EIR prepared for the Mendocino County Ukiah Valley Area Plan to avoid repetitive discussions of the same issues. The Ukiah Valley Area Plan EIR can be found at Planning and Building Services at the address listed on the cover page of this document. Impacts have been “adequately addressed” if it is determined that (A) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental impact report, or (B) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project. When specifically referring to impacts adequately addressed by the Ukiah Valley Area Plan EIR, a footnote and citation will accompany the discussion.

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

¹ Cal. Code Regs. Tit. 14, §15064(d)(4).

<u>I. AESTHETICS.</u> Except as provided in Public Resources Code §21099, Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 nonurbanized areas, substantially degrade the existing visual character or quality of the site and its surroundings? 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"/>

Thresholds of Significance: The project would have a significant effect on aesthetics if it would have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; substantially degrade the existing visual character or quality of public views of the site and its surroundings (if the project is in a non-urbanized area) or conflict with applicable zoning and other regulations governing scenic quality (if the project is in an urbanized area); or create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Discussion: A “scenic vista” is defined as *a singular vantage point that offers high quality, harmonious, or visually interesting views of a valued landscape for the benefit of the public*. Scenic vistas are typically found along major highways or other public roads but may also occur in other areas accessible to the public.

“Scenic resources” include objects, features, or patterns within the landscape which are visually interesting or pleasing. Scenic resources can include trees, rock outcroppings, historic buildings, or other features. California Streets and Highways Code (SHC) Sections 260-284 establish the State Scenic Highway program for “*the protection and enhancement of California’s natural scenic beauty*”². The Department of Transportation (CALTRANS) oversees this program, including a list of officially designated Scenic Highways and those deemed “eligible” for incorporation into the program. No highways in Mendocino County have been officially incorporated into the State Scenic Highway system. As such, there are no adopted Corridor Protection Programs in the county. However, the entirety of State Route 1 (SR-1) in Mendocino County, the portion of U.S. Route 101 (US-101) between Ukiah and Willits, all of State Route 20 (SR-20), and all of State Route 128 (SR-128) is listed as “eligible”³. No National Scenic Byways are located in Mendocino County as designated by the U.S. Secretary of Transportation⁴.

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 and the segment of US-101 from its 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, including 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.

The main source of daytime glare in the unincorporated portions of the Mendocino County is from sunlight reflecting from structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often

² Streets and Highways Code, CA SHC § 260 (1969).

³ Streets and Highways Code, CA SHC § 263.2 to 263.8 (2019).

⁴ U.S. Department of Transportation. Federal Highway Administration. *National Scenic Byways & All-American Roads*. Retrieved from <https://fhwaapps.fhwa.dot.gov/bywaysp/States/Show/CA>.

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). Lighting standards are established by assigning areas a lighting zone (LZ). The 2000 Census classified the majority of Mendocino County as LZ2 (rural), which requires stricter lighting standards to protect these areas from new sources of light pollution and light trespass.

According to the 2020 U.S. Census, there are three "Urban Areas" in Mendocino County: Ukiah, Willits, and Fort Bragg. Some of these Urban Areas extend into the unincorporated portions of the County. The Census provides shapefiles for use in visualizing these Urban Areas. The following County regulations govern scenic quality:

- Mendocino County Code (MCC) Chapter 20.504 – Visual Resource and Special Treatment Areas
- Mendocino County Coastal Element Chapter 3.5 – Visual Resources, Special Communities and Archaeological Resources
- Ukiah Valley Area Plan Chapter 4 – Community Design
- Mendocino County General Plan Chapter 6 – Community Specific Policies
- Mendocino County General Plan Policy DE-85: *"Viewshed preservation shall be considered when development is located in a highly scenic environment, adjacent to or atop a ridgeline or hill, and in similar settings."*

- a) Discussion: The hills surrounding the Ukiah Valley offer scenic visual qualities and may be considered a scenic vista. These can be seen from publicly accessible land and roadways. Existing development near the site has created several obstructions to views of the surrounding hills, including commercial and residential structures, freeway overpasses, telecommunication lines, power poles, and fencing. In general, existing zoning restrictions (including height limit and setbacks) would ensure that future development is in line with the visual resource goals of applicable plans. Cumulative build-out of the Ukiah Valley, including its impacts on visual resources, were considered when the Mendocino County General Plan and Ukiah Valley Area Plan were most recently adopted or updated, including their respective environmental documents. The project would allow for future development within the Ukiah Valley, and thus may incrementally contribute to visual resource impacts in the area. This could include future building masses which obstruct views of the surrounding hills. However, this incremental contribution is unlikely to be significant regardless of building orientation or location because existing development either obstructs such views already, or relevant zoning restrictions, mitigation measures, or other regulations adopted in tandem with the General Plan and Ukiah Valley Area Plan ensure that the viewshed is preserved as noted above.⁵
A less than significant impact would occur.
- b) Discussion: No highways in Mendocino County have been designated as State Scenic Highways. The site is located more than 700 feet from the highway and no significant trees, rock outcroppings, or historic buildings have been identified. **No impact would occur.**
- c) Discussion: The project site is within the Ukiah Urban Area as defined by the U.S. Census. In general, future development would be required to meet height limits and setbacks. This is considered sufficient to protect the visual character of the site and surroundings. **A less than significant impact would occur.**
- d) Discussion: Exterior lighting could incrementally contribute to light pollution throughout the Ukiah Valley. Mendocino County General Plan Policy RM-134 states that *"the County shall seek to protect the qualities of the nighttime sky and reduce energy use by requiring that outdoor nighttime lighting is directed downward, kept within property boundaries, and reduced in both intensity and direction to the level necessary for safety and convenience."* To prevent future development from creating substantial light or glare, a standard condition of approval is applied to all subdivisions, which requires that a note be placed on the Parcel Map that *"all future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed."* Requiring light to be shielded and

⁵ County of Mendocino (2011). *Ukiah Valley Area Plan Final Environmental Impact Report*.

downcast would prevent light from being cast toward the sky, thus minimizing effects on nighttime views due to light pollution. Shielding would also prevent lighting from extending beyond property boundaries, thus limiting impacts to neighboring property both during the day and at night. **A less than significant impact would occur.**

Mitigation Measures: None.

<u>II. AGRICULTURE AND FORESTRY RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on agriculture and forestry resources if it would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (hereafter “Farmland”), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses; conflict with existing zoning for agricultural use or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)); Result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use.

Discussion: The 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. Each map is updated at approximately two-year intervals. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called “Prime Farmland”. Other critical designations include “Unique Farmland” and “Farmland of Statewide Importance.” The most recent map covering Mendocino County was published in 2018.

Several zoning districts established by the Mendocino County Zoning Ordinance allow for agricultural uses. The Zoning Ordinance also establishes use types which are allowable by-right and conditionally in each zoning district. A zoning conflict may occur if a use is proposed which is not allowable in the corresponding zoning district. Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts,

which were most recently amended in 2018. Among the policies and procedures are regulations concerning compatible and incompatible uses on lands under a Williamson Act contract.

Public Resources Code Section 12220(g) defines “forest land” as “*land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.*”

Public Resources Code Section 4526 defines “timberland” as “*land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.*” In this definition, “board” refers to the California Board of Forestry and Fire Protection.

Government Code Section 51104(g) defines “Timberland production zone” or “TPZ” as “*an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).*”

- a) Discussion: The project site is mapped by the FMMP as “Urban and Built-Up Land”. In addition, the project would not convert any off-site land to a different use. **No impact would occur.**
- b) Discussion: The project site is not within lands under a Williamson Act contract. The subject parcel is within the General Commercial (C-2) zoning district as regulated by Mendocino County Code Chapter 20.092. Principal permitted agricultural use types allowable in the C-2 district include “Forest production and processing-limited”, “Horticulture”, “Packing and processing-limited”, “Row and field crops”, and “Tree crops”. The proposed project would not conflict with the zoning district or significantly conflict with the potential for future agricultural use of the property because no development is proposed. In addition, the subdivision would meet minimum lot size standards for the C-2 district. This zoning district is not primarily intended for agricultural use, but the project is not anticipated to impede future agricultural use if desired. **No impact would occur.**
- c) Discussion: The proposed project does not involve rezoning. The site is mostly devoid of trees and is unlikely to meet the definition of forest land or timberland. As mentioned above, the C-2 zoning district allows for some agricultural uses, including management of tree crops. However, no tree removal or other development is proposed as part of the project. **No impact would occur.**
- d) Discussion: As stated above, the proposed project would not involve the removal of any vegetation, including native trees. No direct impact would occur because no physical development is proposed. Indirect impacts due to future development of the resulting lots are speculative and not reasonably foreseeable without information on the mass, location, or use of structures. **No impact would occur.**
- e) Discussion: No other changes to the existing environmental are expected to occur which would result in the conversion of farmland to non-agricultural use because no physical development is proposed, and the site is not classified as farmland. **No impact would occur.**

Mitigation Measures: None.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Thresholds of Significance: The project would have a significant effect on air quality if it would conflict with or obstruct implementation of the applicable air quality plan; result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; expose sensitive receptors to substantial pollutant concentrations; or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Discussion: Mendocino County is located within the North Coast Air Basin. Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing the state and federal Clean Air Act, as well as local air quality regulations. Air Districts in California develop regulations based on the measures identified in the Clean Air Act and its Clean Air plan as well as state regulations. In Mendocino County, these are known as the district “Rules and Regulations”. These regulations establish the procedure for new point source emissions to obtain an air quality permit, air quality standards for new construction, and others. In 2005, MCAQMD adopted a Particulate Matter Attainment Plan which quantified past and present Particulate Matter levels and recommended control measures to reduce emissions. These control measures were incorporated into the District Rules and Regulations.

MCAQMD Rule 1-430 states: *“A person shall not discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or that endanger the comfort, repose, health or safety of any such persons or the public or that cause or have a natural tendency to cause injury or damage to business or property.”*

According to the US Environmental Protection Agency (EPA) Nonattainment Areas for Criteria Pollutants (Green Book), Mendocino County is in attainment for all National Ambient Air Quality Standards (NAAQS).⁶ In addition, Mendocino County is currently in attainment for all California Ambient Air Quality Standards (CAAQS). The County achieved attainment in 2021.⁷ The Hydrogen Sulfide and Visibility Reducing Particles designations remain unclassified in Mendocino County.

For the purposes of CEQA, MCAQMD previously recommended that agencies use adopted Bay Area Air Quality Management District (BAAQMD) thresholds for projects in Mendocino County. However, MCAQMD has issued clarifications to resolve conflicts between District rules and BAAQMD thresholds. This includes the Indirect Source Rule, Stationary Source Emissions Levels, CO Standards, Greenhouse Gas rules, Risk Exposure, and Odor rule. More information can be found on the MCAQMD website.⁸

Mendocino County General Plan Policy RM-37, RM-38, and RM-49 relate to Air Quality.⁹

Per California Health and Safety Code (HSC) Section 42705.5, “sensitive receptors” include hospitals, schools, day care centers, and other locations that the district or state board may determine. According to the California Air Resources Board (CARB), sensitive receptors include *“children, elderly, asthmatics, and others who are at a*

⁶ U.S. Environmental Protection Agency (2023). *Nonattainment Areas for Criteria Pollutants (Green Book)*. Retrieved from <https://www.epa.gov/green-book>.

⁷ California Air Resources Board (2022). 2021 Amendments to Area Designations for State Ambient Air Quality Standards. Retrieved from <https://ww2.arb.ca.gov/rulemaking>.

⁸ Mendocino County Air Quality Management District (2013). *District Interim CEQA Criteria and GHG Pollutant Thresholds*. Retrieved from <https://www.co.mendocino.ca.us/aqmd/>.

⁹ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

heightened risk of negative health outcomes due to exposure to air pollution. The locations where these sensitive receptors congregate are considered sensitive receptor locations. Sensitive receptor locations may include hospitals, schools, and day care centers.”

Mendocino County also contains areas where naturally occurring asbestos (NOA) is known to occur. When asbestos fibers are disturbed, such as by grading and construction activities, the fibers can be released into the air. These fibers can cause serious health threats if inhaled. Ultramafic rocks are an indicator of possible asbestos minerals, including a rock known as serpentinite. Serpentinite and ultramafic rocks are common in the eastern belt of the Franciscan Formation in Mendocino County. Planning & Building Services uses a map derived from the California Bureau of Mines and Geology and the US Department of Agriculture’s Natural Resource Conservation Service (NRCS) to identify areas likely to have asbestos-containing geologic features. MCAQMD has adopted policies for areas containing NOA. For projects in areas identified as potentially containing NOA, the District requires an evaluation and report by a State registered geologist to determine that any observed NOA is below levels of regulatory concern in the areas being disturbed. If it is determined that NOA is present at levels above regulatory concern, or the applicant chooses not to have the testing and evaluation conducted, MCAQMD requires that certain measures be implemented in accordance with Title 17 California Code of Regulations Section 93105.¹⁰

- a) Discussion: The project was referred to MCAQMD on December 13, 2022. No response was received. The project is expected to comply with existing regulatory requirements of MCAQMD. This includes MCAQMD Rule 1-430, which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land. The project would not conflict with MCAQMD Rules and Regulations because no development is proposed. **No impact would occur.**
- b) Discussion: Mendocino County is currently in attainment for all criteria pollutants at both the State and Federal level. **No impact would occur.**
- c) Discussion: The Tree of Life Charter School and Redwood Academy of Ukiah are located adjacent to the property to the south and east. The nearest hospital is located approximately 1± mile south (Adventist Health). Other nearby sensitive receptors include several senior homes and daycare centers south of the site within the Ukiah city limits. Existing development and permitted future uses are not expected to create any nuisance to nearby receptors as the general area has been designated and assessed for commercial use.¹¹ Intensive uses such as “Custom manufacturing”, “Mining and processing”, and “gasoline sales” would require a Use Permit and would be subject to additional discretionary review at the time such uses were proposed. **No impact would occur.**
- d) Discussion: Future development may include diesel exhaust in association with construction activities, but these emissions would be temporary. In general, MCAQMD can determine that a source of odors is considered a public nuisance due to received complaints. MCAQMD then has the authority to require the source to implement mitigation measures to correct the nuisance conditions. This regulatory structure ensures that unanticipated odor sources that may arise as an indirect result of the project are handled appropriately. The project site is not in an area of known serpentinite or ultramafic rock, and thus is not expected to result in any adverse impacts related to NOA. **No impact would occur.**

Mitigation Measures: None.

<p><u>IV. BIOLOGICAL RESOURCES.</u> Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant with Mitigation Incorporated</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
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¹⁰ Mendocino County Air Quality Management District (2013). *Policies for Areas Containing Naturally Occurring Asbestos (NOA)*. Retrieved from <https://www.co.mendocino.ca.us/aqmd>.

¹¹ County of Mendocino (2011). *Ukiah Valley Area Plan Final Environmental Impact Report*.

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on biological resources if it would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Discussion: In accordance with CEQA Guidelines Section 15380, a species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

- Sections 670.2 or 670.5, Title 14, California Code of Regulations
- Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered”

The following may also be considered a special status species:

- Species that are recognized as candidates for future listing by agencies with resource management responsibilities, such as US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NOAA Fisheries, also known as NMFS), and California Department of Fish and Wildlife (CDFW)
- Species defined by CDFW as California Species of Special Concern

- Species classified as “Fully Protected” by CDFW
- Plant species, subspecies, and varieties defined as rare or threatened by the California Native Plant Protection Act (California Fish and Game Code Section 1900, et seq.)
- Plant species listed by the California Native Plant Society (meeting the criteria in CEQA Guidelines Section 15380) according to the California Rare Plant Ranks (CRPR)
- Mountain lions protected under the California Wildlife Protection Act of 1990 (Proposition 117) and designated as a “specially protected mammal in California.

The Mendocino County General Plan identifies four (4) “sensitive habitats”, including Serpentine Soils and Rock Outcrops, Pygmy Forest, Wetlands and Waters of the United States, and Old-Growth Forest. Table 4-A of the General Plan contains a list of locally identified “special-status species” found in Mendocino County. In addition, General Plan Section 4-10 identifies Coho salmon, Chinook salmon, and steelhead trout as species for which habitat is found in large portions of Mendocino County. These species are of federal, state, and local concern.

The California Natural Diversity Database (CNDDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, 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, CNDDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Endangered. Planning & Building Services uses CNDDDB mapping to assist in identifying project-specific locations where special-status species have been found or have the potential to occur.

The US Fish and Wildlife Service’s (USFWS) Information for Planning and Consultation tool (IPaC) provides site-specific information on federally listed species. In addition, the USFWS National Wetlands Inventory houses information on the status, extent, characteristics, and function of wetlands.

Section 404 of the federal Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States. Section 404 requires a permit before dredged or fill material may be discharged unless the activity is exempt. Section 404 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.”*

At the state level, the Porter-Cologne Act governs water quality through nine Regional Water Boards and the State Water Board. Mendocino County is within the jurisdiction of the North Coast Regional Water Quality Control Board (the ‘Board’). The Board regulates discharges under the Act through the issuance of National Pollutant Discharge Elimination System (NPDES) permits. The Porter-Cologne Act also requires adoption of regional water quality control plans. The North Coast Basin Plan was most recently adopted in 2018 and establishes water quality objectives, implementation measures, and monitoring programs for the region.

CDFW uses NatureServe’s Heritage Methodology to assign global and state rarity ranks for natural communities. CDFW’s Vegetation Classification and Mapping Program (VegCAMP) ranks California Natural Communities by their rarity and threat. Natural Communities with a rank of S1-S3 are considered Sensitive Natural Communities. The only comprehensive VegCAMP mapping completed in Mendocino County is that of Mendocino Cypress and Related Vegetation (Pygmy forest).

Mendocino County General Plan Policy RM-28 and RM-29 relate to Biological Resources, including Action Item RM-28.1 regarding oak woodlands.¹² 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 Assessor Parcel Number 027-211-02 located at 43400 Hathaway Crossing, Point Arena. 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.

¹² The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

Other regulations which apply to biological resources include the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and the Lake and Streambed Alteration Program. California Fish and Game Code (FGC) Section 3503.5 states *“it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.”*

California PRC Section 21083.4 requires, *“as part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. For purposes of this section, “oak” means a native tree species in the genus Quercus, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height.”*

- a) Discussion: CNDDDB mapping does not associate the parcel with occurrences of any special-status species. However, CNDDDB is a positive detection database. A lack of occurrences does not necessarily indicate that sensitive species do not occur on the site. IPaC mapping associates the parcel with seven (7) federally threatened or endangered species and seventeen (17) migratory bird species. The site is not associated with any critical habitats. Future discretionary development would be required to comply with General Plan policies and CEQA as applicable. This would allow further analysis of specific development proposals and their potential impacts on species. Future ministerial development would not necessarily lead to further review of potential impact to species. However, the environmental impact of ministerial development on species was previously addressed upon adoption of the Ukiah Valley Area Plan. The project would not change the General Plan land use classification or zoning district of the property. Because of this, much of the ministerial development allowable prior to subdivision would not change. The only instance in which a greater amount or intensity of ministerial development may occur after subdivision is the development of single-family residential uses. In the case of species, the impacts of single-family residential use are roughly analogous or less intense than commercial uses. A lot which has not been subdivided could construct multiple commercial structures but could only construct one single-family residence per legal parcel. After subdivision, additional residences could be constructed that would not otherwise have been allowable, but the allowable density of commercial structures would not change. Habitat modification could occur regardless of whether a structure is residential or commercial. Therefore, in the case of impacts to species, subdivision would not substantially change the ability to construct structures with masses that may modify habitat or otherwise interfere with species beyond what was previously addressed when the land use classification and zoning district was assigned to the property.¹³ **A less than significant impact would occur.**
- b) Discussion: No direct impact would occur because no physical development is proposed. Indirect impacts due to future development of the resulting lots are speculative and not reasonably foreseeable without information on the mass, location, or use of structures. VegCAMP mapping is not available for the site. There are no mapped wetlands on the site or adjacent property. Future discretionary development may be subject to additional review under the General Plan and CEQA, and future ministerial development that may occur in riparian habitat or other sensitive natural communities was previously addressed by the Ukiah Valley Area Plan EIR when the land use classification and zoning district were assigned to the property.¹⁴ **A less than significant impact would occur.**
- c) Discussion: No direct impact would occur because no physical development is proposed. A search of the National Wetlands Inventory found no mapped wetlands on the site. Based on the site visit conducted by staff, unmapped wetlands are not expected to occur. **No impact would occur.**
- d) Discussion: No direct impact would occur because no physical development is proposed. The site is not expected to be of high value as a habitat or nesting site for migratory birds because of the location in an urban area and lack of vegetation. **A less than significant impact would occur.**

¹³ County of Mendocino (2011). *Ukiah Valley Area Plan Final Environmental Impact Report*.

¹⁴ County of Mendocino (2011). *Ukiah Valley Area Plan Final Environmental Impact Report*.

- e) Discussion: No direct impact would occur because no physical development is proposed. Given existing conditions, it is unlikely that future development would necessitate the removal of trees or other large shrubs, including oaks, because each resulting parcel would contain space to site structures within existing disturbed areas. **A less than significant impact would occur.**
- f) Discussion: The project site is not within the boundaries of any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **No impact would occur.**

Mitigation Measures: None.

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

Thresholds of Significance: The project would have a significant effect on cultural resources if it would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

- Discussion: In accordance with CEQA Guidelines section 15064.5, “historical resource” includes the following:
- A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
 - A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
 - “Local register of historic resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
 - Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:
 - Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; or
 - Is associated with the lives of persons important in our past; or
 - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - Has yielded, or may be likely to yield, information important in prehistory or history.

- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.
 - “Historical resource” includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. “Substantial adverse change in the significance of a historical resource” means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

The significance of a historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

CEQA Guidelines Section 15064.5 establishes procedures for addressing determinations of historical resources on archaeological sites and subsequent treatment of the resource(s) in accordance with PRC Section 21083.2. CEQA Guidelines Section 15064.5 establishes procedures for the treatment of Native American human remains in environmental documents. PRC Section 21082 establishes standards for accidental discovery of historical or unique archaeological resources during construction.

The California Office of Historic Preservation (OHP) houses the Built Environment Resource Directory (BERD). BERD files provide information regarding non-archaeological resources in OHP’s inventory. Each resource listed in BERD is assigned a status code, which indicates whether resources have been evaluated as eligible under certain criteria. This tool provides information to assist in identifying potentially historic resources throughout the County.¹⁵

- a) Discussion: No direct impact would occur because no physical development is proposed. In accordance with Mendocino County Code Chapter 22.12, the project was referred to the Northwest Information Center at Sonoma State University (NWIC). NWIC responded on December 22, 2022 and noted that a previous study had been completed covering approximately 40% of the project area. The study did not record any cultural resources. NWIC recommended that an updated survey be conducted due to the possibility of unrecorded archaeological sites, and that local Native American tribes be contacted. Based on this response, the project was heard by the Mendocino County Archaeological Commission at their meeting on March 8, 2023. Given evidence that the site had been previously disturbed during construction of the nearby U.S. Highway 101 and the existing survey, the Commission determined that a survey was not required for the project. The project was referred to the Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. None of the local tribes have yet responded. The project site is not listed on the BERD directory for Mendocino County. This indicates that historical resources are not present on the project site, and future development is unlikely to result in any adverse change to a historical resource. Standard conditions of approval require that any unanticipated discovery of archaeological

¹⁵ California Department of Parks and Recreation (2023). Office of Historic Preservation. *Built Environment Resource Directory (BERD)*. Retrieved from https://ohp.parks.ca.gov/?page_id=30338.

resources during project activities are handled in accordance with County Code Chapter 22.12. **No impact would occur.**

- b) Discussion: No direct impact would occur because no physical development is proposed. As discussed above, the determination of the Archaeological Commission and available evidence indicates that archaeological resources are unlikely to be present on the site. Though the possibility remains, standard conditions of approval require that future development be halted should unanticipated discovery or archaeological resources be made during construction or other activities. **No impact would occur.**
- c) Discussion: No direct impact would occur because no physical development is proposed. As discussed above, the determination of the Archaeological Commission and available evidence indicates that cultural resources, including human remains, are unlikely to be present on the site. The site is not known to have been a cemetery or burial ground. **No impact would occur.**

Mitigation Measures: None.

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

Thresholds of Significance: The project would have a significant effect on energy if it would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation; or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Discussion: California Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015, sets 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 saving and demand reductions in electricity and natural gas 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 2022 Scoping Plan for Achieving Carbon Neutrality, adopted by the California Air Resources Board (CARB), *“lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas (GHG) emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279.”*¹⁶

Title 24, Part 11 of the California Code of Regulations establishes the California Green Building Standards Code, known as ‘CALGreen’. The purpose of this code is to enhance the design and construction of buildings and encourage sustainable construction practices as they relate to planning and design, energy efficiency, water efficiency and conservation, materials conservation and resource efficiency, and environmental quality. Unless specifically exempt, the CALGreen standards apply to the planning, design, operation, construction, use, and occupancy of newly constructed buildings or structures throughout the state. Mandatory standards for energy efficiency are adopted by the California Energy Commission every three years. In 2021, the Commission adopted the 2022 Energy Code, which includes Building Energy Efficiency Standards. The Code *“encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more.”*

Project factors that may influence energy impacts include the following:

¹⁶ California Air Resources Board (2022). 2022 Scoping Plan for Achieving Carbon Neutrality. Retrieved from <https://ww2.arb.ca.gov>.

- Energy consuming equipment and process to be used during construction, operation, or demolition, including the energy intensiveness of materials and equipment.
- Fuel type and end use of energy.
- Energy conservation equipment and design features to be implemented.
- Energy supplies that would serve the project, such as a utility company.
- Vehicle trips to be generated, including estimated energy consumed per trip.

Factors that may lessen energy impacts include those that decrease overall per capita energy consumption; decreased reliance on fossil fuels such as coal, natural gas, and oil; and increased reliance on renewable energy sources.

Mendocino County General Plan Policy RM-55, and RM-57 relate to energy, including Action Item RM-55.1 and RM-55.2.¹⁷ Ukiah Public Utilities is the only municipal utility in Mendocino County. Most residents receive electric service from Pacific Gas and Electric (PG&E).

- a) Discussion: No direct impact would occur because no physical development is proposed. Future structures would be required to comply with applicable energy code requirements, including the 2022 California Energy Code. **No impact would occur.**
- b) Discussion: No direct impact would occur because no physical development is proposed. Mendocino County does not have an allocated plan for renewable energy or energy efficiency. Future development is nevertheless expected to be consistent with General Plan policies and SB 350 because it would be required to comply with applicable Energy Code standards, including renewable energy requirements for residential construction. Likewise, the project has been reviewed for consistency with CARB’s 2022 Scoping Plan as discussed in the Greenhouse Gas Emissions section of this document. **No impact would occur.**

Mitigation Measures: None.

<u>VII. GEOLOGY AND SOILS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹⁷ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on geology and soils if it would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Discussion: The vast majority of Mendocino County is underlain by bedrock of the Franciscan Formation. Thick soil development and landslides often 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 often 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. Human activities that affect vegetation, slope gradients, and drainage processes can 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 nine (9) percent slopes and greater have a moderate erosion hazard, and soils on slopes greater than fifteen (15) percent have a high erosion hazard.

In 1991, the U.S. Department of Agriculture and Soil Conservation Service, in partnership with several other agencies, published the Soil Survey of Mendocino County, Eastern Part, and Trinity County, Southwestern Part, California. The survey assigns different soils to Map Unit numbers. In 2002, the accompanying Soil Survey of Mendocino County, California, Western Part was published.

The California Geological Survey (CGS) houses the web-based California Earthquake Hazards Zone Application (EQ Zapp), which allows a user to check whether a site is in an earthquake hazard zone.¹⁸ The California Department of Conservation also houses a general-purpose map viewer that contains layers displaying locations and data related to the California Landslide Inventory, the Seismic Hazards Program, Earthquake Shaking Potential, Historic Earthquakes, and others.

Development can result in soil erosion or loss of topsoil if project activities result in deep slope rills, gullies, or unmanageable accumulation of sediment. Ground disturbing activities most often result in impacts, including grading. Soil can be exposed during construction activities and increase the potential for soil erosion to occur, especially during storm events. Impervious surface areas would not be prone to erosion or siltation because no soil is included in these areas but increased impervious surfaces may impact surrounding hydrology and result in erosion impacts nearby.

¹⁸ California Department of Conservation (2021). California Geological Survey. *EQ Zapp: California Earthquake Hazards Zone Application*. Retrieved from <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>.

Lateral spreading often occurs on gentle slopes or flat terrain and consists of lateral extension accompanied by shear or tensile fracture. Lateral spreading is often caused by liquefaction, which in turn is triggered by rapid ground motion from earthquakes or artificial activities. Bedrock or soil resting on materials that liquefy can undergo fracturing and extension and may then subside, translate, rotate, disintegrate, or liquefy and flow.

Subsidence refers to broad-scale change in the elevation of land. Subsidence is commonly caused by groundwater extraction, oil extraction, underground reservoir pumping of gas, dissolution of limestone aquifers (sinkholes), collapse of a mine, drainage of organic soil, or initial wetting of dry soil (hydrocompaction). The US Geological Survey (USGS) regularly publishes information on land subsidence in California, including a map showing areas of land subsidence due to groundwater pumping, peat loss, and oil extraction.¹⁹

The Mendocino County Local Agency Management Plan establishes standards for on-site treatment of wastewater, including site evaluation, design, construction, and monitoring requirements. The Plan is administered by the Division of Environmental Health.

Unique geologic features are rocks or formations which:

- Are the best example of their kind locally or regionally; or
- Embody the characteristics of a geologic principle that is exclusive to the locality or region; or
- Provide a key piece of information important in geology or geologic history; or
- Are a "type locality" of a geologic feature.

Impacts to unique geologic features could include material impairment through destruction or alteration, including grading, rock hunting, human encroachment, or permanent covering of the feature.

a) i. Discussion: According to EQ Zapp mapping, the site is not located in an earthquake hazards zone. **No impact would occur.**

ii. Discussion: No direct impact would occur because no physical development is proposed. The nearest fault zone is associated with the Maacama Fault about one (1±) mile due east of the property. CGS Map Sheet 48 shows Earthquake Shaking Potential for California, which depicts expected ground motion and incorporates anticipated amplification of ground motion by local soil conditions. According to this map, the project site has a shaking potential of 1.35 to 1.45 times the acceleration of gravity (Xg). This indicates a moderate to high shaking potential due to the proximity of the site to the Maacama fault zone. However, standard building code requirements for construction of residences or commercial structures would ensure that impacts due to ground shaking would be minimized to a less than significant level. **A less than significant impact would occur.**

iii. Discussion: No direct impact would occur because no physical development is proposed. Mendocino County has not been evaluated by CGS and no Liquefaction Zones have been mapped as part of the Seismic Hazards Program. However, available information suggests that the site is not in an area that has been previously filled. Rather, it seems material was removed from the site during construction of the nearby U.S. Highway 101. The site is not a man-made landfill. **A less than significant impact would occur.**

iv. Discussion: No direct impact would occur because no physical development is proposed. Mendocino County has not been evaluated by CGS and no Landslide Zones have been mapped as part of the Seismic Hazards Program. However, CGS Deep-Seated Landslide Susceptibility mapping and CGS Landslide Inventor mapping do not associate the site with landslide risks. County mapping estimates a slope between zero (0) and fourteen (14) degrees. A large majority of the site is very flat, barring the slope that separates the western area from the eastern area. Future development is unlikely to occur on the sloped areas. **No impact would occur.**

b) Discussion: No direct impact would occur because no physical development is proposed. Future development, including construction of residential or commercial structures, may require ground disturbance and increases in impervious surface area. However, in many cases this would not be expected to result in substantial erosion due to the relatively flat nature of the site. Regardless, future development

¹⁹ U.S. Geological Survey. *Liquefaction Susceptibility*. Retrieved from <https://earthquake.usgs.gov/education/geologicmaps/liquefaction.php>

may require a grading permit, best management practices, and fulfillment of other building code requirements as applicable to reduce such impacts. **A less than significant impact would occur.**

- c) Discussion: No direct impact would occur because no physical development is proposed. According to CGS, the geologic unit of the site is “Q” and “Qoa”, or Marine and nonmarine (continental) sedimentary rocks from the Pleistocene to Holocene. “Q” includes alluvium, lake, playa, and terrace deposits, both unconsolidated and semi-consolidated. “Qoa” includes older alluvium, lake, playa, and terrace deposits. These are not known to be unstable geologic units. According to the 1991 Eastern Soil Survey, the site is located on Soil Unit Number 210, Urban land. The survey notes that drainage, permeability, surface runoff, and available water capacity are all variable. This map unit has not been assigned a capability classification. Future development is not expected to result in significant impacts due to unstable soil. **A less than significant impact would occur.**
- d) Discussion: No direct impact would occur because no physical development is proposed. The California building code may require a preliminary soil report prior to construction, which would further assist in determining whether expansive soils exist at the time of development. **A less than significant impact would occur.**
- e) Discussion: No direct impact would occur because no physical development is proposed. The project is within the jurisdictional boundaries of the Ukiah Valley Sanitation District. Under standard regulations the subdivider would be required, as a condition of approval, to provide a letter from the District stating that sewer services have been installed to the satisfaction of the District to serve each lot in the subdivision and connected to the system and has been accepted by the District for maintenance by the District.²⁰ Alternatively, the subdivider may submit a letter from the District stating that engineered improvement plans for the future installation of services for each lot and the connection to the system are acceptable to the District, including maintenance of the system by the District as well as a letter from the County Engineer stating that performance bonds or other adequate surety have been secured to cover the installation of services for each lot and connection to the system. **No impact would occur.**
- f) Discussion: No impacts to paleontological resources would occur as described in the Cultural Resources section of this document. No known unique geologic features are located on the project site. The geologic unit underlying the site is not uncommon or unique in Mendocino County. **No impact would occur.**

Mitigation Measures: None.

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

Thresholds of Significance: The project would have a significant effect on greenhouse gas emissions if it would generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Discussion: Title 14 CCR Section 15064.4 establishes specific guidelines for determining the significance of impacts from greenhouse gas emissions. Lead agencies may choose to quantify greenhouse gas emissions resulting from a project or rely on a qualitative analysis or performance-based standards.

²⁰ Division of Land Regulations, 17 Mendocino County Code §17-55, §17-56 (1972).
https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances

Mendocino County Air Quality Management District (MCAQMD) has 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 MCAQMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD) with noted exceptions.

MCAQMD has not adopted a construction related emissions threshold. For projects other than stationary sources, the operational threshold is 1,100 Metric Tons of CO₂e per year or 4.5 Metric Tons of CO₂e per SP (residents + employees) per year. For stationary sources, the operational threshold is 10,000 Metric Tons of CO₂e per year.

The California Emissions Estimator Model (CalEEMod) is a tool that can be used to quantify ozone precursors, criteria pollutants, and greenhouse gas emissions from construction and operation of development in California. The model is published by the California Air Pollution Control Officers Association.²¹

MCAQMD and Mendocino County have not adopted any plans specifically aimed at reducing GHG emissions. However, General Plan Policy RM-50 and associated action items address GHG emissions: California Climate Policies related to GHG emissions include but are not limited to SB 32, AB 32, AB 1493, SB 100, SB 350, SB 375, SB 743, SB 604, and SB 1383:

- a) Discussion: No direct impact would occur because no physical development is proposed. Indirect impacts due to future development of the resulting lots are speculative and not reasonably foreseeable without information on the mass, location, or use of structures. CalEEMod may be used to estimate daily emissions from construction and operation, but without any information on potential future development, estimated GHG emissions could vary widely depending on assumptions. **No impact would occur.**

- b) Discussion: No direct impact would occur because no physical development is proposed. No Climate Action Plan has been adopted covering the project site. A qualitative approach may be used to determine whether a development project is consistent with the State’s climate goals by reviewing key project attributes.²² However, the attributes developed by CARB apply only to residential and mixed-use development projects. At this time, it is unknown whether future development may include residential, commercial, or mixed uses. It is also possible that the resulting lots may remain vacant for some time. Regardless, the property is an infill site surrounded by urban uses and is served by existing utilities and services. Future development would not result in conversion of open space or working lands, and the subdivision would not result in the loss of affordable housing. **No impact would occur.**

Mitigation Measures: None.

<u>IX. HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

²¹ California Air Pollution Control Officers Association. (2022). CalEEMod (Version 2022.1). <https://www.caleemod.com/>

²² California Air Resources Board (2022). 2022 Scoping Plan for Achieving Carbon Neutrality. Retrieved from <https://ww2.arb.ca.gov>.

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

Thresholds of Significance: The project would have a significant effect on hazards and hazardous materials if it would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment; result in a safety hazard or excessive noise for people residing or working in the project area if located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; or impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Discussion: California Health and Safety Code (HSC) Section 25501 defines “hazardous materials” as a 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.”* The use, storage, and transport of hazardous materials are regulated by the California Department of Toxic Substances Control (DTSC) as provided by Title 22 California Code of Regulations Section 66001, et seq. Unless specifically exempted, it is unlawful for any person to transport hazardous waste unless the person holds a valid registration issued by DTSC.

Construction activities often involve the use of oils, fuels, solvents, gasoline, lubricants, and paint. These and other materials may be classified as hazardous materials. Commercial or residential operations may also involve the use of hazardous materials, particularly cleaning supplies, batteries, and electronics. Agricultural operations and landscaping may include hazardous materials such as fertilizer and pesticides.

The California Environmental Protection Agency (CalEPA) maintains several data resources that provide information regarding the facilities or sites identified as meeting the “Cortese List” requirements, including:

- List of Hazardous Waste and Substances sites from DTSC EnviroStor database
- List of Leaking Underground Storage Tank Sites from the State Water Board’s GeoTracker database

- List of Solid Waste Disposal Sites identified by the Water Board with waste constituents above hazardous waste levels outside the waste management unit (from CalEPA's website)
- List of "active" CDO and CAO from the State Water Board
- List of Hazardous Waste Facilities subject to corrective action pursuant to CA HSC §25187.5 as identified by DTSC (from CalEPA's website)

The Mendocino Solid Waste Management Authority (MendoRecycle) was formed in 1990 as a joint powers authority between the County of Mendocino and the cities of Ukiah, Willits, and Fort Bragg. MendoRecycle provides administrative oversight and program implementation for solid waste and recycling in the County. MendoRecycle directly operates the household hazardous waste (HHW) facility in Ukiah. The Mendocino County Division of Environmental Health is responsible for administering hazardous waste generation and treatment regulations. General Plan Policy DE-203, DE-209 and DE-210 relate to hazardous materials and wastes.

The Mendocino County Airport Land Use Plan and Ukiah Municipal Airport Land Use Compatibility Plan establish regulations, implementation measures, and procedures for addressing safety hazards and noise concerns related to airports. Mendocino County's Emergency Operations Plan and Multi-Jurisdictional Hazard Mitigation Plan establish regulations, implementation measures, and procedures related to emergency response and evacuation. The California Department of Forestry and Fire Protection (CALFIRE) has established Fire Safe Regulations for certain projects in the State Responsibility Area. CALFIRE designates areas of the County into fire severity zones, which inform recommendations for land use agencies and planning. Several fire agencies serve the Local Responsibility Areas in Mendocino County and have established fire safety regulations for development.

- Discussion: No direct impact would occur because no physical development is proposed. No transport or use of hazardous materials are proposed as part of the project. In general, some incidental use of hazardous materials may occur during construction or operation of future development. Household products and construction tools are expected to meet applicable local, state, and federal requirements for hazardous materials. Facilities exist to handle disposal of waste through MendoRecycle. Until structures or uses are proposed on the resulting lots, the expected amount and concentration of hazardous materials to be used are also speculative. **No impact would occur.**
- Discussion: No direct impact would occur because no physical development is proposed. In general, no significant concentrations of hazardous materials are expected to be used during construction or operation of uses permitted in the C-2 zoning district. Future development is required to make use of BMPs addressed polluted stormwater, erosion, and sedimentation. This would limit accidental release of hazardous materials into the surrounding environment. **No impact would occur.**
- Discussion: No direct impact would occur because no physical development is proposed. The Tree of Life Charter School and Redwood Academy of Ukiah are located adjacent to the property to the south and east. In general, the permitted uses in the C-2 zoning district are not expected to emit hazardous emissions or handle hazardous materials. **A less than significant impact would occur.**
- Discussion: The project site is not listed on any of the above referenced documents that would be considered part of the "Cortese List" compiled pursuant to Government Code Section 65962.5. **No impact would occur.**
- Discussion: No direct impact would occur because no physical development is proposed. According to the Ukiah Municipal Airport Land Use Compatibility Plan, the site is located within the Airport Influence Area, but is not located within a Compatibility Zone. As such, the project is not subject to review by the Airport Land Use Commission and the subdivision is not expected to result in any safety hazards or excessive noise.²³ The project was referred to the Airport Land Use Commission (ALUC) on December 13, 2022. ALUC commented that the site is not located in an airport zone. **No impact would occur.**
- Discussion: As outlined in the Emergency Operations Plan, the County uses the California Standardized Emergency Management System and National Response Framework to guide emergency response. The

²³ Mendocino County Airport Land Use Commission (2021). *Ukiah Municipal Airport Land Use Compatibility Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/airport-land-use-comprehensive-plan>.

project is not expected to interfere with the establishment of an Emergency Operations Center because it would not physically impair travel to and from such a center. The project is expected to make use of existing utility and telecommunication infrastructure, which would allow receipt of alerts, notifications, or warnings. Therefore, the project is not expected to interfere with the adopted Emergency Operations Plan. **No impact would occur.**

- g) Discussion: No direct impact would occur because no physical development is proposed. The site is within the Local Responsibility Area and is classified as “Urban Unzoned” by CALFIRE. As the site is within an urban area, it is not expected to be exposed to wildland fires. The project was referred to both CALFIRE and the Ukiah Valley Fire Authority. Neither agency has responded to the referral. **No impact would occur.**

Mitigation Measures: None.

<u>X. HYDROLOGY AND WATER QUALITY.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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 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"/>
e) 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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 impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) 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"/>
h) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on hydrology and water quality if it would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flows; in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Discussion: Regulatory agencies include the 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. Certain activities may require a Construction General Permit from SWRCB.

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. The County's groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. 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, and irrigation. 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, 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.

Chapter 4.13 of the Mendocino County Coastal Element, Sustainability Policy Action number S-5.1, states new projects that *create or replace 2,500 square feet or more of impervious area shall implement site design measures to reduce stormwater runoff and increase groundwater recharge*. Mendocino County Code Title 16 establishes water and sewage regulations. It is primarily the responsibility of the Division of Environmental Health (EH) to implement these regulations, including permitting wells and septic systems. Chapter 16.30 establishes stormwater runoff pollution prevention procedures. The purpose of Chapter 16.30 is to "*protect and promote the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. § 1251 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drainage system.*"

Planning & Building Services uses the National Flood Hazard Layer maintained by the Federal Emergency Management Agency (FEMA) to review project impacts from flooding. The Department of Water Resources Division of Safety of Dams (DSOD) reviews and approves inundation maps prepared by licensed civil engineers and submitted by dam owners for hazardous dams and appurtenant structures. These maps are based on a hypothetical failure of a dam or appurtenant structure. DSOD maintains a web map that displays this information.

Projects may be subject to applicable regulations found in MCC Chapter 16.30. Section 16.30.040 prohibits elicited discharges. Section 16.30.070 requires implementation of Best Management Practices (BMPs) to the maximum extent practical for reducing pollutants in stormwater.

- a) Discussion: No direct impact would occur because no physical development is proposed. Standard conditions require the subdivider to acknowledge in writing that future grading activities and site preparation shall adhere to Best Management Practices (BMPs). In addition, future development would be required to comply with any applicable BMPs found in Mendocino County Code Chapter 16.30. The subdivider has indicated that the resulting lots will make use of existing water and sewer system connections from Millview County Water District and Ukiah Valley Sanitation District. Under standard regulations the subdivider would be required, as a condition of approval, to provide a letter from the District stating that sewer services have been installed to the satisfaction of the District to serve each lot in the subdivision and connected to the system and has been accepted by the District for maintenance by the District. Alternatively, the subdivider may submit a letter from the District stating that engineered improvement plans for the future installation of services for each lot and the connection to the system are acceptable to the District, including maintenance of the system by the District as well as a letter from the County Engineer stating that performance bonds or other adequate surety have been secured to cover the installation of services for each lot and connection to the system. Though unlikely, the general prohibition on elicit discharges would ensure that potential violations during future construction or operations would be remediated, inspected, monitored, or enforced appropriately in accordance with MCC Chapter 16.30. **No impact would occur.**
- b) Discussion: No direct impact would occur because no physical development is proposed. Standard regulations require the subdivider to provide a letter from the District stating that sewer services have been installed to the satisfaction of the District to serve each lot in the subdivision and connected to the system and has been accepted by the District for maintenance by the District. Alternatively, the subdivider may submit a letter from the District stating that engineered improvement plans for the future installation of services for each lot and the connection to the system are acceptable to the District, including maintenance of the system by the District as well as a letter from the County Engineer stating that performance bonds or other adequate surety have been secured to cover the installation of services for each lot and connection to the system. This ensures that adequate water supply would be available for the resulting lots. **No impact would occur.**
- c) Discussion: No direct impact would occur because no physical development is proposed. Future development would be required to implement BMPs which would reduce erosion or siltation during construction. In addition, future development may be required to follow a Preliminary Stormwater Control Plan as deemed necessary by the Building Division. The project is not located near a stream or river. Because ground disturbance would not occur, substantial erosion or siltation is not expected due to the project. **A less than significant impact would occur.**
- d) Discussion: No direct impact would occur because no physical development is proposed. Future development may increase the rate or amount of surface runoff due to additional impervious surface area. Any standard BMPs or required Stormwater Control Plans are expected to mitigate stormwater runoff impacts from future construction. **A less than significant impact would occur.**
- e) Discussion: No direct impact would occur because no physical development is proposed. The property is within the "MS4" area and future development is subject to Chapter 16.30 of the Mendocino County Code. Future development plans must be accompanied by a Preliminary Stormwater Control Plan in accordance with MS4 requirements. This ensures that future development is consistent with stormwater drainage management efforts. **No impact would occur.**
- f) Discussion: The site is not within a FEMA Flood Hazard Area and therefore is not expected to impede or redirect flood flows. **No impact would occur.**
- g) Discussion: The site is not within a FEMA Flood Hazard Area. Though the site is flat, it is unlikely to be affected by seismic seiche because any standing water on the site would be shallow. The site

is not within a dam breach inundation area as identified by the Division of Safety of Dams. The site is not within a Tsunami Hazard Area as identified by the California Geological Survey. **No impact would occur.**

- h) Discussion: Applicable plans include Mendocino County Code Chapter 16.30, Environmental Health Standards, and any water quality control plans or sustainable groundwater management plans adopted by the Millview County Water District. As discussed above, the subdivider would be required to provide evidence that adequate water supply is available for each resulting lot. The project was referred to Millview County Water District on December 13, 2022. The District has not responded to the referral. No conflict or obstruction is expected. **No impact would occur.**

Mitigation Measures: None.

<u>XI. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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"/>

Thresholds of Significance: The project would have a significant effect on land use and planning if it would physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Discussion: All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance with regards to land use. Several localized plans also regulate land uses in the County, including the Mendocino Town Plan, Ukiah Valley Area Plan, Gualala Town Plan, and community-specific policies contained within the General Plan. Discretionary projects are referred to several agencies with jurisdiction over aspects of the project as well as other interested parties.

- a) Discussion: The subdivision is not expected to result in any physical divisions within the surrounding neighborhood because no development is proposed. Access would be provided to each parcel in accordance with County Division of Land Regulations. Future development is speculative and not reasonably foreseeable. **No impact would occur.**
- b) Discussion: The General Plan, Division of Land Regulations, and Zoning Ordinance contain policies and regulations aimed at mitigating environmental effects. The project has been determined to be consistent with relevant regulations as described elsewhere in the Initial Study. **No impact would occur.**

Mitigation Measures: None.

<u>XII. MINERAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Thresholds of Significance: The project would have a significant effect on mineral resources if it would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Discussion: The Surface Mining and Reclamation Act (SMARA) of 1975 provides a comprehensive surface mining and reclamation policy 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 policies for the reclamation of mined lands and the conservation of mineral resources. SMARA also directs the State Geologist to identify and map non-fuel mineral resources of the state to show where economically significant mineral deposits occur and where they are likely to occur based upon the best available scientific data. No SMARA classification has yet occurred in Mendocino County. The California Division of Mine Reclamation houses the Mines Online database, which maps the location and provides access to documents for several mines in Mendocino County.

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. However, no specific sites have been identified in the General Plan or Coastal Element as locally important mineral resource recovery sites beyond the general identification of quarries, instream gravel, and terrace gravel operations.

- a) Discussion: The site does not contain any known mineral resources of value. No ground disturbance is expected to occur. **No impact would occur.**
- b) Discussion: No locally important mineral resources are known to occur on the project site. No ground disturbance is expected to occur. **No impact would occur.**

Mitigation Measures: None.

<u>XIII. NOISE.</u> Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate 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, noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generate excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a 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,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

would the project expose people residing or working in the project area to excessive noise levels?				
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Thresholds of Significance: The project would have a significant effect on noise if it would result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generation of excessive ground borne vibration or ground borne noise levels; or expose people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport or an airport land use plan, or where such as plan has not been adopted, within two miles of a public airport or public use airport).

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

Major noise sources in Mendocino County consist of highway and local traffic, railroad operations, airports, commercial and industrial uses, recreation, and community facilities. Highways with traffic that generates significant noise include State Route 1, 20, 101, 128, 162, 175, and 253. The only active railroad is the Skunk Train which runs between Fort Bragg and Willits. Public Airports include Ukiah Municipal, Willits Municipal (Ells Field), Round Valley Airport, Boonville Airport, Little River Airport, and Ocean Ridge Airport (Gualala). Major industrial sources of noise include lumber mills and timber production facilities. Other noise sources are identified in the General Plan. General Plan Policy DE-98, DE-99, and DE-105 relate to noise, including Action Item DE-99.2.²⁴

- a) Discussion: No direct impact would occur because no physical development is proposed. No roadway construction is proposed or expected to be required. Some temporary noise impacts may occur during future construction, but existing standards limiting allowable noise would restrict construction noise. **No impact would occur.**
- b) Discussion: Excessive ground borne vibration may occur from pile driving, pavement breaking, demolition of old structures, and blasting.²⁵ The proposed project does not include any of these activities. The project is not adjacent to a highway and does not include overly sensitive uses such as laboratory equipment. No railroads exist near the project site. **No impact would occur.**
- c) Discussion: No direct impact would occur because no physical development is proposed. According to the Ukiah Municipal Airport Land Use Compatibility Plan, the site is located within the Airport Influence Area, but is not located within a Compatibility Zone. As such, the project is not subject to review by the Airport Land Use Commission and the subdivision is not expected to result in any safety hazards or excessive noise.²⁶ The project was referred to the Airport Land Use Commission (ALUC) on December 13, 2022. ALUC commented that the site is not located in an airport zone. **No impact would occur.**

²⁴ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

²⁵ California Department of Transportation (2013). Division of Environmental Analysis. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Retrieved from <https://dot.ca.gov/programs/environmental-analysis/noise-vibration>.

²⁶ Mendocino County Airport Land Use Commission (2021). *Ukiah Municipal Airport Land Use Compatibility Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/airport-land-use-comprehensive-plan>.

Mitigation Measures: None.

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

Thresholds of Significance: The project would have a significant effect on population and housing if it would induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure); or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

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.

- a) Discussion: No direct impact would occur because no physical development is proposed. Indirect impacts due to future development of the resulting lots are speculative and not reasonably foreseeable without information on the mass, location, or use of structures. The resulting lots would allow additional single-family residential construction. However, the existing density standards allow for development of two-family or multiple-family residential development at higher densities. It is not known at this time whether residential construction would occur on the resulting lots. No extension of roadways or other infrastructure is proposed. **A less than significant impact would occur.**
- b) Discussion: The proposed project would not demolish or otherwise displace existing people or housing. **No impact would occur.**

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

Thresholds of Significance: The project would have a significant effect on public services if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

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. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) or one of several local fire districts. Police protection is provided by the County Sheriff, California Highway Patrol, or city police. Several school districts and parks are located throughout the County. Other public facilities include roads, libraries, water and sewage treatment plants, airports, and animal control facilities. Projects may have an impact if they would cumulatively contribute to significant increased demand for public services such that new facilities would be required. General Plan Policy DE-179 establishes standards for the provision of parkland in the county. The amount of sufficient park space is determined by population.²⁷

a) i. Discussion: Fire protection services would be provided by Ukiah Valley Fire Authority. No direct impact would occur because no physical development is proposed. The nearest fire station is the Ukiah Valley Fire Authority North Station about 0.5 miles north of the site. The project is not expected to induce significant population growth. Therefore, the existing fire station would provide adequate service. The small distance between the site and the North Station also indicates an adequate response time. As no comments were received from applicable fire agencies, existing access routes are considered sufficient. **No impact would occur.**

ii. Discussion: The nearest police station is the Mendocino County Sheriff's Office in Ukiah about 1 mile southwest. No direct impact would occur because no physical development is proposed. The project is not expected to induce significant population growth and therefore is not expected to require the provision of new police facilities. Therefore, existing police facilities and response times are considered adequate to serve the project. The subdivision would be served by adequate access routes as required by the Department of Transportation. **No impact would occur.**

iii. Discussion: The project site is within the Ukiah Unified School District. No direct impact would occur because no physical development is proposed. The project is not expected to induce significant population growth. Therefore, the project is not expected to require the provision of new school facilities. **No impact would occur.**

iv. Discussion: No direct impact would occur because no physical development is proposed. The nearest County recreational site is Low Gap Park in Ukiah. The available nearby parkland is consistent with General Plan Policy DE-179. The project is not expected to induce significant population growth. Therefore, the project is not expected to require the provision of new park facilities. **No impact would occur.**

v. Discussion: The project is not expected to induce significant population growth. Therefore, the project is not expected to require the provision of new public facilities. **No impact would occur.**

Mitigation Measures: None.

<u>XVI. RECREATION. Would the Project:</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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²⁷ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on recreation if it would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Discussion: The County of Mendocino manages a variety of public recreation areas including 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, and other state protected areas used for the purpose of recreation, with thirteen (13) locations along the coast and eight (8) in the inland areas.

- a) Discussion: The nearest County-maintained recreation area is Low Gap Park in Ukiah. For the proposed project, the availability of nearby parkland is consistent with General Plan Policy DE-179. The project is not expected to induce significant population growth. Therefore, the project is not expected to require the provision of new park facilities. **No impact would occur.**
- b) Discussion: No recreational facilities are proposed as part of the project. The project would not require the construction or expansion of recreational facilities because it would not require the provision of new park facilities. **No impact would occur.**

Mitigation Measures: None.

<u>XVII. TRANSPORTATION/TRAFFIC.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on transportation if it would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b); substantially increase hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.

Discussion: General Plan Policy DE-131, DE-148, DE-149, and DE-157 relate to transportation, including Action Item DE-138.1.²⁸ The Mendocino Council of Governments (MCOG) most recently adopted a Regional Transportation Plan on April 7, 2022. The Regional Transportation Plan is a long-range planning document that provides a vision of regional transportation goals, policies, objectives, and strategies. These may be relevant to individual projects when conducting environmental review.

CEQA Guidelines Section 15064.3 recommends “*specific considerations for evaluating a project’s transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, “vehicle miles traveled” refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel.*” This section details appropriate methods for determining the significance of transportation impacts.

According to the 2018 Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, “*many local agencies have developed screening thresholds to indicate when detailed analysis is needed. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.*”²⁹ The 2010 MCOG Travel Demand Forecasting Model estimates daily trip generation values for various land uses and geographic areas in Mendocino County and may be used to assist in determining whether projects exceed the screening threshold.³⁰

The Mendocino County Department of Transportation is responsible for the maintenance and operation of County maintained roads, bridges, and related features. The County Roads and Development Standards apply to road improvements, project-related improvements in subdivisions, and other land development projects that require County approval. On state highways under CALTRANS jurisdiction, the Highway Design Manual establishes policies and procedures that guide state highway design functions. Mendocino County Code Section 17-52, 53, and 54 establish lot design, configuration, access, and private road requirements for subdivisions.

- a) Discussion: The proposed subdivision was referred to the Department of Transportation (DOT). On December 27, 2022, DOT responded with recommended standard conditions of approval for the subdivision, including a requirement to show all easements of record on the parcel map to be recorded, including natural drainage and water courses, and requiring an encroachment permit if work would be done within the County right-of-way. Otherwise, DOT had no comments or suggested improvements for the subdivision. Under standard conditions of approval, the proposed project would not conflict with General Plan and Regional Transportation Plan policies regarding circulation. **No impact would occur.**
- b) Discussion: No direct impact would occur because no physical development is proposed. According to the MCOG Travel Demand Forecasting Model, the most intensive uses include Commercial (High-Generating) with forty (40) trips per day and Restaurant with fifty (50) trips per day. In general, these estimated trip rates indicate that future development would not generate trips beyond the screening threshold described in the OPR Technical Advisory. **A less than significant impact would occur.**
- c) Discussion: The project would not make use of farm equipment and would not change the existing circulation pattern of the site and surroundings. The entrance to the property is not a blind driveway, sharp curve, or other hazardous feature. **No impact would occur.**
- d) Discussion: As described above in response to Public Services and Hazards & Hazardous Materials checklist questions, the project would not result in inadequate emergency access. The proposed lots would be accessible either from public roads or easements to be shown on the recorded parcel map. **No impact would occur.**

²⁸ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

²⁹ State of California. Governor’s Office of Planning and Research. (2018). *Technical Advisory on Evaluating Transportation Impacts in CEQA*.

³⁰ Mendocino Council of Governments. (2010). *Final Model Development Report: MCOG Travel Demand Forecasting Model*.

Mitigation Measures: None.

<u>XVIII. TRIBAL CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a 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:				
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"/>

Thresholds of Significance: The project would have a significant effect on Tribal Cultural Resources if it would cause a substantial adverse change in the significance of a cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Places or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1.

Discussion: According to Public Resources Code (PRC) Section 21074, "Tribal cultural resources" are either of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. ("a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.")
- 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 Section 5024.1 ((1) *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;* (2) *Is associated with the lives of persons important in our past;* (3) *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;* (4) *Has yielded, or may be likely to yield, information important in prehistory or history*). In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) or Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

PRC Section 5020.1(k) defines a “local register of historical resources” as “a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”

PRC Section 5024.1(c) establishes the following: “A resource may be listed as a historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history.”

a) i. Discussion: No direct impact would occur because no physical development is proposed. In accordance with Mendocino County Code Chapter 22.12, the project was referred to the Northwest Information Center at Sonoma State University (NWIC). NWIC responded on December 22, 2022 and noted that a previous study had been completed covering approximately 40% of the project area. The study did not record any cultural resources. NWIC recommended that an updated survey be conducted due to the possibility of unrecorded archaeological sites, and that local Native American tribes be contacted. Based on this response, the project was heard by the Mendocino County Archaeological Commission at their meeting on March 8, 2023. Given evidence that the site had been previously disturbed during construction of the nearby U.S. Highway 101 and the existing survey, the Commission determined that a survey was not required for the project. The project was referred to the Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. None of the local tribes have yet responded. The project site is not listed on the BERD directory for Mendocino County. This indicates that historical resources are not present on the project site, and future development is unlikely to result in any adverse change to a historical resource. Standard conditions of approval require that any unanticipated discovery of archaeological resources during project activities are handled in accordance with County Code Chapter 22.12. Mendocino County does not house a local register of historical resources. **No impact would occur.**

ii. Discussion: As described above, the determination of the Archaeological Commission, previous studies, and lack of response from referrals indicates that the project site does not have the potential to contain significant resources pursuant to PRC Section 5024.1. Therefore, Mendocino County determines that there is no substantial evidence to suggest the presence of significant resources on the site. **No impact would occur.**

Mitigation Measures: None.

<u>XIX. UTILITIES AND SERVICE SYSTEMS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on utilities and service systems if it would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

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

Solid waste management in Mendocino County has undergone a significant transformation from waste disposal in landfills supplemented by transfer stations to a focus on transfer stations and waste stream diversion. These changes have responded to 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 of the General Plan 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 covers solid 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 solid waste facilities in Mendocino County, including: five (5) closed/inactive municipal landfills, three (3) wood-waste disposal sites, two (2) composting facilities, and eleven (11) transfer stations.

- a) Discussion: No direct impact would occur because no physical development is proposed. The resulting lots would utilize connections to municipal water and sewer sources and is not expected to result in the relocation or construction of water or wastewater treatment facilities. An existing utility company would provide electric service to the parcel. No new telecommunications facilities are proposed, and none are expected to be required due to the project. Existing telecommunications facilities are considered sufficient to service the site. **No impact would occur.**

- b) Discussion: As described above in response to checklist questions regarding Hydrology & Water Quality, the subdivider would be required to furnish evidence that the resulting lots would be supplied with sufficient water. The existing regulatory structure ensures that sufficient water supplies are available should future development occur. **No impact would occur.**
- c) Discussion: As described above in response to checklist questions regarding Hydrology & Water Quality, the subdivider would be required to furnish evidence that the resulting lots would be supplied with sufficient sewer capacity. The subdivision could not be finalized until such evidence is furnished. The existing regulatory structure ensures that sewer capacity would be available prior to subdivision of the property. **No impact would occur.**
- d) Discussion: No direct impact would occur because no physical development is proposed. The nearest transfer station is the Ukiah Transfer Station & Recycling Center. Future development may incrementally contribute to throughput at the Potrero Hills Landfill, but the estimated remaining operational lifespan of the facility (2048) indicates that this contribution is minimal and less than significant. According to the City of Los Angeles Thresholds Guide, a residential use is expected to produce 12.23 pounds of solid waste per household per day.³¹ The daily throughput of the Potrero Hills Landfill is 4,330 tons per day. Additional single-family residences would contribute minimally to throughput. Other uses could be established on the site regardless of the proposed subdivision, and as such future commercial or other permitted use types are not expected to result in any significant increase in solid waste. **A less than significant impact would occur.**
- e) Discussion: The project is expected to comply with all federal, state, and local regulations related to solid waste, including MendoRecycle requirements, Mendocino County Code Title 9A, the US Resource Conservation and Recovery Act (RCRA), and CalRecycle. **No impact would occur.**

Mitigation Measures: None.

<u>XX. WILDFIRE.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
i. Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. 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"/>
iii. 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 type="checkbox"/>	<input checked="" type="checkbox"/>
iv. 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 type="checkbox"/>	<input checked="" type="checkbox"/>

³¹ City of Los Angeles (2006). L.A. CEQA Thresholds Guide. Retrieved from <https://planning.lacity.org/>.

Thresholds of Significance: The project would have a significant effect on wildfire if it would impair an adopted emergency response plan or emergency evacuation plan; due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges.

Discussion: California law requires the California Department of Forestry and Fire Protection to designate areas, or make recommendations for local agency designation of areas, that are at risk from significant fire hazards based on fuels, terrain, weather, and other relevant factors. These areas at risk of interface fire losses are referred to by law as "Fire Hazard Severity Zones" (FHSZ). The law requires different zones to be identified (Moderate to Very High). But with limited exception, the same wildfire protection building construction and defensible space regulations apply to all "State Responsibility Areas" and any "Fire Hazard Severity Zone" designation.

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).

For certain projects, the California Fire Code, Section R337 of the California Residential Code, and Chapter 7A of the California Building Code may apply to provide structural protections against fire. General Plan Policy DE-214, DE-215, DE-216, DE-217, DE-220, DE-222, and Action Item DE-222.2 relate to fire.³²

- a) i. Discussion: The site is in the Local Responsibility Area and is in CAL FIRE's "Urban Unzoned" classification. As outlined in the Emergency Operations Plan, the County uses the California Standardized Emergency Management System and National Response Framework to guide emergency response. The project is not expected to interfere with the establishment of an Emergency Operations Center because it would not physically impair travel to and from such a center. The project is expected to make use of existing utility and telecommunication infrastructure, which would allow receipt of alerts, notifications, or warnings. Therefore, the project is not expected to interfere with the adopted Emergency Operations Plan. **No impact would occur.**
- ii. Discussion: The site is in the Local Responsibility Area and is in CAL FIRE's "Urban Unzoned" classification. Future development would be required to comply with applicable Building Code and Fire Code standards as well as Ukiah Valley Fire Authority regulations. The site is not within a high fire hazard area as mapped by CAL FIRE. **A less than significant impact would occur.**
- iii. Discussion: No direct impact would occur because no physical development is proposed. No infrastructure or other features are proposed Ukiah Valley Fire Authority has not indicated a need for fire-related infrastructure in association with the proposed subdivision. **No impact would occur.**
- iv. Discussion: No direct impact would occur because no physical development is proposed. Standard BMPs and Preliminary Stormwater Control Plans implemented during future construction would ensure that drainage challenges are addressed. **No impact would occur.**

Mitigation Measures: None.

³² The County of Mendocino (2009). *General Plan*. Retrieved <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

<u>XXI. MANDATORY FINDINGS OF SIGNIFICANCE.</u>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Thresholds of Significance: The project would have a significant effect on mandatory findings of significance if it would have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory; have impacts that are individually limited, but cumulatively considerable (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.); or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Discussion: Discussion: Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and 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) **Discussion:** Based on discussion throughout the report, there is some potential for indirect impacts. However, specific indirect impacts due to future development of the resulting lots are speculative and not reasonably foreseeable without information on the mass, location, or use of structures. General impacts have been addressed and all have been determined to be less than significant. As such, there is no evidence to support a finding that the project would result in significant impacts regarding the quality of the environment, habitat of fish or wildlife species, fish or wildlife populations, plant, or animal communities,

rare or endangered species, or important examples of major periods of California history or prehistory. **A less than significant impact would occur.**

- b) Discussion: Cumulative impacts were considered for applicable potential impacts as discussed throughout the report, including but not limited to Section 3.3 (Air Quality) and 3.8 (Greenhouse Gas Emissions). Potential impacts were identified in these sections where it was determined that no significant cumulative effects would occur because of the project. **A less than significant impact would occur.**
- c) Discussion: Based on discussion throughout this initial study, potential adverse effects on human beings, both directly and indirectly, have been considered and found to be less than significant or less than significant. **A less than significant impact would occur.**

Mitigation Measures: None beyond those discussed in Section IV – Biological Resources.

DETERMINATION: On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

6/1/23

DATE



LIAM CROWLEY
PLANNER II

Resolution Number _____

County of Mendocino
Ukiah, California

JULY 6, 2023

MS_2022-0004 – ERICKSON BROTHERS PROPERTIES LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND GRANTING A MINOR SUBDIVISION.

WHEREAS, the applicant, ROBERT NEESE filed an application for a minor subdivision with the Mendocino County Department of Planning and Building Services to subdivide an existing 10± acre parcel into four (4) parcels and one (1) remainder parcel; Parcel 1 would be 0.74± acres, Parcel 2 would be 0.75± acres, Parcel 3 would be 4.39± acres, Parcel 4 would be 1.09± acres, and the Remainder Parcel would be 3.15± acres; located in Ukiah, on the east side of North State Street (CR 104) 0.5± miles north of its intersection with Brush Street (CR 217), at 1211 North State Street, Ukiah; APN 001-360-39; General Plan Commercial (C); Zoning General Commercial (C-2); Supervisorial District 1; (the “Project”); and

WHEREAS, a Negative Declaration was prepared for the Project and noticed and made available for agency and public review on June 5, 2023, in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on July 6, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative Declaration and the Project.

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 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. General Plan Consistency:** The site is within the General Plan Commercial (C) land use classification. The proposed subdivision is within the jurisdictional boundary of the Millview County Water District and Ukiah Valley Sanitation District. It is intended that each resulting lot be provided with water and sewage via connection to these District networks. Parcel 1 would be accessed via North State Street. Parcel 2 is provided access from North State Street via an existing easement. The proposed configuration of Parcel 2 also includes access via Ford Road. Parcel 3 & 4 would be accessed via Ford Road. The Remainder parcel would be accessed from a fifty (50) foot wide easement connected to Ford Road. The site is within the jurisdictional boundary of the Ukiah Valley Fire Protection District and is within the Local Responsibility Area. No development is proposed. The proposed Parcels 1 and 4 are developed with existing commercial buildings. Parcel 2 is developed with an existing single-family residence and accessory structures. The Commercial land use classification establishes a minimum lot size of 6,000 square feet for residential use and no minimum lot size for commercial uses because the lot is within both a water and sewer district. As proposed, each resulting lot would be greater than 6,000 square feet. Therefore, the proposed subdivision request is consistent with the Commercial General Plan land use classification as well as other provisions of the General Plan.

2. **Zoning Consistency:** The site is within the General Commercial (C-2) zoning district. No development is proposed as part of the subdivision request. Existing and future land uses would be required to meet the standards of the C-2 district. Based on the tentative map provided, the existing structures would meet the minimum setback requirements. MCC Section 20.092.025 establishes a minimum lot size of 6,000 square feet for residential uses and 4,000 square feet for mobile home and manufactured home subdivisions. No minimum lot size is established for commercial uses. As no development is proposed, the proposed subdivision should meet the most restrictive minimum lot size of 6,000 square feet. Each proposed lot is at least 30,000 square feet in size. Therefore, the proposed subdivision is consistent with the C-2 zoning district.

3. **Ukiah Valley Area Plan:** The proposal is consistent with applicable policies of the UVAP as follows:

Policy LU 1.2a: Use land use planning and decision-making to promote compact development forms, mixed uses, infill, reuse, and sustainable technologies. Such strategies are intended to promote resource management and conservation, service and infrastructure efficiencies, and avoid the degradation or waste of social, economic and environmental resources. The parcel is within an urban area surrounded by other uses and future development of the resulting lots can be considered infill development.

Policy LU 1.4: Continue to allow growth in High Intensity Development Corridors. The parcel is along the North State Street corridor and subdivision would allow future growth, including commercial uses.

Policy WM 2.2a: Development proposals shall provide adequate proof of water to the Department of Planning and Building Services and the Division of Environmental Health that adequate water supplies are available to support the new use/development based on the adopted standards. Conditions of approval require that proof of water be provided for the resulting lots, such as a “will-serve letter” from the applicable water district.

4. **Ukiah Municipal Airport Land Use Compatibility Plan:** The site is located within the general Airport Influence Area but is not located within a Compatibility Zone. As such, the project is not subject to review by the Airport Land Use Commission (ALUC). The project was referred to the ALUC on December 13, 2022. ALUC commented that the site is not located in an airport zone.

5. **Division of Land Regulations:** The project, as proposed, would not be consistent with MCC Section 17-52(F) of the Division of Land Regulations, which details the maximum depth to width ratio for subdivisions. The proposed width of Parcel 4 would exceed the maximum average depth by thirteen (13) feet. The Planning Commission approves a greater width-depth ratio as the lot would be used for commercial purposes consistent with MCC Section 17-52(F). Pursuant to Division of Land Regulations Section 17-52(L), the Planning Commission approves the proposed “flag lot” for Parcel 2 due to the special condition and topographic considerations as detailed in the staff report and further finding that the access strip meets the minimum depth and width requirements for a flag lot. The project was reviewed by the Mendocino County Subdivision Committee on April 13, 2023. The Committee recommended conditional approval of the proposed subdivision to the Planning Commission pursuant to findings required by MCC Section 17-48.5.

6. **Environmental Protection:** An Initial Study for the proposed project was completed in accordance with the California Environmental Quality Act (CEQA) and no significant environmental impacts were identified. Therefore, a Negative Declaration was prepared. It was noted that future development could have some impacts, however these were considered less than significant impacts.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Negative Declaration. The Planning Commission certifies that the 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 Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Minor Subdivision, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the 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 be final on the 11th day after the date of the Resolution unless an appeal is taken.

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

ATTEST: JAMES FEENAN
 Commission Services Supervisor

By: _____

BY: JULIA KROG
 Director

DIANA WIEDEMANN, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

MS_2022-0004 – ERICKSON BROTHERS PROPERTIES LLC

JULY 6, 2023

APPROVED PROJECT DESCRIPTION: Minor Subdivision of an existing 10± acre parcel into four (4) parcels and one (1) remainder parcel. Parcel 1 would be 0.74± acres, Parcel 2 would be 0.75± acres, Parcel 3 would be 4.39± acres, Parcel 4 would be 1.09± acres, and the Remainder Parcel would be 3.15± acres.

CONDITIONS OF APPROVAL:

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF TWENTY-FOUR (24) MONTHS FROM THE DATE OF APPROVAL, UNLESS RENEWED PURSUANT TO THE MENDOCINO COUNTY CODE.

Aesthetics

1. The following note shall be placed on the Parcel Map:

“All future external lighting, whether installed for security, safety or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.”

Air Quality

2. The following note shall appear on the Parcel Map:

“Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval.”

Biological Resources

3. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,814.00 or current fee shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within five (5) days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to ensure timely compliance with this condition.**

Cultural Resources

4. The following note shall appear on the Parcel Map:

“In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.”

Geology and Soils

5. The subdivider shall **acknowledge in writing** to the Department of Planning and Building Services that all grading activities and site preparation, at a minimum, shall adhere to the following “Best Management Practices”. The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site inspection standards.
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.
 - f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
 - g. Pursuant to the California Building Code and Mendocino County Building Regulations, a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
 - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage.

Hydrology and Water Quality

6. The applicant shall either:
 - i. Submit to the Division of Environmental Health a letter from the district(s) or agency(s) stating that water and/or sewer services (and main extension, where required) have been installed to the satisfaction of the district or agency to serve each lot in said subdivision and connected to the system providing the service(s) and has been accepted by the district or agency for maintenance by said district or agency (Mendocino County Code 17.55 & 17.56); or
 - ii. Submit a letter to the Division of Environmental Health from the district(s) or agency(s) stating that engineered improvement plans for the future installation of services (and main extensions, where required) for each lot and the connection to the system providing the service are acceptable to the district, including maintenance of the system by the district, and the applicant shall submit a letter to the Division of Environmental Health from the County Engineer stating that performance bonds or other adequate surety have been secured, to the satisfaction of the county engineer, to cover the cost of the installation of services (and main extensions, where required) for each lot and the connection to the system providing the service per Mendocino County Code Chapter 17 Article VIII.

The Division of Environmental Health shall submit written clearance to the Department of Planning & Building Services upon completion of this condition.

Transportation

7. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.
8. All natural drainage and water courses shall be considered as easements. Minimum width shall be twenty (20) feet, or to the high water level plus five (5) feet horizontal distance, whichever is greater. If a Parcel Map is filed, such easements shall be shown on the final parcel map.
9. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

Special Conditions

10. A Conditional Certificate of Compliance shall be recorded for the Remainder Parcel concurrently with the recording of the Parcel Map. The Conditional Certificate of Compliance shall require that the following conditions must be met prior to future development of the Remainder Parcel:
 - a. All future external lighting, whether installed for security, safety, or landscape design purposes, shall be shielded, downcast or shall be positioned in a manner that will not shine or allow light glare to exceed the boundaries of the parcel on which it is placed.
 - b. Future development of building site(s), access roads or driveways may be subject to the grading requirements and drainage control measures identified in the Conditions of Approval.
 - c. In the event that archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
 - d. The applicant shall either:
 - i. Submit to the Division of Environmental Health, a letter from the district(s) or agency(s) stating that water and/or sewer services (and main extension, where required) have been installed to the satisfaction of the district or agency to serve the remainder parcel and connected to the system providing the service(s) and has been accepted by the district or agency for maintenance by said district or agency (Mendocino County Code 17.55 & 17.56); or;
 - ii. Submit a letter to the Division of Environmental Health from the district(s) or agency(s) stating that engineered improvement plans for the future installation of services (and main extensions, where required) for the remainder parcel and the connection to the system providing the service are acceptable to the district, including maintenance of the system by the district, and the applicant shall submit a letter to the Division of Environmental Health from the County Engineer stating that performance bonds or other adequate surety have been secured, to the satisfaction of the county engineer, to cover the cost of the installation of services (and main extensions, where required) for each lot and the connection to the system providing the service per Mendocino County Code Chapter 17 Article VIII.

The Division of Environmental Health shall submit written clearance to the Department of Planning & Building Services upon completion of this condition.

- e. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.

11. Building/Development setbacks indicating Front/Rear/Side yards to all property boundaries (existing and proposed) and roadway/easements shall be designated on the Parcel Map per Mendocino County Code Section 17-52(I)).
12. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Parcel Map, the subdivider must: (1) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.
13. The following note shall appear on the Parcel Map:

"Future development of building sites will be subject to the requirements of MCC Chapter 16.30 regarding stormwater pollution prevention, and may require an engineered Preliminary Stormwater Control Plan prior to issuance of a building permit."

THIS DIVISION OF LAND IS DEEMED COMPLETE WHEN ALL CONDITIONS HAVE BEEN MET, AND THE APPROVED PARCEL MAP IS RECORDED BY THE COUNTY RECORDER.