



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

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

August 16, 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, September 21, 2023, at 9:30 a.m., will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. This meeting will take place in the **Board of Supervisors Chambers, 501 Low Gap Road, Ukiah California**, and Virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

CASE#: RE_2023-0001

DATE FILED: 1/10/2023

OWNER: MARK THEIS

APPLICANT: WOODY HECKEROTH

REQUEST: Cancellation of a portion of the existing Williamson Act contract on APN: 035-030-16 to match property boundaries recently adjusted by a Boundary Line Adjustment (B_2021-0038).

ENVIRONMENTAL DETERMINATION: NEGATIVE DECLARATION

LOCATION: 1.6± miles southeast of Dos Rios town center, lying on the north side of State Route 162 (SR 162), 0.9± miles east of its intersection with Laytonville Dos Rios Road (CR 322), located at 51110 Covelo Road, Dos Rios; APN:035-030-16.

SUPERVISORIAL DISTRICT: 3 (Haschak)

STAFF PLANNER: MARK CLISER

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 to the Department of Planning and Building Services Commission Staff, 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 by September 20, 2023 or orally via telecomment. All public comment will be made available to the Planning Commission, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors and the Boards action shall be final. 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 at, or prior to, the public hearing. All persons are invited to present testimony in this matter.

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

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

JULIA KROG, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- PARTIAL CANCELLATION**

**SEPTEMBER 21, 2023
RE_2023-0001**

SUMMARY

OWNER: MARK THIES
50800 COVELO RD
DOS RIOS, CA

APPLICANT: WOODY HECKEROTH
6701 ROAD 21
LITTLE RIVER, CA 95456

REQUEST: Cancellation of a portion of the existing Williamson Act contract on APN: 035-030-16 to match property boundaries recently adjusted by a Boundary Line Adjustment (B_2021-0038).

LOCATION: 1.6± miles southeast of Dos Rios town center, lying on the north side of State Route 162 (SR 162), 0.9± miles east of its intersection with Laytonville Dos Rios Road (CR 322), located at 51110 Covelo Road, Dos Rios; APN: 035-030-16.

TOTAL ACREAGE: 160.53± Acres

GENERAL PLAN: Rangeland- 160 Acre Minimum (RL160:)

ZONING: Rangeland- 160 Acre Minimum (RL:160)

SUPERVISORIAL DISTRICT: 3 (Haschak)

ENVIRONMENTAL DETERMINATION: NEGATIVE DECLARATION

RECOMMENDATION: The Planning Commission recommends that the Board of Supervisors, by resolution, cancel the portion of the existing Williamson Act contract on APN: 035-030-16 to match property boundaries recently adjusted by Boundary Line Adjustment B_2021-0038, based on the facts and findings.

STAFF PLANNER: MARK CLISER

BACKGROUND

PROJECT DESCRIPTION: Woody Heckeroth applied for a boundary line adjustment (B_2021-0038) in order to transfer 0.57± acres from APN 035-030-16 (Portion of Lot 1, Owner Thies), currently in Williamson Act, to APN 035-030-50 (Portion of Lot 2; Owner Heckeroth), which is not in Williamson Act, in order to meet setbacks for cannabis cultivation permit number AG_2017-0513. To remedy this, both parties have mutually agreed to complete a Boundary Line Adjustment and modify the property boundary. However, APN 035-030-16 is in Williamson Act. To maintain compliance with the Mendocino County Policies & Procedures for Williamson Act, the property owners are required to apply for cancellation of the portion of property transferred to APN: 035-030-50 so the contract boundaries will continue to match the parcel boundaries. Mr. Heckeroth proposes cancellation of the Williamson Act contract covering the 0.57-acre portion of Lot 1 being transferred to Lot 2. The cancellation of 0.57 acres currently in Williamson Act will not affect land remaining in Williamson Act.

APPLICANT'S STATEMENT: See Attachment Q

- A 26-77 Type II Agricultural Preserve; Resolution number 77-496 established agricultural preserve and Williamson Act contract number 753.
- Cannabis Cultivation permit AG_2017-0513 for type 2B Mixed Light Cultivation of no larger than 10,000 square feet
- Boundary Line Adjustment B_2021-0038 was approved by the Mendocino County Subdivision Committee on January 12, 2023 to amend the boundary between APNs: 035-030-50 & 035-030-16, with a special condition to cancel the Williamson Act contract over the portion being transferred from Lot 1 (Owner: Theis) to Lot 2 (Owner: Heckeroth) prior to final completion certificate being granted.
- BU_2023-0453 through -0457, building permit applications for Ag Exempt Hoophouses, which cannot be permitted until the Boundary Line Adjustment and Partial Cancellation have been completed due to setback issues created by the owner.

SITE CHARACTERISTICS: The project site is located approximately 1 mile east of the intersection of State Route 162, Dos Rios Road, & Poonkinney Road, and approximately 1.5 miles east of the community of Dos Rios. Together, the two ownerships cover approximately 266 acres of agricultural land, nearly all of which is used for open grazing.

Terrain varies over the area, from gentle (<15%) to more severe (>33%) slopes. Soils are comprised of Windyhollow loam (226), which supports vegetation comprised mainly of perennial grasses and forbs, and Yellohound-Kibesillah (235), which supports mainly Douglas-fir, redwood, and tanoak (*Soil Survey of Mendocino County, Western Part*). The entire 266± acres have an Important Farmlands designation of Grazing Land (see *Attachment I*).

Lot 2 (Owner: Heckeroth) is currently developed with a single-family residence and appurtenant structures needed to support the cannabis cultivation on-site including hoop houses, water tanks, and a cabin. Lot 1 (Owner: Theis) is undeveloped.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Remote Rural Residential (RMR40); Range Land (RL160:)	Range Land (RL:160); Upland Residential (UR:40)	39±; 116± Acres	Agricultural
EAST	Public Lands (PL); Range Land (RL160:)	Range Land (RL:160); Public Facilities (PF)	116±; 41±; 14± Acres	Agricultural
SOUTH	Range Land (RL160:)	Upland Residential (UR:40)	143±; 45± Acres	Agricultural
WEST	Remote Rural Residential (RMR40)	Range Land (RL:160);	261±; 37±; 40± Acres	Agricultural

PUBLIC SERVICES:

Access: State Route 162
 Fire District: CAL FIRE
 Water District: None
 Sewer District: None
 School District: Round Valley Unifie

AGENCY COMMENTS: On February 28, 2023 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Resource Lands Protection Committee	Comments (Approval Recommended)
Assessor	No Response
Farm Advisor	No Comments
Department of Forestry / CAL FIRE Land Use	No Response
California State Clearinghouse	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

KEY ISSUES

- 1. General Plan and Zoning Consistency:** The proposed project is consistent with pertinent agricultural goals and polices of the General Plan as follows:

Policy RM-10 (Agriculture): Protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintain extensive agricultural land areas and limiting incompatible uses.

Policy RM-104: Support the diversification and expansion of the agricultural economic base.

The project will allow for continued use of an existing cannabis cultivation site. This use is consistent with intended general uses for both the Rangeland General Plan and Zoning designations which include agricultural uses and commercial activities associated with crop raising.

- 2. Williamson Act Policies & Procedures:** Lot 1 will remain grazing land and remains in compliance with the terms of its contract, which is still active. No changes to the use of the land are proposed. No changes in compliance to adjacent three parcels owned by Mark Theis under Williamson Act contract (APNS: 033-172-25, 27 and
- 3. 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.

RECOMMENDATION

By resolution, the Planning Commission recommends the Board of Supervisors adopt a Negative Declaration and approve Cancellation RE_2023-0001 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.

DATE

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

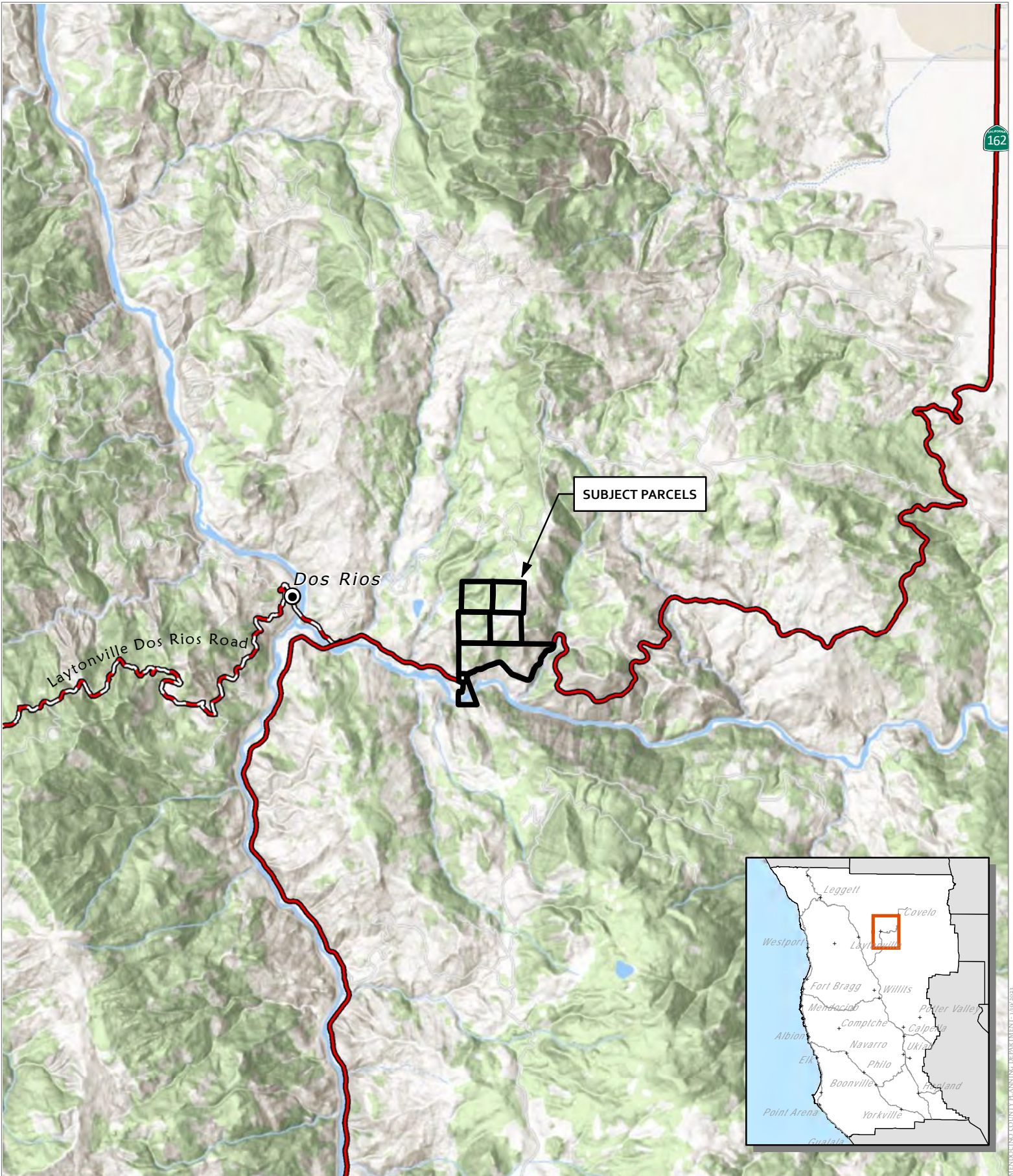
MARK CLISER
PLANNER II

ATTACHMENTS:

- | | |
|---------------------------------|---------------------------------|
| A. Location Map | J. Wildland Urban Interface Map |
| B. Aerial Imagery | K. Flood Map |
| C. Topographic Map | L. Wetlands |
| D. BLA Tentative Map | M. Slope |
| E. Zoning Display Map | N. Soils Map |
| F. General Plan Classifications | O. Williamson Act |
| G. Adjacent Parcels | P. Williamson Act Update |
| H. Fire Hazard Zones | Q. Applicant Statement |
| I. Farmland Classification | |

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A)

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



162

SUBJECT PARCELS

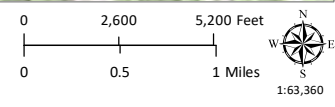
Dos Rios

Laytonville Dos Rios Road



CASE: **RE 2023--0001**
 OWNER: **HECKEROTH, Woody**
 APN: **Various**
 APLCT: **Woody Heckeroth**
 AGENT:
 ADDRESS: **Various**

- Major Towns & Places
- Major Roads
- Highways

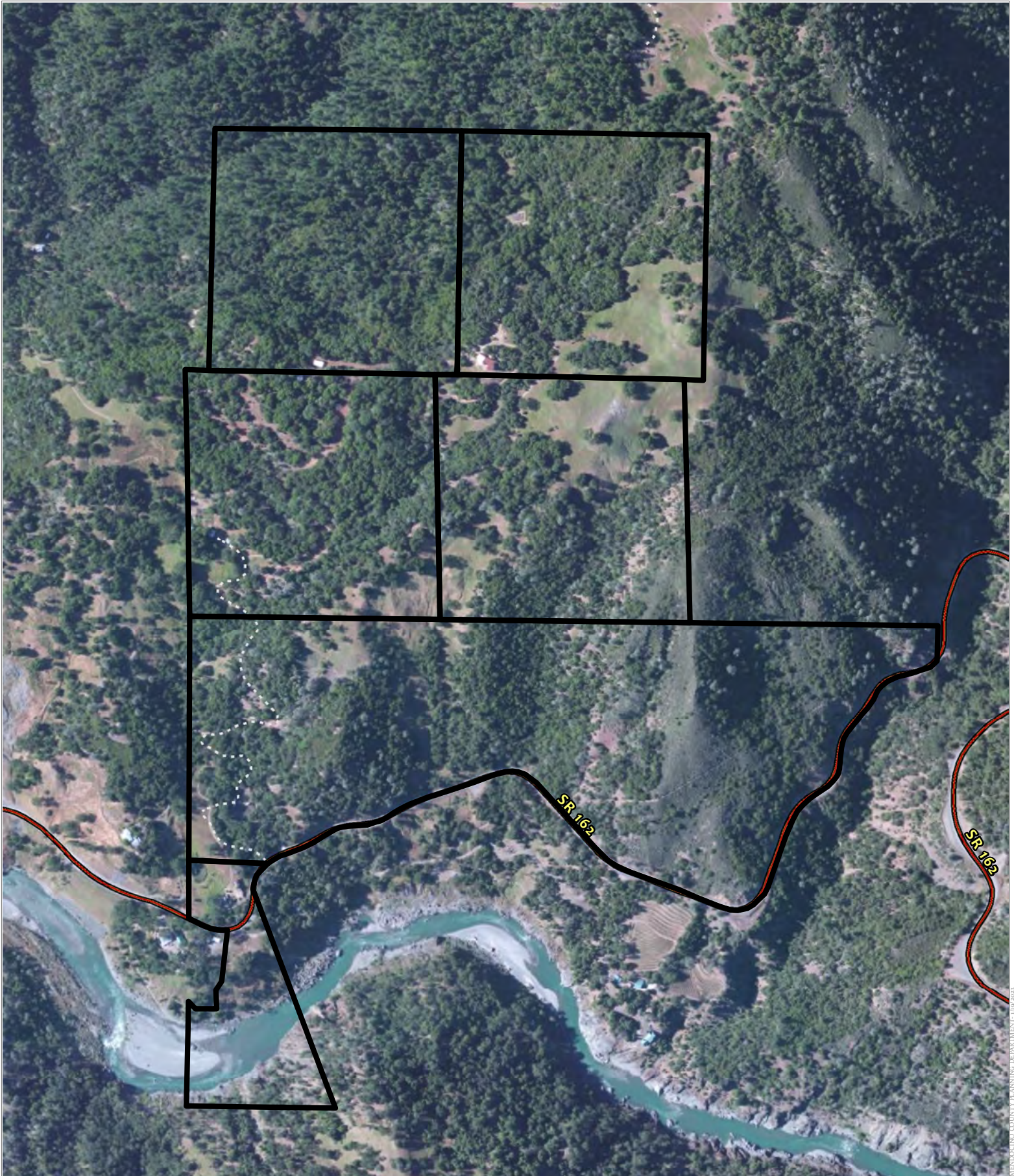


LOCATION

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ATTACHMENT A

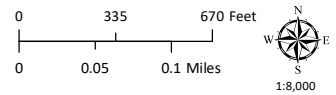
MENDOCINO COUNTY PLANNING DEPARTMENT - 11/09/2023



MENDOCINO COUNTY PLANNING DEPARTMENT 4/10/23

CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various

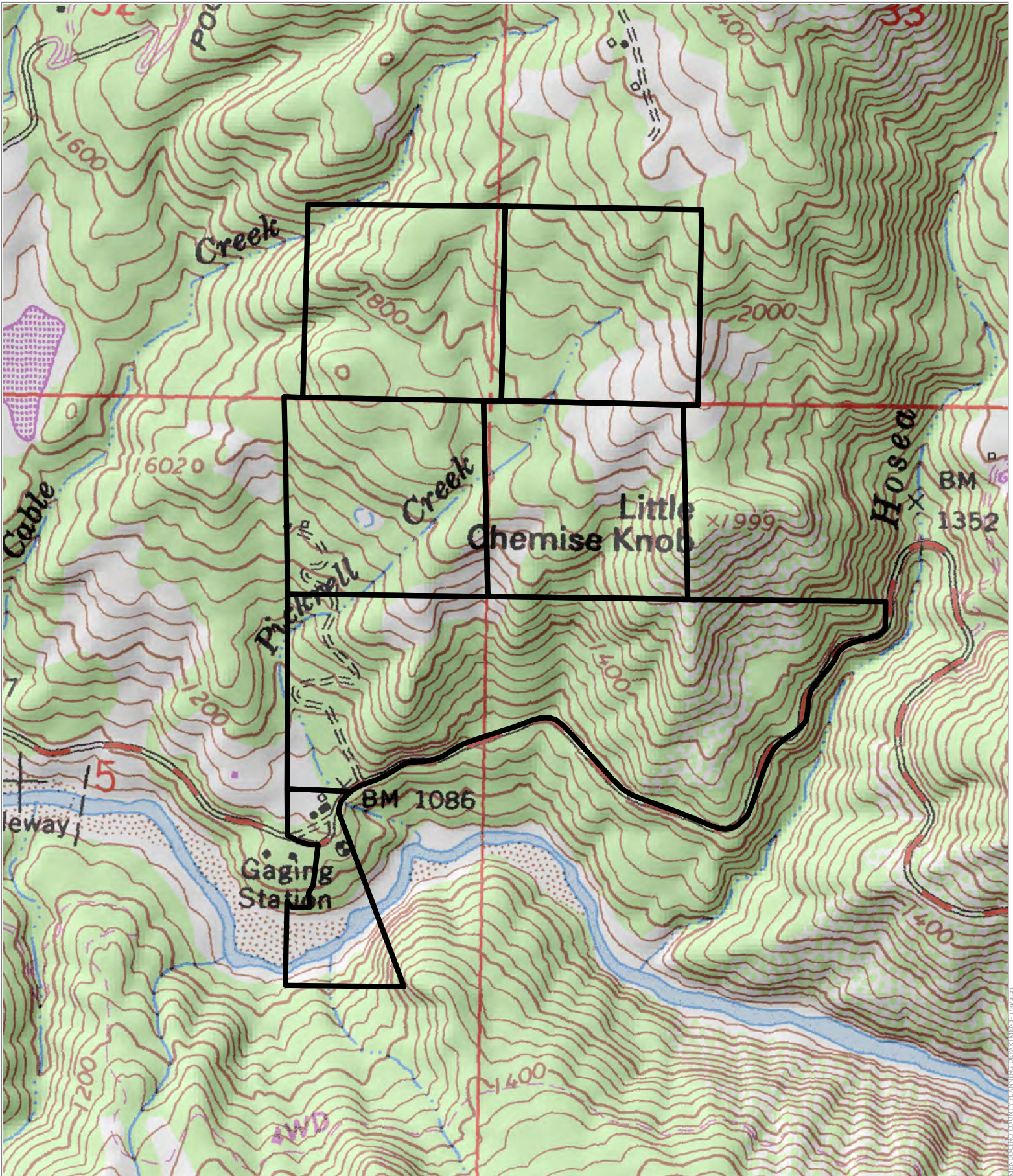
 Public Roads



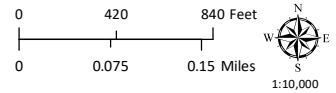
AERIAL IMAGERY

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ATTACHMENT B

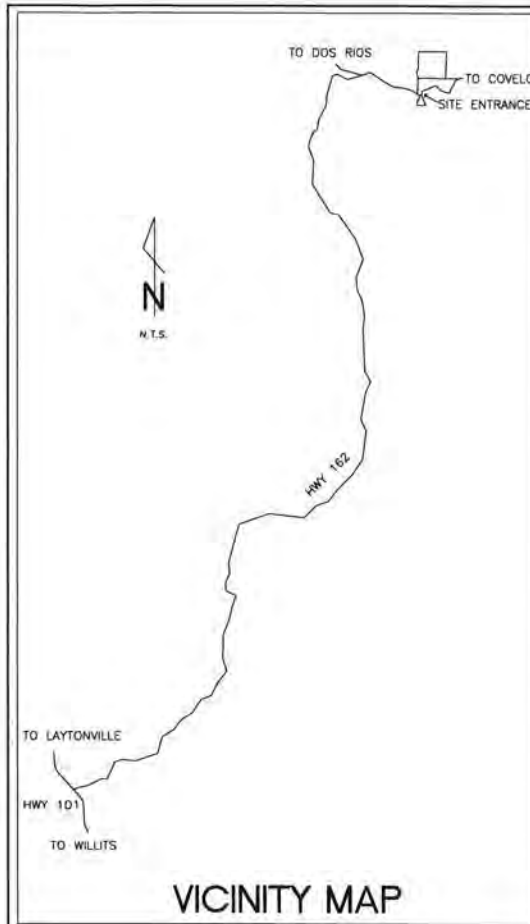


CASE: RE 2023--0001
 OWNER: HECKEROTH, Woody
 APN: Various
 APLCT: Woody Heckeroth
 AGENT:
 ADDRESS: Various



TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

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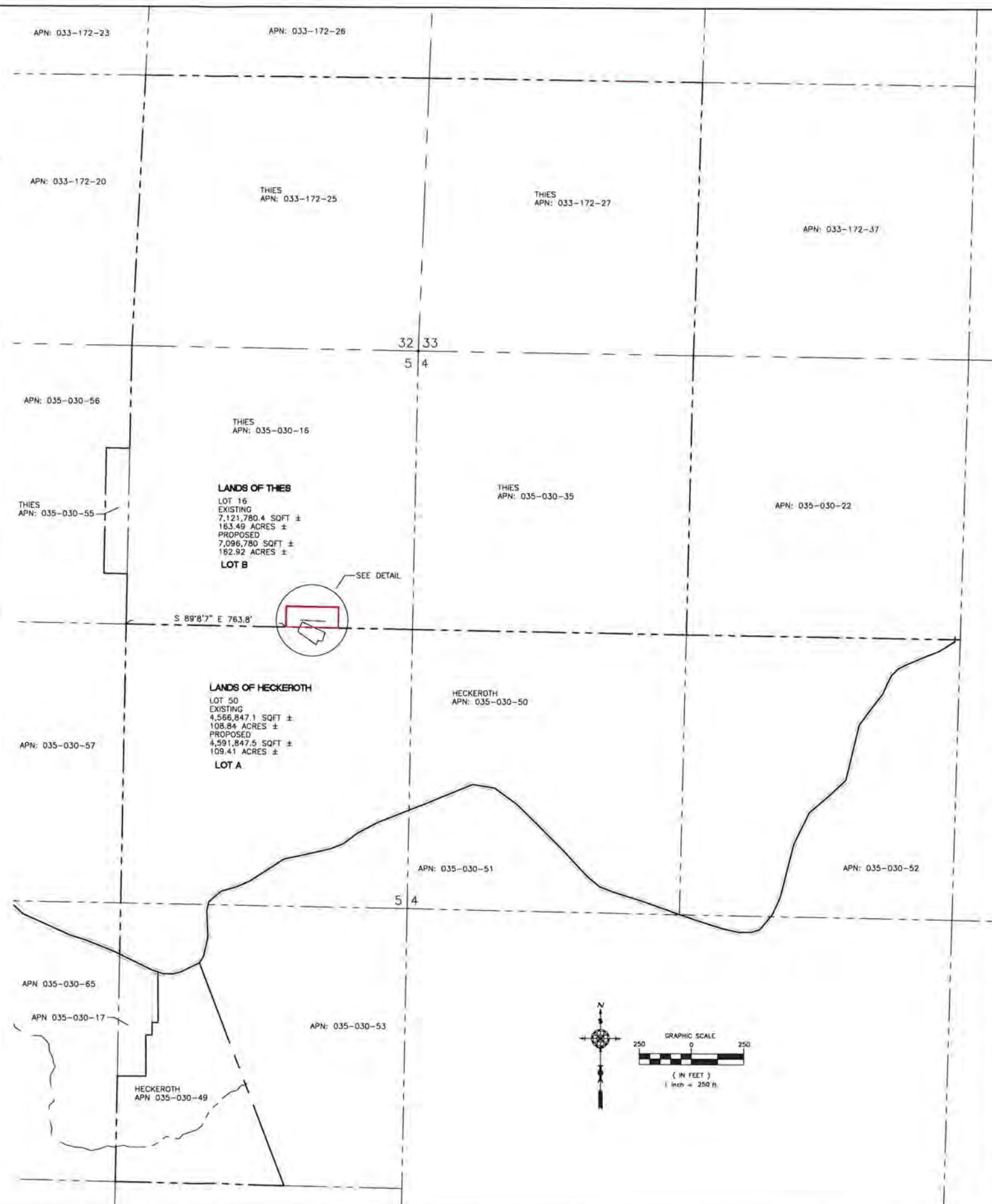
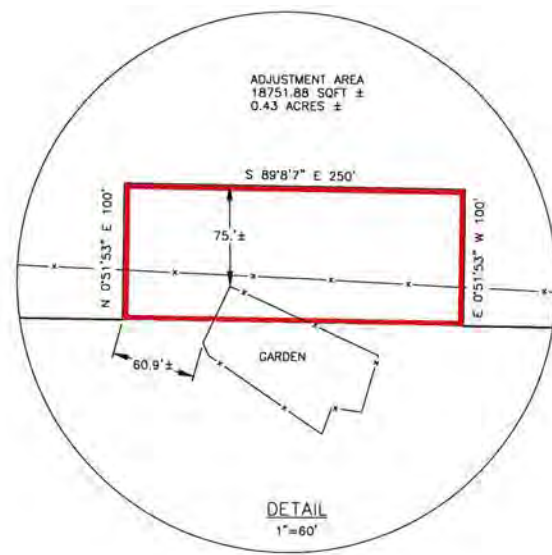


PROJECT STATISTICS

OWNERS: MARK THIES, WOODY HECKEROTH
 PROJECT ADDRESS: 50800 COVELO RD. DOS RIOS, CA, 51110 COVELO RD. DOS RIOS, CA

CIVIL ENGINEER: POPE ENGINEERING
 1540 HARRAH DRIVE, WILLITS, CA 95490
 (707) 459-3893

APN: 035-030-16 LOT 16
 APN: 035-030-50 LOT 50
 LOT 16: BEFORE 7,121,780.4 SF±, AFTER 7,096,780 SF±
 LOT 50: BEFORE 4,466,847.1 SF±, AFTER 4,591,847.5 SF±
 AREA TO BE ADJUSTED: 25000.4 SF±, .57 ACRES±
 TOTAL PROJECT AREA: 272.33 ACRES±



REVISIONS		BY

TENTATIVE MAP
 LANDS OF HECKEROTH
 51110 COVELO ROAD
 DOS RIOS CALIFORNIA

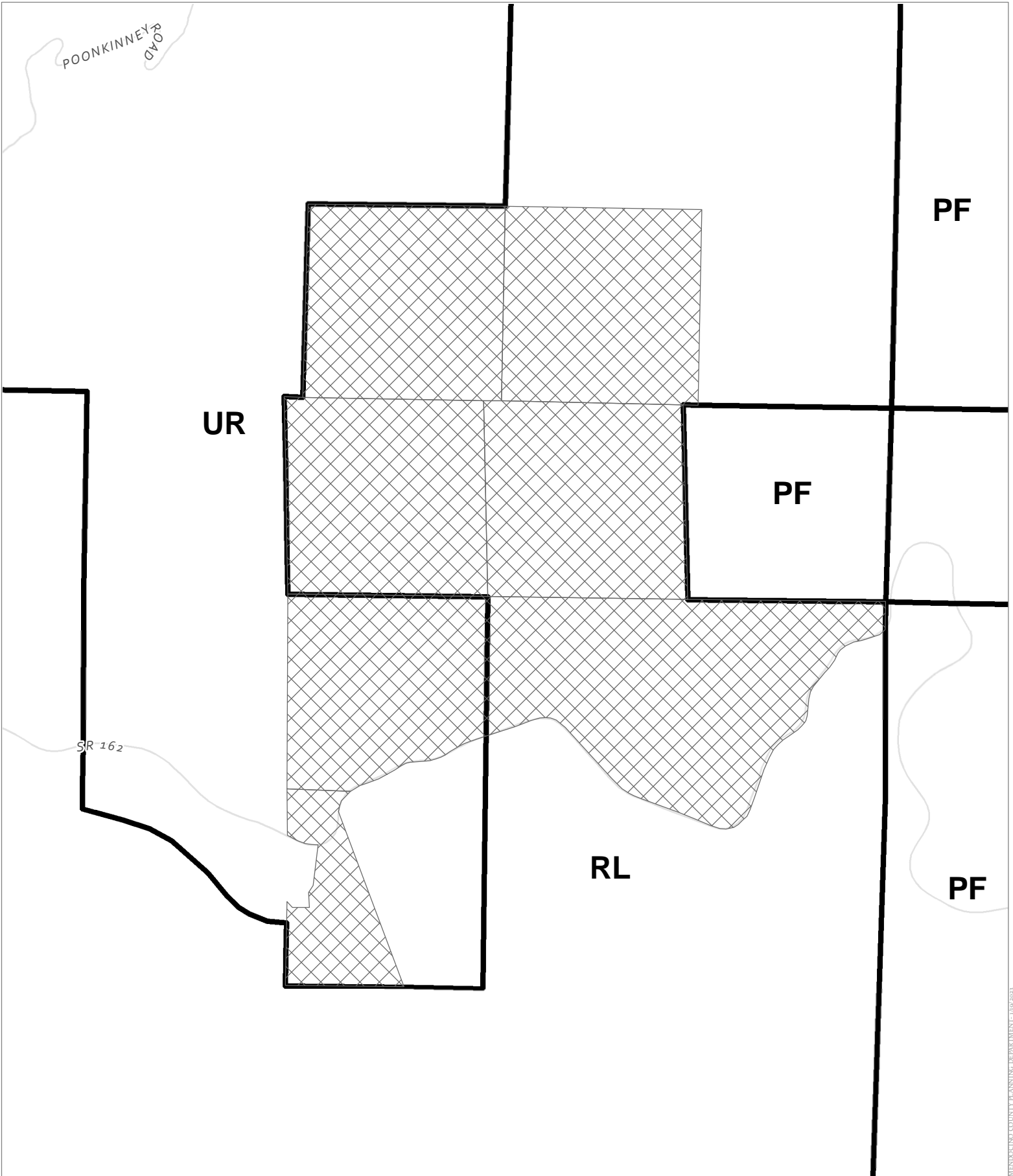
APPROVED BY: [Signature]
 DATE: 11/17/21
 SAMUEL G. POPE

LAND SURVEYOR
 No. 89023
 STATE OF CALIFORNIA

POPE ENGINEERING
 CIVIL ENGINEERING - LAND SURVEYING
 SAMUEL G. POPE
 PLS 1800

1540 HARRAH DRIVE, WILLITS, CA 95490
 OFFICE 707-459-3893 CELL 707-457-7448
 pope1131@gmail.com

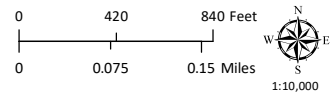
SCALE: AS SHOWN
 DESIGN: POPE
 JOB: HECKEROTH
 SA TRUCKING MAP
 MAP DATE: 8-17-21
 SHEET
C-1
 OF 1 SHEETS



MENDOCINO COUNTY PLANNING DEPARTMENT - 11/09/2023

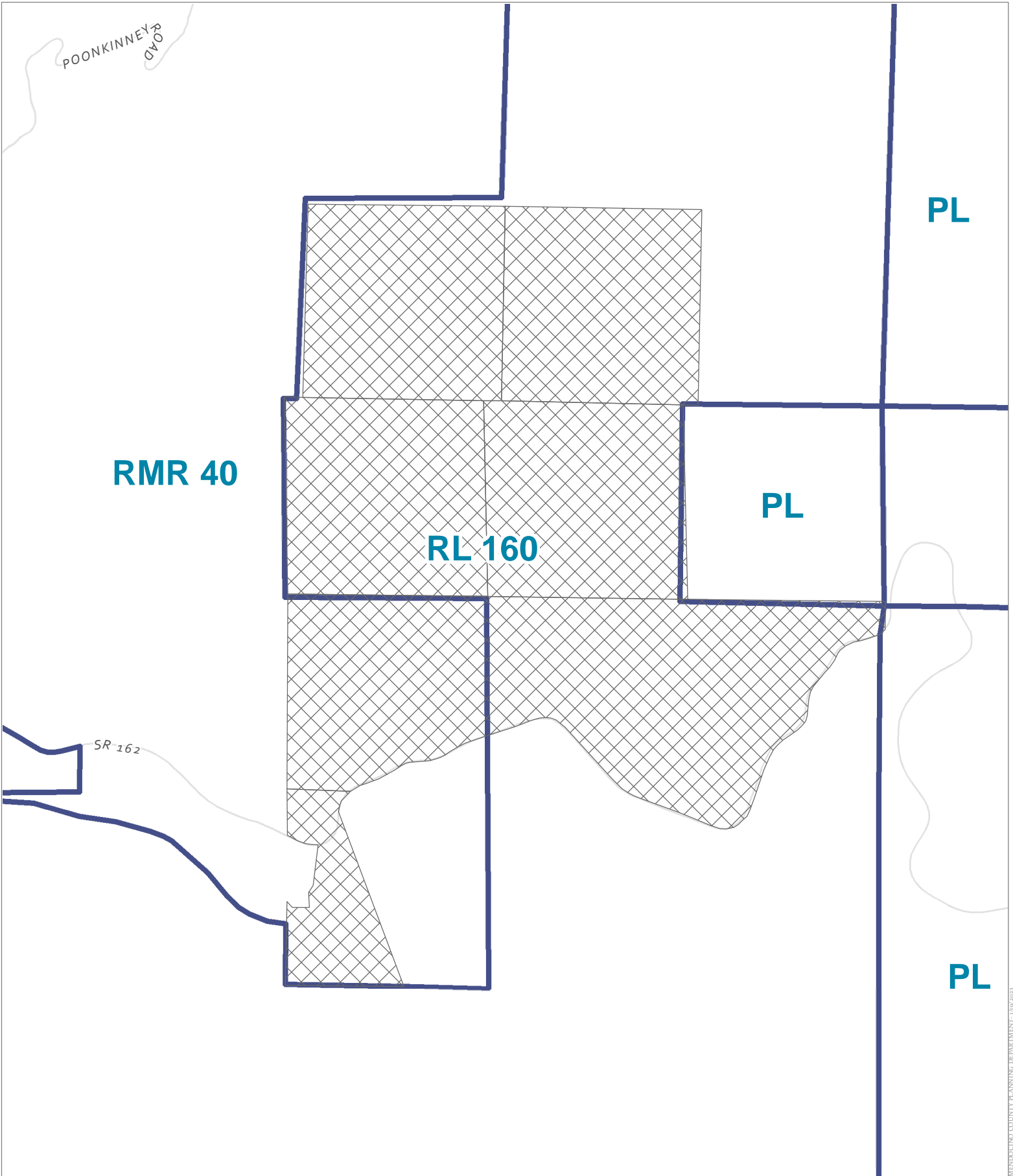
CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various

 Zoning Districts
 Public Roads





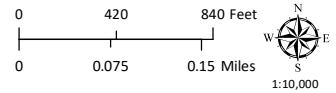
ZONING

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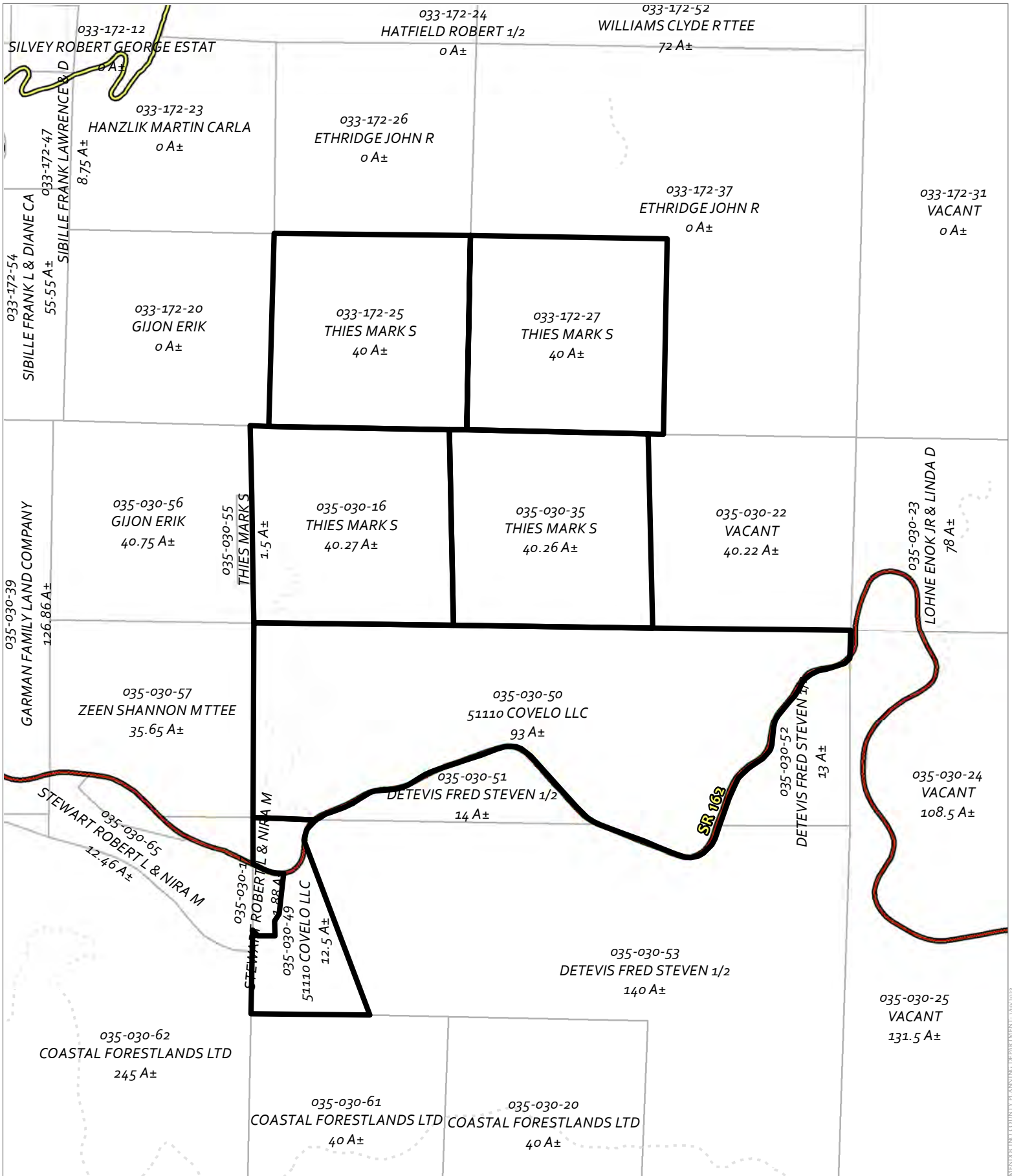
CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various

 General Plan Classes
 Public Roads



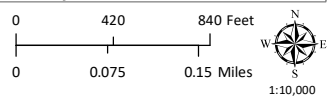
GENERAL PLAN

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CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various

Public Roads

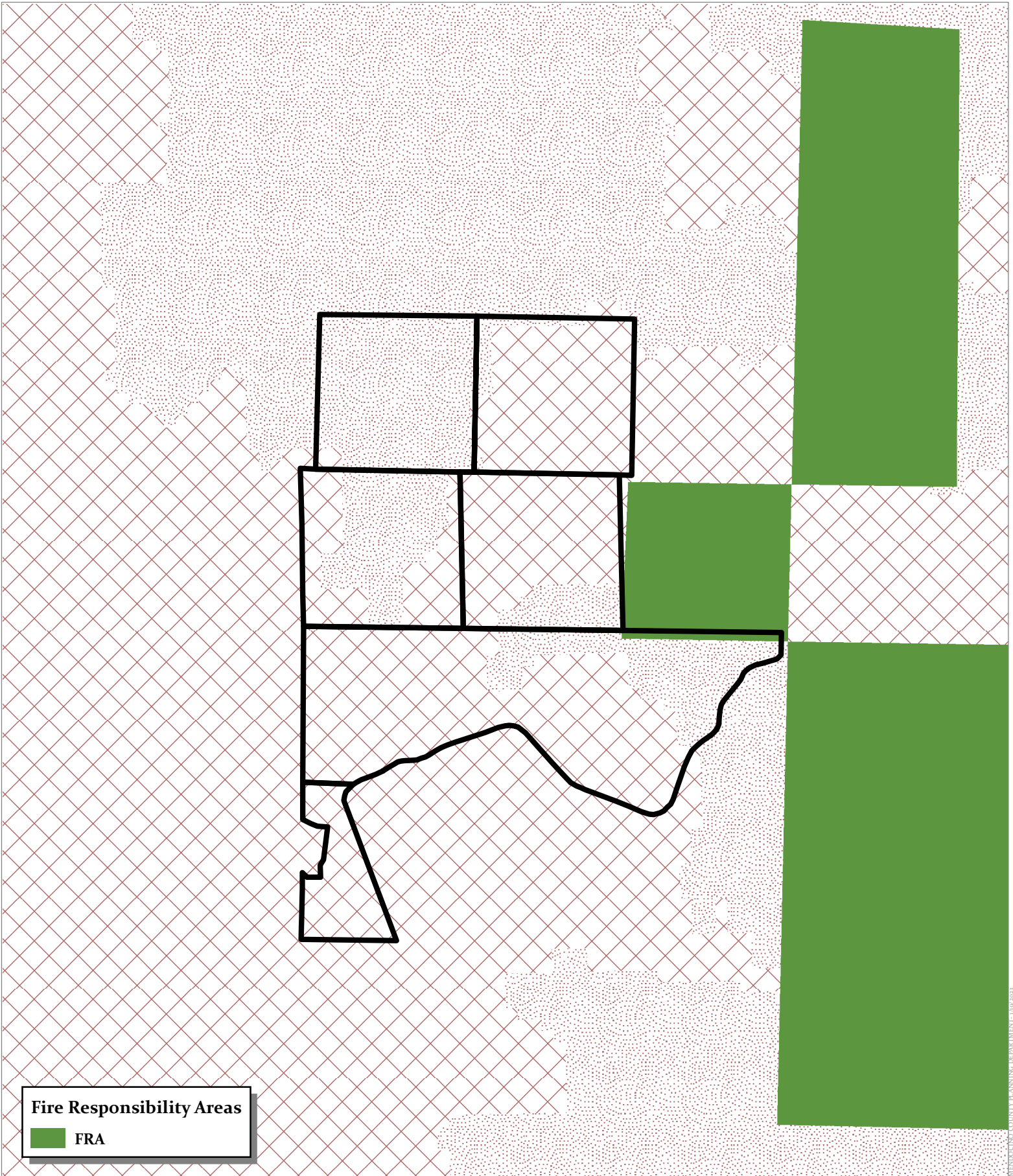


ADJACENT PARCELS

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ATTACHMENT G

MENDOCINO COUNTY PLANNING DEPARTMENT - 11/09/2023



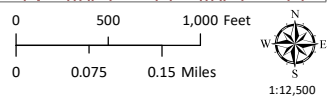
Fire Responsibility Areas

■ FRA

CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various

■ FRA
 ⋯ Very High Fire Hazard

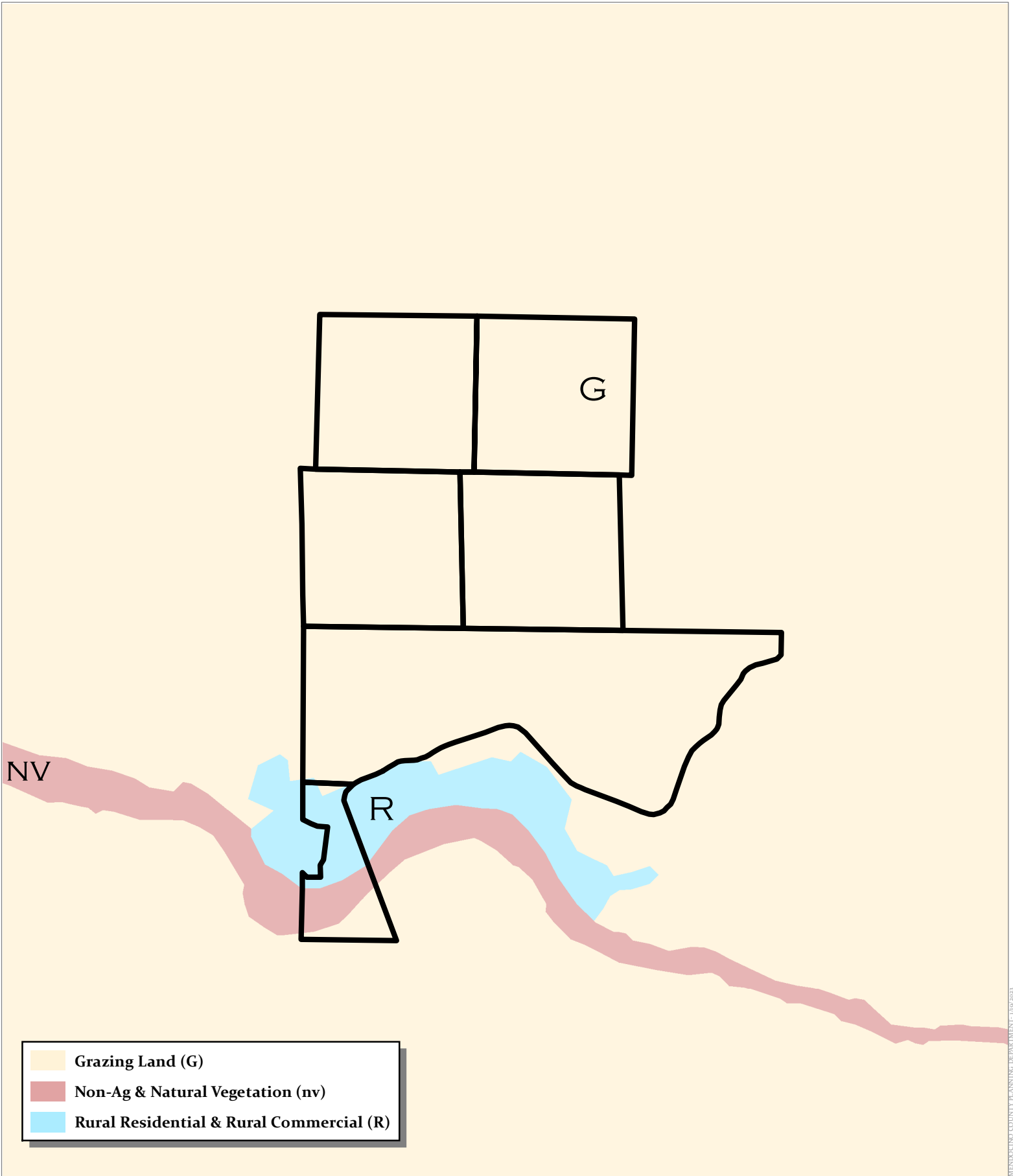
⊗ High Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

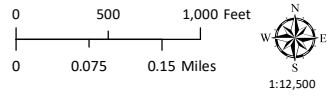
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HERKULES COUNTY PLANNING DEPARTMENT - 11/09/2023



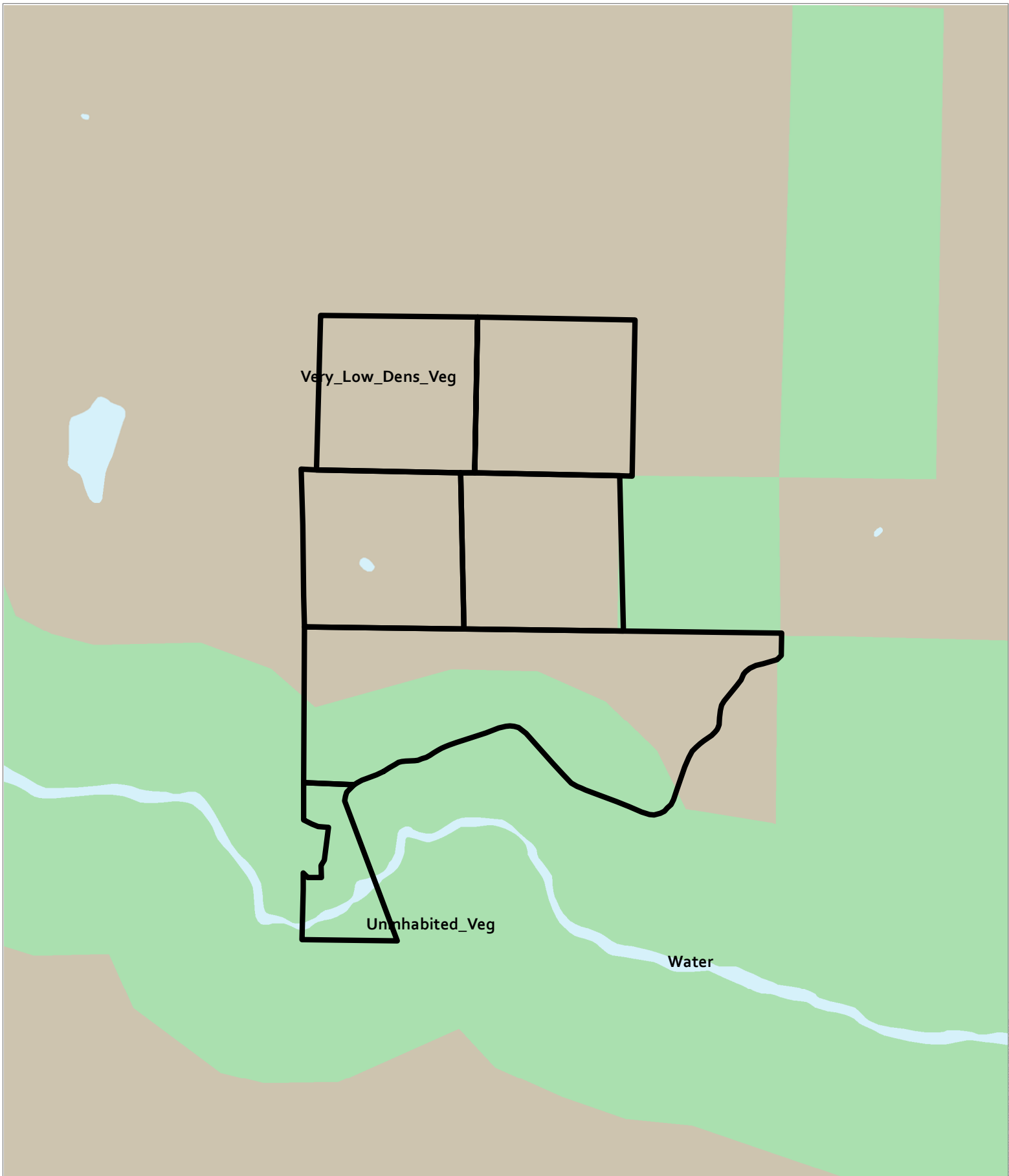
MENDOCINO COUNTY PLANNING DEPARTMENT - 11/09/2023

CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various



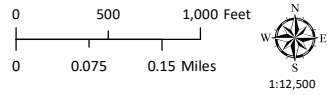
IMPORTANT FARMLANDS

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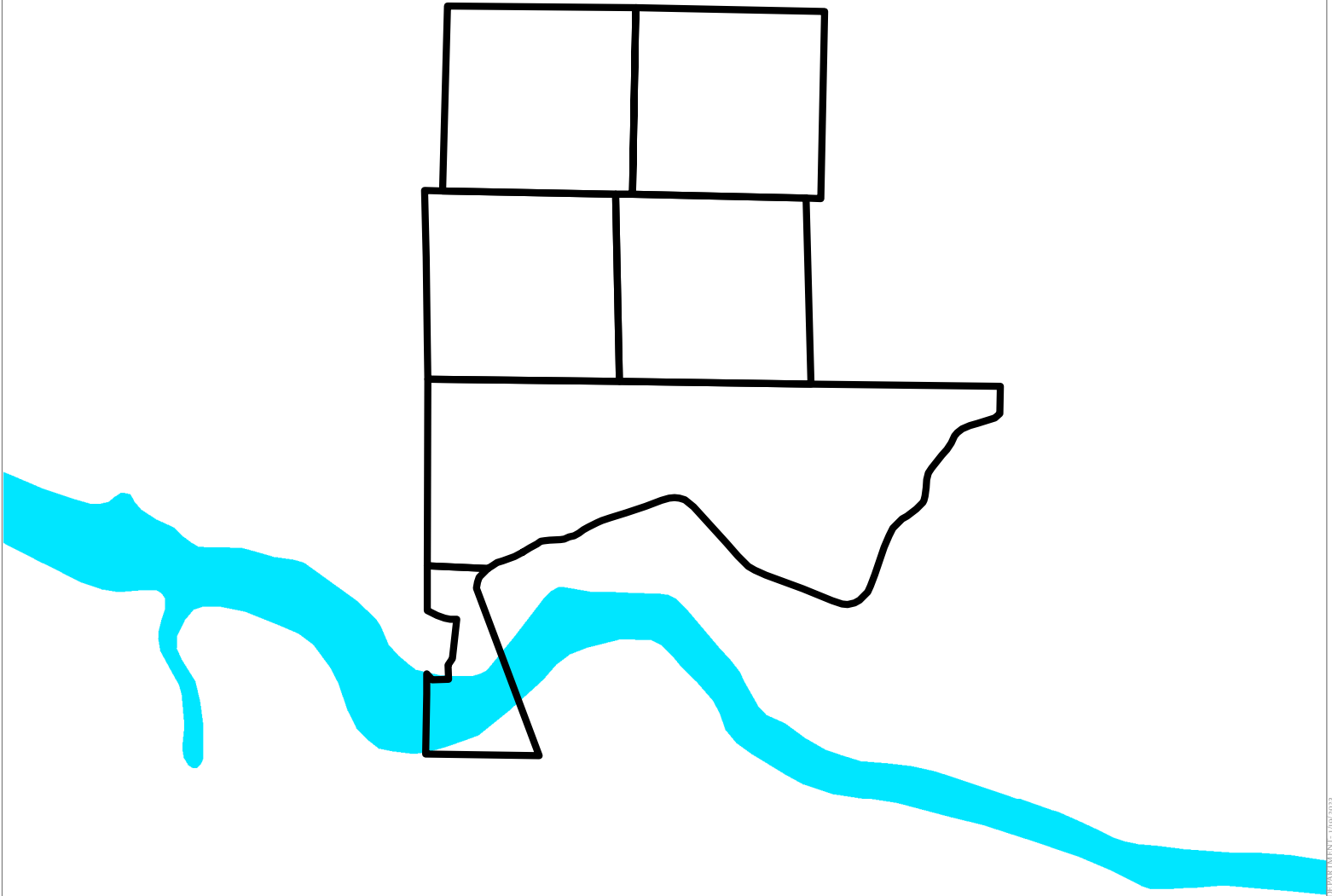
MENDOCINO COUNTY PLANNING DEPARTMENT - 11/09/2023

CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various



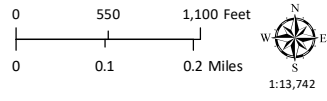
WILDLANDS-URBAN INTERFACE

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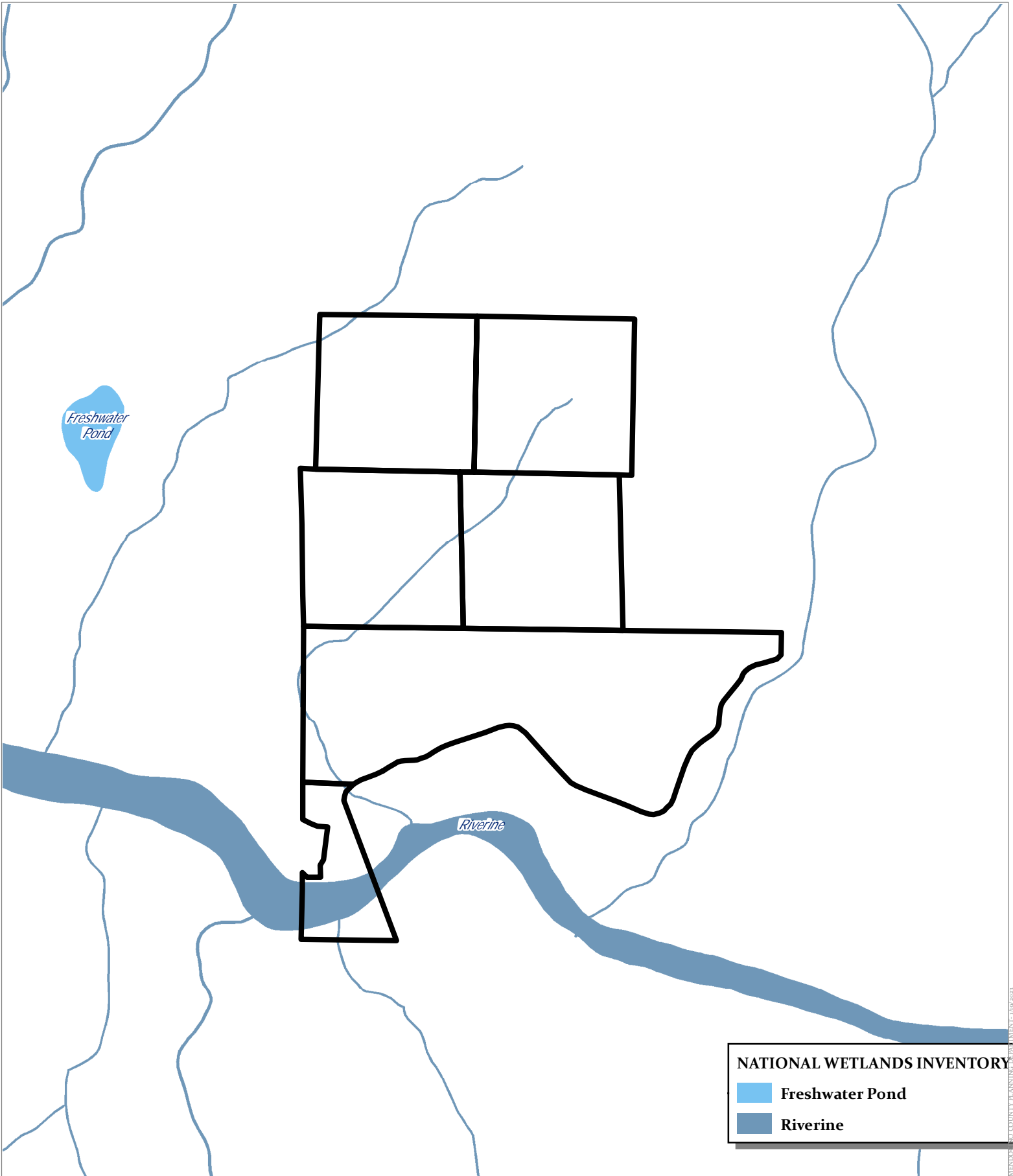


FLOOD HAZARD AREAS
 1% Annual Chance Flood Hazard

CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various

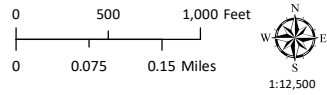


FLOOD ZONE



NATIONAL WETLANDS INVENTORY

- Freshwater Pond
- Riverine

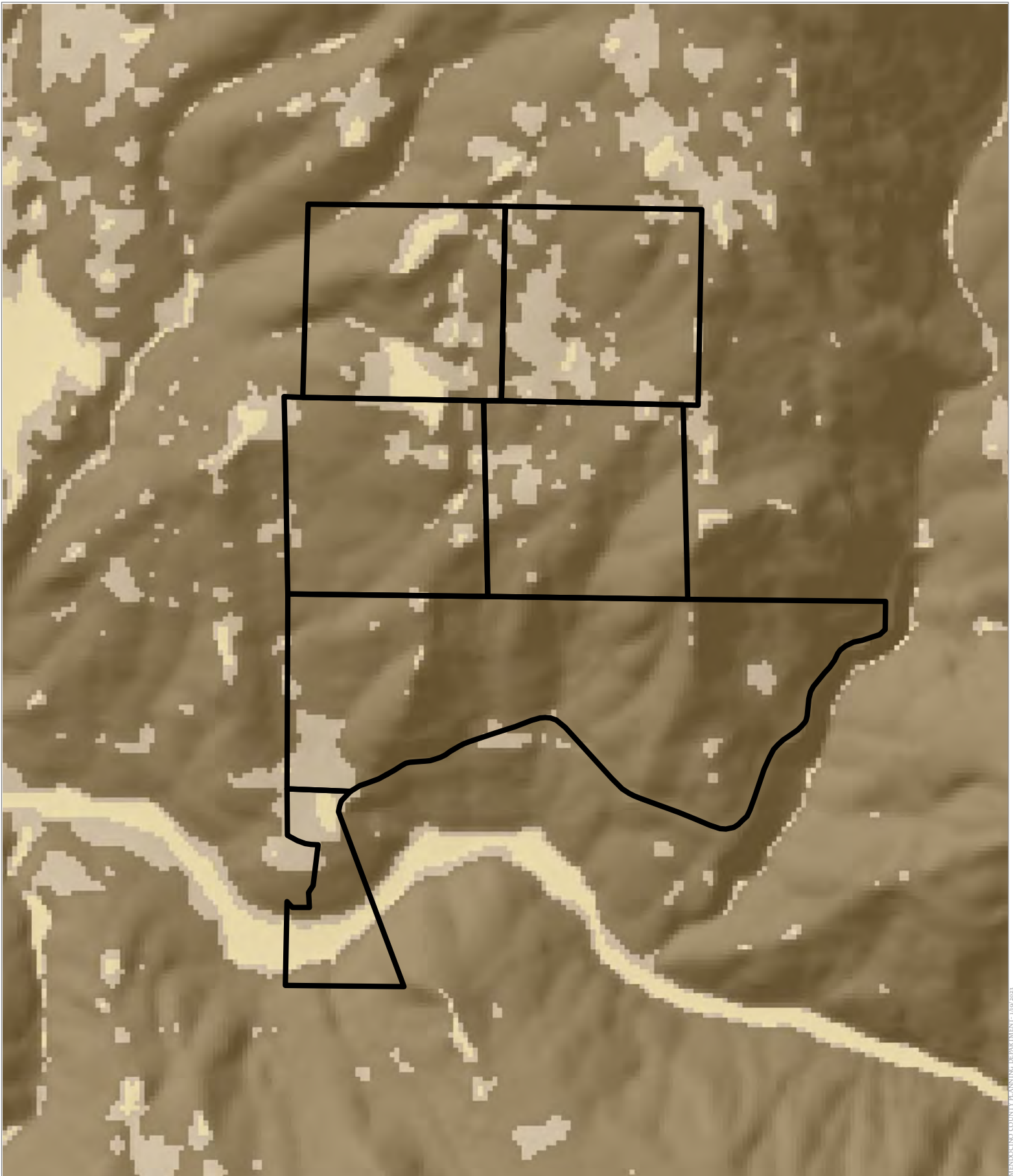


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APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various

WETLANDS

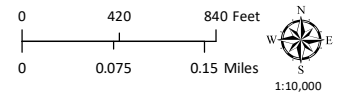
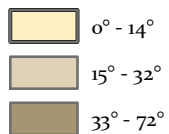
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MENDOTA SO COUNTY PLANNING DEPARTMENT - 11/09/2023



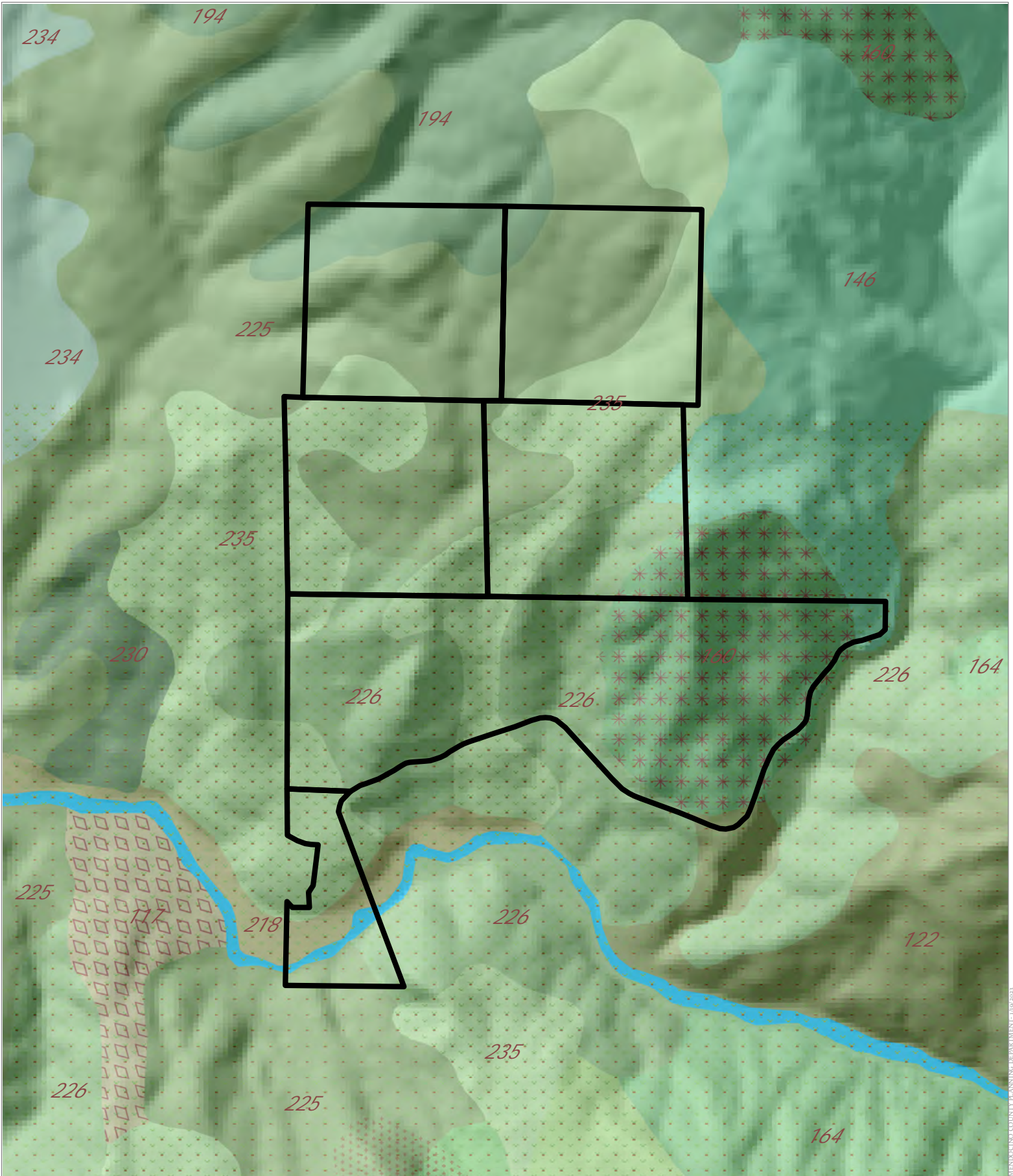
MENDOCINO COUNTY PLANNING DEPARTMENT - 11/09/2023

CASE: RE 2023--0001
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AGENT:
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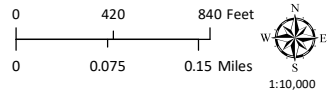
ESTIMATED SLOPE

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CASE: RE 2023--0001
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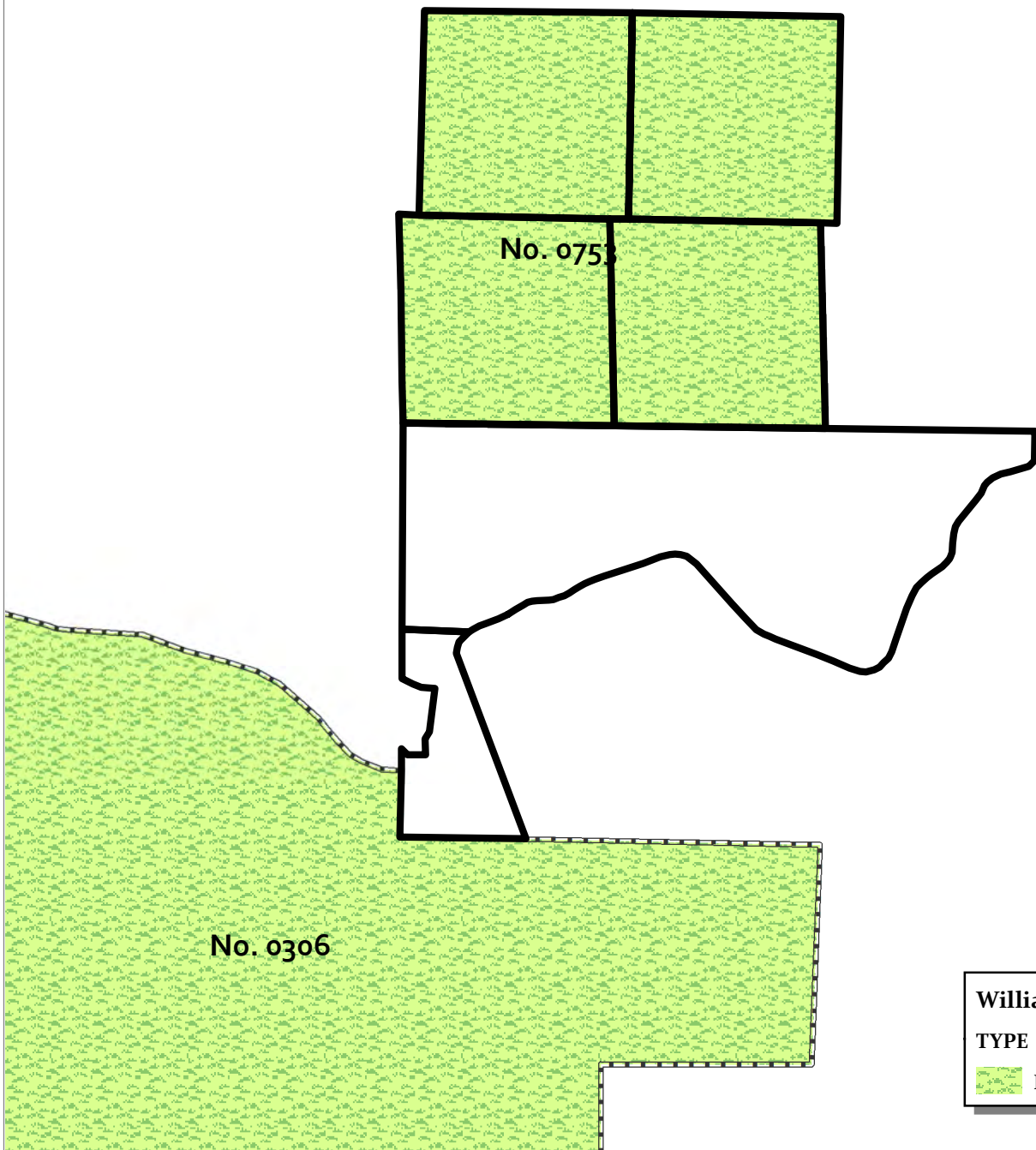
- Ultramafic Rock
- Eastern Rock Inclusions
- Eastern Serpentine Soils
- Naturally Occurring Asbestos



EASTERN SOIL CLASSIFICATIONS


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MENDOCINO COUNTY PLANNING DEPARTMENT - 11/09/2023



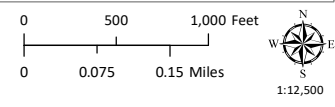
Williamson Act Lands 051421

TYPE

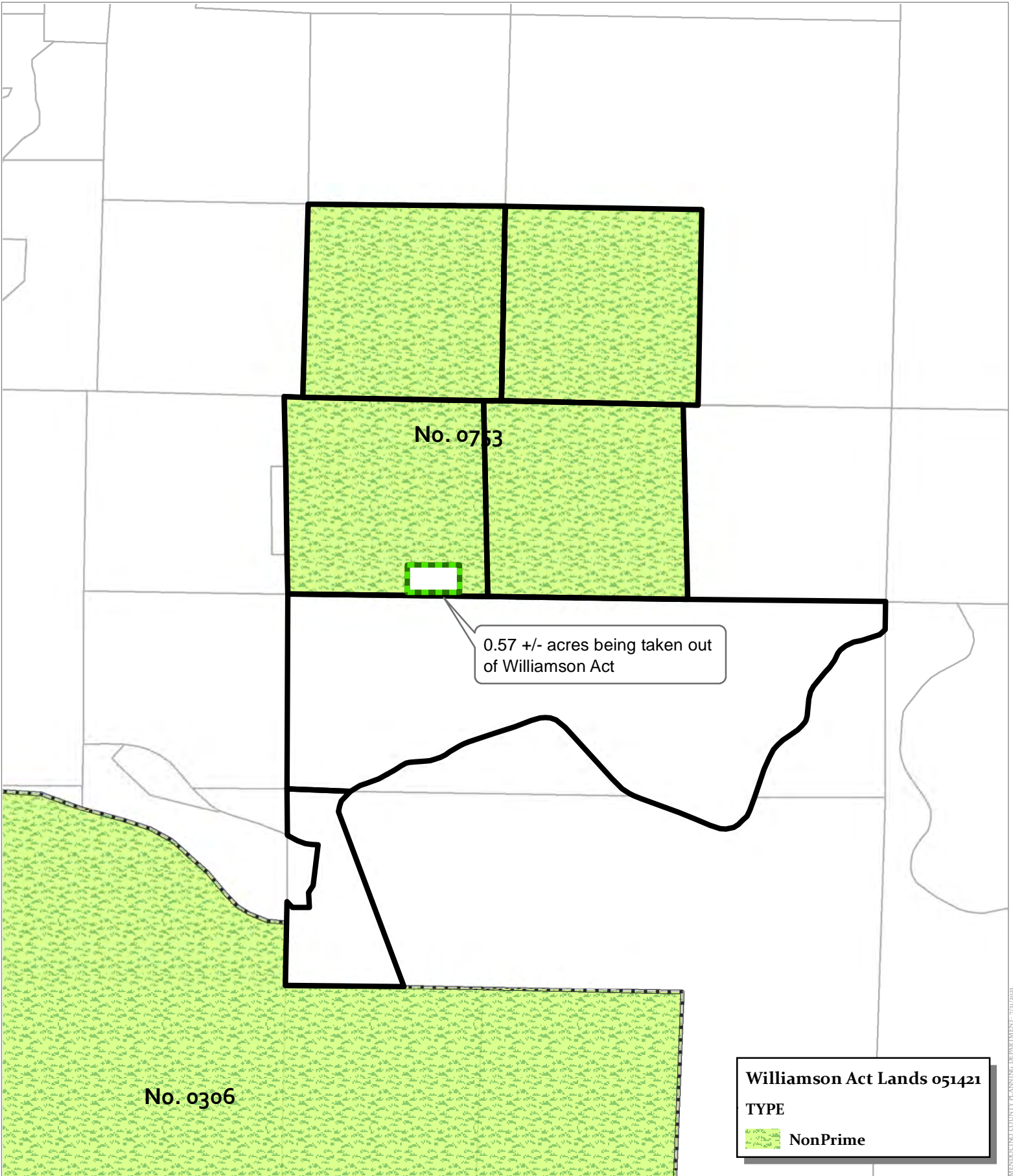
 NonPrime

CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various

 Contract Boundaries





WILLIAMSON ACT

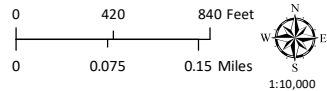


MENDOCINO COUNTY PLANNING DEPARTMENT - 7/31/2023

CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various

 Contract Boundaries

Williamson Act Lands 051421
TYPE
 NonPrime



LANDS IN WILLIAMSON ACT CONTRACTS

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

SITE AND PROJECT DESCRIPTION QUESTIONNAIRE

The purpose of this questionnaire is to relate information concerning your application to the Department of Planning and Building Services and other agencies who will be reviewing your project proposal. Please remember that the clearer picture that you give us of your project and the site, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project please indicate "Not applicable" or "N/A".

THE PROJECT

1. Describe your project. Include secondary improvements such as wells, septic systems, grading, vegetation removal, roads, etc.

I, Woody Heckerth applied for a Boundary Line Adjustment to transfer 0.57 acres from lot 2 to lot 1 to meet setbacks around an existing garden. Lot 1 (APNs 035-030-49, 50) will increase to 106.07 acres, and lot 2 (APNs 033-172-25, 27, 035-030-16, 35) will decrease to 121.20 acres. Cancellation of the Williamson Act contract for that portion being granted from Lot 2 to Lot 1 must be completed prior to final approval of BLA.

2. Structures/Lot Coverage	NO. OF UNITS		SQUARE FOOTAGE		
	EXISTING	PROPOSED	EXISTING	PROPOSED	TOTAL
<input type="checkbox"/> Single Family <input type="checkbox"/> Mobile Home <input type="checkbox"/> Duplex <input type="checkbox"/> Multifamily <input type="checkbox"/> Other: <input checked="" type="checkbox"/> Other:					
GRAND TOTAL (Equal to gross area of Parcel):					

3. If the project is commercial, industrial or institutional, complete the following:

Estimated No. of Employees per shift: NA

Estimated No. of shifts per day: _____

Type of loading facilities proposed: _____

Resolution Number _____

County of Mendocino
Ukiah, California

SEPTEMBER 21, 2023

RE_2023-0001 (THIES)

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING PARTIAL CANCELLATION OF A WILLIAMSON ACT CONTRACT ON APN 035-030-16.

WHEREAS, the applicant, Woody Heckerth, filed an application with the Mendocino County Department of Planning and Building Services to cancel a portion of the existing Williamson Act contract number 753 in the community of Dos Rios on the north side of State Route 162 (SR 162), 0.9± miles east of its intersection with Laytonville Dos Rios Road (CR 322), located at 51110 Covelo Road, Dos Rios, and which area is described in Exhibit "A"; APN035-030-16, and;

WHEREAS, Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts pursuant to Mendocino County Code section 22.08.010, which provide that no property shall be removed from Williamson Act contract unless the Board of Supervisors approves said cancellation and the applicant submit cancellation fees specified in Government Code section 51283(b); and

WHEREAS, Cancellation of a portion of the land of the existing Williamson Act contract will not affect landowner's remaining contracted land and will continue to meet the eligibility requirements in Section 5.0 of Mendocino County Policies and Procedures for Agricultural Preserves and Williamson Act Contracts; and

WHEREAS, An Initial Study and Negative Declaration was prepared for the Project and noticed and made available for agency and public review on August 18, 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, September 21, 2023 at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and all interested persons were given an opportunity to hear and be heard regarding the project; and

WHEREAS, at the Planning Commission hearing on September 21, 2023, all interested persons were given an opportunity to be heard regarding the Project, and the Planning Commission did hear and make its recommendation to the Board of Supervisors on the Project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mendocino County Planning Commission, based on the evidence in the record before it, makes the following report and recommendation to the Mendocino County Board of Supervisors regarding project RE_2023-0001:

1. The Planning Commission finds that the project is consistent with the property's General Plan land use designation of RL (Rangeland) and with applicable goals and policies of the General Plan.
2. The Planning Commission recommends that The Project is consistent with the property's zoning district of RL (Rangeland) and is in conformance with Mendocino County Code Chapter 20.052.
3. The Planning Commission finds that cancellation is consistent with the purposes of the Williamson Act pursuant to the following findings as set forth in Government Code GC 51282(b)

EXHIBIT A

CONDITIONS OF APPROVAL

RE_2023-0001

SEPTEMBER 21, 2023

Partial Cancellation of a Williamson Act contract on APN: 035-030-16 to match property boundaries recently adjusted by a Boundary Line Adjustment (B_2021-0038).

APPROVED PROJECT DESCRIPTION: Cancellation of a portion of the existing Williamson Act contract on APN: 035-030-16 to match property boundaries recently adjusted by a Boundary Line Adjustment (B_2021-0038).

CONDITIONS OF APPROVAL: For a Williamson Act cancellation which has been approved according to the Mendocino County Code and Government Code GC 51282, the following "Conditions of Approval" shall be completed prior to granting final approval.

ALL CONDITIONS OF APPROVAL MUST BE MET PRIOR TO EXPIRATION OF THIRTY (30) DAYS FROM DATE OF APPROVAL.

1. Final Certificate of Cancellation shall not be effective until a cancellation fee equal to 12.5 percent of the cancellation valuation, as certified by the Mendocino County Assessor, is received by Planning and Building Services, made payable to CA State Controller. If said fee changes after the Board of Supervisors grants tentative cancellation, the Board shall amend the tentative cancellation to reflect the revised cancellation valuation and fee.

EXHIBIT "B"

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF SECTION 5, TOWNSHIP 21 NORTH, RANGE 13 WEST, MOUNT DIABLO BASE AND MERIDIAN; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 1, 763.8 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID SOUTHERLY LINE AT RIGHT ANGLES, NORTHERLY 100 FEET; THENCE EASTERLY AND PARALLEL TO SAID SOUTHERLY LINE 250 FEET; THENCE SOUTHERLY AT RIGHT ANGLES, 100 FEET TO THE SOUTHERLY LINE OF THE SAID LOT 1; THENCE WESTERLY ALONG SAID SOUTHERLY LINE 250 FEET TO THE POINT OF BEGINNING.

Containing approximately 0.57 acres to be removed from Williamson Act, portion of APN 035-030-16.



County of Mendocino

Department of Planning and Building Services

860 North Bush Street - Ukiah, CA – 95482 - 707-234-6650

www.mendocinocounty.org/government/planning-building-services

CEQA Initial Study for:
RE_2023-0001 (Heckerath)
Negative Declaration
July 5, 2023

Lead Agency:
Mendocino County

Lead Agency Contact:
Mark Cliser, Planner II

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1.0 INTRODUCTION

1.1 Purpose of the Initial Study Checklist

The purpose of this Initial Study (IS) is to determine the environmental impacts associated with the proposed project and to determine if the project will have a significant adverse effect on the environment. As such, only one option—the proposed project—needs be evaluated. If the IS reveals that the project will have a significant adverse effect on the environment, an Environmental Impact Report (EIR) will be required. This will necessitate the consideration of a range of reasonable alternatives that would achieve most of the basic objectives of the project but would also avoid or substantially lessen any of the significant effects of the project.

1.2 Initial Study Checklist Document

This document in its entirety is an Initial Study Checklist prepared in accordance with the California Environmental Quality Act (CEQA), including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.).

2.0 PROJECT BACKGROUND

2.1 Project Location

1.6± miles southeast of Dos Rios town center, lying on the north side of State Route 162 (SR 162), 0.9± miles east of its intersection with Laytonville Dos Rios Road (CR 322), located at 51110 Covelo Road, Dos Rios. (Refer to Exhibit 2).

The Project site includes the following Assessor Parcel Numbers (APNs):

- 035-030-16

2.2 Project Description

Cancellation of a portion of the existing Williamson Act contract on APN: 035-030-16 (Lot 1) to match property boundaries recently adjusted by approved Boundary Line Adjustment (B_2021-0038). Special condition of approval number 7 of the Boundary Line Adjustment states “a cancellation of the Williamson Act Contract for the portion being transferred from Lot 2 to Lot 1 must be completed prior to Final Approval being granted.” The Boundary Line Adjustment was required in order for the existing cannabis cultivation site to meet required setbacks from the neighboring Lot 2. (Refer to Exhibits 1 & 3)

2.3 Existing Site Conditions/Environmental Setting

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as “...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced...” (CEQA Guidelines §15125[a]).

The project site is located approximately 1 mile east of the intersection of State Route 162, Dos Rios Road, & Poonkinney Road, and approximately 1.5 miles east of the community of Dos Rios. Together, the two ownerships cover approximately 266 acres of agricultural land, nearly all of which is used for open grazing.

Terrain varies over the area, from gentle (<15%) to more severe (>33%) slopes. Soils are comprised of Windyhollow loam (226), which supports vegetation comprised mainly of perennial grasses and forbs, and Yellohound-Kibesillah (235), which supports mainly Douglas-fir, redwood, and tanoak (*Soil Survey of Mendocino County, Western Part*). The entire 266± acres have an Important Farmlands designation of Grazing Land.

A riverine wetland is located approximately 300 feet west of the proposed Project and surrounded by mixed oak forest. During heavy rainstorms, surface water is present in the deepest portion of the wetland and is likely to support breeding habitat for sierra chorus frogs (*Pseudacris sierra*).

Grasslands located in the vicinity of the Project are dominated by tall fescue (*Festuca arundinacea*) and is best classified as tall fescue grasslands (*Festuca arundinacea* Semi-Natural Association) (see Figure 1). A biological survey conducted by Wynn Planning & Biology, dated August 2, 2021, was conducted at times of the year when most species of plants would have been evident and identifiable. Rare plants were not identified at the site and potential for such plants is low.

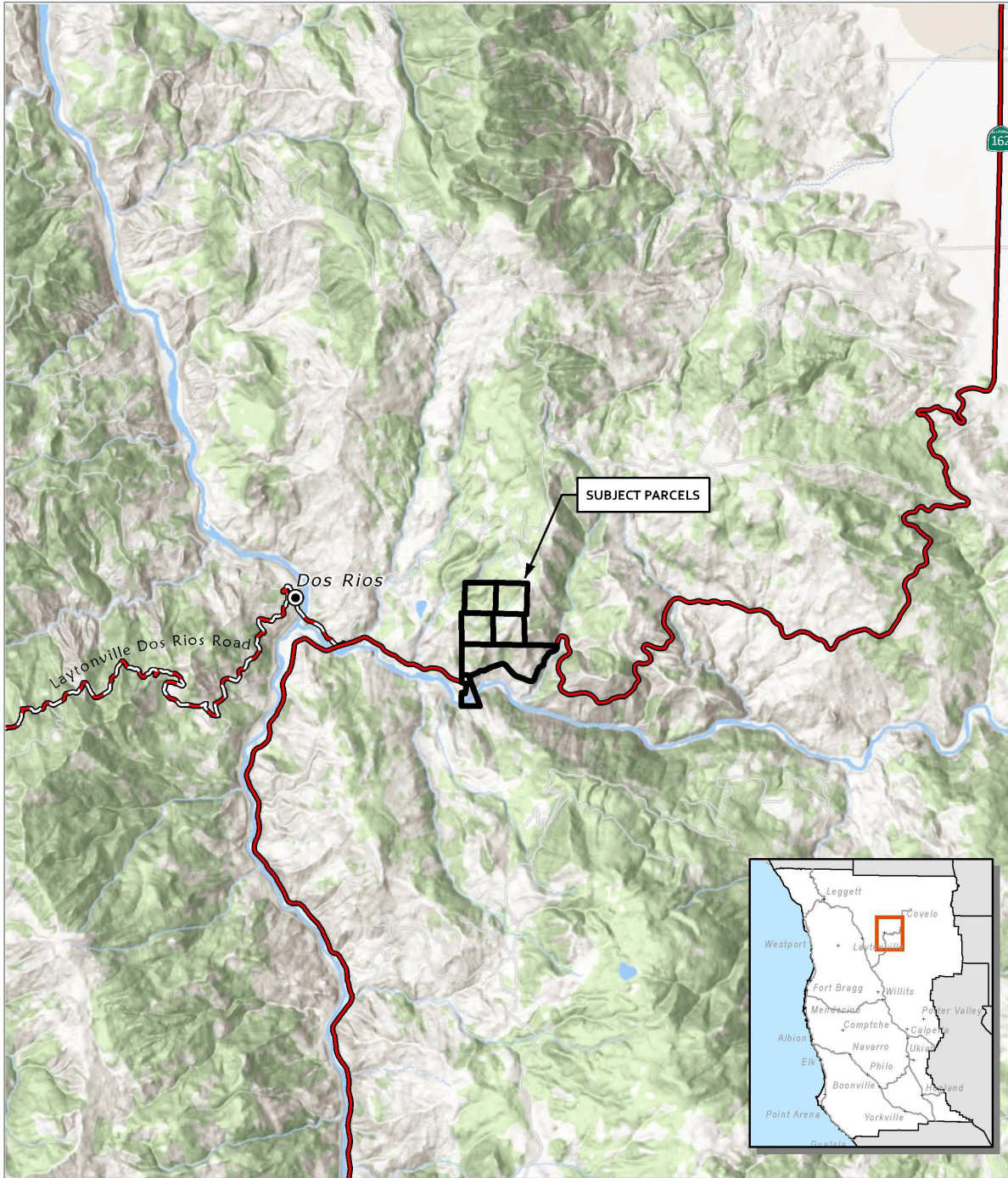
EXHIBIT 1: SITE PLAN



APN 035-030-50 is currently developed with a single-family residence, barn, and appurtenant structures required to support a 10,000 square foot mixed light cannabis cultivation, 950 of which occur directly adjacent to the Project (see Exhibit 2). Said appurtenant structures include hoop houses, storage, and water tanks. APN 035-030-16, the parcel within which the 0.5± acre portion

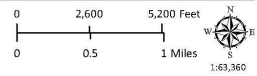
will be removed from Williamson Act, is undeveloped.

EXHIBIT 2: PROJECT LOCATION



CASE: RE 2023--0001
OWNER: HECKEROTH, Woody
APN: Various
APLCT: Woody Heckeroth
AGENT:
ADDRESS: Various

● Major Towns & Places — Major Roads
— Highways



LOCATION

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

3.0 INITIAL STUDY/ENVIRONMENTAL CHECKLIST

This Initial Study Checklist has been prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. The Project is evaluated based on its potential effect on 20 environmental factors categorized as follows, as well as Mandatory Findings of Significance:

- | | |
|-------------------------------------|-----------------------------------|
| 1. Aesthetics | 11. Land Use & Planning |
| 2. Agriculture & Forestry Resources | 12. Mineral Resources |
| 3. Air Quality | 13. Noise |
| 4. Biological Resources | 14. Population & Housing |
| 5. Cultural Resources | 15. Public Services |
| 6. Energy | 16. Recreation |
| 7. Geology & Soils | 17. Transportation |
| 8. Greenhouse Gas Emissions | 18. Tribal Cultural Resources |
| 9. Hazards & Hazardous Materials | 19. Utilities and Service Systems |
| 10. Hydrology & Water Quality | 20. Wildfire |

Each factor is analyzed by responding to a series of questions pertaining to the impact of the Project on said factor in the form of a checklist. This Initial Study Checklist provides a manner to analyze the impacts of the Project on each factor in order to determine the severity of the impact and determine if mitigation measures can be implemented to reduce the impact to less than significant without having to prepare an Environmental Impact Report.

CEQA also requires Lead Agencies to evaluate potential environmental effects based, to the extent possible, on scientific and factual data. A determination of whether or not a particular environmental impact will be significant must be based on substantial evidence, which includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

The effects of the Project are then placed in the following four categories, which are each followed by a summary to substantiate why the Project does not impact the factor with or without mitigation. If “Potentially Significant Impacts” that cannot be mitigated are found, then the Project does not qualify for a Mitigated Negative Declaration and an Environmental Impact Report must be prepared.

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

No Impact: No impact(s) identified or anticipated. Therefore, no mitigation is necessary.

Less than Significant Impact: No significant impact(s) identified or anticipated. Therefore, no mitigation is necessary and no mitigation measures are required.

Less than Significant Impact with Mitigation Incorporated: Potentially significant impact(s) have been identified or anticipated, but mitigation is possible to reduce impact(s) to a less than significant category. Mitigation measures must then be identified.

Potentially Significant Impact: Potentially significant impact(s) have been identified or anticipated that cannot be mitigated to a level of insignificance. An Environmental Impact Report must therefore be prepared.

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

DETERMINATION: Based on this initial evaluation, the following finding is made:

- The proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** shall be prepared.
- Although the proposed project could have a significant effect on the environment, there shall 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** shall be prepared.
- The proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- 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.
- 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.

3.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, <i>would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 location that offers a high quality, harmonious, and visually interesting view. One roadway in Mendocino County, State Route (SR) 128, was officially added to the eligibility list of State Scenic Highways by California State Assembly Bill 998 on July 12, 2019. According to CalTrans, SR 1 and SR 20 are “eligible” for designation as scenic highways but have not been officially designated as such.

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

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

The main source of daytime glare in the unincorporated portions of the Mendocino County is from sunlight reflecting from structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by “light pollution.” Two elements of light pollution may affect county residents: sky glow (a result of light fixtures that emit a portion of their light directly upward in the sky), and light trespass (poorly shielded or poorly aimed fixtures which cast light into unwanted areas, such as neighboring

properties and homes). Different lighting standards are set by classifying areas by lighting zones (LZ). The 2000 Census classified the majority of Mendocino County as LZ2 (rural), which requires stricter lighting standards in order to protect these areas from new sources of light pollution and light trespass. Mendocino County's General Plan Resource Management Goal RM-15's (Dark Sky) objective is: *Protection of the qualities of the county's nighttime sky and reduced energy use.*

a. Have a substantial adverse effect on a scenic vista?

No Impact: The project does not propose any development on the portion of land being removed from Williamson Act. There are no designated scenic vistas within visible distance of the Project site. Therefore, the proposed Project and continued use of the 950 square foot cultivation site will have no impact.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact: There are no state designated scenic highways within the immediate proximity to the proposed Project site. As no development is proposed, the Project and continued use of the 950 square foot cultivation site will have no impact.

c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

No Impact: The Project proposes no development. The surrounding area is predominantly surrounded by open space, residential, and agricultural uses. As the Project proposes no development and there will be no changes to visual character or quality of public views and its surroundings. As such, the Project and continued use of the 950 square foot cultivation site will have no impact.

d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

No Impact: The project does not propose any development, including that which would substantially increase light or glare thereby affecting nighttime views in the area. As such, the Project and continued use of the 950 square foot cultivation site will have no impact.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have **No Impact** on Aesthetics.

3.2 AGRICULTURE AND FORESTRY RESOURCES

<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies</i></p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant Impact with Mitigation Incorporated</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
---	--	---	--	-------------------------

<i>may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California. Would the Project:</i>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 State of California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) which produces maps and statistical data used for analyzing impacts on California's agricultural resources. The FMMP mapping survey covers roughly 98% of privately owned land

in the state and updates each map approximately every two years to provide an archive of land use change over time. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called "Prime Farmland," with other critical designations including "Unique Farmland," or "Farmland of Statewide Importance."

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for a ten-year agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses.

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

a. 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?

No Impact: The Project does not propose any development and is located on land designated as Grazing. As such, the Project and continued use of the 950 square foot cultivation site will have no impact on land classified as Prime or Unique Farmland, or Farmland of Statewide Importance.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Less Than Significant Impact: APN 035-030-16 is currently under Williamson Act. In order to accommodate for the boundary line adjustment with APN 035-030-51, approximately 0.5± acres of APN 035-030-16 must be removed from Williamson Act. Per Mendocino County Policies and Procedures for Agricultural Preserves and Williamson Act Contracts, the minimum acreage to enter into a new Agricultural Preserve is 100 acres. Future projects on APN 035-030-51 will, in all likelihood, remain agricultural in nature. The Project will not preclude APN 035-030-16 from remaining in Williamson Act Contract. As such, the proposed Project and continued use of the cultivation site will not conflict with existing Williamson Act contracts and the impact is considered less than significant.

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact: The proposed Project is not zoned for forestland and does not propose any zone changes related to forest or timberland. No Conversion of forestland, as defined under Public Resource Code 12220(g), PRC section 4526, or Government Code section 51104(g) would occur as a result of the proposed Project. As such, there would be no impact.

d. Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact: The proposed Project is not zoned for forestland and does not propose any zone changes related to forest or timberland. No Conversion of forestland, as defined under Public Resource Code 12220(g), PRC section 4526, or Government Code section 51104(g) would occur as a result of the proposed Project. As such, there would be no impact.

e. Involve other changes in the existing environment which, due to their location or

nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?

No Impact: Surrounding land uses primarily include residential and agricultural. The proposed Project does not propose further development or “urbanization” or land. If further development is proposed, it is unlikely it could be developed in the area being removed from Williamson Act due to setback constraints. Continued use of the existing cannabis cultivation site is agricultural in nature. As such, the project will not result in conversion of Farmland to a non-agricultural use.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Agricultural and Forestry Resources.

3.3 AIR QUALITY

<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on air quality if it would conflict with or obstruct implementation of applicable air quality plans; 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, consisting of Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. Additionally, the Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing the state and federal Clean Air Acts, as well as local air quality protection regulations. Any new emission point source is subject to an air quality permit, consistent with the District’s air quality plan, prior to project construction. The MCAQMD also enforces standards requiring new construction, including houses, to use energy efficient, low-emission EPA certified wood stoves and similar combustion devices to help reduce area source emissions.

MCAQMD operates air monitoring stations in Fort Bragg, Ukiah, and Willits. Based on the results of monitoring, the entire County has been determined to be in attainment for all Federal criteria air pollutants and in attainment for all State standards except Particulate Matter less than 10 microns in size (PM10). In January of 2005, MCAQMD adopted a Particulate Matter Attainment Plan establishing a policy framework

for the reduction of PM10 emissions, and has adopted Rule 1-430 which requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

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

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

a. Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact: The Project does not propose any development. As such, there is no potential for conflict or obstruction with the District's air quality plans. Continued use of the existing cannabis cultivation site will need to comply with the local air quality plans. It is unlikely future development would be allowed in the area being removed from Williamson Act due to setback constraints. As such, potential impacts are considered less than significant.

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?

Less Than Significant Impact: The Project does not propose any development. As such, it would not generate substantial traffic resulting in a cumulatively considerable net increase of criteria pollutant. Further development in the area being removed from Williamson Act is unlikely due to setback constraints. However, such development would require all surfaces to be paved, gravel, landscaped or otherwise treated to stabilize bare soils, and to control dust generation. Dust control measure would be required during development. As such, potential impacts are considered less than significant.

c. Expose sensitive receptors to substantial pollutant concentrations?

No Impact: The project is not adjacent to sensitive receptors (i.e., schools, schoolyards, parks, playgrounds, daycare centers, nursing homes, hospitals, and residential communities). The nearest sensitive receptor, Laytonville Elementary, is approximately 8.5 miles west of the Project site. As such, the project will have no impact.

d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact: The Project does not propose development. Further development in the area being removed from Williamson Act that would result in emissions being released is unlikely due to setback constraints. Continued use of the existing cannabis cultivation site will meet all setback requirements to adjacent parcels.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Air Quality.

3.4 BIOLOGICAL RESOURCES

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and 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 U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on 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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

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

considered rare, threatened or endangered. Collectively, these plants and animals are referred to as “special status species.”

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

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

a. 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?

Less Than Significant Impact: There are no sensitive species identified by the California Natural Diversity Database or the biological survey prepared by Wynn Coastal Planning & Biology for the cannabis cultivation site. As the Project proposes no development it was not referred to the California Department of Fish and Wildlife. The project requests cancellation of Williamson Act Contract for approximately 0.5 acres of land to facilitate a boundary line adjustment for an existing cannabis cultivation site. Expansion for cultivation onto land being removed from Williamson Act is not allowed due to setback requirements.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less Than Significant Impact: Riparian areas have been identified in the Project area. However, as the Project proposes no development it was not referred to the California Department of Fish and Wildlife. The project requests cancellation of Williamson Act Contract for approximately 0.5 acres of land to facilitate a boundary line adjustment for an existing cannabis cultivation site. Expansion for cultivation onto land being removed from Williamson Act is not allowed due to setback requirements.

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant Impact: Federally protected wetlands have not been identified in the Project area. The Project proposes no development. The project requests cancellation of Williamson Act Contract for approximately 0.5 acres of land to facilitate a boundary line adjustment for an existing cannabis cultivation site. Expansion for cultivation onto land being removed from Williamson Act is not allowed due to setback requirements.

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?

Less Than Significant Impact: The project requests cancellation of Williamson Act Contract for approximately 0.5 acres of land to facilitate a boundary line adjustment for an existing cannabis cultivation site. No development is proposed. Expansion of cultivation onto land being removed from Williamson Act is not allowed due to setback requirements. No development that would interfere with the movement of any native resident or migratory fish or wildlife is not anticipated.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact: There are no tree preservation policies or ordinances in place with which the Project conflicts. As such, there will be no impact.

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?

No Impact: There is no Habitat Conservation Plan, Natural Community Conservation Plan, or other plan in place with which the Project conflicts. As such, there will be no impact.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Biological Resources.

3.5 CULTURAL RESOURCES

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §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 Cal. Code Regs tit. 14 §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to Cal. Code Regs tit. 14 §15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

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

a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

No Impact: The Project proposes no development. Ground disturbance (i.e. further development or expansion of cultivation) onto land being removed from Williamson Act is not allowed due to setback requirements.

b. Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?

No Impact: The subject parcel was historically the location of the Dos Rios Market and a stagecoach stop before those buildings burned down. An old, dilapidated barn is still present on the property from that era. The Project proposes no ground disturbance or removal of existing structures. As such, there will be no impact to archaeological resources on site.

c. Disturb any human remains, including those interred outside of formal cemeteries?

No Impact: The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. No ground disturbance or removal of existing structures is proposed. As such, the project will not disturb any human remains, including those interred outside of a formal cemetery.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **No Impact** on Cultural Resources.

3.6 ENERGY

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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 checked="" type="checkbox"/>	<input 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.

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

Permanent structures constructed on-site would be subject to Part 6 (California Energy Code) of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California. The 2019 Building Energy Efficiency Standards are designed to reduce wasteful, uneconomic, inefficient or unnecessary consumption of energy, and enhance outdoor and indoor environmental quality. It is estimated that single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards (CEC, 2018).

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?

Less Than Significant Impact: The Project proposes no development. Uses most closely associated with the Project are for continued use of an existing mixed-light cannabis cultivation which does not require an unnecessary consumption of energy.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact: The Project proposes no development, nor is it anticipated that future expansion of current uses on-site would be allowed due to setback requirements. As such, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Energy.

3.7 GEOLOGY AND SOILS

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste-water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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: Of the five known faults, the Maacama Fault is the closest active fault to the subject parcel, located approximately 17.5 miles east.

The Maacama Fault crosses a significant amount of the County, from approximately 1.5 miles north of the southern border to Laytonville, running roughly along Highway 101, and is capable of generating strong earthquakes.

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

The vast majority of Mendocino County is underlain by bedrock of the Franciscan Formation. Thick soil development and landslides very commonly cover the underlying bedrock throughout the county. Due to

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

Areas susceptible to erosion occur throughout Mendocino County where surface soils possess low-density and/or low-strength properties. Slopes are another factor in soil erosion – the greater the slope, the greater the erosion hazard, especially if the soil is bare. Soils on 9 percent slopes and greater have a moderate erosion hazard, and soils on slopes greater than 15 percent have a high erosion hazard. Elevations at the subject parcel range from 904± feet above mean sea level (amsl) at the southern portion to 1567± feet amsl at the northern portion, with an average slope of 22 percent.

Two types of soil have been mapped by the Natural Resource Conservation Service in the study area: Yorkville-Yorktree-Squawrock complex, 30 to 50% slopes and Yorktree-Hopland-Woodin complex, 50 to 75% slopes. Yorkville-Yorktree-Squawrock complex, 30 to 50% slopes, is found on hills and mountains. This unit is 35% Yorkville clay loam, 35% Yorktree loam, and 15% Squawrock gravelly loam. The Yorkville soil is formed in material derived from schist and permeability is very slow. The Yorktree soil is formed in material derived from sandstone and permeability is slow. The Squawrock soil is formed in material derived from sandstone and permeability is moderate. Yorktree-Hopland-Woodin complex, 50 to 75% slopes, is found on side slopes of hills and mountains. This unit is 30% Yorktree loam, 30% Hopland loam, and 15% Wooden very gravelly loam. The Yorktree soil is formed in material weathered from greywacke, shale, sandstone, or siltstone and permeability is slow. The Hopland soil is formed in material weathered from sandstone and shale and permeability is moderately slow. The Woodin soil is formed in material derived dominantly from sandstone and permeability is moderate. According to the NRCS mapping results, none of the soil types within the study area meet hydric soil criteria. It should be noted that when a given soil is listed on the National Hydric Soils List as a hydric soil, that does not necessarily mean a wetland is present. Soil complexes are mapped at a coarse resolution and contain a number of components, any one of which may or may not be hydric, and may or may not be present in the particular mapped location.

- a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i-iv. 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and/or landslides?***

No Impact: The Project does not propose development. The Maacama fault is located approximately 9.5 miles west of the Project. Because there are no known faults located on the Project site, there is little potential for the Project site to rupture during a seismic event, for strong seismic ground shaking, seismic-related ground failure, or landslides.

- b. *Result in substantial soil erosion or the loss of topsoil?***

No Impact: The Project proposes no additional development or ground disturbance that might result in substantial soil erosion or the loss of topsoil.

- 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?***

Less Than Significant Impact: The Project is located on soils with very slow to moderate permeability and on land with an average slope of 22 percent. These types of soils are more prone to landslide or collapse; however, the project does not propose any additional development that would create instability on these soils.

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact: The Project does not propose any physical development. California Building Code may require a preliminary soil report prior to construction, should any be proposed in the future. This would further assist in determining whether expansive soils exist at a future project site.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?

No Impact: The Project does not propose development of a septic system or alternative wastewater disposal system. Any future development in the Project area is unlikely due to setback requirements.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact: No unique paleontological resources, sites, or geologic features have been identified on the Project site. Additionally, no development is proposed.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Geology and Soils.

3.8 GREENHOUSE GAS EMISSIONS

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

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: Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHG) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission, which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (AQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same

as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO₂e (CO₂ equivalent) of operation emission on an annual basis. Additionally, Mendocino County's building code requires new construction to include energy efficient materials and fixtures.

a. Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact: The Project does not propose additional development but will allow for continued use of an existing cannabis cultivation site. It is not anticipated such continued use will generate over 110 trips per day. Less than 110 trips per day is generally assumed to cause a less-than-significant transportation impact per California Office of Planning & Research Technical Advisory on Evaluating Transportation Impacts in CEQA, or lead to significant increase in emissions.

b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact: The Project does not propose additional development. As such, it will not come into conflict with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHG.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **No Impact** on Greenhouse Gas Emissions.

3.9 HAZARDS AND HAZARDOUS MATERIALS

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on hazards and hazardous materials if it were to 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: The California Health and Safety Code defines *hazardous material* as any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. (CA Health and Safety Code §25501(n)).

In 1997, the County Public Health Department’s Environmental Health Division assumed responsibility for administering hazardous waste generation and treatment regulations. The Mendocino County General Plan includes Solid Waste and Hazardous Waste and Materials Management Policy DE-212, which states: *All development projects shall include plans and facilities to store and manage solid waste and hazardous materials and wastes in a safe and environmentally sound manner.*

The California Air Resources Board classifies asbestos as a toxic air contaminant and a known human carcinogen. Asbestos of any type is considered hazardous and may cause asbestosis and lung cancer if inhaled, becoming permanently lodged in body tissues. Exposure to asbestos has also been shown to cause stomach and other cancers. Asbestos is the general name for a group of rock-forming minerals that consist of extremely strong and durable fibers. When asbestos fibers are disturbed, such as by grading and construction activities, they are released into the air where they remain for a long period of time. Naturally occurring asbestos is an issue of concern in Mendocino County, which contains areas where asbestos-containing rocks are found. The presence of ultramafic rocks indicates the possible existence of asbestos mineral groups. Ultramafic rocks contain 90 percent or more of dark-colored, iron-magnesium-silicate minerals. Ultramafic rocks may be partially or completely altered to a rock known as serpentinite, more commonly called serpentine.

The Mendocino County Air Quality Management District enforces state regulations to reduce the effects of development projects involving construction sites and unpaved roads in areas tested and determined by a state-registered geologist to contain naturally occurring asbestos. Serpentine and ultramafic rocks are

common in the eastern belt of the Franciscan Formation in Mendocino County. Small, localized areas of serpentine do occur in the coastal belt of the Franciscan Formation, but they are significantly less abundant.

Mendocino County's aviation system is composed of airports, privately owned aircraft of various types, privately operated aircraft service facilities, and publicly and privately operated airport service facilities. Most aircraft are privately owned, small single or twin-engine planes flown primarily for personal business. Six public use airports in Mendocino County provide for regional and interregional needs of commercial and general aviation. Actions involving areas around airports will continue to be evaluated for consistency with the County's Airport Comprehensive Land Use Plan and applicable federal regulations. Mendocino County's Airport Policy DE-172 states: "*Land use decisions and development should be carried out in a manner that will reduce aviation-related hazards (including hazards to aircraft, and hazards posed by aircraft)*".

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

Any project that would require the transport, use, storage, and disposal of small quantities of hazardous materials common for equipment and facility maintenance and operation, such as gasoline, diesel fuel, hydraulic fluids, oils, and lubricants which will be used for any facility operation or maintenance will need to be utilized and disposed of in accordance with all applicable federal and state regulations.

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact: The Project will allow for continued use of the existing cannabis cultivation site and does not propose any future development. As such, it will not impose any hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Development in the area being removed from Williamson Act is unlikely due to setback requirements.

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?

No Impact: The Project will allow for continued use of the existing cannabis cultivation site and does not propose any future development. As such, creation of 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 will not occur.

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact: The nearest existing school is located 8.5 miles west of the project. No known proposed schools have been identified. As such, hazardous emissions or handle of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

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?

No Impact: The subject parcel is not on the Hazardous Waste and Substances Sites list, also known as the Cortese List, and would not create a significant hazard to the public or environment.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact: The nearest airport is approximately 8.5 miles west of the subject parcel. As such, the Project will not result in a safety hazard or excessive noise for people residing or working in the project area.

f. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact: The Project does not propose any further development. No aspect of the Project or continued use of the existing cannabis cultivation site will impair implementation of, or create physical interference with, an adopted emergency response plan or emergency evacuation plan.

g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact: The Project does not propose development that would expose people or structure, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **No Impact** on Hazards and Hazardous Materials.

3.10 HYDROLOGY AND WATER QUALITY

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

drainage systems or provide substantial additional sources of polluted runoff?				
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 and regional water quality control boards; State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB). The State Water Resources Control Board is responsible for implementing water quality standards in California. Water Code Section 13050(d) states: *Waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.* Typical activities and uses that affect water quality include, but are not limited to, discharge of process wastewater from factories, confined animal facilities, construction sites, sewage treatment facilities, and material handling areas which drain into storm drains.

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

weathered bedrock and coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification - such as paving, building and gravel removal - it is anticipated that continued recharge will re-supply groundwater reservoirs.

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

a. *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

No Impact: The Project does not propose additional development which could potentially violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

b. *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Less Than Significant Impact: The Project does not propose any additional development that would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it would impede sustainable groundwater management of the basin. Continued use of the 950 square foot cultivation site is not anticipated to contribute significantly to runoff water.

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:*

Less Than Significant Impact: See below.

i. *Result in substantial erosion or siltation on- or off-site?*

Less Than Significant Impact: The Project does not propose any additional development that would result in substantial erosion or siltation on – or off-site. Continued use of the 950 square foot cultivation site is not anticipated to result in erosion or siltation on- or off-site.

ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Less Than Significant Impact: The Project does not propose any additional development that would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Continued use of the 950 square foot cultivation site is not anticipated to substantially increase the rate or amount of surface runoff.

iii. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Less Than Significant Impact: The Project does not propose any additional development that 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. Continued use of the 950 square foot cultivation site is not anticipated to contribute significantly to runoff water.

iv. *Impede or redirect flood flows?*

No Impact: The Project does not propose any additional development that would impede or redirect flood flows. Likewise, continued use of the 950 square foot cultivation site will not create a barrier that would impede or redirect flood flows.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact: The Project is not located in a flood hazard, tsunami or seiche zone.

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact: The Project is not located in an area with a water quality control plan or sustainable groundwater management plan.

NO MITIGATION MEASURES REQUIRED

If mitigation measures are needed, list them here.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Hydrology and Water Quality.

3.11 LAND USE AND PLANNING

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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.

All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance, with regards to land use, as well as a number of more locally derived specific plans, such as the Gualala Town Plan, or Ukiah Valley Area Plan. The proposed Project is not within a specific plan. The project was also referred to a number of agencies with jurisdiction over the project.

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

a. Physically divide an established community?

No Impact: The Project will facilitate a boundary line adjustment to accommodate required setbacks for an existing cannabis cultivation site and does not propose and development, i.e.; roadway, storm channel, bridge, or transmission line, that would divide an established community.

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?

No Impact: The Project does not propose additional development but will allow for continued use of an existing cannabis cultivation site. Mendocino County’s Range Lands General Plan designation includes agricultural uses and is consistent with this designation and is in line with Mendocino County’s Agricultural Resource Policy RM-104 which strives to support the diversification and expansion of the agricultural economic base. The Project would not conflict with any applicable goals, objectives, or policies of the General Plan.

NO MITIGATION MEASURES REQUIRED

FINDINGS

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

3.12 MINERAL RESOURCES

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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"/>

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 with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state’s mineral resources. SMARA requires the State Mining and Geology Board to adopt State policy for the reclamation of mined lands and the conservation of mineral resources.

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

a. 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?

No Impact: The California Department of Conservation does not associate the Project site with a Mineral Land Classification. Additionally, the Project will not reduce the availability of a known mineral resource by converting it to non-mineral production use or precluding it from such future uses.

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?

No Impact: No locally important mineral resources are known to occur on the Project site, and no development or ground disturbance is proposed. The Project will not reduce the availability of a known mineral resource by converting it to non-mineral production use or precluding it from such future uses.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have **No Impact** on Mineral Resources.

3.13 NOISE

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

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 groundborne vibration or groundborne 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. For example, a residential land use where people live, sleep, and study is generally considered sensitive to noise because noise can disrupt these activities. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise-sensitive.

a. 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?

Less Than Significant Impact: The Project does not propose new development. Continued use of the existing cannabis cultivation site is not expected to exceed noise standards outlined in the General Plan and the Exterior Noise Limit Standards found in Appendix C of the Mendocino County Code, Division I.

b. Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact: The Project does not propose new development. Continued use of the existing cannabis cultivation site is not expected to generate excessive groundborne vibrations or groundborne noise levels, nor exceed noise standards outlined in the General Plan and the Exterior Noise Limit Standards found in Appendix C of the Mendocino County Code, Division I.

c. For a project located within the vicinity of private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact: The nearest airport is approximately 8.5 miles west of the subject parcel. As such, the Project will not result in a safety hazard or excessive noise for people residing or working in the project area.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Noise.

3.14 POPULATION AND HOUSING

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 91,305. 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 further slowed from 2000 to 2010, increasing by only 1.8 percent. The growth rate rebounded somewhat between 2010 and 2020, during which the population increased by 4.3 percent.

Mendocino County’s Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The State of California has determined that housing demand in the region exceeds supply and that further housing development is necessary, designating a Regional Needs Housing Allocation target of 1,845 new housing units between 2019 and 2027. The Mendocino Council of Government’s (MCOG) Regional Housing Needs Plan divided this target into separate production goals for each jurisdiction in the County, assigning 1,349 units to the unincorporated area. Goals and policies were set forth in order to facilitate the development of these housing units at a range of sizes and types to address this need.

a. 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)?

Less Than Significant Impact: The Project does not propose new homes and will only facilitate continued use of an existing cannabis cultivation site. The cultivation business is not anticipated to increase population growth in the area. No additional roads or other infrastructure are proposed.

b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact: The Project does not propose development that would displace housing or people, nor will it necessitate construction of replacement housing elsewhere.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have **Less Than Significant Impact** on Population and Housing.

3.15 PUBLIC SERVICES

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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 following public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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. The subject parcel is serviced by the Mendocino Unified School District, Mendocino Coast District Hospital, and the Mendocino Fire Protection District. The parcel is not served by local water or sewer districts.

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: Fire

Protection, Police Protection, Schools, Parks, and/or Other Public Facilities?

No Impact: Fire protection services would be provided by CAL FIRE. Continued use of the existing cannabis cultivation site would be required to comply with CAL FIRE Fire Safe Regulations. No additional development is proposed that would increase the need for fire protection. The nearest police station is the Willits Police Department. The project would not require increased police facilities. The Project site is with the Round Valley Unified School District and would not induce population growth requiring new school facilities. The nearest parks are Duncan Fitz-Gerald Park and Hidden Oaks Park in Covelo. The Project would not induce population growth requiring the provision of new park facilities or other additional public facilities.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **No Impact** on Public Services.

3.16 RECREATION

	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project 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) Does the project 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 the Low Gap Park in Ukiah, Bower Park in Gualala, Mill Creek Park in Talmage, Faulkner Park in Boonville, Indian Creek Park and Campground in Philo, and the Lion’s Club Park in Redwood Valley, all of which are operated by the Mendocino County Cultural Services Agency. Additionally, the County is host to ma variety of state parks, reserves, other state protected areas used for the purpose of recreation, with 13 located along the coast and 8 located throughout inland Mendocino County.

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?

No Impact: The nearest County-maintained recreation area is Lion’s Club Park in Redwood Valley. The nearest State Park is Admiral Standley State Recreation Area. The Project does not propose a use that would require increase the use of recreational facilities.

b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact: No recreational facilities are proposed as part of the Project, nor would construction or expansion of existing facilities be required as a result of the Project.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **No Impact** on Recreation.

3.17 TRANSPORTATION

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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 or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: The Mendocino Council of Governments (MCOG) developed a screening tool to determine if a project's Vehicle Miles Traveled (VMT) will create an environmental impact. The screening tool uses data from the MCOG traveling forecast model to compare the VMT to similar projects for the sub-region in which a project is located. In 2017, the California Air Resources Board (CARB) identified VMT reductions relationship to State Climate Goals including the VMT reductions needed to meet the State's Greenhouse Gas emission reduction targets by 2050. This document identifies two specific thresholds to meet these targets, a 14.3-percent reduction in total VMT per capita, and a 16.8-percent reduction in light-duty vehicle VMT per capita. The development proposed on-site is not expected to significantly impact the capacity of the street system, VMT standards established by the County, or the overall effectiveness of the circulation system, nor substantially impact alternative transportation facilities, such as transit, bicycle, or pedestrian facilities, as a substantial increase in traffic trips or use of alternative transportation facilities is not anticipated. Additionally, the Project will not generate or attract more than 110 trips per day, which is

generally assumed to cause a less-than-significant transportation impact per California Office of Planning & Research Technical Advisory on Evaluating Transportation Impacts in CEQA.¹

a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact: The proposed Project does not conflict with General Plan and Regional Transportation Plan policies regarding circulation. The Project is not a land division or major development application which would not require substantial road improvement or traffic studies.

b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less Than Significant Impact: The Project does not propose development but will facilitate continued use of an existing 950 square foot, mixed-light cannabis cultivation site. As stated earlier, the Project will not generate or attract more than 110 trips per day. Less than 110 trips per day is generally assumed to cause a less-than-significant transportation impact per California Office of Planning & Research Technical Advisory on Evaluating Transportation Impacts in CEQA.²

c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact: The Project does not propose additional development which would introduce new roads. Continued use of the existing cannabis cultivation site will not require heavy farm equipment which are incompatible with existing road features. The entrance to the property is not a blind driveway, sharp curve, or is otherwise a hazardous feature.

d. Result in inadequate emergency access?

No Impact: As previously discussed in Hazards & Hazardous Material section, the project would not result in inadequate emergency access. The site is accessible through the driveway abutting State Route 162.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have **Less Than Significant Impact** on Transportation

3. 18 TRIBAL CULTURAL RESOURCES

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

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¹ Governor’s Office of Planning & Research Technical Advisory On Evaluation Transportation Impacts in CEQA https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf

² Governor’s Office of Planning & Research Technical Advisory On Evaluation Transportation Impacts in CEQA https://opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf

Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?				
b) 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: Public Resources Code Section 21074 defines Tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

According to Mendocino County’s General Plan Development Element (2021), the prehistory of Mendocino County is not well known. Native American tribes known to inhabit the County concentrated mainly along the coast and along major rivers and streams. Mountainous areas and the County’s redwood groves were occupied seasonally by some tribes. Ten Native American tribes had territory in what is now Mendocino County. The entire southern third of Mendocino County was the home of groups of Central Pomo. To the north of the Central Pomo groups were the Northern Pomo, who controlled a strip of land extending from the coast to Clear Lake. The Coast Yuki claimed a portion of the coast from Fort Bragg north to an area slightly north of Rockport. They were linguistically related to a small group, called the Huchnom, living along the South Eel River north of Potter Valley. Both of these smaller groups were related to the Yuki, who were centered in Round Valley. At the far northern end of the county, several groups extended south from Humboldt County. The territory of the Cahto was bounded by Branscomb, Laytonville, and Cummings. The North Fork Wailaki was almost entirely in Mendocino County, along the North Fork of the Eel River. Other groups in this area included the Shelter Cove Sinkyone, the Eel River, and the Pitch Wailaki.

a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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)?

No Impact: The Project does not propose any development or ground disturbance. As such, no cultural resources would be disturbed.

- b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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.**

No Impact: The Project does not propose any development or ground disturbance. As such, no adverse changes to tribal cultural resources is anticipated.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **No Impact** on Tribal Cultural Resources.

3.19 UTILITIES AND SERVICE SYSTEMS

<i>Would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact 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 type="checkbox"/>	<input checked="" type="checkbox"/>

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 13 major wastewater systems in the county, four of which primarily serve the incorporated cities, but also serve some unincorporated areas. Sewage collected by the Brooktrails Township Community Services District and Meadowbrook Manor Sanitation District is treated at the City of Willits Wastewater Treatment Plant. The City of Ukiah’s Wastewater Treatment Plant also processes wastewater collected by the Ukiah Valley Sanitation District. Sewage disposal in the remainder of the county is generally handled by private onsite facilities, primarily septic tank and leach field systems, although alternative engineered wastewater systems may be used.

Solid waste management in Mendocino County has undergone a significant transformation from waste disposal in landfills supplemented by transfer stations to a focus on transfer stations and waste stream diversion. These changes have responded to rigorous water quality and environmental laws, particularly the California Integrated Waste Management Act of 1989 (AB 939). The Act required each city and county to divert 50 percent of its waste stream from landfill disposal by the year 2000 through source reduction, recycling, composting, and other programs. Mendocino County’s General Plan Development Element (2021) notes there are no remaining operating landfills in Mendocino County, and as a result, solid waste generated within the County is exported for disposal to the Potrero Hills Landfill in Solano County. The Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and a remaining capacity of 13.872 million cubic yards, and is estimated to remain in operation until February 2048.

Mendocino County’s Development Goal DE-21 (Solid Waste) states: *Reduce solid waste sent to landfills by reducing waste, reusing materials, and recycling waste.* Solid Waste and Hazardous Waste and Material Management Policy DE-210 states the County’s waste management plan *shall include programs to increase recycling and reuse of materials to reduce landfilled waste.* Mendocino County’s Environmental Health Division regulates and inspects more than 50 solid waste facilities in Mendocino County, including: 5 closed/inactive municipal landfills, 3 wood-waste disposal sites, 2 composting facilities, and 11 transfer stations.

a. 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?

No Impact: The Project does not propose development that would require additional use of water or the increased use of the existing septic system. Likewise, expansion of stormwater drainage, electric power, natural gas, or telecommunication facilities is not required.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less Than Significant Impact: The Project does not propose additional development that would require an increase in water usage. Continued use of the cannabis cultivation site will require the applicant enroll in the Cannabis Water Quality Monitoring & Reporting Program which tracks water usage and storage.

- 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?**

No Impact: The Project is not served by a wastewater treatment provider nor is a provider available in the Project area.

- 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?**

Less Than Significant Impact: The Project does not propose additional development that would increase wastewater treatment. Continued use of the cannabis cultivation site requires the applicant obtain authorization to discharge wastewater from the North Coast Regional Water Quality Control Board and enroll in the Monitoring and Reporting Program. Wastewater from cannabis cultivation activities is required to be hauled off-site for disposal.

- e. **Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Less Than Significant Impact: The Project does not propose development which would violate any statutes or regulations related to solid waste. Continued use of the existing cannabis cultivation site is expected to comply with all federal, state, and local regulation related to solid waste, including MendoRecycle requirements, Mendocino County Code Title 9A, the US Resource Conservation and Recovery Act (RCRA), and CalRecycle.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Utilities and Service Systems.

3.20 WILDFIRE

<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:</i>	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

may result in temporary or ongoing impacts to the environment?				
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 CALFIRE 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). 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.³

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).

Factors to consider when evaluating wildfire risk include:

- Land uses (urban developed, rural, agricultural, parcels sizes, etc.)
- Land ownership (private, public, state)
- Vegetation (type, health, existing/planned vegetation management)
- Topography/terrain
- Weather conditions (wind, temperature, humidity, precipitation)
- Fire history (year, location, size)
- Fire severity mapping
- Fire protection agencies and capabilities
- Extent of roadway system and roadway sizes (number of lanes)

a. Impair an adopted emergency response plan or emergency evacuation plan?

No Impact: The project is in the State Responsibility Area. 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. The project was referred to the

CAL FIRE on February 28, 2023. No response has been received. The project site is accessed via State Route 162 and is expected to be accessible to emergency vehicles.

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less Than Significant Impact: The project site is comprised primarily of grass and oak trees and is situated on land with an average slope of 22 percent. The effect of slope on the rate of speed of a fire is increased as the slope increases. At 22 percent slope the rate of fire spread increases. Prevailing winds are from the west. As the slope of the parcel runs south to north, prevailing winds from the west would not exacerbate wildfires greatly. The project would require compliance with any CalFire's Fire Safe Regulations and to ensure adequate fire protection measures and access.

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact: The Project does not propose installation or maintenance of infrastructure that may exacerbate fire risk. Any development in the future would be required to meet any applicable CAL FIRE standards. No other development is proposed.

d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?

Less Than Significant Impact: The Project does not propose any development. Standard BMPs that address drainage challenges would be implemented during any future construction. Continued operation of the existing cannabis cultivation site is not expected to result in significant impacts because of the relatively flat area where the cultivation site is located.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Wildfire.

MANDATORY FINDINGS OF SIGNIFICANCE

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

Potential environmental impacts from the approval of a Rescind & Reenter to cancel of a portion of the existing Williamson Act contract on APN: 035-030-16 (Lot 1) to match property boundaries recently adjusted by approved Boundary Line Adjustment (B_2021-0038) have been analyzed in this document.

- a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Less Than Significant Impact: Based on discussion throughout the report, there is some potential for impact. However, the Project does not propose any new development. Continued use of the existing cannabis cultivation site as allowed by the Boundary Line Adjustment is not anticipated to substantially degrade the environment or reduce wildlife populations or restrict the range of rare or

endangered plant or animal communities due to the cultivation site's relatively small size (950 square feet).

- 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).**

Less Than Significant Impact: As discussed throughout this Initial Study Checklist, the Project does not propose any development, nor will it allow for future development or expansion of the existing cannabis cultivation site, in the subject area due to setback limitations of the zoning district. It has been determined that the Project would not contribute to environmental effects that are individually limited, but cumulatively considerable, and impacts would be less than significant.

- c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less Than Significant Impact: The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this Initial Study Checklist. Such effects have been found to be less than significant.

NO MITIGATION MEASURES REQUIRED

FINDINGS

The proposed project would have a **Less Than Significant Impact** when considering the Mandatory Findings of Significance.

4.0 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 **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.

DATE

MARK CLISER
PLANNER II