

**RESOLUTION NO. 09-183**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING THE UPDATED MENDOCINO COUNTY GENERAL PLAN AND ASSOCIATED LAND USE MAP CHANGES**

WHEREAS, the General Plan represents the most direct expression of a community's vision for the future and the means to accomplish that vision; and

WHEREAS, more than 20 years have passed since the last major update of the Mendocino County General Plan; and

WHEREAS, the current General Plan contains information which is out of date; and

WHEREAS, while the County's key visions—including the preservation and protection of the County's agricultural, timber, and tourism economies—have not changed, the County is today facing issues such as climate change that were not anticipated when the General Plan was last updated and are not addressed in the General Plan; and

WHEREAS, the County desires to have in place a General Plan which addresses the issues facing the County in a pragmatic and workable manner; and

WHEREAS, the County is required by State law to have in place a General Plan which addresses seven required topics, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety; and

WHEREAS, State law also allows local agencies to arrange the discussion of these required topics in different ways to reflect local needs and practices; and

WHEREAS, the County has worked since July 2001 on the updating of the County's General Plan; and

WHEREAS, more than 30 public workshops, meetings, and hearings over the course of the General Plan's preparation, including held in locations throughout the County to encourage local participation; and

WHEREAS, the County has maintained an extensive collection of General Plan information on its web site, providing online access to information, documents, maps, and photographs, and the opportunity for Mendocino County residents to provide comments and suggestions; and

WHEREAS, the Draft General Plan has been referred to other public agencies for review and comment as required by State law; and

WHEREAS, the General Plan has been subject to review and comment by the public, other public agencies, and affected County departments; and

WHEREAS, the Mendocino County Planning Commission on April 2, 2009, April 16, 2009, and April 30, 2009, conducted a public hearing on the General Plan and associated Land Use Map changes as required by State law; and

WHEREAS, at the conclusion of the public hearing the Planning Commission, by a unanimous vote, recommended to the Board of Supervisors the adoption of the General Plan, and associated Land Use Map changes, specifically those contained in the Preferred List; and

WHEREAS, the Board of Supervisors on May 18, 2009, June 22, 2009, and August 17, 2009, conducted a public hearing on the General Plan, and associated Land Use Map changes, specifically those contained in the Preferred List attached here as Exhibit A as required by State law; and

WHEREAS, a comprehensive Final Environmental Impact Report (EIR) on the General Plan has been prepared by the County and certified by the Board of Supervisors; and

WHEREAS, the Board of Supervisors has determined that the Final Environmental Impact Report provides a complete and adequate assessment of the potential impacts of implementing the General Plan; and

WHEREAS, the Board of Supervisors has adopted a Statement of Overriding Considerations which states the County's reasons for accepting various significant and unavoidable environmental impacts resulting from implementation of the General Plan; and

WHEREAS, the Board of Supervisors has conducted several public hearings to receive and consider testimony on the proposed General Plan.

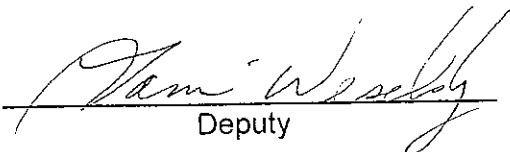
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Mendocino hereby repeals the current Mendocino County General Plan with the exception of the Housing Element, the Brooktrails Township Specific Plan, the Coastal Element, the Mendocino Town Plan, and the Gualala Town Plan, and adopts in its place the updated Mendocino County General Plan (dated August 2009) and directs staff to make all final changes and make copies available to the public as soon as possible.

The foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor Colfax, and carried this 17<sup>th</sup> day of August, 2009, by the following vote:

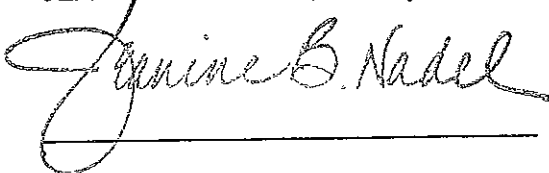
AYES: Supervisors Brown, McCowen, Pinches, Smith and Colfax  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: KRISTI FURMAN  
Clerk of the Board

  
Deputy

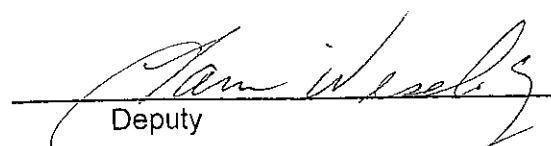
APPROVED AS TO FORM:  
JEANINE B. NADEL, County Counsel

  
Deputy

  
JOHN PINCHES, Chair  
Mendocino County Board of Supervisors

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

BY: KRISTI FURMAN  
Clerk of the Board

  
Deputy

**Exhibit A**

**Preferred Project List:**

<b>GPU Number</b>	<b>Applicant / Owner Name</b>	<b>Existing GPU</b>	<b>Proposed GPU</b>	<b>Total Acreage</b>	<b>APN(S)</b>
11-2005	Steve Carpenter	PL	RMR40	32.90	047-530-01
01-2006	Jim and Valenda Apperson Edwin Enzler	RR5	RR2	6.25	166-020-23 166-020-05
10-2006	Julia Christian Albert Milhelcic	RMR20	RR2	11.95	104-110-04 104-110-05
11-2006	Harlin & Betty Bozarth Steven Peckham	RMR20	RR2	13.21	104-110-06 104-110-09
12-2006	Pamela Roscoe	PL	RL160	287.20	050-210-16 050-380-02 050-380-06 050-380-07
13-2006	Richard & Janine O'Neil	RR5	I	2.80	144-257-14
15-2006	Joe & Roxane Boyl	SR	C	2.04	033-230-23
01-2007	Peter & Lorna Opatz	RL160	AG40	154.59	049-370-48 049-380-37
03-2007	Betty Delaney	RL160	RR10	25.36	050-090-07 050-090-08
04-2007	Snow Mountain Tree Farm	FL160/I	RR10	97.33	171-200-14 171-210-11
05-2007	Karen Calvert, Trustee	FL160	RMR20	40.60	125-320-04
09-2007	JCA Associates, LLC	I / FL160	RR10	11.68	171-210-12 171-200-15 171-200-13
14-2007	Michael & Michelle Anderson	RL160/ FL160	RMR20	236.00	069-251-22 069-210-01
15-2007	Peter Mikhail & Michael Mikhail	RL160	AG40	180.02	050-200-24 050-200-05
16-2007	Carolynn L. Logan Cherylyn Kontaxakis  Terry Boyes Charles Guntly Juan Gonzalez Pension Pensco John Wittingslow  David Gerstenkorn Michael Mitchell Lawrence Frye  Robert Bernards Terry Losey	RMR40	RMR20	292.47	176-130-06 176-130-27 176-130-08 176-120-22 188-010-15 176-130-11 176-130-12 176-130-14 176-130-13 176-130-05 176-130-36 176-130-18 176-130-34 176-130-39 176-130-38
20-2007	Harwood Investment Co.	AG40	RMR20	67.29	104-050-02 104-070-06 104-090-06

GPU Number	Applicant / Owner Name	Existing GPU	Proposed GPU	Total Acreage	APN(S)
	Walter Harrison				104-090-05
21-2007	Arthur H. Harwood	I	RC	11.09	013-910-19
23-2007	Timothy & Debrah Zimmerer	RR1	I	1.32	163-131-03 163-131-02
26-2007	James & Barbara McCulloch	RL160/AG40	RMR40	132.52	160-170-02 160-170-08 160-170-12 160-170-13 106-160-08 106-250-04 160-220-02 160-220-03 160-220-05
27-2007	Granite Construction Co.	RL160	I	35.31	036-190-26
28-2007	Morgan DeBold Sandra Darr	RL160RMR40	RMR20	73.04	053-490-08
30-2007	Middleridge Vineyards	RL160	AG40	292.00	050-030-12 050-030-13 050-180-43 050-180-44
33-2007	Thomas & Maryann Adkisson	RR10	RR5	26.21	013-200-63 014-020-35
34-2007	Stephen & Star Roberts <sup>(1)</sup>	AG40	RR5	11.18	186-090-06
36-2007	Caroline & Kenneth Gillespie <sup>(2)</sup>	RMR40	RMR20	69.21	053-490-06
37-2007	Roger & Naomi Joyner <sup>(2)</sup>	RMR40/RL160	RMR20	95.02	012-620-69 012-620-03
39-2007	Thomas Pepper Elizabeth Ryan	RR10	RR5	10.03	119-470-38
41-2007	Dunlap Bloom Black	RR2/RMR20	RR1	6.37	034-190-19 034-190-30 034-190-22
47-2007	Gitlin	RR5	RR2	12.50	160-200-24 160-200-23

**RESOLUTION NO. 09-182**

**RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT ON THE GENERAL PLAN UPDATE, AND ASSOCIATED LAND USE MAP CHANGES, MAKING FINDINGS OF FACT RELATING TO THE FEASIBILITY OF MITIGATION MEASURES AND PROJECT ALTERNATIVES, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, the County of Mendocino initiated the preparation of its update to the General Plan in July 2001 that consisted of conducting numerous public meetings by the Planning Commission, and the Board of Supervisors; and

WHEREAS, the County determined that the General Plan Update (also referred to herein as "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq.), and that an Environmental Impact Report (EIR) be prepared to evaluate the potential environmental effects of the project; and

WHEREAS, a Notice of Preparation was released for public and agency review and comment on June 19, 2008 and a public scoping meeting to receive comments on topics and issues which should be evaluated in the Draft EIR was held by the County on June 26, 2008; and

WHEREAS, the County distributed a Notice of Availability for the General Plan Update Draft EIR on September 18, 2008, which started a sixty (60) public review period, ending on November 18, 2008; and

WHEREAS, the Draft EIR was also submitted to the State Clearinghouse for state agency review; and

WHEREAS, the County held a public meetings on October 2, 7, 8, 9 and 27, 2008 to receive public comments and testimony on the General Plan Update, Land Use Map changes and Draft EIR and those comments were received and considered in the Final EIR; and

WHEREAS, the Planning Commission considered the General Plan Update and associated Land Use Map changes as contained in the Preferred List, on April 2, 2009, April 16, 2009, and April 30, 2009, and recommended certification of the EIR and adoption of the General Plan Update to the Board of Supervisors; and

WHEREAS, the Board of Supervisors on May 18, 2009, June 22, 2009, and August 17, 2009, conducted a public hearing on the General Plan and Land Use Map changes as contained in the Preferred List as required by State law; and

WHEREAS, the Board of Supervisors reviewed all evidence presented both orally and in writing and intends to make certain findings in compliance with CEQA, which are more fully set forth below in Exhibit A, attached hereto and incorporated in its entirety by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mendocino as follows:

1. Certification of the Final EIR
  - A. The Board of Supervisors hereby certifies that the Final EIR has been completed in compliance with the requirements of the California Environmental Quality Act.

- B. The Board of Supervisors hereby certifies that the Final EIR was presented to the Board of Supervisors and that the Board of Supervisors reviewed and considered the information contained in the Final EIR prior to taking action on the Project.
- C. The Board of Supervisors hereby certifies that the Final EIR reflects the independent judgment and analysis of the Board of Supervisors.

2. Findings on Impacts

The Board of Supervisors finds:

- A. The Final EIR identifies potentially significant impacts that can be mitigated to less-than-significant levels. The Board of Supervisors makes the findings with respect to significant impacts as set forth in Exhibit A, attached hereto and incorporated herein by reference.
- B. The Final EIR identifies potentially significant impacts that cannot be mitigated to less-than-significant level and are thus considered significant and unavoidable. The Board of Supervisors makes the findings with respect to these significant and unavoidable impacts as set forth in Exhibit A.

3. Findings on Alternatives

Three (3) project alternatives ("No Project," "Board of Supervisors EIR Alternative," and "Existing General Plan Land Use Map/Proposed General Plan Update Policy Alternative") were evaluated by the County during project development and in the EIR. As set forth in Exhibit A, these alternatives result in more severe environmental effects, do not meet the basic project objectives, or do not provide any substantial environmental benefits as compared to the proposed General Plan Update. The Board of Supervisors hereby finds that the proposed General Plan Update, as mitigated by adoption of mitigation measures identified in the EIR, can be feasibly implemented and serves the best interests of the County.

4. Statement of Overriding Considerations

Because the adoption of all feasible mitigation measures will not substantially lessen or avoid all significant adverse environmental effects caused by the project, the Board of Supervisors adopts a Statement Of Overriding Considerations concerning the project's unavoidable significant impact to explain why the General Plan Update's benefits override and outweigh its unavoidable impacts on the environment as set forth in Exhibit A.

5. Adoption of the Mitigation Monitoring and Reporting Program

- A. The Board of Supervisors hereby finds that the proposed mitigation measures described in the Final EIR and Findings are feasible, and therefore will become binding upon the County. The Mitigation Monitoring and Reporting Program is included as Exhibit B and will involve incorporation of the mitigation measures into the General Plan Update.
- B. The Board of Supervisors hereby adopts the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B, attached hereto and incorporated herein by reference.

6. Other Findings

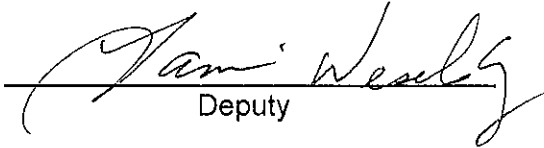
- A. The Board of Supervisors finds that issues raised during the public comment period and written comment letters submitted after the close of the public review period of the Draft EIR do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.
- B. Since completion of the Final EIR, the Board of Supervisors has modified the General Plan Update. As set forth in Exhibit A, attached hereto and incorporated herein by reference, these modifications to the General Plan Update would not result in any new significant environmental impacts, a substantial increase in the severity of an environmental impact or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

The foregoing Resolution introduced by Supervisor Brown, seconded by Supervisor Colfax, and carried this 17<sup>th</sup> day of August, 2009, by the following vote:

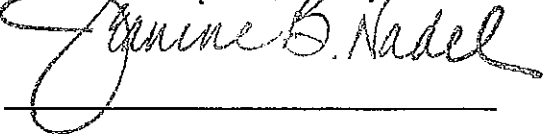
AYES: Supervisors Brown, McCowen, Pinches, Smith and Colfax  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: KRISTI FURMAN  
Clerk of the Board

  
Deputy

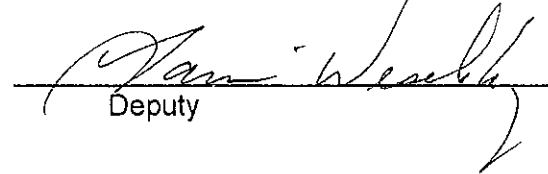
APPROVED AS TO FORM:  
JEANINE B. NADEL, County Counsel

  
\_\_\_\_\_

  
\_\_\_\_\_  
JOHN PINCHES, Chair  
Mendocino County Board of Supervisors

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

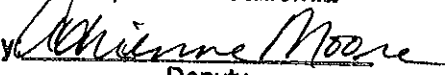
BY: KRISTI FURMAN  
Clerk of the Board

  
\_\_\_\_\_  
Deputy

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST:

KRISTI FURMAN Clerk of the Board of Supervisors of the County of Mendocino, State of California

By   
\_\_\_\_\_  
Deputy

# EXHIBIT A

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## FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

GENERAL PLAN UPDATE FINAL EIR

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**SECTION 1.**            **Recitals.**

The Board hereby finds that the foregoing recitals are true and correct.

**SECTION 2.**            **Purpose of the Findings.**

The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093 and 15097 of the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000, et seq., associated with adoption of the 2009 General Plan Update. These Findings provide the written analysis and conclusions of the Board of Supervisors regarding the General Plan Update. They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of law. At times, these findings refer to materials in the administrative record, which are readily available for review in the County's Planning & Building Services Department.

**SECTION 3.**            **Project Objectives.**

The Mendocino County General Plan Update is intended to reflect the wishes of its residents and decision-makers for the future development and operation of the county. The Mendocino County Board of Supervisors identified the following objectives for the General Plan Update:

- Maintain the basic goals and policies of the current General Plan, particularly with regard to the preservation and enhancement of the county's timber and agricultural industries. The Board of Supervisors has expressed this general direction as, "Update the General Plan, and do not perform a major rewrite."
- Address new issues and new requirements of state law.
- Avoid sweeping changes in policy.
- Minimize new regulations or limitations on property use.
- Emphasize market-based approaches to implementation over mandates.
- Minimize the number and cost of implementation measures.

**SECTION 4.**            **The Mendocino County General Plan Update.**

Since release of the Draft EIR and Final EIR, the Board directed that several changes and edits be made to the General Plan policies and action items. These edits are now contained in the 2009 General Plan Update, hereafter referred to as the 2009 GPU or the Project.

**SECTION 5. Findings are Determinative.**

The Board of Supervisors recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts disagree; and that the Board of Supervisors must base its decision and these Findings on the substantial evidence in the record that it finds most compelling. Therefore, by these Findings, the Board of Supervisors ratifies, clarifies, and/or makes insignificant modifications to the FEIR and resolves that these findings shall control and are determinative of the significant impacts of the Project.

**SECTION 6. Findings Associated With Less Than Significant Impacts Without Need for Imposition of Mitigation.**

The Board of Supervisors has reviewed and considered the information in the Draft EIR and Final EIR, addressing environmental effects, mitigation measures, and alternatives. The Board of Supervisors, relying on the facts and analysis in the DEIR and FEIR, which were presented to the Board of Supervisors and reviewed and considered prior to any approvals for the 2009 GPU, concurs with the conclusions of the DEIR and FEIR regarding the less than significant environmental effects.

The following new policies and programs in the 2009 Mendocino County General Plan Update ensure that the following impacts from implementation of the proposed Project are less than significant:

**AESTHETICS/LIGHT AND GLARE**

A) **Impact 4.1.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update have the potential to allow development in areas that are currently undeveloped. This development has the potential to alter or degrade existing views or visual quality in the unincorporated portions of the county. This is considered a less than significant impact. (DEIR, p. 4.1-8; FEIR, p. 2.0-3.)

**Finding:** Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that alteration or degradation of existing views or visual quality are **less than significant** because the proposed 2009 General Plan Update would promote and maintain land use patterns that currently make up the visual landscape characteristics of the unincorporated area of the county.

**Reference:** DEIR, p. 4.1-8; FEIR, p. 2.0-3; proposed 2009 General Plan Update Community-Specific Policies, and the Development and Resource Management Element Policies CP-AV-2, CP-AV-4, CP-AV-20, CP-AV-21, CP-C-1, CP-C-4, CP-H-5, CP-H-6, CP-H-13, CP-L-1, CP-PV-3, CP-RV-3, CP-RV-6, DE-25, DE-38, DE-39, DE-69, DE-78, DE-80, DE-87, RM-22, RM-79, RM-80, RM-81, RM-83, RM-84, RM-86, RM-87, RM-89, RM-90, RM-91, RM-92, RM-98, RM-126, RM-128 through RM-135 and Action Items RM-127.1, RM-134.1, and RM-134.2

**B) Impact 4.1.2:** Subsequent land use activities associated with implementation of the proposed General Plan Update may create new sources of daytime glare and could change nighttime lighting and illumination levels. This is considered a less than significant impact. (DEIR, p. 4.1-11; FEIR, p. 2.0-4.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that nighttime lighting and illumination level impacts are **less than significant** because the intensity and density of development under the proposed 2009 General Plan Update would be similar to the existing rural conditions of the unincorporated area of the county and is not expected to result in substantial changes in light and glare.

Reference: DEIR, p. 4.1-11; FEIR, p. 2.0-4; proposed 2009 General Plan Update Development and Resource Management Element Policies DE-78, DE-89, RM-137, RM-134, RM-135 and Action Items DE-78.1, RM-134.1 and RM-134.2.

**C) Impact 4.1.3:** Subsequent land use activities associated with implementation of the proposed General Plan Update is not expected to result in damage to scenic resources in or near designated Wild and Scenic Rivers. This is considered a less than significant impact. (DEIR, p. 4.1-13; FEIR, p. 2.0-4.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that damage to scenic resources in or near designated Wild and Scenic Rivers impacts are **less than significant** because proposed 2009 General Plan Update proposes very little change in land use designations outside of existing community areas. The major potential visual impact near Wild and Scenic Rivers is associated with timber harvesting, and it is anticipated that timber harvesting will continue to take place at a rate and manner as currently experienced in the county and would not be increased due to the proposed General Plan Update.

Reference: DEIR, p. 4.1-13; FEIR, p. 2.0-4; proposed 2009 General Plan Update Resource Management Element Policies RM-1, RM-23, RM-79, RM-126 through RM-133.

**D) Impact 5.0.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development, is not expected to result in the degradation of the county's scenic resources, including scenic vistas, visual character, daytime glare and nighttime lighting, and Wild and Scenic River resources. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-3; FEIR, p. 2.0-29.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development is not expected to result in degradation of the county's aesthetic resources and therefore this impact is **less than cumulatively significant** because proposed 2009 General Plan Update would not significantly change the visual character of the county as (1) most of the development is projected to occur in and adjacent to the county's existing communities, and (2) there is minimal change in development density and intensity in conjunction with the update.

Reference: DEIR, p. 5.0-3; FEIR, p. 2.0-29; proposed 2009 General Plan Update Development and Resource Management Element Policies DE-25, DE-38, DE-39, DE-69, DE-71, DE-80, DE-87, DE-91, DE-98, RM-1, RM-22, RM-23, RM-31, RM-79, RM-83, RM-86, RM-98, RM-106, RM-120, RM-126, RM-130, RM-131, RM-132, RM-133, RM-135, RM-136, RM-137, RM-139 Action Items DE-80.1, RM-131.1, RM-139.1.

## AGRICULTURE

E) **Impact 4.2.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update could result in the conversion of agricultural land to urban uses. This is considered a less than significant impact. (DEIR, p. 4.2-18; FEIR, p.2.0-4.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that policies in the Resource Management Element of the 2009 General Plan Update specifically restrict the conversion of agricultural land (RM-106), and protect existing agricultural lands from being undermined by encroaching urban uses (RM-108). In addition, land use changes from agricultural uses to non-agricultural uses would be substantially less than one percent of the County's total agricultural lands (see Draft EIR page 4.2-18). Implementation of the proposed 2009 General Plan policies would not result in the conversion of agricultural land to urban uses and therefore this impact would be **less than significant** because the unincorporated area county is not expected to result in a substantial conversion of designated agricultural lands.

Reference: DEIR, p. 4.1-18; FEIR, p. 2.0-4; proposed 2009 General Plan Update Resource Management Element Policies RM-32, RM-99, RM-100 through RM-129 and Action Items RM-106.1, 110.1 through RM-110.5 and RM-127.1.

F) **Impact 4.2.2:** Subsequent land use activities associated with implementation of the proposed General Plan Update could result in a conflict with existing Williamson Act contracts. This is considered a less than significant impact. (DEIR, p. 4.2-20; FEIR, p. 2.0-5.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that implementation of the proposed 2009 General Plan Update would not result in a conflict with existing Williamson Act contracts and includes a strengthened policy in order to reduce conflicts with Williamson Act contract property and future residential development and therefore this impact would be **less than significant**.

Reference: DEIR, p. 4.2-20; FEIR, p. 2.0-5; proposed 2009 General Plan Update Resource Management Element Policies RM-101, RM-102, RM-103, RM-109, RM-110, RM-113, RM-114 and Action Items RM-102.1, RM-110.1 through RM-110.5.

G) **Impact 4.2.3:** Subsequent land use activities associated with implementation of the proposed General Plan Update could result in the placement of urban uses adjacent to agricultural uses within the unincorporated county. This is considered a less than significant impact. (DEIR, p. 4.2-21; FEIR, p. 2.0-5.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that implementation of the proposed 2009 General Plan Update could result in the placement of urban uses adjacent to agricultural uses. However, Chapter 10A.13 of the Mendocino County Code includes requirements to forewarn prospective purchasers and residents of property adjacent to or near to agricultural operation of the inherent potential problems associated with such purchase of residence including, but not limited to, the sounds, odors, dust, and chemicals that may accompany agricultural operations and therefore this impact would be **less than significant**.

Reference: DEIR, p. 4.2-21; FEIR, p. 2.0-5; proposed 2009 General Plan Update Resource Management Element Policies RM-100, RM-106, RM-107, RM-108, RM-109, RM-113, RM-122, RM-123, RM-124, RM-125, and Action Items RM-106.1 and RM-107.1.

**H) Impact 5.0.2:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the region, would contribute to the additional conversion of important farmlands to other uses and may increase agriculture/urban interface conflicts. This is a less than cumulatively considerable impact. (DEIR, p. 5.0-7; FEIR, p. 2.0-30.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development may contribute to conversion of important farmland and may increase agriculture/urban interface impacts. However, this impact would be **less than cumulatively significant** because although implementation of the proposed 2009 General Plan Update would change land use designations, the result would be a minor loss of designated agricultural lands that would not be considered a substantial loss of agricultural land in the county. Additionally, policies in the proposed General Plan Update support the preservation of agricultural lands and farming operations in the county.

Reference: DEIR, p. 5.0-7; FEIR, p. 2.0-30; proposed 2009 General Plan Update Resource Management Element Policies RM-110 through RM-125, and Action Items RM-101.1, RM-106.1, RM-107.1, RM-110.1 through RM-110.5.

## AIR QUALITY

**I) Impact 4.3.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update could result in emissions greater than the standards identified by the 2005 Mendocino County AQMD Particulate Matter Attainment Plan. This impact is considered to be **less than significant**. (DEIR, p. 4.3-13; FEIR, p. 2.0-5.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that this impact would be **less than significant** because it is unlikely that the minor changes to land use designations proposed by the 2009 General Plan Update would result in conflicts with the Particulate Matter Attainment Plan or result in the delayed attainment of air quality standards for the Mendocino County AQMD area. Specifically, the 2009 General Plan Update would result in growth rates anticipated in the Particulate Matter Attainment Plan

and also includes policies that would assist in improvement of air quality (see Draft EIR 4.3-13 through -15).

Reference: DEIR, p. 4.3-13; FEIR, p. 2.0-5; proposed 2009 General Plan Update Resource Management Element Policies RM-35 through RM-41, RM-43, RM-47 and Action Items RM-35.1, RM-35.3, RM-40.1, RM-41.1 through RM-41.3, RM-43.1, RM-47.1.

**J) Impact 4.3.5:** Subsequent land use activities associated with implementation of the proposed General Plan Update could include sources that would expose sensitive receptors to construction and long-term odorous emissions. This impact is considered less than significant. (DEIR, p. 4.3-23; FEIR, p. 2.0-7.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that odor impacts would be **less than significant** because MCAQMD has adopted a nuisance rule (Rule 1-400) that addresses the exposure of “nuisance or annoyance” air contaminant discharges and can require the identified source to incorporate mitigation measures to correct the nuisance condition. In addition, the 2009 General Plan includes policies RM-46 and RM-110 and Action Item RM 34.2 that includes performance standards to address odor issues.

Reference: DEIR, p.4.3-23; FEIR, p. 2.0-7; proposed 2009 General Plan Update Resource Management Element Policies RM-35, RM-46, RM-47, and Action Item RM-35.2

## **BIOLOGICAL RESOURCES**

**K) Impact 4.4.4:** Subsequent land use activities and growth under the proposed General Plan Update would not conflict with any adopted Habitat Conservation Plan (HCP), recovery plan, natural community conservation plan, local ordinance or other approved local, regional, or state plans and policies intended to protect biological resources. This is considered a less than significant impact. (DEIR, p. 4.4-62; FEIR, p. 2.0-12.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that land use activities and growth are **less than significant** under the proposed 2009 General Plan Update because it would not conflict with the AT&T – Point Arena Mountain Beaver Low Effect Habitat Conservation Plan; Fisher Family HCP; and Mendocino County Coastal Conservation Plan.

Reference: DEIR, p. 4.4-62; FEIR, p. 2.0-12; No applicable proposed General Plan policies/action items related to HCP have been identified.

## **GEOLOGY, SOILS, AND MINERAL RESOURCES**

**L) Impact 4.6.1:** Subsequent land use activities associated with implementation of the General Plan Update may result in the placement of structures and development in areas of

seismic sensitivity. This is considered a less than significant impact. (DEIR, p. 4.6-17; FEIR, p. 2.0-15.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that damage or risk due to earthquake activity impacts would be **less than significant** because development under the proposed 2009 General Plan Update implementation of the California Building Code for all development is intended to minimize damage from ground shaking during seismic events resulting from movement on any of the faults or fault systems.

Reference: DEIR, p. 4.6-17; FEIR, p. 2.0-15; proposed 2009 General Plan Update Development and Resource Management Element Policies:DE-232, DE-233, DE-234, DE-235, RM-60, RM-61 and Action Items DE-233.1, DE-234.1 through DE-234.4.

M) **Impact 4.6.2:** Subsequent land use activities associated with implementation of the General Plan Update may allow for development in areas with unstable soils. This is considered a less than significant impact. (DEIR, p. 4.6-19; FEIR, p. 2.0-16.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that unstable soils impacts would be **less than significant** because development under proposed 2009 General Plan Update would be required to comply with California Building Code regulations that ensure the adequate design and construction of building foundations to resist soil movement. Additionally, pursuant to building code regulations, new development and redevelopment projects in the County that have the potential for seismic or geological hazards, including liquefaction, landslides, and expansive soils, may be required to submit a geotechnical report. The report will identify specific site conditions and develop design and construction recommendations for infrastructure improvements and commercial and residential development projects.

Reference: DEIR, p.4.6-19; FEIR, p. 2.0-16; proposed 2009 General Plan Update Development and Resource Management Element Policies DE-232, DE-235, RM-60, RM-61 and Action Items DE-233.1 and RM-61.1.

N) **Impact 4.6.3:** Subsequent land use activities associated with implementation of the proposed General Plan Update may result in a reduction in the availability of locally important or known mineral resources. This is considered a less than significant impact. . (DEIR, p. 4.6-21; FEIR, p. 2.0-16.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the potential impact of a reduction of known mineral resources is considered to be **less than significant** because the proposed 2009 General Plan Update requires the utilization and development of mineral resources will be designed and conducted in a manner that minimizes incompatibility with nearby and adjacent land uses and will ensure the long-term supply of local resources.

Reference: DEIR, p.4.6-21; FEIR, p. 2.0-16; proposed 2009 General Plan Update Resource Management Element Policies RM-65, RM-66, RM-69 and Action Items RM-65.1, RM-65.2, RM-65.3, RM-65.4.

O) **Impact 4.6.4:** Subsequent land use activities associated with implementation of the proposed General Plan Update may result in construction and site preparation activities, as well as other ground disturbances including agriculture and timber harvest. These activities increase soil erosion, wind and water erosion, and siltation of local drainages associated with these ground disturbances. This is considered to be a less than significant impact. (DEIR, p. 4.6-22; FEIR, p. 2.0-17.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the potential impact for soil erosion, wind and water erosion, and siltation of local drainages associated with ground disturbances is considered to be **less than significant** because of the implementation of Total Maximum Daily Load provisions and actions for impaired County waterways under Section 303(d) of the Clean Water Act, application of the General Construction Stormwater Permit for development construction activities disturbing at least one acre of land, implementation of the Mendocino County Storm Water Management Program, chapters 20.492 and 20.496 of the County Code and implementation of 2009 General Plan Update policies and action items. These combined requirements would reduce any potential impacts associated with increased erosion from construction activities and other ground disturbances.

Reference: DEIR, p.4.6-22; FEIR, p. 2.0-17 and p. 3.0-10 through -21; proposed 2009 General Plan Update Resource Management Element Policies RM-19, RM-20, RM-21, RM-41, RM-60, RM-61, RM-63, and Action Items RM-41.1 through RM-41.3, and RM-61.1.

P) **Impact 4.6.5:** Subsequent land use activities associated with implementation of the proposed General Plan Update may allow for development in areas where sewers are not available for the disposal of wastewater or where soils are incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. This is considered a less than significant impact. (DEIR, p. 4.6-23; FEIR, p. 2.0-17.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the potential impact for disposal of wastewater is considered to be **less than significant** because the proposed 2009 General Plan Update, in conjunction with Mendocino County Code Section 16.08.015, requires all structures which domestic waste may be generated to be connected to an approved sewage system approved by the County. The proposed 2009 General Plan and associated County Code would reduce potential impacts associated with the disposal of wastewater or where soils are incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.

Reference: DEIR, p.4.6-23; FEIR, p. 2.0-17; proposed 2009 General Plan Update Development Element Policies DE-121, DE-123, DE-187 through DE-192 Action Item DE-188.1 through DE-188.3.

**Q) Impact 5.0.9:** Subsequent land use activities associated with implementation of the General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the county, may result in cumulative geologic and seismic hazards. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-34; FEIR, p. 2.0-34.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development may result in cumulative geologic and seismic hazards. However, this impact would be **less than cumulatively significant** because implementation of the proposed 2009 General Plan Update would require future development to adhere to the CBC for all development is intended to minimize damage from ground shaking during seismic events. Additionally, the implementation of proposed General Plan policies will reduce impacts as a result of geologic hazards.

Reference: DEIR, p. 5.0-34; FEIR, p. 2.0-34; proposed 2009 General Plan Update Development and Resource Management Element Policies DE-232, DE-233, DE-234, DE-235, RM-60, RM-61 and Action Items DE-233.1, through RM-233.4 and RM-61.1.

**R) Impact 5.0.10:** Subsequent land use activities associated with implementation of the General Plan Update, in combination with existing, approved, proposed and reasonably foreseeable development in the county, may result in a reduction in the availability of locally important or known mineral resources. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-36; FEIR, p. 2.0-35.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development may result in a reduction in the availability of mineral resources. However, this impact would be **less than cumulatively significant** because implementation of the proposed 2009 General Plan Update requires compact development patterns which are intended to enhance the preservation and use of the county's mineral resources by reducing potential conflicts which may hamper mining operations. Additionally, the implementation of proposed General Plan policies are designed to ensure that the county's mineral resources are protected and utilized in an efficient and environmentally sound manner.

Reference: DEIR, p. 5.0-36; FEIR, p. 2.0-35; proposed 2009 General Plan Update Resource Management Element Policies RM-65, RM-66, RM-69 and Action Items RM-65.1, RM-65.2, RM-65.3, RM-65.4 and RM-66.1.

## HAZARDS/HAZARDOUS MATERIALS

**S) Impact 4.7.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update would continue to allow for uses including transportation of hazardous materials, as well as the use and disposal of hazardous materials. This is considered a less than significant impact. (DEIR, p. 4.7-21; FEIR, p. 2.0-17.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts from transportation of hazardous materials and the

use and disposal of hazardous materials would be **less than significant** because projected development under the proposed 2009 General Plan Update would be required to adhere to all federal, state, and local regulations regarding the transportation of explosives, poisonous inhalation hazards, and radioactive materials would reduce the environmental impacts associated with the routine transportation, use, and disposal of hazardous materials.

Reference: DEIR, p. 4.7-21; FEIR, p. 2.0-17; proposed 2009 General Plan Update Development Element Policies DE-203, DE-204, DE-209, DE-210, DE-214, DE-215 and Action Item DE-215.1.

**T) Impact 4.7.2:** Subsequent land use activities associated with implementation of the proposed General Plan Update could result in the release of hazardous materials into the environment should an accident occur. This is considered a less than significant impact. (DEIR, p. 4.7-22; FEIR, p. 2.0-18.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts from the release of hazardous materials into the environment would be **less than significant** because projected development under the proposed 2009 General Plan Update would be required to obtain approval of a Hazardous Material Business Plan from the County Environmental Health Department prior to issuance of a building permit or license.

Reference: DEIR, p. 4.7-22; FEIR, p. 2.0-18; proposed 2009 General Plan Update Development Element Policies DE-204, DE-210, DE-216 and Action Items DE-210.1, DE-210.2, DE-210.3.

**U) Impact 4.7.3:** Subsequent land use activities associated with implementation of the proposed General Plan Update could involve hazardous materials used during construction and operational activities, which may expose nearby students, faculty, and staff at local schools to toxic emissions. This is considered a less than significant impact. (DEIR, p. 4.7-23; FEIR, p. 2.0-18.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts from hazardous materials which may expose nearby schools to toxic emissions would be **less than significant** because projected development under the proposed 2009 General Plan Update must adhere to all federal, state, and local regulations regarding the transportation, storage, and handling of hazardous wastes, which would further reduce the potential for exposure of hazardous substances and toxic emissions to nearby schools. Additionally, Public Resources Code 21151.8 and State CEQA Guidelines Section 15186 identify specific requirements for locating a school near a hazardous waste site.

Reference: DEIR, p. 4.7-23; FEIR, p. 2.0-18; proposed 2009 General Plan Update Development Element Policies DE-209 and Action Item DE-209.1.

**V) Impact 4.7.4:** Subsequent land use activities associated with implementation of the proposed General Plan Update may be proposed on a site which is included on the list of hazardous material sites compiled pursuant to Government Code 65962.5 and would create a

significant hazard to the public or environment. This is considered a less than significant impact. (DEIR, p. 4.7-24; FEIR, p. 2.0-18.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts from hazards as a result of land use activities located on an identified hazardous material sites would be **less than significant** because projected development under the proposed 2009 General Plan Update would be regulated by the County Health Department and Planning Department in coordination with federal, state, and local agencies in the remediation of known hazardous waste sites. These requirements would result in the removal of the hazardous material where removal has not already occurred.

Reference: DEIR, p. 4.7-24; FEIR, p. 2.0-18; proposed 2009 General Plan Update Development Element Policies DE-214 and Action Item DE-214.1.

W) **Impact 4.7.5:** Subsequent land use activities associated with implementation of the proposed General Plan Update could result in safety hazards associated with airport operations in areas proposed for development. This is considered a less than significant impact. (DEIR, p. 4.7-25; FEIR, p. 2.0-18.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts from safety hazards associated with airport operations would be **less than significant** because projected development under the proposed 2009 General Plan Update within any of the airport planning area must be reviewed by the Mendocino County Airport Land Use Commission (ALUC). Airports establish planning boundaries for height, noise, and safety around each airport facility, as well as policies that determine the compatibility of new land uses proposed within each planning area boundary. State Airport Land Use Commission law requires a jurisdiction to achieve consistency with Comprehensive Airport Land Use Plans adopted by the ALUC through its General Plan and other land use regulations.

Reference: DEIR, p. 4.7-25; FEIR, p. 2.0-18; proposed 2009 General Plan Update Development Element Policies DE-167, DE-168 and Action Item DE-168.1.

X) **Impact 4.7.6:** Subsequent land use activities associated with implementation of the General Plan could result in safety hazards associated with wildland fires in residential areas adjacent to open space and natural areas. This is considered a less than significant impact. (DEIR, p. 4.7-26; FEIR, p. 2.0-19.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that implementation of the proposed 2009 General Plan Update could result in safety hazards associated with wildland fires in residential areas adjacent to open space and natural areas. However, compliance with County Code Section 8.80.020, Public Resources Code Sections 4290 and 4291, as well as proposed General Plan policies and associated action items would reduce these risks. Additionally, projected development under the proposed 2009 General Plan Update would not result in any substantial changes growth patterns or residential densities and most new development is expected to occur in previously urbanized areas, therefore this impact would be **less than significant**.

Reference: DEIR, p. 4.7-26; FEIR, p. 2.0-19; proposed 2009 General Plan Update Development Element Policies DE-213 through DE-224, and Action Items DE-215.1, DE-221.1, DE-221.2, DE-221.3.

**Y) Impact 5.0.11:** Subsequent land use activities associated with implementation of the General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the county, could expose persons to hazards and health risks. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-36; FEIR, p. 2.0-35.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development could expose persons to hazards and health risks. Natural hazards and hazardous material-related impacts are generally site-specific, and each individual development is responsible for mitigating such risks. However, this impact would be **less than cumulatively significant** because implementation of the proposed 2009 General Plan Update and reduce these risks through control through proper site design, implementation of best management practices during construction and operation, compliance with established building requirements, and appropriate zoning.

Reference: DEIR, p. 5.0-36; FEIR, p. 2.0-35; proposed 2009 General Plan Update Development Element Policies DE-167, DE-168, DE-209, DE-214, DE-215, DE-216, DE-217, DE-218, DE-219, DE-220, DE-221, DE-222, DE-223, DE-225, DE-226, DE-228 and Action Items DE-168.1, DE-209.1, DE-215.1, DE-221.1, DE-221.2, DE-221.3.

## HYDROLOGY AND WATER QUALITY

**Z) Impact 4.8.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update could result in adverse impacts to surface water quality during construction activities. This is considered a less than significant impact. (DEIR, p. 4.8-25; FEIR, p. 2.0-19)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts related to surface water quality during construction activities would be **less than significant** because all existing and future development under the proposed 2009 General Plan Update would be required to comply with federal, state, and local regulations, including the statewide General Construction Stormwater Permit, preparation and implementation of a Storm Water Pollution Prevention Plan that identifies best management practices (BMPs) to minimize pollutants from discharging from the construction site to the maximum extent practicable.

Reference: DEIR, p. 4.8-25; FEIR, p. 2.0-19 and p. 3.0-10 through -21; proposed 2009 General Plan Update Resource Management Element Policies RM-19, RM-20, RM-60, RM-63.

**AA) Impact 4.8.2:** Subsequent land use activities associated with implementation of the proposed General Plan Update could introduce new and additional point and non-point source

pollutants to downstream surface waters. This is considered a less than significant impact. (DEIR, p. 4.8-27; FEIR, p. 2.0-19.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential new and additional point and non-point source pollutants to downstream surface waters impacts would be **less than significant** because under the proposed 2009 General Plan Update all subsequent development would be subject to the Clean Water Act water pollution control programs, Total Maximum Daily Load (TMDL), and the National Pollutant Discharge Elimination System (NPDES) Permit Program. These requirements, along with the proposed General Plan policies, would reduce surface water quality impacts associated with new point and nonpoint source pollutants.

Reference: DEIR, p. 4.8-27; FEIR, p. 2.0-19 and p. 3.0-10 through -21; proposed 2009 General Plan Update Resource Management Element Policies RM-6, RM-19, RM-20, RM-60, RM-63, RM-89 and Action Item RM-6.3.

**BB) Impact 4.8.3:** Subsequent land use activities associated with implementation of the proposed General Plan Update could result in the degradation of groundwater quality. This is considered a less than significant impact. (DEIR, p. 4.8-29; FEIR, p. 2.0-20.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential degradation of groundwater quality impacts would be **less than significant** because under the proposed 2009 General Plan Update future land use activities would be required to comply with Chapter 16.04 and Section 16.08.015 of the Mendocino County Code which would ensure that groundwater in the County are preserved and protected from contamination or pollution as a result of abandoned wells and wastewater systems.

Reference: DEIR, p. 4.8-27; FEIR, p. 2.0-19; proposed 2009 General Plan Update Development and Resource Management Element Policies RM-18, RM-19, RM-20, RM-188, RM-189, RM-192 and Action Item RM-6.3.

**CC) Impact 4.8.5:** Subsequent land use activities associated with implementation of the proposed General Plan Update could expose people and structures to flooding impacts resulting from alterations to existing drainage patterns, by placing housing and other structures in the 100-year floodplain, and by dam inundation. This is considered a less than significant impact. (DEIR, p. 4.8-29; FEIR, p. 2.0-20.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that implementation of the proposed 2009 General Plan Update could result in exposure of people and structures to flooding impacts. However, compliance with proposed General Plan policies and associated action items would reduce these risks. Additionally, most of the floodplains in the county are located in relatively undeveloped areas with the exception of the 100-year floodplains located in the Ukiah Valley northeast of the City of Willits. Additionally, the Division of Safety of Dams of the California Department of Water Resources and are routinely inspected during their impoundment life, which includes monitoring for compliance with seismic stability standards, therefore this impact would be **less than significant**.

Reference: DEIR, p. 4.8-29; FEIR, p. 2.0-20; proposed 2009 General Plan Update Development and Resource Management Element Policies DE-193 through DE-201, and RM-3, RM-91.

**DD) Impact 4.8.6:** Subsequent land use activities associated with implementation of the proposed General Plan Update could expose people and structures to impacts resulting from inundation by tsunami. This is considered a less than significant impact. (DEIR, p. 4.8-33; FEIR, p. 2.0-21.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that exposure of people and structures to impacts resulting from inundation by tsunami would be **less than significant** because under the proposed 2009 General Plan Update, implementation of Mendocino County's Emergency Operations Plan, Multi-Hazard Mitigation Plan, the West Coast & Alaska Tsunami Warning Center's early warning system, and Mendocino County Code would reduce these risks.

Reference: DEIR, p. 4.8-33; FEIR, p. 2.0-21; proposed 2009 General Plan Update Section 20.500.020 of the Mendocino County Code.

**EE) Impact 5.0.12:** Subsequent land use activities associated with implementation of the General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the region, would contribute to cumulative water quality impacts. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-41; FEIR, p. 2.0-35.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development would contribute to cumulative water quality impacts would be **less than cumulatively significant** because implementation of the proposed 2009 General Plan Update would require compliance with the General Construction Stormwater Permit, applicable TMDL and NPDES requirements, and proposed General Plan policies.

Reference: DEIR, p. 5.0-41; FEIR, p. 2.0-35 and p. 3.0-10 through -21; proposed 2009 General Plan Update Resource Management Element Policies RM-19, RM-20, RM-60, RM-63, and Action Items RM-6.3.

**FF) Impact 5.0.14:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the region, could increase flood conditions in the region. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-44; FEIR, p. 2.0-37.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development increase flood conditions in the region impacts would be **less than cumulatively significant** because implementation of the proposed

2009 General Plan Update would require compliance with the General Construction Stormwater Permit, applicable TMDL and NPDES requirements, and proposed General Plan policies.

Reference: DEIR, p. 5.0-44; FEIR, p. 2.0-37; proposed 2009 General Plan Update Development and Resource Management Element Policies DE-199, DE-200, RM-3, RM-91.

## LAND USE

**GG) Impact 4.9.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update may have the potential to physically divide or impact an established community. This is considered a less than significant impact. (DEIR, p. 4.9-12; FEIR, p. 2.0-21.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the potential to physically divide or impact an established community would be **less than significant** because, although the proposed 2009 General Plan Update does include the re-designation of land uses in the unincorporated county, it does not include changes that would re-designate land uses in an established community, nor does it introduce new roadways, railroad tracks, or any other development that would physically divide an established community.

Reference: DEIR, p. 4.9-12; FEIR, p. 2.0-21; proposed 2009 General Plan Update Development Element Policies DE-23, DE-24, DE-25, DE-26, DE-30, DE-31, DE-32, DE-33, DE-34, DE-37, DE-69 through DE-97, and Action Items DE-23.1 DE-78.1, DE-78.2 and DE-78.3.

**HH) Impact 4.9.2:** Subsequent land use activities associated with implementation of the proposed General Plan Update may have the potential to conflict with applicable land use plans, policies, or regulations of agencies with land use jurisdiction over the unincorporated county. This is considered a less than significant impact. (DEIR, p. 4.9-14; FEIR, p. 2.0-21.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds the potential conflict with applicable land use plans, policies, or regulations of agencies with land use jurisdiction over the unincorporated county would be **less than significant** because the proposed 2009 General Plan Update includes regulations adopted by local, regional, state, and federal agencies for lands or resources under their jurisdiction. Additionally, the proposed Mendocino County General Plan Update would not substantially alter the existing land use pattern.

Reference: DEIR, p. 4.9-14; FEIR, p. 2.0-21; proposed 2009 General Plan Update Development Element Policies DE-118, DE-130, DE-188, DE-210, and Action Item DE-118.1.

**II) Impact 5.0.15:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in addition to existing, proposed, approved, and reasonably foreseeable development in incorporated and unincorporated Mendocino County, would not

contribute to cumulative land use conflicts. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-45; FEIR, p. 2.0-37.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development would not contribute to cumulative land conflicts impacts would be **less than cumulatively significant** because implementation of 2009 General Plan Update policies and Chapter 17 of the County Code would reduce impacts to land use conflicts (see FEIR p. 5.0-47).

Reference: DEIR, p. 5.0-45; FEIR, p. 2.0-37; proposed 2009 General Plan Update Development Element Policies DE-23, DE-24, DE-25, DE-26, DE-30, DE-31, DE-32, DE-33, DE-34, DE-37, DE-69 through DE-97 and Action Items DE-23.1 DE-78.1, DE-78.2 and DE-78.3..

## NOISE

**JJ) Impact 4.10.2:** Subsequent land use activities associated with implementation of the proposed General Plan Update could possibly increase traffic on the existing roadway network. Projected increases in traffic noise levels could adversely affect noise-sensitive land uses. This impact would be considered less than significant. (DEIR, p. 4.10-18; FEIR, p. 2.0-21.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds the potential increases in traffic noise levels could adversely affect noise-sensitive land uses would be **less than significant** because although the proposed 2009 General Plan Update identify some predicted increases in traffic noise levels areas adjacent to SR1 and Highway 101, the majority of the adjacent land use is dedicated to industrial, commercial, and public services. Substantial noise increases along more local roadways that were not included in the noise modeling for the proposed 2009 General Plan Update may also occur and would be evaluated on a project-by-project basis, as development is proposed.

Reference: DEIR, p. 4.10-18; FEIR, p. 2.0-21; proposed 2009 General Plan Update Development Element Policies DE-98, DE-99, DE-101, DE-104, DE-105, DE-106, DE-107, DE-108, and Action Items DE-105.1 and DE-106.1.

**KK) Impact 4.10.3:** Sensitive land uses constructed as part of the proposed General Plan Update would be exposed to aircraft noise from airports located within the county. This is considered a less than significant impact. (DEIR, p. 4.10-22; FEIR, p. 2.0-22.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds the potential for sensitive land uses exposed to aircraft noise would be **less than significant** because the proposed 2009 General Plan Update land uses are consistent with the noise policies and recommended land uses identified within the Mendocino County Airport Comprehensive Land Use Plan for public use airports.

Reference: DEIR, p. 4.10-22; FEIR, p. 2.0-22; proposed 2009 General Plan Update Development Element Policies DE-105, DE-106, DE-107, DE-108, DE-167, DE-168 and Action Items DE-105.1, DE-106.1, and DE-168.1.

LL) **Impact 4.10.4:** Subsequent land use activities associated with implementation of the proposed General Plan Update may result in the potential for new noise-sensitive land uses to encroach upon existing or proposed stationary noise sources. This impact is considered less than significant. (DEIR, p. 4.10-23; FEIR, p. 2.0-23.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds the potential for new noise-sensitive land uses to encroach upon existing or proposed stationary noise sources would be **less than significant** because the proposed 2009 General Plan Update includes policies and action items that would implement noise control standards would reduce future stationary noise impacts.

Reference: DEIR, p. 4.10-23; FEIR, p. 2.0-23; proposed 2009 General Plan Update Development Element Policies DE-99, DE-100, DE-101, DE-103, DE-104, DE-105, DE-106, DE-107, DE-108 and Action Items DE-105.1, DE-106.1.

## POPULATION AND HOUSING

MM) **Impact 4.11.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update may result in an increase in population and housing in the county. This is considered a less than significant impact. (DEIR, p. 4.11-11; FEIR, p. 2.0-24.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds the potential for in an increase in population and housing in the County would be **less than significant** because the proposed 2009 General Plan Update land use designations would not contribute to the significant generation of growth that would exceed any established growth projections.

Reference: DEIR, p. 4.11-11; FEIR, p. 2.0-24; there are no proposed 2009 General Plan Update Policies that address this impact.

NN) **Impact 4.11.2:** Subsequent land use activities associated with implementation of the proposed General Plan Update would not result in the displacement of housing and/or persons. This is considered a less than significant impact. (DEIR, p. 4.11-12; FEIR, p. 2.0-24.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds the potential for the displacement of housing and/or persons would be **less than significant** because the proposed 2009 General Plan Update does not include demolition or substantial change in land use designation that would result in the displacement of residents. Additionally, the change of land use designation and/or zone district does not necessarily mean that the existing housing unit or residential use must be discontinued. This type of conversion from residential use to non-residential use is actually infrequent.

Reference: DEIR, p. 4.11-12; FEIR, p. 2.0-24; there are no proposed 2009 General Plan Update Policies that address this impact.

**OO) Impact 5.0.17:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in addition to existing, approved, proposed, and reasonable foreseeable development, could result in a cumulative increase in population and housing growth in the unincorporated areas of Mendocino County as well as in surrounding counties, along with associated environmental impacts. This is a less than cumulatively considerable impact. (DEIR, p. 5.0-50; FEIR, p. 2.0-38.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development could result in a cumulative increase in population and housing growth in the County as well as in surrounding counties impacts would be **less than cumulatively significant** because while each jurisdiction will evaluate the environmental effects of future projects on population and housing growth as the individual projects are processed, there have been attempts to review impacts on a regional basis. Additionally, the proposed 2009 General Plan Update is anticipated to have a 1 percent rate of growth to the year 2030 and would not exceed any growth projections for the county.

Reference: DEIR, p. 5.0-45; FEIR, p. 2.0-37; proposed 2009 General Plan Update Development Element Policies DE-34, DE-35, DE-37, DE-38, DE-73, and DE-78.

## **PUBLIC SERVICES**

**PP) Impact 4.12.3.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update would increase student enrollment in Mendocino County and could require the construction of new schools and related facilities to serve the anticipated demand. This impact is considered less than significant. (DEIR, p. 4.12-22; FEIR, p. 2.0-25.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the increased demand for public schools would be **less than significant** because pursuant to Government Code Sections 65995 (h) and 65996 (b), payment of fees provides full and complete school facilities mitigation. The County collects school facilities mitigation fees prior to building permit issuance from project applicants proposing new building square footage.

Reference: DEIR, p. 4.12-22; FEIR, p. 2.0-25; proposed 2009 General Plan Update Development Element Policies DE-236 and DE-237 and Action Item DE-237.1.

**QQ) Impact 4.12.4.1:** Subsequent land use activities associated with implementation of the General Plan Update may increase the demand for existing facilities and require additional parks and recreational facilities to accommodate the anticipated growth. This is considered a less than significant impact. (DEIR, p. 4.12-29; FEIR, p. 2.0-25.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts related to demand for existing facilities and require additional parks and recreational facilities would be **less than significant** because the proposed 2009 General Plan Update because there are no parks or park facilities planned for development as part of the proposed General Plan Update; therefore, the environmental effects of constructing

new facilities would be considered in separate environmental analyses. However, the proposed General Plan includes policies and action items that provide for adequate parks and recreation services and facilities would be available to accommodate future growth and impacts.

Reference: DEIR, p. 4.12-29; FEIR, p. 2.0-25; proposed 2009 General Plan Update Development Element Policies DE-172 through DE-184, DE-186, and Action Items DE-179.1, and DE-181.1.

**RR) Impact 5.0.20:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the county, would result in a cumulative increase in student enrollment and require additional schools and related facilities to accommodate the growth. This is a less than cumulatively considerable impact. (DEIR, p. 5.0-54; FEIR, p. 2.0-39.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development would result in a cumulative increase in student enrollment and require additional schools and related facilities to accommodate the growth impacts would be **less than cumulatively significant** because pursuant to Government Code Sections 65995 (h) and 65996 (b), payment of fees provides full and complete school facilities mitigation. The County collects school facilities mitigation fees prior to building permit issuance from project applicants proposing new building square footage.

Reference: DEIR, p. 5.0-54; FEIR, p. 2.0-39; proposed 2009 General Plan Update Development Element Policies DE-236 and DE-237 and Action Item DE-237.1.

**SS) Impact 5.0.21:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development, would increase the demand for park and recreation facilities within Mendocino County. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-56; FEIR, p. 2.0-39.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development would increase the demand for park and recreation facilities within the County and would be **less than cumulatively significant** because the proposed 2009 General Plan Update includes policies and action items that provide for adequate parks and recreation services and facilities would be available to accommodate future growth and impacts.

Reference: DEIR, p. 5.0-56; FEIR, p. 2.0-39; proposed 2009 General Plan Update Development Element Policies DE-172 through DE-184, DE-186, and Action Items DE-179.1, and DE-181.1.

## TRANSPORTATION AND CIRCULATION

**TT) Impact 4.13.2:** Subsequent land use activities associated with implementation of the proposed General Plan Update could result in increased levels of traffic on local roadways,

including the unpaved roads. This is considered a less than significant impact. (DEIR, p. 4.13-15; FEIR, p. 2.0-26)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts due to increased levels of traffic on local roadways would be **less than significant** because the proposed 2009 General Plan Update does not propose any specific development activities, such as new subdivisions, recreational facilities, and large wine tasting rooms to be developed in the future. However, the proposed General Plan includes policies and action items that would reduce potential impacts on local roadways available to accommodate future growth.

Reference: DEIR, p. 4.13-15; FEIR, p. 2.0-26; proposed 2009 General Plan Update Development Element Policies DE-143, E-149, DE-152, DE-153.

UU) **Impact 4.13.3:** Subsequent land use activities associated with implementation of the proposed General Plan Update would not result in a substantial change in air traffic patterns. This is considered a less than significant impact. (DEIR, p. 4.13-16; FEIR, p. 2.0-26.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts due to a substantial change in air traffic patterns would be **less than significant** because the proposed 2009 General Plan would not result in activities such as the relocation of an existing airport that would cause a change in air traffic patterns. In addition, any changes to airport operations that would change air traffic patterns would be subject to FAA and state approvals.

Reference: DEIR, p. 4.13-16; FEIR, p. 2.0-26; proposed 2009 General Plan Update Development Element Policies DE-166, DE-167, DE-168.

VV) **Impact 4.13.4:** Subsequent land use activities associated with implementation of the proposed General Plan Update would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). This is considered a less than significant impact. (DEIR, p. 4.13-17; FEIR, p. 2.0-26.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts as a result of hazards due to a design feature or incompatible uses would be **less than significant** because compliance with County Code Sections 17-31, 17-38 and 17-66, Public Resources Code Sections 4290 and 4291, and the 2009 General Plan Update policies would ensure that growth would not result in roadway safety hazards (DEIR p.4.13-17 and -18).

Reference: DEIR, p. 4.13-17; FEIR, p. 2.0-26; proposed 2009 General Plan Update Development Element Policy DE-138, DE-149.

WW) **Impact 4.13.5:** Subsequent land use activities associated with implementation of the proposed General Plan Update would result in inadequate emergency access. This is considered a less than significant impact. (DEIR, p. 4.13-18; FEIR, p. 2.0-27.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts due to inadequate emergency access would be **less than significant** because the 2009 General Plan Update requires compliance with County Code sections 8.80.020 and 7.04.130, as well as proposed General Plan Update policies which will reduce any impacts of county growth on emergency access issues.

Reference: DEIR, p. 4.13-18; FEIR, p. 2.0-27; proposed 2009 General Plan Update Development Element Policies DE-214, DE-215, DE-217, DE-218, and DE-222.

**XX) Impact 4.13.6:** Subsequent land use activities associated with the proposed General Plan Update could create additional demand for parking facilities and therefore inadequate parking capacity if these facilities are not constructed. This is considered a less than significant impact. (DEIR, p. 4.13-19; FEIR, p. 2.0-27.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts from inadequate parking capacity would be **less than significant** because the 2009 General Plan Update requires compliance with County Code Section 15.12.040 for all new development and adequate parking would be evaluated as a component of new developments as applications are submitted.

Reference: DEIR, p. 4.13-19; FEIR, p. 2.0-27; There are currently no proposed policies or action items that provide mitigation for impacts on parking capacity.

**YY) Impact 4.13.7:** Implementation of the proposed General Plan Update could conflict with the Mendocino County Regional Transportation Plan and other planning efforts associated with transit provision and pedestrian and bicycle facilities. This is considered a less than significant impact. (DEIR, p. 4.13-20; FEIR, p. 2.0-27.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts to transit provisions and pedestrian and bicycle facilities would be **less than significant** because the 2009 General Plan Update proposes growth in low-density residential uses that would not conflict with adopted policies for alternative transportation. However, the low-density development patterns may not support expanded transit services and the dispersed development may not be conducive to walking and bicycling.

Reference: DEIR, p. 4.13-20; FEIR, p. 2.0-27; proposed 2009 General Plan Update Development Element Policies DE-153 through DE-158, DE-161 through DE-165, and Action Items DE-154.1, DE 156.1, DE-161.1, DE-161.2 and DE-163.1.

## UTILITIES AND SERVICE SYSTEMS

**ZZ) Impact 4.14.2.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update may require additional wastewater services, including treatment capacity, conveyance facilities, and septage disposal facilities to adequately serve subsequent

development. This is considered a less than significant impact. (DEIR, p. 4.14-19; FEIR, p. 2.0-28.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the increased demand for additional wastewater services would be **less than significant** because the 2009 General Plan Update requires compliance with County Code Chapter 16.08 which specifies minimum lots sizes for the installation of on-site sewage systems and County Code Section 16.08.015 requires all structures from which, or in which, domestic waste may be generated to be connected to an approved sewage system approved by the County.

Reference: DEIR, p. 4.14-19; FEIR, p. 2.0-28; proposed 2009 General Plan Update Development and Community Specific Element Policies DE-187, through DE-192, CP-AV-11, CP-AV-12 and Action Items CP-AV-11.1, DE-188.1, DE-188.2, and DE-188.3.

**AAA) Impact 4.14.3.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update would increase solid waste generation and the demand for related services. This is considered a less than significant impact. (DEIR, p. 4.14-70; FEIR, p. 2.0-28.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the increased solid waste generation and the demand for related services would be **less than significant** because the 2009 General Plan Update requires that Title 9A and Chapters 18.25 and 18.35 of the Mendocino County Code, as well as compliance with the County's Source Reduction and Recycling Element and the Non-disposal Facility Element, would ensure that future development would comply with AB 939. Furthermore, adequate capacity exists at landfills serving the county to accommodate waste generated in 2030.

Reference: DEIR, p. 4.14-70; FEIR, p. 2.0-28; proposed 2009 General Plan Update Development Element Policies DE-202 through DE-208 and Action Items DE-202.1, DE-202.2.

**BBB) Impact 4.14.4.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update may increase demand for electrical, natural gas, and telecommunications services and related infrastructure. This is considered a less than significant impact. (DEIR, p. 4.14-29; FEIR, p. 2.0-29.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that the increased demand for electrical, natural gas, and telecommunications services and related infrastructure would be **less than significant** because the 2009 General Plan Update does not propose any specific development activities, such as new electrical, natural gas, telecommunications, or related infrastructure which may be developed in the future. However, the proposed General Plan includes policies and action items that would reduce potential impacts on infrastructure available to accommodate future growth. Additionally, the proposed General Plan requires that subsequent development would be required to comply with adopted changes to Title 24 of the California Code of Regulations regarding energy efficiency effective September 2005. These new energy efficiency standards were developed to improve residential and nonresidential building energy efficiency, minimizing impacts to peak energy usage periods, and to reduce impacts on overall state energy needs.

Reference: DEIR, p. 4.14-29; FEIR, p. 2.0-29; proposed 2009 General Plan Update Development Element Policies DE-121, DE-122, DE-123, DE-125, DE-206, DE-207, DE-208 RM-53, RM-54, and Action Items RM-54.2 RM54.3.

**CCC) Impact 5.0.24:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the county, could contribute to the cumulative demand for wastewater services and associated facilities. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-64; FEIR, p. 2.0-41.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that potential impacts associated with cumulative development would increase the demand for wastewater services would be **less than cumulatively significant** because the proposed 2009 General Plan Update compliance with Chapter 16.08 of the Mendocino County Code, would reduce the proposed General Plan Update's contribution to cumulative wastewater service impacts by ensuring that adequate wastewater service and facilities are provided for new development.

Reference: DEIR, p. 5.0-64; FEIR, p. 2.0-41; proposed 2009 General Plan Update Development Element Policies DE-187 through DE-191 and Action Items DE-188.1, DE-188.2, DE-188.3.

**DDD) Impact 5.0.25:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with other existing, approved, proposed, or reasonably foreseeable development, would increase solid waste generation and contribute to the cumulative demand for solid waste services and facilities. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-66; FEIR, p. 2.0-41.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development would increase the demand for wastewater services and associated facilities would be **less than cumulatively significant** because the proposed 2009 General Plan Update requires compliance with Title 9A and Chapters 18.25 and 18.35 of the Mendocino County Code and with the County's SRRE and NDFE, would ensure that future development would comply with AB 939 and would reduce cumulative solid waste impacts. Furthermore, adequate capacity exists at landfills serving the county.

Reference: DEIR, p. 5.0-66; FEIR, p. 2.0-41; proposed 2009 General Plan Update Development Element Policies DE-202, DE-203, DE-204, DE-205 and Action Items DE-202.1, DE-202.2.

**EEE) Impact 5.0.26:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development, may contribute to the cumulative demand for electrical, natural gas, and telecommunications services and associated infrastructure. This is considered a less than cumulatively considerable impact. (DEIR, p. 5.0-67; FEIR, p. 2.0-42.)

Finding: Based on the analysis contained in the DEIR, FEIR and the administrative record, the Board finds that cumulative development would increase the demand for electrical, natural gas, and telecommunications services and associated infrastructure would be **less than cumulatively significant** because the proposed 2009 General Plan Update includes policies and action items that would reduce potential impacts on infrastructure available to accommodate future growth. Additionally, subsequent development under the proposed General Plan Update, as well as future development in the service areas of the each service provider, would be required to comply with energy efficiency standards in Title 24 of the California Code intended to minimize impacts to peak energy usage periods and to reduce impacts on overall state energy needs.

Reference: DEIR, p. 5.0-67; FEIR, p. 2.0-42; proposed 2009 General Plan Update Development and Resource Management Element Policies DE-121, DE-122, DE-123, DE-125, DE-206, DE-207, DE-208 RM-53, RM-54, and Action Items RM-54.1 through RM54.5.

**SECTION 7.**

**Findings Associated With Potentially Significant Impacts Which Can Be Mitigated To A Less Than Significant Level.**

According to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The new goals, policies, and action items in the County of Mendocino General Plan Update indicated in bold parentheses below have been incorporated into the project to mitigate the following impacts and reduce them to less than significant. When the wording of the goals, policies, and action items indicated is different from the mitigation measure it implements, the Board has determined that the differences do not substantively change the effectiveness of the measure or constitute significant new information pursuant to CEQA Guidelines Section 15088.5 or new information of substantial importance pursuant to CEQA Guidelines Section 15162.

**BIOLOGICAL RESOURCES**

A) **Impact 4.4.1:** Subsequent land use activities and growth under the proposed General Plan Update could have a substantial adverse effect, either directly or indirectly through habitat modifications, on special-status plant or animal species in the county. This is considered a potentially significant impact. (DEIR p. 4.4-43; FEIR p. 2.0-7.)

**Mitigation Measures:**

**MM 4.1.1a:** The County shall define “sensitive resources” in the General Plan to include all species and habitat identified, tracked, or listed in local or regional plans, policies, or regulations, or by California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA Fisheries, and wetlands, riparian corridors, oak woodlands, or other sensitive biotic community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS. **(This mitigation measure has been incorporated into the proposed General Plan Update Resource Management Element as Policy RM-31.)**

**MM 4.1.1b:** The County shall provide a policy in the General Plan Update that requires 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) to 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 (if applicable) including, but not limited to, the following strategies:

- Preservation of habitat and connectivity of adequate size, quality, and configuration to support the special-status species. Connectivity shall be determined based on the specifics of the species' needs.
- Provision of supplemental planting and maintenance of grasses, shrubs, and trees of similar quality and quantity to provide adequate vegetation cover to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife.
- Provide protection for habitat and the known locations of special-status species through adequate buffering or other means.
- Provide replacement habitat of like quantity and quality on- or off-site for special-status species.
- Enhance existing special-status species habitat values through restoration and replanting of native plant species.
- Provision of temporary or permanent buffers of adequate size (based on the specifics of the special-status species) to avoid nest abandonment by nesting migratory birds and raptors associated with construction and site development activities.
- Incorporation of the provisions or demonstration of compliance with applicable recovery plans for federally listed species.

**(This mitigation measure has been incorporated into the proposed General Plan Update Resource Management Element as Policy RM-28.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based upon the EIR, FEIR and the administrative record, this impact on biological resources is mitigated by imposition of Mitigation Measures MM 4.4.1a and 4.4.1b, found on page 4.4-55 of the DEIR. With incorporation of these mitigation measures as Resource Management Policy RM-28 and RM-31 into the GPU, the impact would be reduced to a less than significant level because the measures require that all discretionary projects address, analyze and mitigate impacts on special-status species and sensitive biotic communities.

**B) Impact 4.4.3:** Subsequent land use activities and growth under the proposed General Plan Update could result in the loss of wildlife movement and plant dispersal opportunities in the county. This is considered a potentially significant impact. (DEIR p. 4.4-59; FEIR p. 2.0-11.)

**Mitigation Measures:**

**MM 4.4.3:** The County shall provide a policy in the General Plan that requires individual projects to retain movement corridor(s) adequate (both in size and in habitat quality) to allow for continued wildlife use based on the species anticipated to use the corridor. **(This mitigation measure has been incorporated into the proposed General Plan Update Resource Management Element as Policy RM-27, Action Item RM-27.1.)**

**Finding:** Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

**Rationale:** Based upon the EIR, FEIR and the administrative record, this impact on biological resources is mitigated by imposition of Mitigation Measure MM 4.4.3, found on page 4.4-61 of the DEIR. With incorporation of this mitigation measure as Resource Management Policy RM-27, Action Item RM-27.1 into the GPU, the impact would be reduced to a less than significant level because the measure requires that all discretionary projects address, analyze and mitigate impacts on movement corridors to allow for continued wildlife use.

## CULTURAL RESOURCES

**C) Impact 4.5.1:** Subsequent land use activities associated with implementation of the General Plan Update could result in the potential disturbance of cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) and human remains. This is considered a potentially significant impact. (DEIR, p. 4.5-11; FEIR, p. 2.0-12.)

**Mitigation Measures:**

**MM 4.5.1:** The following provisions shall be added to the Development Element of the Mendocino County General Plan:

- Cultural resources evaluations (i.e., archaeological and historical investigations) shall be conducted at the County's determination for project applications, where it is determined that cultural resources may occur. The evaluations should identify cultural resources (i.e., prehistoric sites and isolated artifacts and features) in a project area, determine their eligibility for inclusion in the California Register of Historical Resources, and provide mitigation measures for any resources in a project area that cannot be avoided. Cultural resources evaluations shall be completed by a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology and/or history.

- If, during the course of implementing County-approved projects, cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) are discovered, all work shall be halted immediately within 50 feet of the discovery, the County Planning and Building Services Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology shall be retained to determine the significance of the discovery.
- The County and project applicant shall consider mitigation recommendations presented by a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology for any unanticipated discoveries. The County and project applicant shall consult and agree upon implementation of a measure or measures that they deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant will implement the agreed upon mitigation measures necessary for the protection of cultural resources.

**(This mitigation measure has been incorporated into the proposed General Plan Update Development Element as Policy DE-115.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential archaeological impact is mitigated by imposition of Mitigation Measure MM 4.5.1 found on page 4.5-11 of the DEIR. Incorporation of Mitigation Measure MM 4.5.1 as a policy into the GPU (as noted above), would identify significant cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) and human remains prior to implementation of a project and would ensure appropriate actions when resources are encountered. Therefore, this impact is reduced to less than significant.

**D) Impact 4.5.2:** Subsequent land use activities associated with the implementation of the proposed General Plan Update could result in the potential disturbance of paleontological resources (i.e., fossils). This is considered a potentially significant impact. (DEIR, p. 4.5-12; FEIR, p. 2.0-14.)

**Mitigation Measures:**

MM 4.5.2: The following provisions shall be added to the Development Element of the Mendocino County General Plan:

- Paleontological resources studies shall be conducted at the County's discretion for all project applications. The studies should identify paleontological resources in a project area and provide mitigation measures for any resources in a project area that cannot be avoided.
- If, during the course of implementing County-approved projects any paleontological resources (fossils) are discovered, all work shall be halted immediately within 50 feet of the discovery, the County Planning and Building Services Department shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery.
- The County and project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The County and project applicant shall consult and agree upon implementation of a measure or measures that they deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant will implement the agreed upon mitigation measures necessary for the protection of paleontological resources.

**(This mitigation measure has been incorporated into the proposed General Plan Update Development Element as Policy DE-116.)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Based on the DEIR, FEIR and the administrative record, this potential paleontological impact is mitigated by imposition of Mitigation Measure MM 4.5.2 found on page 4.5-13 of the DEIR. Incorporation of Mitigation Measure MM 4.5.2 as a policy into the GPU (as noted above), would identify significant paleontological resources (i.e., fossils) prior to implementation of a project and would ensure appropriate actions when resources are encountered. Therefore, this impact is reduced to less than significant.

## **NOISE**

**E) Impact 4.10.1:** Construction activities associated with subsequent activities under the proposed General Plan Update could result in elevated noise levels and noise-sensitive land uses. Increases in ambient noise levels, particularly during the nighttime hours, could result in increased levels of annoyance and potential sleep disruption. This impact is considered potentially significant. (DEIR, p.4.10-17; FEIR, p. 2.0-22.)

**Mitigation Measures:**

MM 4.10.1: The following provisions shall be added to the Development Element of the Mendocino County General Plan:

- The County will amend its Zoning Code noise standards to include standards to address and mitigate the temporary impacts of construction noise and ground vibration. Such standards will include restriction of construction hours to daytime periods and requirements to utilize construction noise measures (e.g., use of temporary sound barriers, setbacks, equipment noise control devices, ground vibration control measures).

**(The noise reduction performance standards of this mitigation measure has been incorporated into the proposed General Plan Update Development Element as Policy DE-99, DE-100 and DE-101)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Pursuant to State law, subdivisions, capital improvements, development agreements, and many other land use actions must be consistent with the adopted general plan. In counties, zoning is also required to conform to the general plan. Implementation of general plan goals, policies, and action items occurs through a variety of mechanisms. These mechanisms include, but are not limited to, the zoning ordinance. Implementation of mitigation measure 4.10.1 would ensure that the temporary noise effects of construction noise are mitigated to a less than significant level.

F) **Impact 4.10.5:** Subsequent land use activities associated with implementation of the proposed General Plan Update may result in the potential for new noise-sensitive land uses to encroach upon existing or proposed sources of groundborne vibration. This impact is considered potentially significant. (DEIR, p.4.10-24; FEIR, p. 2.0-23.)

**Mitigation Measures:**

MM 4.10.1: The following provisions shall be added to the Development Element of the Mendocino County General Plan:

- The County will amend its Zoning Code noise standards to include standards to address and mitigate the temporary impacts of construction noise and ground vibration. Such standards will include restriction of construction hours to daytime periods and requirements to utilize construction noise measures (e.g., use of temporary sound barriers,

setbacks, equipment noise control devices, ground vibration control measures).

**(The noise reduction performance standards of this mitigation measure has been incorporated into the proposed General Plan Update Development Element as Policy DE-99, DE-100 and DE-101)**

Finding: Pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a), the Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to a **less than significant** level.

Rationale: Pursuant to State law, subdivisions, capital improvements, development agreements, and many other land use actions must be consistent with the adopted general plan. In counties, zoning is also required to conform to the general plan. Implementation of general plan goals, policies, and action items occurs through a variety of mechanisms. These mechanisms include, but are not limited to, the zoning ordinance. Implementation of mitigation measure 4.10.1 would ensure that the temporary noise effects of construction noise and vibration are mitigated to a less than significant level.

**SECTION 8. Findings Associated With Significant Unavoidable, Growth Inducing, and/or Cumulative Significant Impacts Which Cannot Feasibly Be Mitigated To A Less Than Significant Level.**

**AIR QUALITY**

A) **Impact 4.3.2:** Subsequent land use activities associated with implementation of the proposed General Plan may result in short-term emissions generated by construction and demolition activities that would affect local air quality and could result in health and nuisance-type impacts in the immediate vicinity of individual construction sites as well as contribute to particulate matter and regional ozone impacts. This is considered a significant impact to air quality. (DEIR, p.4.3-15; FEIR, p. 2.0-6.)

**Mitigation Measures:**

None available.

Finding: Even with implementation of the air quality related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The main contributors to this short-term adverse impact to air quality are fugitive dust emissions (PM<sub>10</sub>), for which Mendocino County is in nonattainment for the California ambient air quality standard, and emission of ozone forming gases ROG and NO<sub>x</sub>. Fugitive dust emissions are generally associated with grading, movement of soil, and other site preparation activities. Based on a historical growth rate of 1 percent, it has been projected that the number of dwelling units may reach 34,510 by the year 2030, an increase of 6,785 over the current number. This development, along with the supporting infrastructure, would generate increased emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub>. Implementation of General Plan policies and action items would reduce potential construction-related air quality impacts. However, these policies and action items would not fully offset air pollutant emissions resulting from construction activities. Thus, this impact is considered significant and unavoidable.

**B) Impact 4.3.3:** Negative air quality impacts associated with long-term emissions from projected growth over the planning horizon of the General Plan Update may result in violations of ambient air quality standards or create significant nuisance impacts (e.g., wood smoke). This is considered a significant impact. (DEIR, p.4.3-16; FEIR, p. 2.0-6.)

**Mitigation Measures:**

None available.

Finding: Even with implementation of the air quality-related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Subsequent land use development activities associated with implementation of the proposed General Plan may result in an increase in population. This increase would introduce additional mobile and stationary sources of emissions, which would adversely affect regional air quality. The county is designated nonattainment for the California PM<sub>10</sub> standard. Based on the expected 1 percent growth trend and housing growth projections, potential emissions resulting from this growth scenario are estimated to be 1,794.13 tons of ROG, 1,581.4 tons of NO<sub>x</sub>, and 1,181.35 tons of PM<sub>10</sub> per year through the year 2030. These projections are only estimates as it is not possible to determine what specific development may occur at this time. However, the air emission analysis does identify that a result of development is an increase in air emissions. While implementation of the proposed General Plan Update policies and action items relating to long term emissions would assist in reducing the stationary and mobile air quality impacts generated by subsequent land use activities associated with implementation of the General Plan Update, they would not offset these projected pollution increases to a less than significant level.

**C) Impact 4.3.4:** Subsequent land use development activities associated with implementation of the proposed General Plan Update may result in projects that would include

sources of toxic air contaminants which may affect surrounding land uses and/or place sensitive land uses near existing sources toxic air contaminants. This impact is considered a significant impact. (DEIR, p. 4.3-20; FEIR, p. 2.0-6.)

**Mitigation Measures:**

None available.

**Finding:** Even with implementation of the air quality-related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

**Rationale:** Subsequent land use development activities associated with implementation of the proposed General Plan Update could potentially include land uses that are potential sources of toxic air contaminants (TACs). The type and level of TACs are dependent on the nature of the land use, individual facilities, and the methods and operations of particular facilities and it is not possible to determine these specific uses at this time. Implementation of proposed General Plan Update policies RM-44, RM-45, RM-46, and action item RM-46.1 (see FEIR, p. 2.0-7) would reduce potential stationary, mobile, and construction TAC source impacts. However, these policies and action items may not fully offset TAC source emissions or exposure from mobile sources from roadways to a less than significant level.

**D) Impact 5.0.3:** Subsequent land use development activities associated with implementation of the proposed General Plan along with existing, approved, proposed, and reasonably foreseeable cumulative development within the air basin would contribute to regional air quality impacts. The proposed General Plan Update's contribution to these conditions is cumulatively considerable. (DEIR, p. 5.0-10; FEIR, p. 2.0-31.)

**Mitigation Measures:**

None available.

**Finding:** Even with implementation of the air quality-related policies and action items of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

**Rationale:** Subsequent land use development activities associated with implementation of the proposed General Plan Update, in combination with the growth and development of other jurisdictions in the county, could result in substantial new development and increased population, which could adversely affect regional air quality. The growth in population, vehicle usage, and business activity within the Mendocino County Air Quality Management District (MCAQMD), when considered with growth assumed under the proposed General Plan, would contribute to cumulative regional air quality impacts. Implementation of the proposed General Plan policies and action items listed above would reduce impacts but not to a less than significant level.

E) **Impact 5.0.4:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the county, would result in the cumulative increase of greenhouse gases including CO<sub>2</sub> emitted into the atmosphere. The proposed General Plan Update's contribution to this impact would be cumulatively considerable. (DEIR, p. 5.0-20 FEIR, p. 2.0-32.)

**Mitigation Measures:**

None available.

**Finding:** Proposed General Plan policies and action items can effectively reduce greenhouse gas (GHG) emissions. Whether or not these requirements will reduce emissions effectively enough to mitigate the county's contribution to GHGs is unknown. The only entities which have jurisdiction over vehicle emissions in California are the state or federal government. Therefore, until such time that there are thresholds of significance to which the county's GHGs contribution can be compared, it must be assumed that any increase in GHGs will lead to a change in climate. Therefore, this impact is considered **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

**Rationale:** The amount of GHGs emissions produced from residential and non-residential buildings is related to the amount of energy that is used to operate the building such as electricity, natural gas, and propane. Under the 1 percent 2030 growth scenario, the implementation of the proposed General Plan Update will result in an estimated total CO<sub>2</sub> emission for residential buildings of 1,016,802,640 pounds per year (lbs/yr). This is an increase of 199,913,240 lbs/yr over existing conditions. It is estimated that implementation of the General Plan will result in the production of 441,354,924 lbs/year of CO<sub>2</sub> for non-residential uses at 2030. This is an increase of 86,772,056 lbs/year over existing conditions. Approximately 1,947,090,334 lbs of CO<sub>2</sub> per year would be generated by all vehicle trips under 2030 conditions. Implementation of the proposed General Plan policies and action items would reduce impacts but not to a less than significant level.

F) **Impact 5.0.5:** The impacts of global climate change would cumulatively result in the potential decrease in water supply, increase in air pollutants, and increase in health hazards. The

contribution of the proposed General Plan Update to this impact is considered cumulatively considerable. (DEIR, p. 5.0-26 FEIR, p. 2.0-32.)

**Mitigation Measures:**

None available.

Finding: Even with implementation of the policies and action item of the proposed General Plan Update Resource Management Element this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: According to a report on the effects of climate change in California by the California Climate Change Center, based on state-of-the art climate models, if global heat-trapping emissions proceed at a medium to high rate, temperatures in California are expected to rise 4.7 to 10.5°F by the end of the century. These consequences would potentially affect the residents of the county. For instance, according to a press release issued by the Sonoma County Water Agency in April 2007, unusually dry springs experienced in the region over the past few years have inhibited the ability to fill Lake Mendocino to capacity. Lake Mendocino water plays a significant role in providing drinking water to a substantial number of residents in Mendocino County including the unincorporated regions. Decreasing spring rains and spring stream flows coupled with increasing demand for water resulting from both a growing population and hotter climate could lead to increasing water shortages. By the end of the century, if temperatures rise to the medium warming range and precipitation decreases, late spring stream flow could continue to decline substantially. Implementation of the proposed General Plan policies and action items would reduce the potential GHG emissions in the county, though even a complete elimination of GHG emissions in the county would not significantly change GHG emissions on a global scale nor decrease the effects of global climate change on the residents of Mendocino County.

**BIOLOGICAL RESOURCES**

**G) Impact 4.4.2:** Subsequent land use activities and growth under the proposed General Plan Update could have a substantial adverse effect on wetlands, riparian, or other sensitive biotic community or native habitat within the county. This is considered a potentially significant impact. (DEIR, p. 4.4-56; FEIR 2.0-9.)

**Mitigation Measures:**

MM 4.4-2a: The County shall provide a policy or an implementation in the General Plan that requires the development of CEQA standards that require disclosure of impacts to all sensitive biotic communities during review of discretionary projects. The County, in its discretion, shall require mitigation that results in the following standards:

**SENSITIVE BIOTIC COMMUNITIES** – For all sensitive biotic communities that are listed in the DEIR, restore or create habitat at a no net loss standard of habitat value lost. Where it is determined that restoration or creation are ecologically infeasible, preserve at a 2:1 ratio for habitat loss.

**OAK WOODLAND** - Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity and wildlife habitat through the following measures:

- Preserve, to the maximum extent possible, oak trees and other significant vegetation that occur near the heads of drainages or depressions on north-facing slopes to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.
- Comply with the Oak Woodlands Preservation Act (PRC Section 21083.4) regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain to the maximum extent feasible existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial approvals.
- Provide appropriate replacement of lost oak woodlands or preservation at a 2:1 ratio for habitat loss.

**(This mitigation measure has been incorporated into the proposed General Plan Update Resource Management Element as Action Item RM-28.1.)**

MM 4.4-2b: The County shall provide a policy in the General Plan that requires all public and private discretionary projects to avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations. **(This mitigation measure has been incorporated into the proposed General Plan Update Resource Management Element as Policy RM-29.)**

Finding: Even with implementation of Mitigation Measures MM 4.4.2a and 4.4.2b, which are incorporated into the proposed General Plan Update as policies in the Resource Management Element (as noted above), this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Mitigation Measure MM 4.4.2a and 4.4.2b would directly address this impact and have been included as policies in the proposed GPU. These mitigation measures would ensure that sensitive biotic communities and oak woodlands are avoided if feasible. If they cannot be avoided, the measure would ensure that either the sensitive communities would be recreated/restored to ensure “no net loss” of the habitat, or it would require that other comparable habitat of like quality be preserved and protected at a 2:1 ratio in perpetuity. (Action Item RM-

28.1) Implementation of this measure and other policies in the GPU would protect the vast majority of the county's sensitive biotic communities, but would not prevent some loss from occurring where avoidance and recreation are infeasible and protection of equivalent habitat is selected as the approach. Thus, while the mitigation measure and policies would reduce the overall County-wide impact such that it would be considered less than significant, it would not eliminate the possibility of disproportionate impacts in some localized areas of the county. For this reason, the GPU is considered to have a significant and unavoidable impact on sensitive biotic communities despite the mitigation measures provided. (See DEIR, p. 4.4-58.)

H) **Impact 5.0.6:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development, would substantially contribute to cumulative impacts associated with significant effects to special-status plant and wildlife species, sensitive natural communities, and movement corridors. The impact to sensitive biotic communities would be cumulatively considerable. (DEIR, p.5.0-28; FEIR, p. 2.0-33.)

#### **Mitigation Measures:**

**MM 4.1.1a:** The County shall define "sensitive resources" in the General Plan to include all species and habitat identified, tracked, or listed in local or regional plans, policies, or regulations, or by California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA Fisheries, and wetlands, riparian corridors, oak woodlands, or other sensitive biotic community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS. **(This mitigation measure has been incorporated into the proposed General Plan Update Resource Management Element as Policy RM-31.)**

**MM 4.1.1b:** The County shall provide a policy in the General Plan Update that requires 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) to 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 (if applicable) including, but not limited to, the following strategies:

- Preservation of habitat and connectivity of adequate size, quality, and configuration to support the special-status species. Connectivity shall be determined based on the specifics of the species' needs.
- Provision of supplemental planting and maintenance of grasses, shrubs, and trees of similar quality and quantity to provide adequate vegetation cover to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife.
- Provide protection for habitat and the known locations of special-status species through adequate buffering or other means.

- Provide replacement habitat of like quantity and quality on- or off-site for special-status species.
- Enhance existing special-status species habitat values through restoration and replanting of native plant species.
- Provision of temporary or permanent buffers of adequate size (based on the specifics of the special-status species) to avoid nest abandonment by nesting migratory birds and raptors associated with construction and site development activities.
- Incorporation of the provisions or demonstration of compliance with applicable recovery plans for federally listed species.

**(This mitigation measure has been incorporated into the proposed General Plan Update Resource Management Element as Policy RM-28.)**

MM 4.4-2a: The County shall provide a policy or an implementation in the General Plan that requires the development of CEQA standards that require disclosure of impacts to all sensitive biotic communities during review of discretionary projects. The County, in its discretion, shall require mitigation that results in the following standards:

**SENSITIVE BIOTIC COMMUNITIES** – For all sensitive biotic communities that are listed in the DEIR, restore or create habitat at a no net loss standard of habitat value lost. Where it is determined that restoration or creation are ecologically infeasible, preserve at a 2:1 ratio for habitat loss.

**OAK WOODLAND** - Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity and wildlife habitat through the following measures:

- Preserve, to the maximum extent possible, oak trees and other significant vegetation that occur near the heads of drainages or depressions on north-facing slopes to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.
- Comply with the Oak Woodlands Preservation Act (PRC Section 21083.4) regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain to the maximum extent feasible existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial approvals.
- Provide appropriate replacement of lost oak woodlands or preservation at a 2:1 ratio for habitat loss.

**(This mitigation measure has been incorporated into the proposed General Plan Update Resource Management Element as Action Item RM-28.1.)**

MM 4.4.2b: The County shall provide a policy in the General Plan that requires all public and private discretionary projects to avoid impacts to wetlands if feasible. If

avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations. **(This mitigation measure has been incorporated into the proposed General Plan Update Resource Management Element as Policy RM-29.)**

**MM 4.4.3:** The County shall provide a policy in the General Plan that requires individual projects to retain movement corridor(s) adequate (both in size and in habitat quality) to allow for continued wildlife use based on the species anticipated to use the corridor. **(This mitigation measure has been incorporated into the proposed General Plan Update Resource Management Element as Action Item 27.1.)**

Finding: Even with implementation of Mitigation Measures MM 4.4.1a, 4.4.1b, 4.4.2a, 4.4.2b, and 4.4.3 which are incorporated into the proposed General Plan Update as policies in the Resource Management Element (as noted above), this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: The County contains habitat conditions that support several special-status plant and animal species that occur throughout the county. Cumulative development anticipated by the year 2030 could result in conversion of biotic communities in the county and surrounding areas that provide habitat to special-status plant and animals as well as sensitive biotic communities. These impacts associated with the General Plan Update would be in addition to the environmental effects associated with other land use activities and development (e.g., other agricultural activities beyond timber harvesting, natural resource extraction activities [mineral resources], recreation development and activities) in the county and region and statewide. Similar habitat conditions also occur in the adjacent counties (Humboldt, Trinity, Tehama, Glenn, Lake, and Sonoma) that would be impacted from land use development, timber harvesting, anticipated vineyard expansion, and other associated agricultural activities in those jurisdictions. The measures identified above would assist in the preservation of habitats that support special-status species in the county, though not to a level that is less than significant.

## HYDROLOGY AND WATER QUALITY

D) **Impact 4.8.4:** Subsequent land use activities associated with implementation of the proposed General Plan Update may increase the demand for water from groundwater sources and could thus result in overdraft. This is considered a potentially significant impact. (DEIR, p. 4.8-30; FEIR, p. 2.0-20.)

### Mitigation Measures:

None available.

Finding: Even with implementation of the proposed General Plan policies and action items relating to groundwater resources, this impact would remain significant, and there are no

other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Compliance with proposed General Plan policies and action items relating to groundwater resources, as well as compliance with Chapter 16.24 of the Mendocino County Code, would reduce groundwater usage and partially mitigate overdraft. However, detailed groundwater budgets in the county are currently limited. Furthermore, specific data regarding recharge areas in the county is not currently available. Due to uncertainty in the time required to establish and implement effective management actions, the length of time needed to implement the programs needed to bring groundwater into hydrologic balance, and the lack of current knowledge regarding groundwater availability and sustainability of important aquifers, impacts are considered significant and unavoidable.

J) **Impact 5.0.13:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the region, would contribute to the drawdown of underlying aquifers and decreased recharge in the North Coastal Basin. This impact is considered cumulatively considerable. (DEIR, p.5.0-42; FEIR, p. 2.0-36.)

**Mitigation Measures:**

None available

Finding: Even with implementation of the proposed General Plan policies and action items relating to groundwater resources, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed 2009 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Compliance with proposed General Plan policies and associated action items relating to county groundwater resources, as well as compliance with Chapter 16.24 of the Mendocino County Code, would reduce groundwater usage and partially mitigate overdraft. However, detailed groundwater budgets in the county are currently limited. Furthermore, specific data regarding recharge areas in the county is not currently available. Due to uncertainty in the time required to establish and implement effective management actions, the length of time needed to implement the programs needed to bring groundwater into hydrologic balance, and the lack of current knowledge regarding groundwater availability and sustainability of important aquifers, impacts are considered significant and unavoidable.

## NOISE

**K) Impact 5.0.16:** Subsequent land use activities associated with implementation of the proposed General Plan Update, along with existing, approved, proposed, and reasonably foreseeable development in the region, could result in increased traffic noise conflicts. This is considered a cumulatively considerable impact. (DEIR, p.5.0-47; FEIR, p. 2.0-37.)

### Mitigation Measures:

None available.

Finding: Even with implementation of proposed General Plan policies addressing noise impacts, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: As stated in the DEIR, State Route 1 and US 101 would experience the greatest predicted increases in traffic noise levels. The proposed changes to the General Plan identify some areas adjacent to these two highways, yet the majority of the adjacent land use is dedicated to industrial, commercial, and public services. While the policies and actions items designed to address noise impacts would mitigate exposure to noise, the proposed General Plan Update would still contribute to cumulative considerable traffic noise increases along US 101 and State Route 1. Thus, this impact would remain a significant and unavoidable impact.

## PUBLIC SERVICES

**L) Impact 4.12.1.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update may increase the demand for fire protection and emergency medical services and facilities. This is considered a potentially significant impact. (DEIR, p.4.12-8; FEIR, p. 2.0-24.)

### Mitigation Measures:

None available

Finding: Even with implementation of General Plan policies and action items as well as Section 8.80.020 and Chapter 9.05 of the Mendocino County Code, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and

other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: In the year 2030, assuming a 1 percent annual growth rate, the county would have a population of 77,160, as well as 34,510 housing units. In addition to this growth, subsequent land use activities associated with implementation of the proposed General Plan Update would increase the demand for fire protection and emergency medical services in the unincorporated county. As previously discussed, the majority of fire protection services in the unincorporated county are provided by volunteers, and many rural fire districts incur more annual expenses than revenue with only limited funding through property taxes and/or local assessments. Future development and population growth associated with the proposed General Plan Update would further exacerbate these conditions and could result in inadequate fire protection services. Additional fire protection staff and facilities would be necessary to serve increased growth. There are no fire stations planned for development as part of the proposed General Plan Update; therefore, the environmental effects of constructing new facilities would be considered in separate environmental analyses. While compliance with the proposed General Plan policies and action items listed above would reduce the impact to adequate fire protection services resulting from subsequent development associated with implementation of the proposed General Plan Update, the county spans a wide area of responsibility and there is inadequate funding to cover this wide area. This impact is considered significant and unavoidable.

**M) Impact 5.0.18:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the county, would increase development and population and contribute to the cumulative demand for fire protection and emergency medical services. This is considered a cumulatively considerable impact. (DEIR, p. 5.0-51; FEIR, p. 2.0-38.)

**Mitigation Measures:**

None available.

Finding: Even with implementation of the proposed General Plan policies and action items relating to fire protection and emergency medical services, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: In the year 2030, assuming a 1 percent annual growth rate, the county would have a population of 77,160, as well as 34,510 housing units. In addition to this growth, subsequent land use activities associated with implementation of the proposed General Plan Update would increase the demand for fire protection and emergency medical services in the unincorporated county. There are no fire stations planned for development as part of the proposed General Plan Update; therefore, the environmental effects of constructing new facilities would be considered in separate environmental analyses. While compliance with the proposed

General Plan policies and action items relating to fire protection and emergency medical services would reduce the impact to adequate fire protection services resulting from subsequent development associated with implementation of the proposed General Plan Update, the county spans a wide area of responsibility and there is inadequate funding to cover this wide area. This impact is considered significant and unavoidable.

N) **Impact 4.12.2.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update may result in increased demand for law enforcement services, potentially resulting in the need for additional law enforcement personnel and related facilities. This is considered a potentially significant impact. (DEIR, p. 4.12-14; FEIR, p. 2.0-25.)

**Mitigation Measures:**

None available.

**Finding:** Even with implementation of proposed General Plan policies and action items relating to law enforcement services, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

**Rationale:** Assuming a 1 percent annual growth rate, the county would have a population of 77,160, as well as 34,510 housing units, in the year 2030, which is an increase of 15,170 persons and 6,785 housing units over 2009 conditions. This increase in development and population would result in an increased demand for law enforcement services. New development is not currently required to provide funding for additional law enforcement equipment, staffing, or facilities that are adequate to meet increased service demands. The Sheriff's Office is currently understaffed and unable to provide 24-hour patrol coverage countywide. Furthermore, the sheriff has indicated that the office is understaffed and does not have the ability to effectively serve all residents of the county. Therefore, impacts are considered significant and unavoidable.

O) **Impact 5.0.19:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the county, would contribute to the cumulative demand for additional law enforcement services and facilities. This is considered a cumulatively considerable impact. (DEIR, p. 50-53; FEIR, p. 2.0-38.)

**Mitigation Measures:**

None available

**Finding:** Even with implementation of proposed General Plan policies and action items relating to law enforcement services, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than

significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Assuming a 1 percent annual growth rate, the county would have a population of 77,160, as well as 34,510 housing units, in the year 2030, which is an increase of 15,170 persons and 6,785 housing units over 2009 conditions. This increase in development and population would result in an increased demand for law enforcement services. New development is not currently required to provide funding for additional law enforcement equipment, staffing, or facilities that are adequate to meet increased service demands. The Sheriff's Office is currently understaffed and unable to provide 24-hour patrol coverage countywide. Furthermore, the sheriff has indicated that the office is understaffed and does not have the ability to effectively serve all residents of the county. Therefore, impacts are considered significant and unavoidable.

## TRANSPORTATION AND CIRCULATION

P) **Impact 4.13.1:** Subsequent land use activities in the county could result in additional traffic on area highways, which could exceed level of service standards. Implementation of the proposed General Plan Update would contribute to this impact. This is considered a significant impact. (DEIR, p.4.13-13; FEIR, p. 2.0-26.)

### Mitigation Measures:

None available.

Finding: Even with implementation of proposed General Plan policies and action items relating to traffic, this impact would remain significant, and there are no other feasible mitigation measures or alternatives within the authority of the County that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081(a)(2) and CEQA Guidelines Section 15091 (a)(2), a lead agency may make a finding that the facility is within another agency's responsibility and jurisdiction. Further, pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed 2009 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: As stated in the DEIR, year 2030 conditions with implementation of the proposed General Plan Update would contribute to deficient LOS operations on US 101 and State Route 1. While General Plan Update policy provisions addressing traffic impacts will be applied and implemented on projects under the County's jurisdiction (e.g., County roads), and these improvements would assist in improving state highway system operation by improving traffic conditions on the circulation system within the County, the County does not have jurisdiction to implement improvements on the state highway system. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code Section 21081 (a)(2)

and CEQA Guidelines Section 15091 (a)(2), the Board further finds that major roadway improvements for US 101 and State Route 1 are within the responsibility and jurisdiction of the California Department of Transportation (Caltrans), and not the County, and that any needed improvements to US 101 or State Route 1 can and should be implemented by the other agency.

Q) **Impact 5.0.22:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the county, would result in cumulative traffic impacts on area highways. This is considered a cumulatively considerable impact. (DEIR, p. 5.0-58; FEIR, p. 2.0-40.)

**Mitigation Measures:**

None available.

**Finding:** Even with implementation of proposed General Plan policies and action items relating to traffic, this impact would remain significant, and there are no other feasible mitigation measures or alternatives within the authority of the County that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081(a)(2) and CEQA Guidelines Section 15091 (a)(2), a lead agency may make a finding that the facility is within another agency's responsibility and jurisdiction. Further, pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the proposed 2009 General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

**Rationale:** As stated in the DEIR, year 2030 conditions with implementation of the proposed General Plan Update would contribute to deficient LOS operations on US 101 and State Route 1. While General Plan Update policy provisions addressing traffic impacts will be applied and implemented on projects under the County's jurisdiction (e.g., County roads), and these improvements would assist in improving state highway system operation by improving traffic conditions on the circulation system within the County, the County does not have jurisdiction to implement improvements on the state highway system. Therefore, this impact is considered significant and unavoidable. Pursuant to Public Resources Code Section 21081 (a)(2) and CEQA Guidelines Section 15091 (a)(2), the Board further finds that major roadway improvements for US 101 and State Route 1 are within the responsibility and jurisdiction of the California Department of Transportation (Caltrans), and not the County, and that any needed improvements to US 101 or State Route 1 can and should be implemented by the other agency.

**UTILITIES AND SERVICE SYSTEMS**

R) **Impact 4.14.1.1:** Subsequent land use activities associated with implementation of the proposed General Plan Update could require additional water supplies, storage capacity, and treatment and conveyance facilities to adequately serve subsequent development. This is considered a potentially significant impact. (DEIR, p.4.14-9; FEIR, p. 2.0-27.)

**Mitigation Measures:**

None available.

**Finding:** Even with implementation of the service system related policies and action items of the proposed General Plan Update Resource Management Element and Development Element, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

**Rationale:** Assuming a 1 percent annual growth rate, the county would have a population of 77,160, as well as 27,725 housing units, in the year 2030. In addition to this growth, subsequent land use activities (e.g., continued agricultural activities) associated with implementation of the proposed General Plan Update would add to an increased demand for water supplies, storage capacity, and treatment and conveyance facilities. Much of the county is currently served by private groundwater wells, many of which do not provide adequate supplies during normal summer months and dry years. The public water service providers in the county currently face water supply and infrastructure problems, including court-imposed water moratoriums that prohibit new connections, inadequate storage capacity, and unreliable water supplies. Furthermore, little is known about the hydrologic balance of groundwater basins in the county, especially in the mountainous areas that rely on private wells. Compliance with General Plan policies addressing water supply, along with Sections 16.04 and 16.24 of the Mendocino County Code, would increase water conservation and partially reduce impacts to water supplies resulting from new development. However, the county does not currently have reliable water supply in dry years, and more rural areas relying on private groundwater wells also experience shortages. Uncertainty remains regarding the time required to establish and implement effective management actions, the length of time needed to implement the programs needed to bring groundwater into hydrologic balance, and the lack of current knowledge regarding groundwater availability and sustainability of important aquifers. For these reasons this impact cannot be mitigated to a less than significant level.

S) **Impact 5.0.23:** Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the North Coastal Basin, may contribute to the cumulative demand for water supplies and associated facilities. This is considered a cumulatively considerable impact. (DEIR, p.5.0-61; FEIR, p. 2.0-40.)

**Mitigation Measures:**

None available.

Finding: Even with implementation of the service system related policies and action items of the proposed General Plan Update Resource Management Element and Development Element, this impact would remain significant, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Consequently, this impact is **significant and unavoidable**. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091(a), the Board hereby finds that specific economic, legal, social, technological, and other benefits of the proposed General Plan Update outweigh this significant impact, as further set forth in the Statement of Overriding Considerations in Section 11 below.

Rationale: Assuming a 1 percent annual growth rate, the county would have a population of 77,160, as well as 27,725 housing units, in the year 2030. In addition to this growth, subsequent land use activities (e.g., continued agricultural activities) associated with implementation of the proposed General Plan Update would add to an increased demand for water supplies, storage capacity, and treatment and conveyance facilities. With no substantial additional sources identified for the unincorporated area (beyond groundwater), groundwater overdraft would likely occur that would impact existing wells and could require the re-drilling to deepen wells and/or restrictions regarding groundwater usage that could limit land uses (such as limitations on agricultural uses). Without substantial additional sources for the unincorporated areas, this impact is significant and unavoidable.

## SECTION 9.            Rejection of Infeasible Mitigation Measures.

### A)    Authority.

CEQA does not require that a lead agency adopt every mitigation measure recommended in an EIR. However, when an agency rejects any of the mitigation measures identified in the EIR for a significant impact, it must make specific findings that the rejected measures are infeasible. These findings must show the agency's reasons for rejecting the mitigation measures that the EIR recommends. An agency may reject a mitigation measure recommended in an EIR if it finds that it would be infeasible to implement the measure because of "specific legal, economic, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers." (Public Resources Code Section 21081(a)(3); 14 CCR Section 15091 (a)(3).)

The DEIR and FEIR recommend adoption of various mitigation measures for the proposed 2009 General Plan Update. The Board finds that all of the recommended measures, are feasible, and will be adopted as, goals, policies, or action items in connection with the 2009 General Plan Update.

## SECTION 10.        Project Alternatives.

### A)    Legal Requirements.

The purpose of than alternatives analysis is to describe a range of reasonable alternatives to the proposed General Plan Update. The analysis evaluates alternatives that would obtain most of the basic objectives of the project and the comparative merits of those alternatives (State CEQA Guidelines Section 15126.6[a]). In accordance with State CEQA Guidelines, an EIR does not need to consider every conceivable alternative to a project, nor is it required to consider alternatives that are clearly infeasible. State CEQA Guidelines Section 15126.6(b) states that an alternatives analysis shall focus on those alternatives that are capable of avoiding or substantially lessening any significant effects of the project, even if they impede to some degree the attainment of the project objectives or would be more costly.

CEQA requires an EIR to identify project alternatives and to indicate the manner in which a project's significant effects may be mitigated or avoided, but does not mandate that the EIR itself contain an analysis of the feasibility of the various project alternatives or mitigation measures it identifies (Public Resources Code, §§ 21002.1, subd. (a); 21100, subd. (b)(4); *Sierra Club v. County of Napa* (2004) 121 Cal.App.4<sup>th</sup> 1490, 1503, citing *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4<sup>th</sup> 656, 689-690). As the lead agency, Mendocino County bears the responsibility for the decisions that must be made before a project can go forward, including determinations of feasibility and whether the benefits of a project outweigh the significant effects the project will have on the environment (Public Resources Code §§ 21002.1, subds. (b) & (c), 21081). In addition, CEQA specifically provides that in making these determinations, the County shall base its findings on substantial evidence in the record, a provision reflecting an understanding that the Board of Supervisors will not limit its review to matters set forth in the EIR, but will base its decision on evidence found anywhere in the record (*Sierra Club v. County of Napa*, 121 Cal.App.4<sup>th</sup> at p. 1503; citing Public Resources Code, §§ 21081.5).

According to State CEQA Guidelines, an EIR need only examine in detail those alternatives that could feasibly meet most of the basic objectives of the project. When addressing feasibility, State CEQA Guidelines Section 15126.6 states that "among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, jurisdictional boundaries, and whether the applicant can reasonably acquire, control or otherwise have access to alternative sites." The State CEQA Guidelines also specify that the alternatives discussion should not be remote or speculative. However, discussion of alternatives need not be presented in the same level of detail as the assessment of the proposed project.

State CEQA Guidelines indicate that several factors need to be considered in determining the range of alternatives to be analyzed in an EIR and the level of analytical detail that should be provided for each alternative. These factors include (1) the nature of the significant impacts to the proposed project; (2) the ability of alternatives to avoid or lessen the significant impacts associated with the project; (3) the ability of the alternatives to meet the objectives of the project; and (4) the feasibility of the alternatives. These factors are unique for each project.

**B) Range of Alternatives.**

Section 6.0 of the DEIR describe the alternatives considered and compares their impacts to the proposed 2009 General Plan Update impacts. Consistent with a General Plan's focus on policy review, the alternatives are based upon alternative policies guiding future land uses and development in the County. A number of alternatives and ideas that could have been considered as components of an alternative were considered during preparation of the Draft EIR but were not selected for in-depth analysis. These alternatives and alternative-components are described below, along with reasons they were withdrawn from further consideration. Given the nature of the project (adoption of a General Plan Update for the County), it would not be pertinent to address another area outside of the County boundaries. Further, this alternative would not meet the basic project objectives identified in Section 3.0, Project Description. For these reasons, an off-site alternative is considered infeasible pursuant to State CEQA Guidelines 15126.6(c).

The DEIR evaluated three alternatives to the proposed 2009 General Plan Update: Alternative 1 – No Project – Existing General Plan Alternative, Alternative 2 – Board of Supervisors EIR Alternative (This alternative is not considered an alternative under the State CEQA Guidelines, but was directed by the Board of Supervisors for analysis as an alternative.) and Alternative 3 – Existing Land Use Map/Proposed General Plan Update Policies Alternative. (DEIR, p.6.0-2)

**C) Alternative 1 – No Project – Existing General Plan Alternative.**

**Description:** Under Alternative 1, the proposed Mendocino County General Plan and its associated Land Use Policy Map would not be adopted. The existing 1981 Mendocino County General Plan policy document and Land Use Map would remain in effect. The County would utilize its existing zoning and other regulations regarding development within the County's jurisdiction. Existing General Plan objectives and policies would continue to be in effect. Any future development would be required to adhere to the policies in the existing 1981 General Plan. The growth projections for the existing General Plan were determined by utilizing the historic growth rate of 1 percent in the unincorporated county as discussed in this EIR. Based on this growth projection for the planning horizon to 2030, there would still be a total of 6,785 housing units created with a 77,160 total population, an increase of 15,170 persons over existing 2009 conditions. Anticipated growth by 2030 would be the same as the proposed General Plan Update as there are no policy provisions, existing or proposed, that dictate the rate of growth. The primary difference between the Alternative 1, No Project, and the proposed General Plan Update are the more environmentally protective policies and the changes to the land use map.

Alternative 1 is discussed on page 6.0-2 of the DEIR. Under Alternative 1, the proposed Mendocino County General Plan and its associated Land Use Policy Map would not be adopted. The existing 1981 Mendocino County General Plan policy document and Land Use Map would remain in effect. The County would utilize its existing zoning and other regulations regarding development within the County's jurisdiction. Existing General Plan objectives and policies would continue to be in effect. Any future development would be required to adhere to the

policies in the existing 1981 General Plan. The growth projections for the existing General Plan were determined by utilizing the historic growth rate of 1 percent in the unincorporated county as discussed in this EIR. Based on this growth projection for the planning horizon to 2030, there would still be a total of 6,785 housing units created with a 77,160 total population, an increase of 15,170 persons over existing 2008 conditions. Anticipated growth by 2030 would be the same as the proposed General Plan Update as there are no policy provisions, existing or proposed, that dictate the rate of growth. The primary difference between the Alternative 1 and the proposed General Plan Update are the more environmentally protective policies and the changes to the land use map.

Alternative 1 would have all of the same significant, unavoidable impacts as the 2009 GPU, since projected growth in population, employment, traffic and associated noise and air pollutant emissions would occur even if the County's general plan were not updated. Specifically, the No Project alternative would result in the same significant and unavoidable impacts related to: short-term emissions for grading and construction (Impact 4.3.2), operational air emissions (Impact 4.3.3), cumulative regional air emissions (Impact 5.0.3), exposure to toxic air contaminants (Impact 4.3.4), regional GHG emissions (Impact 5.0.4), regional impacts of global climate change (Impact 5.0.5), impacts to sensitive biotic communities (Impact 4.4.2), cumulative biological resources impacts (Impact 5.0.6), groundwater level overdraft (Impact 4.8.4), cumulative groundwater decline and recharge (Impact 5.0.13), cumulative increase from traffic noise (Impact 5.0.16), increased demand for fire protection and emergency medical services (Impact 4.12.1.1), cumulative increase in demand for fire protection and emergency medical services (Impact 5.0.18), increased demand for law enforcement services (Impact 4.12.2.1), cumulative demand for law enforcement services (Impact 5.0.19), traffic level of service impacts (Impact 4.13.1), cumulative traffic impacts (Impact 5.0.22), increased demand for water supplies and services (Impact 4.14.1.1), cumulative water service impacts (Impact 5.0.23).

Alternative 1 would have a greater degree of impact to the following significant and unavoidable impacts when compared to the 2009 GPU due to the provision of less policy guidance and less focus of development in community areas: sensitive biotic communities (Impact 4.4.2), groundwater level overdraft (Impact 4.8.4), cumulative groundwater decline and recharge (Impact 5.0.13), cumulative increase from traffic noise (Impact 5.0.16), increased demand for water supplies and services (Impact 4.14.1.1), cumulative water service impacts (Impact 5.0.23).

Alternative 1 would not result in the avoidance of any of the significant and unavoidable impacts identified for the 2009 General Plan.

**Finding:** Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that the No Project Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

- 1) The 1981 General Plan would become increasingly out of date particularly with respect to the lack of policies that address GHG emissions and global climate change, that put

the County at risk of a legal challenge, which could potentially restrict the County's ability to approve new development projects (residential, agricultural and industrial) until the General Plan is updated.

2) This Alternative would maintain the existing 1981 General Plan and would not update its policies or the Land Use Map to account for changing land use patterns, environmental conditions, economic conditions, socioeconomic changes, or technological advances.

3) This Alternative either would not identify or contains weaker policy guidance with respect to: preservation of scenic resources, protection of fisheries and natural ecosystems, scenic resources, development of community design guidelines, protection of sensitive receptors from objectionable odors, reduction of GHG emissions, protection of cultural and paleontological resources, prevention of erosion, septic system capability, airport and wildland fire hazards, impacts, groundwater quality, groundwater decline, alteration of drainage patterns, conflicts with relevant land use plans, reduce non-transportation noise, reduce roadway safety hazards, provide emergency access, enhance water and wastewater supplies and services, enhance electrical, natural gas, and telecommunications services.

4) This Alternative would not accomplish the Project objectives of addressing new issues and new requirements of state law such as GHG reduction and global climate change or emphasizing market-based approaches to implementation over mandates.

5) Although the 1981 General Plan includes policies to protect and preserve the natural environment, it contains fewer specific policies, action items, and programs that are designed to protect natural ecosystems. This Alternative provides less focus of development in community areas which reduces opportunities for GHG reduction, and would result in more pressure to convert agricultural lands in comparison to the 2009 GPU. 4)

6) This Alternative does not offer significant benefits compared to the proposed 2009 General Plan Update.

The Board finds that the impacts under Alternative 1 – No Project – Existing General Plan Alternative would be substantially the same or greater than for the 2009 GPU. For the reasons specified above under Section 10 (C), the Board finds Alternative 2 is less desirable, and is hereby rejected.

**Reference:** The DEIR, Section 6.0 Alternatives and provides an analysis of the environmental effects of this Alternative as compared to the proposed 2009 General Plan Update.

**D) Alternative 2 – Board of Supervisors EIR Alternative**

**Description:** Alternative 2 – Board of Supervisors Alternative was suggested by the Board of Supervisors for inclusion as an alternative in this EIR. This alternative includes additional parcels that were proposed for land use changes that were not included in the proposed General Plan. Under Alternative 2, the proposed General Plan and Land Use Policy Map would be adopted, as well as an additional 18 sites identified by the Board of Supervisors.

The most likely growth rate in unincorporated Mendocino County is based on historical growth factors. In this case for the proposed General Plan, a historical growth rate of 1 percent was used to determine the county's potential population and housing units by 2030. The historic growth rate of 1 percent used throughout this DEIR would be implemented with this alternative, thereby resulting in a total of 34,510 housing units and 77,160 persons by the year 2030.

The main difference between this alternative and the proposed General Plan would be the changes in land use designations for the additional 18 sites, although specific development is not being proposed.

**Finding:** The Board of Supervisors EIR Alternative would have all of the same significant, unavoidable impacts as the 2009 GPU, since projected growth in population, employment, traffic and associated noise and air pollutant emissions would occur at the same rate. Specifically, the Board of Supervisors EIR Alternative would result in the same significant and unavoidable impacts related to: short-term emissions for grading and construction (Impact 4.3.2), operational air emissions (Impact 4.3.3), cumulative regional air emissions (Impact 5.0.3), exposure to toxic air contaminants (Impact 4.3.4), regional GHG emissions (Impact 5.0.4), regional impacts of global climate change (Impact 5.0.5), impacts to sensitive biotic communities (Impact 4.4.2), cumulative biological resources impacts (Impact 5.0.6), groundwater level overdraft (Impact 4.8.4), cumulative groundwater decline and recharge (Impact 5.0.13), cumulative increase from traffic noise (Impact 5.0.16), increased demand for fire protection and emergency medical services (Impact 4.12.1.1), cumulative increase in demand for fire protection and emergency medical services (Impact 5.0.18), increased demand for law enforcement services (Impact 4.12.2.1), cumulative demand for law enforcement services (Impact 5.0.19), traffic level of service impacts (Impact 4.13.1), cumulative traffic impacts (Impact 5.0.22), increased demand for water supplies and services (Impact 4.14.1.1), cumulative water service impacts (Impact 5.0.23).

The Board of Supervisors EIR Alternative would have a greater degree of impact to the following significant and unavoidable impacts when compared to the 2009 GPU due to the conversion of an additional 250 acres of agriculturally designated land: impacts to sensitive biotic communities (Impact 4.4.2), cumulative biological resources impacts (Impact 5.0.6). All impacts identified for agricultural resources and biological resources were worse under the Board of Supervisors EIR Alternative (except for conflict with local plans) than for the 2009 GPU however, with the exception of the biological impacts listed above, these impacts were all found to be less than significant.

Alternative 2 would not result in the avoidance of any of the significant and unavoidable impacts identified for the 2009 General Plan.

The Board finds that the impacts under Alternative 2 – Board of Supervisors EIR Alternative would be substantially the same or greater than for the 2009 GPU. For the reasons specified above under Section 10 (C), the Board finds Alternative 2 is less desirable, and is hereby rejected.

**Reference:** The DEIR, section 6.0 Alternatives and provides an analysis of the environmental effects of this Alternative as compared to the proposed 2009 General Plan Update.

E) **Alternative 3 – Existing General Plan Land Use Map/Proposed General Plan Update Policies Alternative.**

**Description:** Alternative 3 – Existing General Plan Land Use Map/Proposed General Plan Update Policies Alternative would keep the existing General Plan land use designations from the 1981 General Plan, but apply the proposed General Plan Update policies and action items. This would allow for increased environmental protection of the existing land use designations and reduce impacts to any potential development that would occur. The primary difference between this alternative and the proposed General Plan Update is that no land use designations would change.

The most likely growth rate in unincorporated Mendocino County is based on historical growth factors. In this case for the proposed General Plan Update, a historical growth rate of 1 percent was used to determine the county's potential population and housing units by 2030. The historic growth rate of 1 percent used throughout this DEIR would be implemented with this alternative, thereby resulting in a total of 23,923 housing units and 57,050 persons by the year 2030.

**Finding:** Alternative 3 would have some of the same significant, unavoidable impacts identified for the 2009 GPU that are a result of growth even though projected growth in population, employment, traffic and associated noise and air pollutant emissions under Alternative 3 would be reduced. Specifically, Alternative 3 would result in significant and unavoidable impacts related to: short-term emissions for grading and construction (Impact 4.3.2), operational air emissions (Impact 4.3.3), cumulative regional air emissions (Impact 5.0.3), exposure to toxic air contaminants (Impact 4.3.4), regional GHG emissions (Impact 5.0.4), regional impacts of global climate change (Impact 5.0.5), impacts to sensitive biotic communities (Impact 4.4.2), cumulative biological resources impacts (Impact 5.0.6), groundwater level overdraft (Impact 4.8.4), cumulative groundwater decline and recharge (Impact 5.0.13), cumulative increase from traffic noise (Impact 5.0.16), increased demand for fire protection and emergency medical services (Impact 4.12.1.1), cumulative increase in demand for fire protection and emergency medical services (Impact 5.0.18), increased demand for law enforcement services (Impact 4.12.2.1), cumulative demand for law enforcement services (Impact 5.0.19), traffic level of service impacts (Impact 4.13.1), cumulative traffic impacts (Impact 5.0.22), increased demand for water supplies and services (Impact 4.14.1.1), cumulative water service impacts (Impact 5.0.23).

Alternative 3 would have a lesser degree of impact to the following significant and unavoidable impacts when compared to the 2009 GPU due to the retention of the 1981 GPU land uses resulting in less loss of farmland and less development pressure on land with natural resource values. However, there would be less focus of development in the community areas which could add to a more dispersed and sprawling development pattern. Specifically, Alternative 3 realizes reductions to the following significant and unavoidable impacts: impacts

to sensitive biotic communities (Impact 4.4.2) and cumulative biological resources impacts (Impact 5.0.6).

Impacts identified for agriculture related to conversion of farmland or timber to urban uses, agriculture/urban interface conflicts, and cumulative impacts to agricultural resources; impacts identified for biological resources including loss of movement opportunities and cumulative biological resource impacts; as well as land use impacts related to division of a community were reduced under Alternative 3 as compared to the 2009 GPU. However, with the exception of the biological impacts listed above, these impacts were all found to be less than significant.

Alternative 3 would not result in the avoidance of any of the significant and unavoidable impacts identified for the 2009 General Plan but would result in a lesser degree of impact to agriculture, biological resources and land use as noted above.

**Finding:** Pursuant to Public Resources Code section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the Board finds that Alternative 3 is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations, and is rejected for the following reasons:

1) This Alternative would maintain the existing 1981 General Plan Land Use Map and would not update the land uses to account for changing land use development patterns, environmental conditions, economic conditions, socioeconomic changes, or technological advances.

2) This Alternative would maintain the existing 1981 General Plan Land Use Map and would provides less focus of development in community areas which reduces opportunities for GHG reduction, and would result in more pressure to convert agricultural lands in comparison to the 2009 GPU.

3) This Alternative does not offer significant benefits compared to the proposed 2009 General Plan Update.

The Board finds that the environmental impacts under Alternative 3 – No Project – Existing General Plan Alternative would be substantially the same or only slightly better than for the 2009 GPU. For the reasons specified above under Section 10 (C), the Board finds Alternative 2 is less desirable, and is hereby rejected.

**Reference:** The DEIR section 6.0 Alternatives provides an analysis of the environmental effects of this Alternative as compared to the proposed 2009 General Plan Update.

## **SECTION 11. Statement of Overriding Considerations.**

In approving the proposed 2009 General Plan Update, the Board makes the following Statement of Overriding Considerations in support of its findings on the FEIR. The Board has

considered the information contained in the FEIR (the Draft EIR, Comments on the Draft EIR, Response to Comments on the Draft EIR, the Errata and all other public comments, responses to comments, and accompanying technical memoranda and staff reports included in the public record.

The Board has carefully balanced the benefits of the project against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. Notwithstanding the identification and analysis of impacts that are identified in the FEIR as being significant and which have not been eliminated, lessened or mitigated to a level of insignificance, the Board, acting pursuant to CEQA Guidelines Section 15092 and 15093, hereby determines that remaining significant effects on the environment found to be unavoidable in Section 8 above, are acceptable due to overriding concerns described herein. Specifically, the benefits of the project outweigh the unmitigated adverse impacts and the project should be approved.

Based on the objectives identified in the proposed 2009 General Plan Update, DEIR and FEIR, and through extensive public participation, the Board has determined that the Project should be approved, and any remaining unmitigated environmental impacts attributable to the project are outweighed by the following specific environmental, economic, fiscal, social, housing and other overriding considerations, each one being a separate and independent basis upon which to approve the Project. Substantial evidence in the record demonstrates the County would derive the following benefits from adoption and implementation of the 2009 GPU:

**A) Environmental.**

1) The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible.

2) The Project reiterates and reinforces the County's commitments to protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses.

3) The General Plan recognizes the wide range of County natural systems, open spaces and recreational opportunities by protecting and enhancing resources. Consistent with this approach, development opportunity is focused in community areas that will support more compact urban development patterns, where such development can be supported by necessary infrastructure and public services, agriculture and open space are preserved, and energy is conserved, all of which reduce congestion and greenhouse gas emissions and improve air quality.

4) The Project supports ecologically sustainable agricultural operations and protection and enhancement of important natural resources through encouraging research, vegetation management programs, best management practices, and technical assistance for agricultural operators while encouraging farmers, land owners and property managers to protect sensitive environments, and minimize the effects of recreation, tourism, agriculture and development on these resources.

5) The Project includes goals, objectives, and policies that provide additional protection of the County's important natural resources, such as water resources, biotic resources, freshwater and marine environments, scenic resources, timber and agricultural resources. The General Plan contains a comprehensive set of policies and actions (located in the Resource Management Element), which seek to address how Mendocino County manages water supply and quality issues. Key among these recommendations is the need to gather more information to supplement what is already known about water supplies so that future decisions will be based on the best knowledge available. The Project protects and enhances the county's natural ecosystems and valuable resources through prevention of loss of the county's biological resources and fragmentation of oak woodlands, forests, and wildlands and preservation of their economic and ecological values and benefits.

6) The General Plan includes new policies and programs for climate protection and sustainability and commits the County to being proactive in monitoring and addressing climate change. Directing new growth into the incorporated cities and established communities and increasing bike, pedestrian and transit systems will help lower transportation related GHG emissions. Improving building energy efficiency standards and promoting the use of renewable sources (wind, sun, thermal) will lower emissions as well as consumption of fossil fuels.

7) The Project provides updated General Plan policies that protect water resources. The County will work with agencies in developing long-term water supplies to meet the growth needs planned in this General Plan. Updated General Plan policies recognize the importance of water conservation as part of a sustainable management plan.

8) The Project includes goals, policies and programs to reduce energy and resource consumption by promoting solid waste reduction, reuse, recycling, composting and environmentally safe transformation of waste, educating businesses and residents on options for implementing waste reduction targets, encouraging "green building" design, development and construction, and evaluating new technologies for energy generation and conservation and solid waste disposal as they become available.

## **B) Economic and Fiscal.**

1) The Project focuses on the long term relative to creation of permanent jobs for local residents, consistent with each community planning area's vision for development. Creation of new employment opportunities will be balanced with protection of the environment and natural resources, with the goal of developing new businesses that utilize sustainable systems. Agricultural and timber-based operations are to be protected. Expansion of the tourism industry and County recreational activities will be encouraged.

2) The Project emphasizes long-term and sustainable economic and community needs over short-term gains by promoting sustainable and innovative business practices and technologies that advance work force and community health, environmental protection, and use of clean, reliable and renewable energy sources.

3) The Project facilitates a variety of land uses and employment opportunities in community areas, consistent with local community needs and environmental constraints and promotes diversified employment opportunities in the industrial sector and agricultural processing operations. In all instances, the General Plan promotes and encourages land uses that incorporate environmentally sound practices.

4) The Project creates opportunity for new commercial development by designating sufficient lands for commercial use, including an emphasis on mixed-use development. Additionally, policies call for business retention, expansion and diversification, with an emphasis on compatibility between land uses by requiring the use of buffers and setbacks, reducing the potential for environmental and other impacts and protecting natural resources.

5) The Project recognizes the importance and value of agricultural production and the wine industry's annual economic contribution. According to the 2006 Mendocino County Crop Report the total value of agricultural production, excluding timber, was approximately \$136.7 million. Agriculture has a significant role in the Mendocino County economy, which supports a growing tourism and hospitality industry, increases tax revenue and provides employment opportunities.

**C) Social.**

1) The Project includes policies, goals, and objectives which conform to the County's longstanding growth history, defining a rate of population growth that perpetuates County residents' quality of life.

2) The Project best reflects the community's expressions of quality of life and community values and guides the County's future growth in line with those values. The Project supports a balance between agriculture, housing, environmental preservation and restoration, population growth and economic development. Planning efforts will emphasize local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.

3) The Project reflects the County's commitment to the health and well-being of all its residents, and the General Plan land use plans, policies and programs are designed to promote health through promoting an active, inclusive county, where healthy habits are encouraged rather than discouraged by the built environment. The policies also emphasize development of walkable communities.

4) The Project development pattern policies provide for new development in the county's community planning areas, where infrastructure and public services available. In these areas, compact forms of development will be emphasized, using infill and redevelopment of underutilized sites. This approach will create better-defined urban boundaries, minimizing urban sprawl and preserving the predominantly rural character of the county.

5) The Project emphasizes local culture, reflecting the historic, physical, and social values of each community. This will be accomplished, in part, through the eventual adoption of community design guidelines for physical factors and sustainable development practices.

6) The Project encourages coordination and partnering with the cities in Mendocino County is encouraged to develop appropriate land use patterns at the city/county interface, minimize environmental and economic impacts, and maximize environmental and economic benefits.

6) The Project protects the wide range of historic, cultural, and archaeological resources through a variety of actions, including working closely with the County Museum, Native American Tribes, other organizations, and agencies. New development projects will be evaluated for potential impact to cultural resources. The County will consider adoption of a historical review code as an additional means of ensuring protection of historic resources.

7) The Project incorporates a wide range of policy approaches addressing transportation needs. Primary among these is an emphasis on multiple modes of transportation, rather than focusing solely on vehicular transportation, while stressing community livability. Emphasis is placed on improving and maintaining existing roadway systems and bridges, as opposed to construction of new roadways. This emphasis is in keeping with other General Plan policies that focus new development in the county's community areas. The County will also support programs intended to reduce the number and extent of vehicle trips by working with major employers, supporting carpool and vanpool facilities and incentive programs reducing single-occupant vehicle use. Policies in this Element provide for expanded pedestrian and bicycle systems in support of improved community livability. Connecting or expanding the county's system of pedestrian, bicycle, and trail routes is emphasized, as is providing improved linkages between modes of transportation. New development will be required to construct or support pedestrian and bicycle systems.

8) The Project establishes a wide range of parks and recreational opportunities for county residents. The policies call for a needs assessment of parks and recreation, followed by actions to provide needed facilities incorporating multiple uses of parks and school facilities and open spaces in urban communities. The County will work closely with local agencies and school districts in developing its parks and recreation plans and programs. With an emphasis on community livability, policies call for development of trails and bicycle lanes and paths throughout the county.

9) This General Plan recognizes the need and importance of providing adequate law enforcement services for the county, calling for regulation of development patterns and designs as a means of ensuring public safety, working with law enforcement agencies as part of the development process, and maintaining adequate development codes enforcement capabilities.

**D) Housing.**

1) The State of California has made the attainment of decent housing and a suitable-living environment for every Californian a statewide priority. As set forth in Government Code section 65580, the County of Mendocino must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a “decent home and satisfying living environment for every Californian.” (See Public Resources Code section 21000(g).) The proposed 2009 GPU sets forth the County’s long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals.

2) The County is obligated under state law to assume its fair share of regional growth, particularly housing for all income levels. The Project accommodates this obligation while at the same time minimizing impacts by concentrating growth in areas where urban services are available. The 2009 GPU also outlines a variety of strategies for the County to use to address its long-term housing needs and to meet state and regional housing requirements.

3) The Project intent is to provide a range of flexibility in how the General Plan is implemented, through updates to the Zoning Ordinance and other development codes. Similarly, flexibility in development standards helps implement the Housing Element.

**E) Legal and Regulatory.**

1) The Project provides for cooperative planning between the County and the four incorporated cities in the county, numerous other state and federal jurisdictions, and private and non-profit sectors to provide needed services and facilities such as housing, transportation, economic development, parks and recreation, open space and other needed services and infrastructure to County residents.

2) The Project balances the protection of ecologically sensitive resources with the protection of property rights, the importance of agriculture and the need for affordable housing, transportation, and economic growth. The Project represents the best compromise in terms of satisfying the County’s obligations to social, environmental, and housing considerations, all within the constraints of the County’s limited budget.

3) The Project ensures that private property owners will continue to have economically viable use of their lands, promotes economic development, spreads the public burdens fairly, and protects the County from regulatory takings challenges.

4) The Project is consistent with the rule that, in mitigating or avoiding a significant effect on the environment, a public agency may exercise only those express or implied powers provided by law other than the California Environmental Quality Act. (See Public Resources Code section 21004.)

**SECTION 12.**            **Annual Reporting.**

According to CEQA Guidelines Section 15097(b), “Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan.”

Pursuant to CEQA Guidelines Section 15097(b), the review and reporting on the adopted General Plan Policies and Action items will occur in conjunction with the preparation and submittal of the annual report on the status of the General Plan that is required by Government Code Section 65400.

**SECTION 13.**            **Recirculation is Not Required.**

In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and some new information amplifying and clarifying information in the Draft EIR has been added to the Final EIR. The County has determined that the clarifications and minor policy modifications to the 2009 GPU analyzed in the Draft EIR do not trigger the thresholds for recirculation as identified in Public Resources Code Section 21092.1 and in Section 15088.5 of the CEQA Guidelines. The 2009 GPU adopted by the Board falls within the scope of the Draft EIR analysis, including some of the parcel land use changes addressed under Draft EIR Alternative 2 (see Draft EIR p.6.0-27 through -50). While some aspects of all of the 18 sites evaluated under Alternative 2 could result in some minor increase in the impacts identified in the Draft and Final EIR, the increase associated with the parcels included in the 2009 General Plan Update by the Board of Supervisors would not trigger new significant environmental impacts or a substantial increase in severity of environmental impacts identified in the Draft and Final EIR that would trigger the requirement for recirculation.

Adoption and implementation of the 2009 GPU will not result in any significant environmental impacts not identified in the Draft EIR or result in a substantial increase in the severity of a significant environmental impact identified in the Draft EIR. There are no substantial changes in the Project or the circumstances under which the Project is being undertaken that necessitate revisions of the Draft EIR, nor has significant new information become available. “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” 14 Cal Code Regs. Section 15088.5(b). The Board of Supervisors hereby determines, based on the standards provided in Public Resources Code Section 21092.1 and Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft EIR is not required prior to adoption of the 2009 GPU.

**SECTION 14.**            **Record of Proceedings.**

The environmental analysis provided in the Draft and Final EIR and the Findings provided herein are based on and are supported by the following document, materials and other evidence, which constitute the Administrative Record for the 2009 GPU;

- 1)        The NOP, comments received on the NOP and all other public notices issued by the County in relation to the General Plan EIR (e.g., Notice of Availability).
- 2)        The Draft EIR, associated appendices to the Draft EIR and technical materials cited in the document.
- 3)        The Final EIR, including comment letters, oral testimony and technical materials cited in the document.
- 4)        All non-draft and/or non-confidential reports and memoranda prepared by the County and consultants related to the EIR, its analysis and findings.
- 5)        Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings or scoping meetings held by the Planning Commission and the Board of Supervisors.
- 6)        Staff reports associated with Planning Commission and Board Meetings on the General Plan and supporting technical memoranda.
- 7)        Mendocino County General Plan, the various public drafts of the General Plan Update.

**SECTION 15.**            **Location and Custodian of Records.**

The documents and other materials that constitute the record of proceedings on which the Board's findings regarding the mitigation measures and statement of overriding considerations are based are located at the office and in the custody of the Mendocino County Planning and Building Department, 501 Low Gap Road, Room 1440, Ukiah, California. The location and custodian of these documents is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 Cal. Code of Regulations section 15091(e).

# EXHIBIT B

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## MITIGATION MONITORING AND REPORTING PROGRAM

FOR THE

GENERAL PLAN UPDATE

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# MENDOCINO COUNTY GENERAL PLAN MITIGATION MONITORING AND REPORTING PROGRAM

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## INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the County of Mendocino General Plan. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." A MMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

## MITIGATION MONITORING AND REPORTING PROGRAM

The mitigation measures and/or the performance standards of the mitigation measures identified in the County of Mendocino General Plan Draft EIR have been structured to be incorporated as policies and/or action items into the General Plan policy document and thus, would be implemented as part of consideration of subsequent projects within the County (see Final EIR Table 2.0-1). Implementation would consist of determining whether subsequent projects are consistent with the General Plan, utilization of policies and action items as conditions of approval and/or mitigation measures and County-initiated planning activities as required by specific policies and action items. The MMRP, as outlined in the following table describes mitigation measures and where they have been placed in the County of Mendocino General Plan.

The County of Mendocino will be the primary agency for monitoring the mitigation measure implementation associated with implementation of the General Plan.

The MMRP is presented in tabular form on the following pages.

MENDOCINO COUNTY GENERAL PLAN MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Mitigation Measure Description	Placement in General Plan	Verification
4.4 Biological Resources			
MM 4.4.1a	<p>The County shall define "sensitive resources" to include all species and habitat identified, tracked, or listed in local or regional plans, policies, or regulations, or by California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA Fisheries, and wetlands, riparian corridors, oak woodlands, or other sensitive biotic community identified in local or regional plans, policies, or regulations, or by CDFG or USFWS.</p>	<p>Resource Management Element Policy RM-31</p>	
MM 4.4.1b	<p>The County shall require 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) to 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 (if applicable) including, but not limited to, the following strategies:</p> <ul style="list-style-type: none"> <li>• Preservation of habitat and connectivity of adequate size, quality, and configuration to support the special-status species.</li> </ul>	<p>Resource Management Element Policy RM-28</p>	

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<p>MM 4.4.1b</p>	<p>The County shall require 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) to 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 (if applicable) including, but not limited to, the following strategies:</p> <ul style="list-style-type: none"> <li>• Preservation of habitat and connectivity of adequate size, quality, and configuration to support the special-status species.</li> </ul>	<p>Resource Management Element Policy RM-28</p>	

MENDOCINO COUNTY GENERAL PLAN MITIGATION MONITORING AND REPORTING PROGRAM

	<p>Connectivity shall be determined based on the specifics of the species' needs.</p> <ul style="list-style-type: none"> <li>• Provision of supplemental planting and maintenance of grasses, shrubs, and trees of similar quality and quantity to provide adequate vegetation cover to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife.</li> <li>• Provide protection for habitat and the known locations of special-status species through adequate buffering or other means.</li> <li>• Provide replacement habitat of like quantity and quality on- or off-site for special-status species.</li> <li>• Enhance existing special-status species habitat values through restoration and replanting of native plant species.</li> <li>• Provision of temporary or permanent buffers of adequate size (based on the specifics of the special-status species) to avoid nest abandonment by nesting migratory birds and raptors associated with construction and site development activities.</li> <li>• Incorporation of the provisions or demonstration of compliance with applicable recovery plans for federally listed species.</li> </ul>		
<p>MM 4.4.2a</p>	<p>The County shall require the development of CEQA standards that require disclosure of impacts to all</p>	<p>Resource Management Element Action Item RM-28.1</p>	

MENDOCINO COUNTY GENERAL PLAN MITIGATION MONITORING AND REPORTING PROGRAM

	<p>sensitive biotic communities during review of discretionary projects. The County, in its discretion, shall require mitigation that results in the following standards:</p> <p><b>SENSITIVE BIOTIC COMMUNITIES -</b>          For all sensitive biotic communities that are listed in the DEIR, restore or create habitat at a no net loss standard of habitat value lost. Where it is determined that restoration or creation are ecologically infeasible, preserve at a 2:1 ratio for habitat loss.</p> <p><b>OAK WOODLAND -</b> Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity and wildlife habitat through the following measures:</p> <ul style="list-style-type: none"> <li>• Preserve, to the maximum extent possible, oak trees and other significant vegetation that occur near the heads of drainages or depressions on north-facing slopes to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.</li> <li>• Comply with the Oak Woodlands Preservation Act (PRC Section 21083.4) regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain to the maximum extent feasible existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial,</li> </ul>		
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MENDOCINO COUNTY GENERAL PLAN MITIGATION MONITORING AND REPORTING PROGRAM

	<p>and industrial approvals.</p> <ul style="list-style-type: none"> <li>Provide appropriate replacement of lost oak woodlands or preservation at a 2:1 ratio for habitat loss.</li> </ul>		
MM 4.4.2b	<p>The County shall require all public and private discretionary projects to avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations.</p>	<p>Resource Management Element Policy RM-29</p>	
MM 4.4.3	<p>The County shall require individual projects to retain movement corridor(s) adequate (both in size and in habitat quality) to allow for continued wildlife use based on the species anticipated to use the corridor.</p>	<p>Resource Management Element Action Item RM-27.1.</p>	
4.5 Cultural Resources			
MM 4.5.1	<p>The following provisions shall be added to the General Plan:</p> <ul style="list-style-type: none"> <li>Cultural resources evaluations (i.e., archaeological and historical investigations) shall be conducted at the County's determination for project applications, where it is determined that cultural resources may occur. The evaluations should identify cultural resources (i.e., prehistoric sites and isolated artifacts and features) in a project area, determine their eligibility for inclusion in the California Register of Historical Resources, and provide mitigation measures for any resources in a project area that cannot be avoided.</li> </ul>	<p>Development Element Policy DE-115</p>	

MENDOCINO COUNTY GENERAL PLAN MITIGATION MONITORING AND REPORTING PROGRAM

	<p>Cultural resources evaluations shall be completed by a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology and/or history.</p> <ul style="list-style-type: none"> <li>• If, during the course of implementing County-approved projects, cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) are discovered, all work shall be halted immediately within 50 feet of the discovery, the County Planning and Building Services Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology shall be retained to determine the significance of the discovery.</li> </ul>	
		<ul style="list-style-type: none"> <li>• The County and project applicant shall consider mitigation recommendations presented by a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology for any unanticipated discoveries. The County and project applicant shall consult and agree upon implementation of a measure or measures that they deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation,</li> </ul>

MENDOCINO COUNTY GENERAL PLAN MITIGATION MONITORING AND REPORTING PROGRAM

		<p>documentation, curation, data recovery, or other appropriate measures. The project applicant will implement the agreed upon mitigation measures necessary for the protection of cultural resources.</p>	
		<p>The following provisions shall be added to General Plan:</p> <ul style="list-style-type: none"> <li>• Paleontological resources studies shall be conducted at the County's discretion for all project applications. The studies should identify paleontological resources in a project area and provide mitigation measures for any resources in a project area that cannot be avoided.</li> <li>• If, during the course of implementing County-approved projects any paleontological resources (fossils) are discovered, all work shall be halted immediately within 50 feet of the discovery, the County Planning and Building Services Department shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery.</li> <li>• The County and project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The County and project applicant shall consult and agree upon implementation of a measure or measures that they deem feasible</li> </ul>	
	<p>Development Element Policy DE-116.</p>		

MM 4.5.2

MENDOCINO COUNTY GENERAL PLAN MITIGATION MONITORING AND REPORTING PROGRAM

	<p>and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant will implement the agreed upon mitigation measures necessary for the protection of paleontological resources.</p>		
<p>4.10 Noise</p>			
<p>MM 4.10.1</p>	<p>The County will amend its Zoning Code noise standards to include temporary impacts of construction noise and ground vibration. Such standards will include restriction of construction hours to daytime periods and requirements to utilize construction noise measures (e.g., use of temporary sound barriers, setbacks, equipment noise control devices, ground vibration control measures).</p>	<p>Development Element Policies DE-99, DE-100 and DE-101.</p>	

