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**PLANNING COMMISSION  
STAFF REPORT- MINOR SUBDIVISION**

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**JULY 18, 2019  
MS\_2018-0001**

**SUMMARY**

**OWNER:** SCOTT BROWN  
1106 BEL ABRES DR  
REDWOOD VALLEY, CA 95470

**APPLICANT:** SCOTT BROWN  
31120 THOMAS LANE  
FORT BRAGG, CA 95437

**REQUEST:** Subdivision of a 10.3± acre parcel into 3 parcels of 2±, 2±, and 6.3± acres.

**LOCATION:** 2.5± southeast of Fort Bragg center, on the north side of Thomas Lane (private), 0.3± mile east of its intersection with Benson Lane (CR 415E), located at 31120 Thomas Lane, Fort Bragg (APN 019-333-18)

**TOTAL ACREAGE:** 10.3± Acres

**GENERAL PLAN:** Rural Residential (RR)

**ZONING:** Rural Residential (RR:2)

**SUPERVISORIAL DISTRICT:** 4<sup>th</sup> Supervisorial District (Dan Gjerde)

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Sam "Vandy" Vandewater

**BACKGROUND**

**PROJECT DESCRIPTION:** The proposed project entails the subdivision of a 10.3± acre parcel into 3 parcels of 2±, 2±, and 6.3± acres. The larger parcel will remain under the ownership of the applicant while the smaller parcels are sold for future development.

**SITE CHARACTERISTICS:** The subject parcel is located roughly 2.5 miles southeast of Fort Bragg, north and east of Thomas Lane, from which it gains access. The parcel is located in a moderate to high fire hazard area, but located within the Fort Bragg Rural Fire Protection District, as well as being under CalFire responsibility. The proposed parcels will utilize on-site water and septic systems (or appropriate alternatives) and be provided electricity through PG&E. These services already exist on the proposed 6± acre parcel, which is intended to be the residence for the applicant. The parcel has been mostly cleared of its vegetation with the remainder of the vegetation occurring on the parcel boundary and a number of larger isolated trees on the northern portion of the subject parcel. As of the writing of this report, the subject parcel is currently being developed with a dwelling unit and several accessory structures. The subject parcel is surrounded by residentially developed parcels.

**RELATED APPLICATIONS:** The subject parcel was established through **MS\_2005-0015**. A number of violation notices were posted to the site for unpermitted construction, however, these have been addressed through the application of an administrative permit and several building permits.

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES (ACRES)	USES
<b>NORTH</b>	Rural Residential (RR)	Rural Residential (RR:2)	2.4±	Residential
<b>EAST</b>	Rural Residential (RR)	Rural Residential (RR:2)	12±, 2.4±	Vacant
<b>SOUTH</b>	Rural Residential (RR)	Rural Residential (RR:2)	2±	Residential
<b>WEST</b>	Rural Residential (RR)	Rural Residential (RR:2)	4±, 2±, 2±	Residential

**PUBLIC SERVICES:**

Access: Thomas Lane (Private)  
 Fire District: Fort Bragg Rural Fire Protection District  
 Water District: None  
 Sewer District: None  
 School District: Fort Bragg Unified School District

**AGENCY COMMENTS:** On May 29, 2018, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Planning (Fort Bragg)	Comment
Department of Transportation	Comment
Environmental Health	Comment
Building Inspection	Comment
Assessor	No Response
Air Quality Management District	No Comment
County Addresser	No Comment
Archaeological Commission	Comment
CalTrans	No Response
CalFire	No Comment
Department of Fish and Wildlife	Comment
Fort Bragg Fire Protection District	No Response
Sonoma State University	Comment
California Native Plant Society	No Response
Dorothy King Chapter, Native Plant Society	Comment
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	Comment
Sherwood Valley Rancheria	No Response

**KEY ISSUES**

**1. General Plan and Zoning Consistency:** The subject parcel has a General Plan Land Use Designation of Rural Residential (RR) as defined by Chapter 3: Development Element of the Mendocino County General Plan. The Rural Residential classification is intended,

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

*General Uses: Residential uses, agricultural uses, cottage industries, residential clustering, public facilities, public services, conservation and development of natural resources, utility installations.”*

The applicant requests the approval of a subdivision of the subject parcel into three parcels. The General Plan Land Use Designation of Rural Residential (RR) supports residential uses on the parcels but does not intend for larger development. Due to the parcel size, the subdivision would not be considered a growth area. Inversely, the soils on the parcel are not adequate for agricultural activities, thus residential uses would be the most viable use of the parcels.

The proposed project is also consistent with the Rural Residential (RR:2) zoning district, as defined by the Mendocino County Code (MCC). Chapter 20.048.005 of the MCC defines Rural Residential as a district,

*“intended to create and enhance residential areas where agricultural use compatible with a permanent residential use is desired. Typically the “R-R” District would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired.”*

The proposed project is consistent with the zoning district as the subdivision entails each parcel adhering to the minimum parcel size of two (2) acres.

**2. Division of Land Regulations:** The project was reviewed by the Mendocino County Subdivision Committee on April 10 and May 9, 2019 at which time the Subdivision Committee recommended conditional approval of the proposed minor subdivision to the Planning Commission per the required findings found in MCC 17-48.5. No conflicts with the County Division of Land Regulations were identified.

**3. Biological Resources:** Prior to the application for the proposed subdivision, the applicant performed extensive alterations to the land including changes to the wetland topography and major vegetation removal of a number of rare species and communities. Since this occurred before the subdivision was applied for, the baseline for the CEQA review was that of the existing site conditions.

As the proposed project is located in an area of sensitive special species, building envelopes have been established to prevent further impacts to these biological resources, providing a 50 foot buffer to most of the identified rare plants. Within these envelopes, the only identified rare plant is the California sedge. The California Native Plant Society (CNPS) recognizes four ranks for rare plants, as well as four sub-ranks. With regards to the four rare plant species identified in the Preliminary Biological Scoping Letter (Wynn Coastal Planning, 2018), the California Sedge has a ranking of 2B.3 per the CNPS ranking system. This ranking (2B) is for plants that are rare, threatened, or endangered in California, but common elsewhere. Furthermore, the sub-rank for California Sedge (.3) indicates the plant is not very threatened in California, with less than 20% of occurrences being threatened (CNPS, 2019). Therefore, staff has determined the established building envelopes are adequately located, despite potential development on the California Sedge identified in these areas, which occurs more abundantly elsewhere on the parcel.

Additional conditions have been included to ensure trees and other vegetation outside of the established building envelopes are protected from further disruptions. The three rare tree species identified in the Preliminary Biological Scoping Letter (Wynn Coastal Planning, 2018) are specifically protected by one of the proposed conditions. The conditions prohibit the removal of trees and vegetation when not for safety or disease related concerns. This will be enforced by having applicants submit a report from a registered professional demonstrating the removal is for one of the aforementioned reasons.

**4. Hydrology:** The subject parcel is host to several wetlands as identified in the Wetland Delineation Report (Wynn Coastal Planning, 2019), though the report occurred subsequent to the vegetation removal and land alterations. On December 4, 2018, County staff conducted a site visit, along with a number of jurisdictional agencies (Mendocino County Code Enforcement Division, California Department of Fish and Wildlife, State Water Quality Control Board, and Army Corps of Engineers), and determined that alterations to the wetlands constituted a violation of Army Corps regulations. However, as noted above, the violation occur prior to the submittal of the subdivision application, thus these impacts could not be fully incorporated into the environmental review. However, a condition has been included to ensure the applicant adheres to the regulations and requirements of any local, state, or federal agency.

**5. Environmental Protection:** An Initial Study for the proposed project was completed in accordance with the California Environmental Quality Act (CEQA). Some aspects of the project could have significant impacts to the environment but can be adequately mitigated to less than significant levels, thus a Mitigated Negative Declaration was prepared. It is noted in the Initial Study that the proposed subdivision

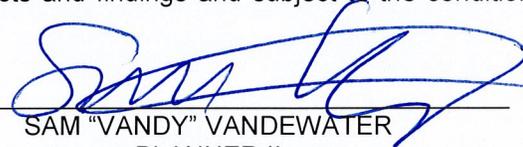
could result in some impacts due to future development; however these were considered to be less than significant impacts with mitigation.

**RECOMMENDATION**

By resolution, adopt a Mitigated Negative Declaration and grant Minor Subdivision MS\_2018-0001 for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

5-31-19

DATE



SAM "VANDY" VANDEWATER  
PLANNER II

Appeal Period: 10 Days  
Appeal Fee: \$1,616.00

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Map
- C. Topographical Map
- D. Tentative Map
- E. Zoning Map
- F. General Plan Map
- G. Adjacent Owner Map
- H. Fire Hazards Map
- I. Wildland-Urban Interface Map
- J. Wetlands Map
- K. Stormwater Map
- L. Coastal Ground Water Resources Map
- M. Soils Map
- N. Important Farmland Map
- O. Tentative Building Envelopes Map

**RESOLUTION AND CONDITIONS OF APPROVAL & MITIGATION MEASURES (Exhibit A):**

**MITIGATED NEGATIVE DECLARATION Initial Study available online at:**

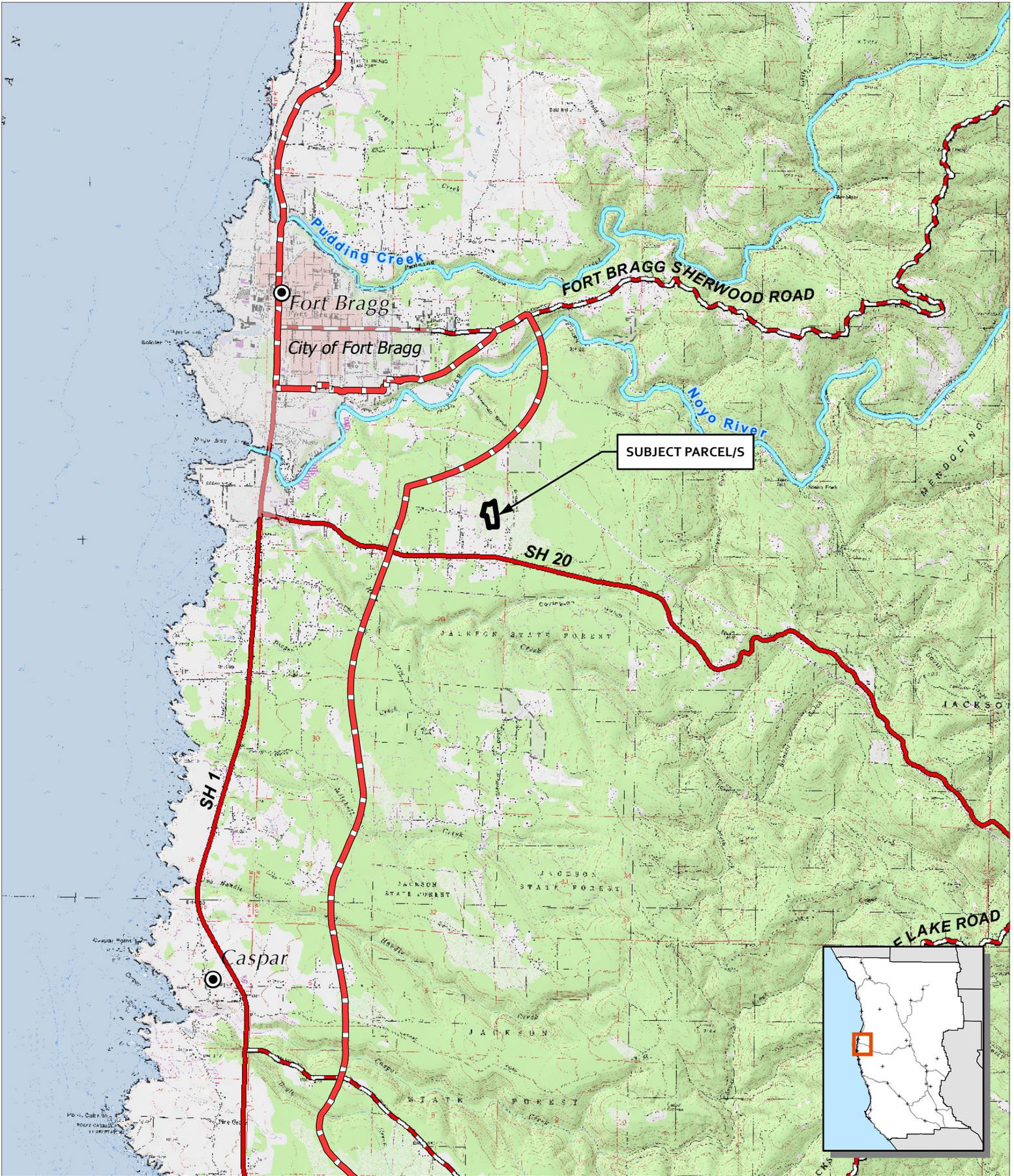
<https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>

**REFERENCES**

California Native Plant Society (2019) *CNPS Rare Plant Ranks*. Retrieved from:  
<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>

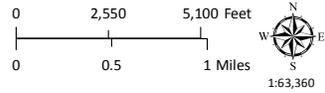
Wynn Coastal Planning (2018) *Preliminary Biological Scoping Letter*.

Wynn Coastal Planning (2019) *Wetland Delineation Report*.



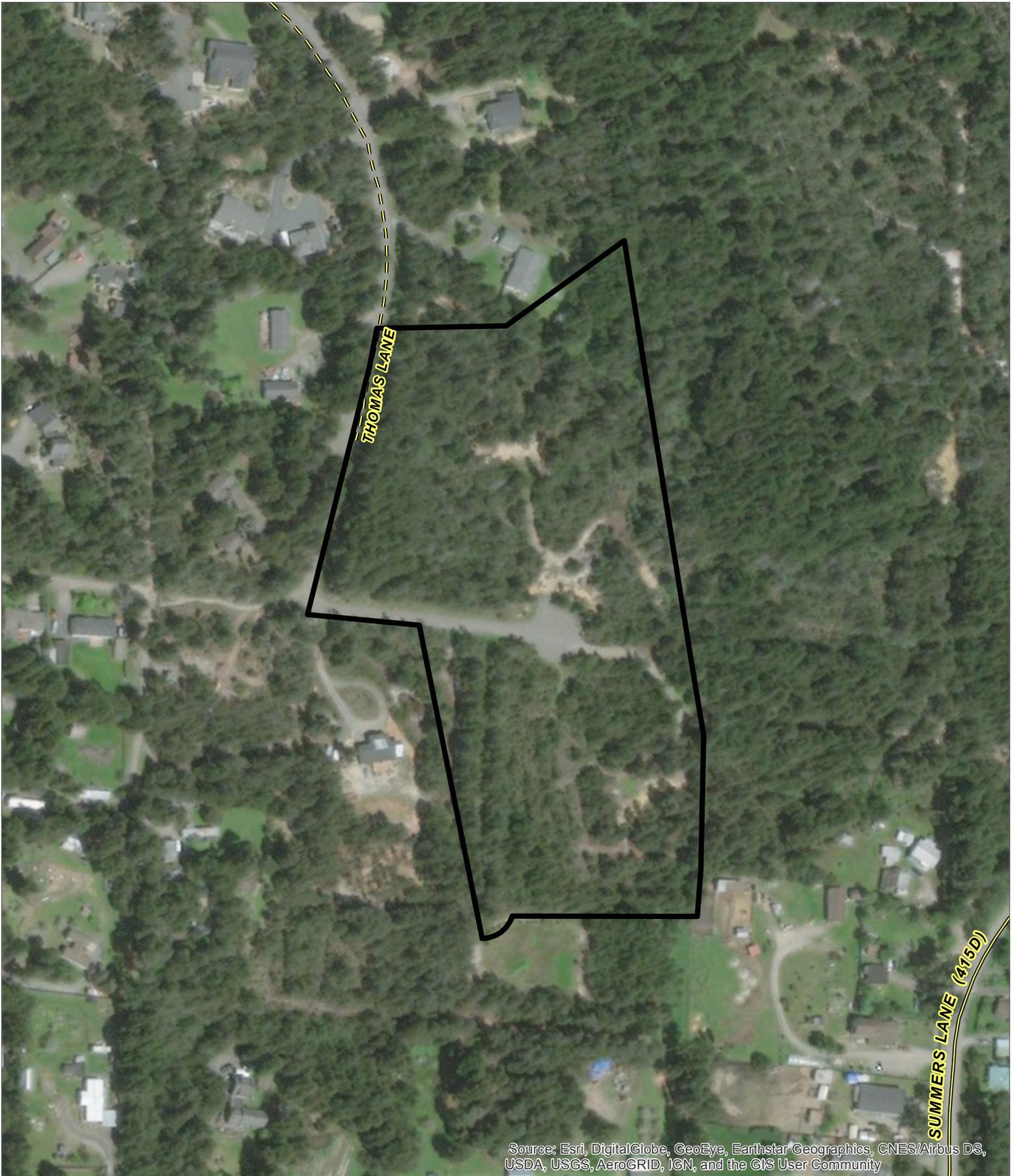
CASE: MS 2018-0001  
 OWNER: BROWN, Scott  
 APN: 019-333-18  
 APLCT: Scott Brown  
 AGENT:  
 ADDRESS: 31120 Thomas Lane, Fort Bragg

- Major Towns & Places
- Major Rivers
- Coastal Zone Boundary
- Highways
- Incorporated City Limits
- Major Roads



LOCATION MAP  
 ATTACHMENT A

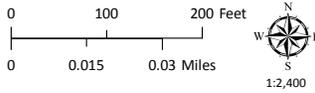
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

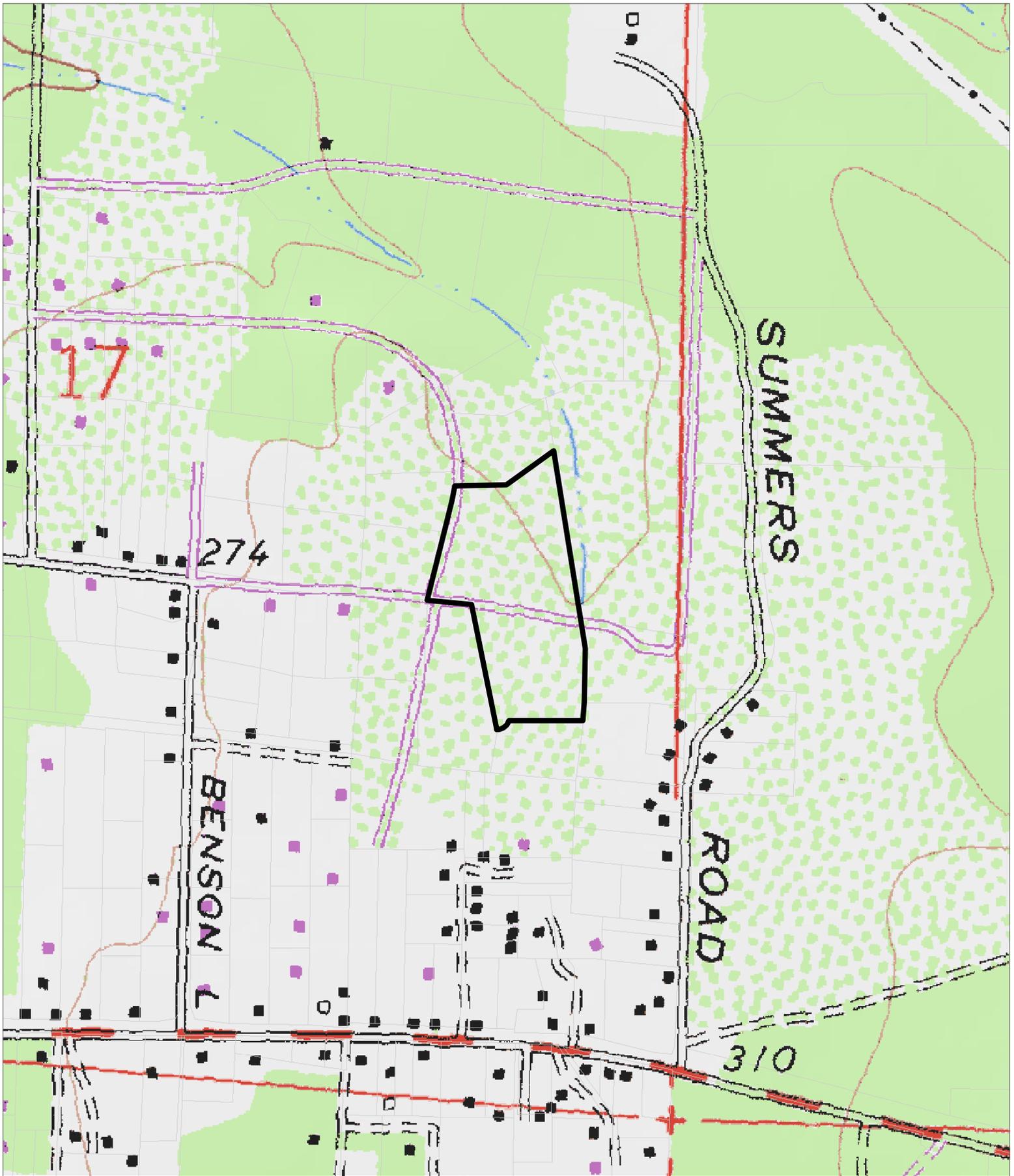
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— Public Roads  
- - - Private Roads

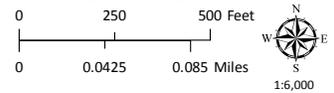


AERIAL IMAGERY  
ATTACHMENT B

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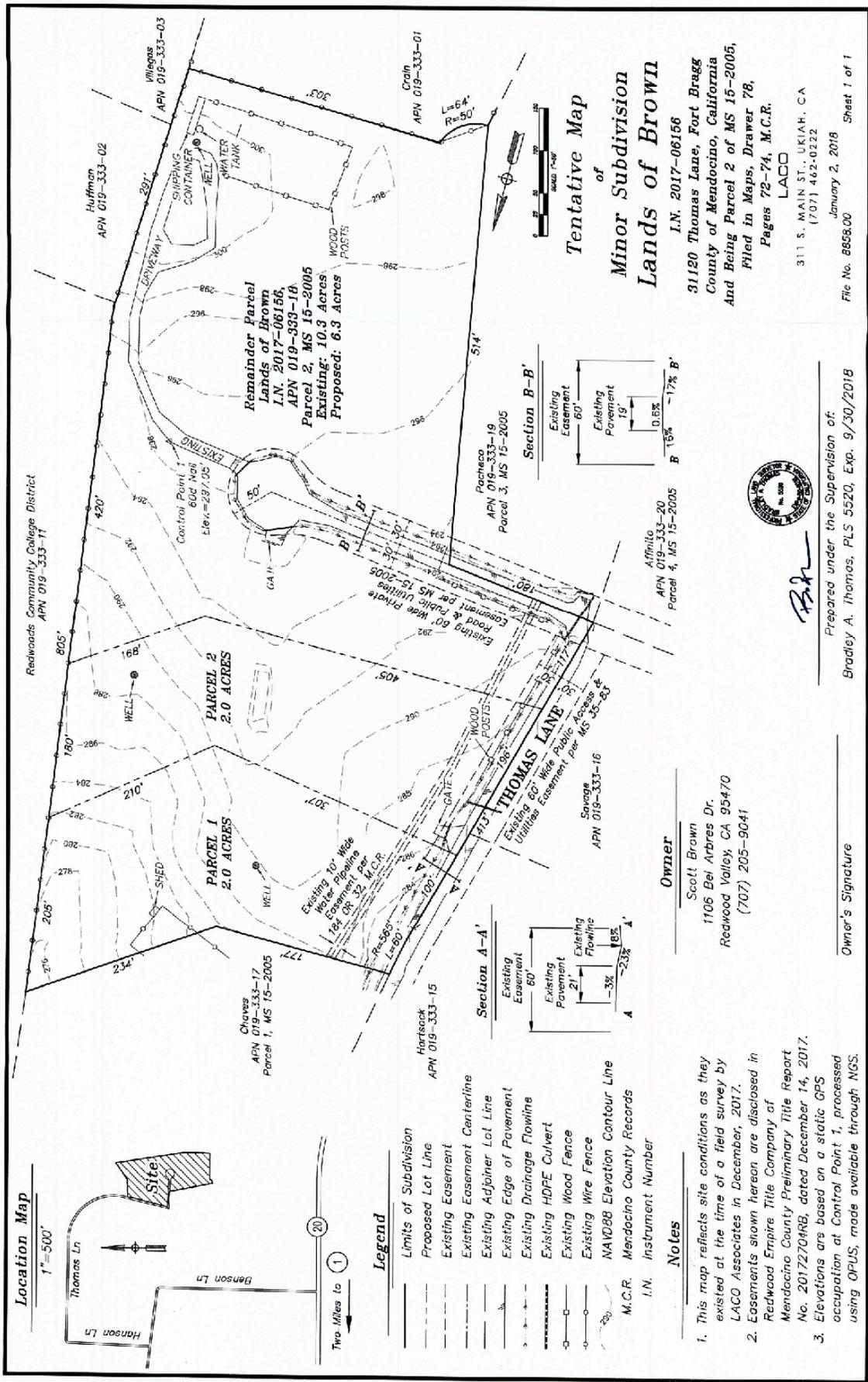
CASE: MS 2018-0001  
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TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET

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ATTACHMENT C



**Tentative Map**  
of  
**Minor Subdivision**  
**Lands of Brown**  
I.N. 2017-06156  
31120 Thomas Lane, Fort Bragg  
County of Mendocino, California  
And Being Parcel 2 of MS 15-2005,  
Filed in Maps, Drawer 78,  
Pages 72-74, M.C.R.  
LACO  
311 S. MAIN ST., UKIAH, CA  
(707) 462-0222  
January 2, 2018  
File No. 8858.00  
Sheet 1 of 1

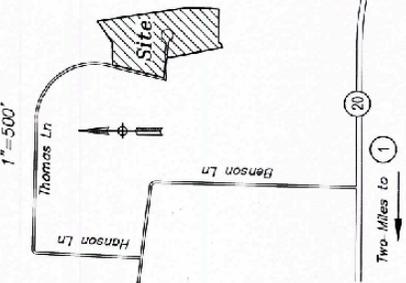


Prepared under the Supervision of:  
Bradley A. Thomas, PLS 5520, Exp. 9/30/2018

**Owner**  
Scott Brown  
1106 Bel Arbres Dr.  
Redwood Valley, CA 95470  
(707) 205-9041

**Owner's Signature**

**Location Map**  
1" = 500'



**Legend**

- Limits of Subdivision
- - - Proposed Lot Line
- Existing Easement
- - - Existing Easement Centerline
- - - Existing Adjoiner Lot Line
- - - Existing Edge of Pavement
- - - Existing Drainage Flowline
- - - Existing HDPE Culvert
- - - Existing Wood Fence
- - - Existing Wire Fence
- - - NAD88 Elevation Contour Line
- M.C.R. Mendocino County Records
- I.N. Instrument Number

**Notes**

1. This map reflects site conditions as they existed at the time of a field survey by LACO Associates in December, 2017.
2. Easements shown herein are disclosed in Redwood Empire Title Company of Mendocino County Preliminary Title Report No. 20172704RB, dated December 14, 2017.
3. Elevations are based on a static GPS occupation at Control Point 1, processed using OPUS, made available through NGS.

CASE: MS 2018-0001  
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NO SCALE

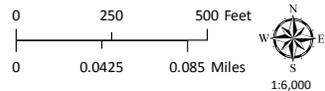
TENTATIVE MAP  
ATTACHMENT D

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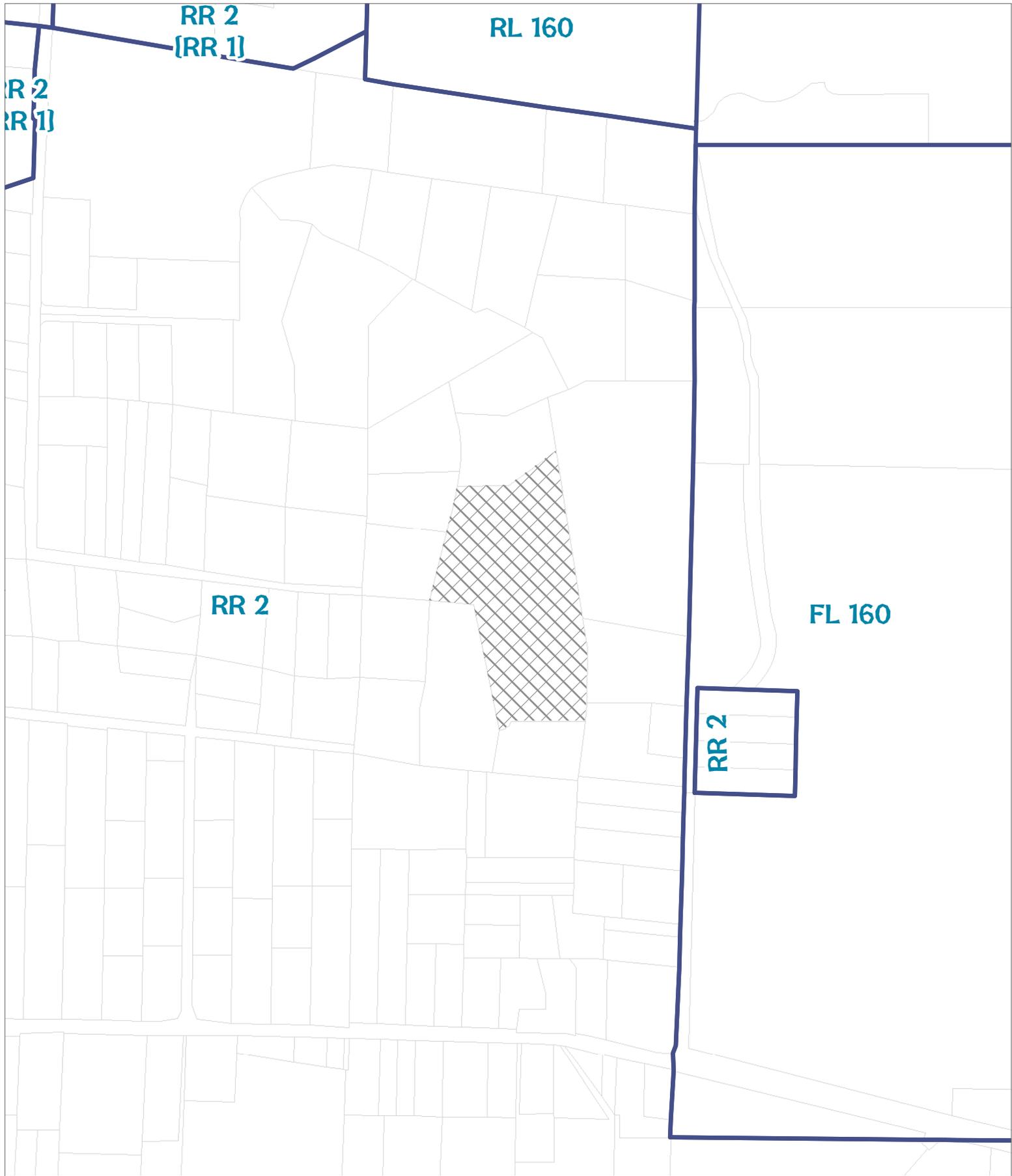
CASE: MS 2018-0001  
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 ADDRESS: 31120 Thomas Lane, Fort Bragg

 Zoning Districts



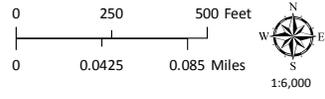
ZONING DISPLAY MAP  
 ATTACHMENT E

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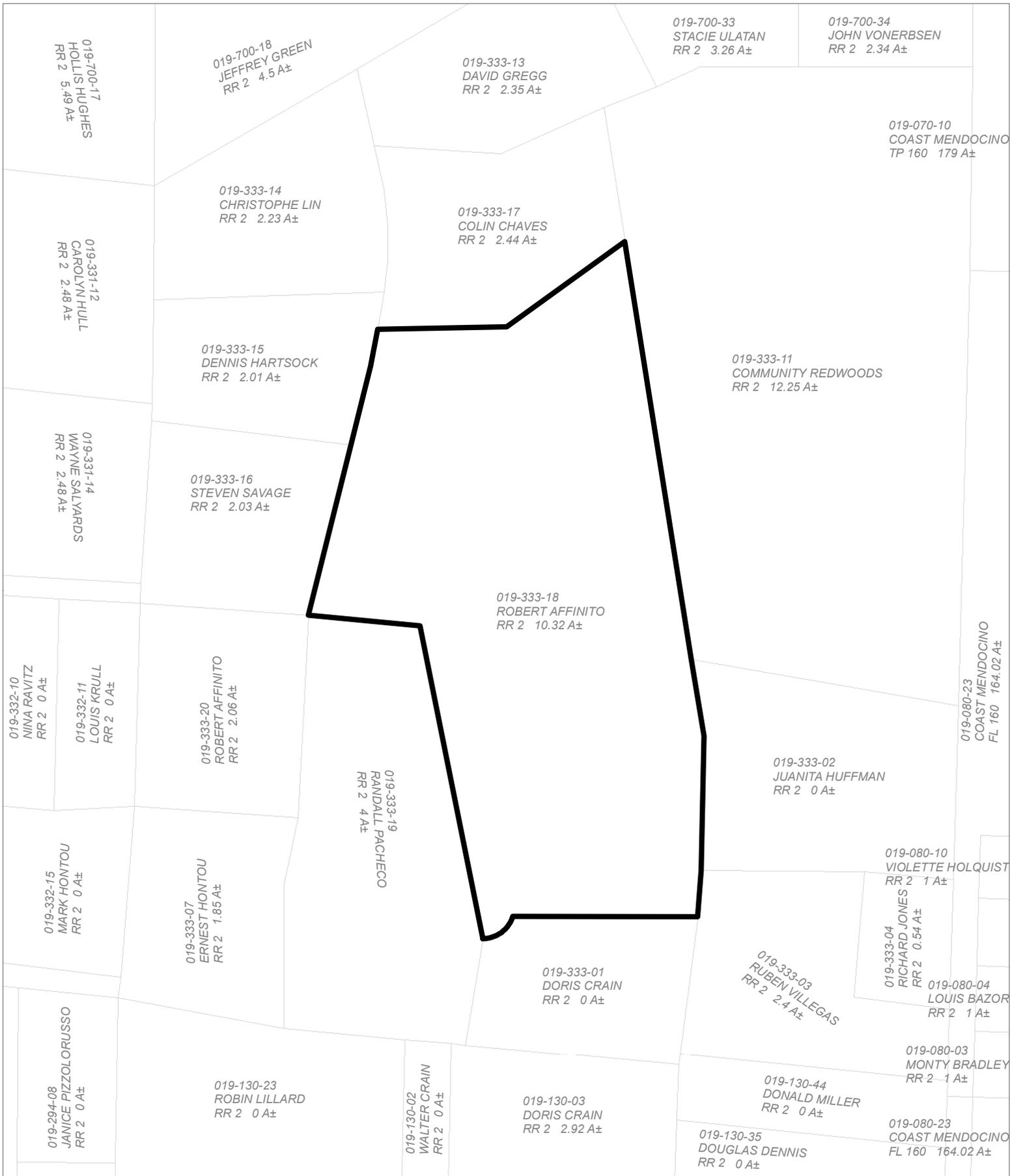
 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

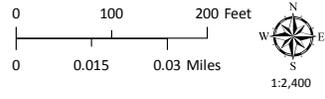
ATTACHMENT F

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ADJACENT PARCELS  
 ATTACHMENT G

**CITY OF FORT BRAGG**

**FORT BRAGG RURAL FPD**



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County Fire Districts



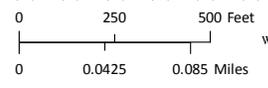
Very High Fire Hazard



High Fire Hazard



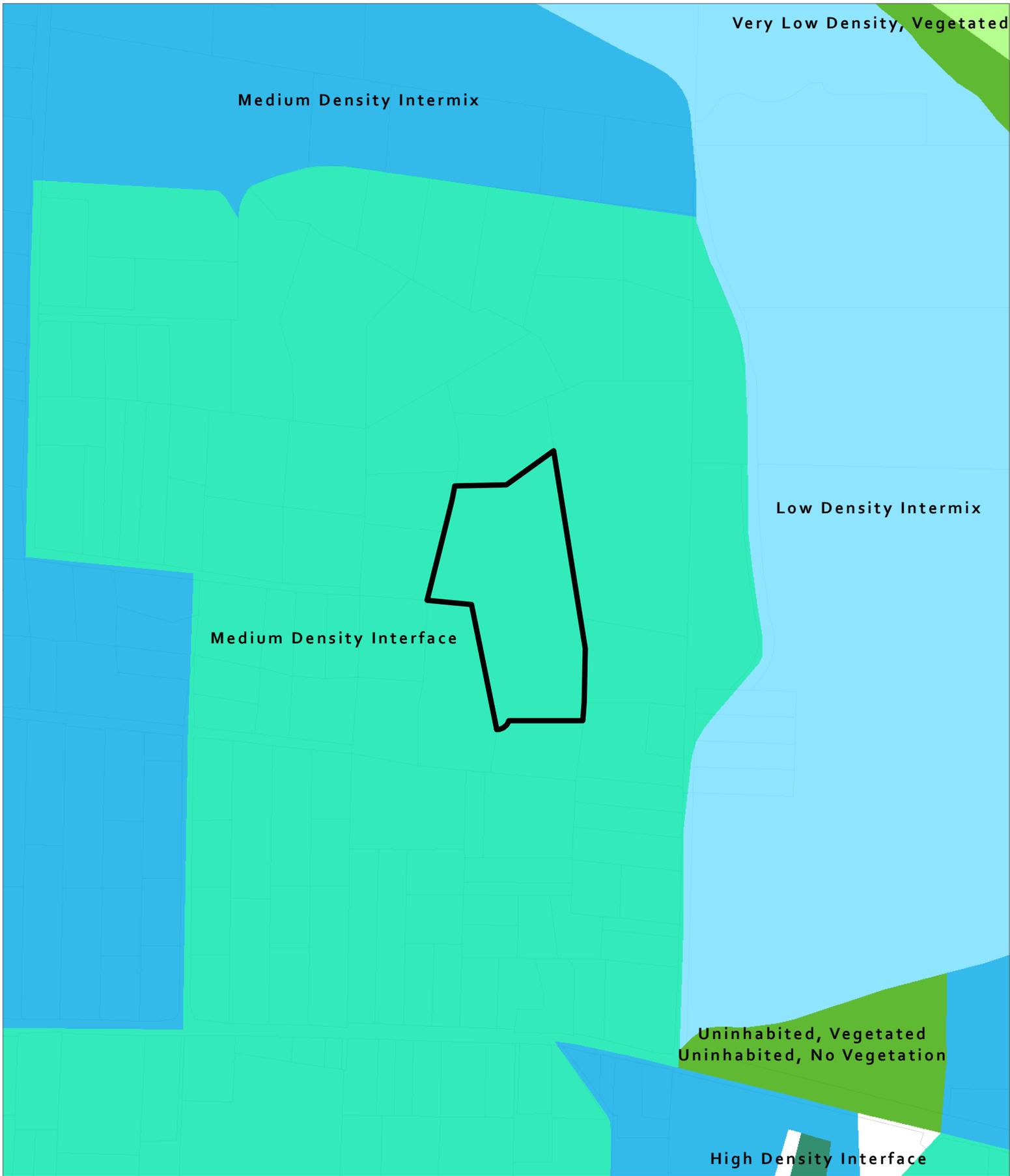
Moderate Fire Hazard



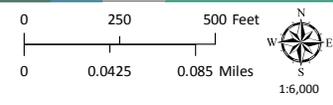
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
STATE RESPONSIBILITY AREA

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**ATTACHMENT H**



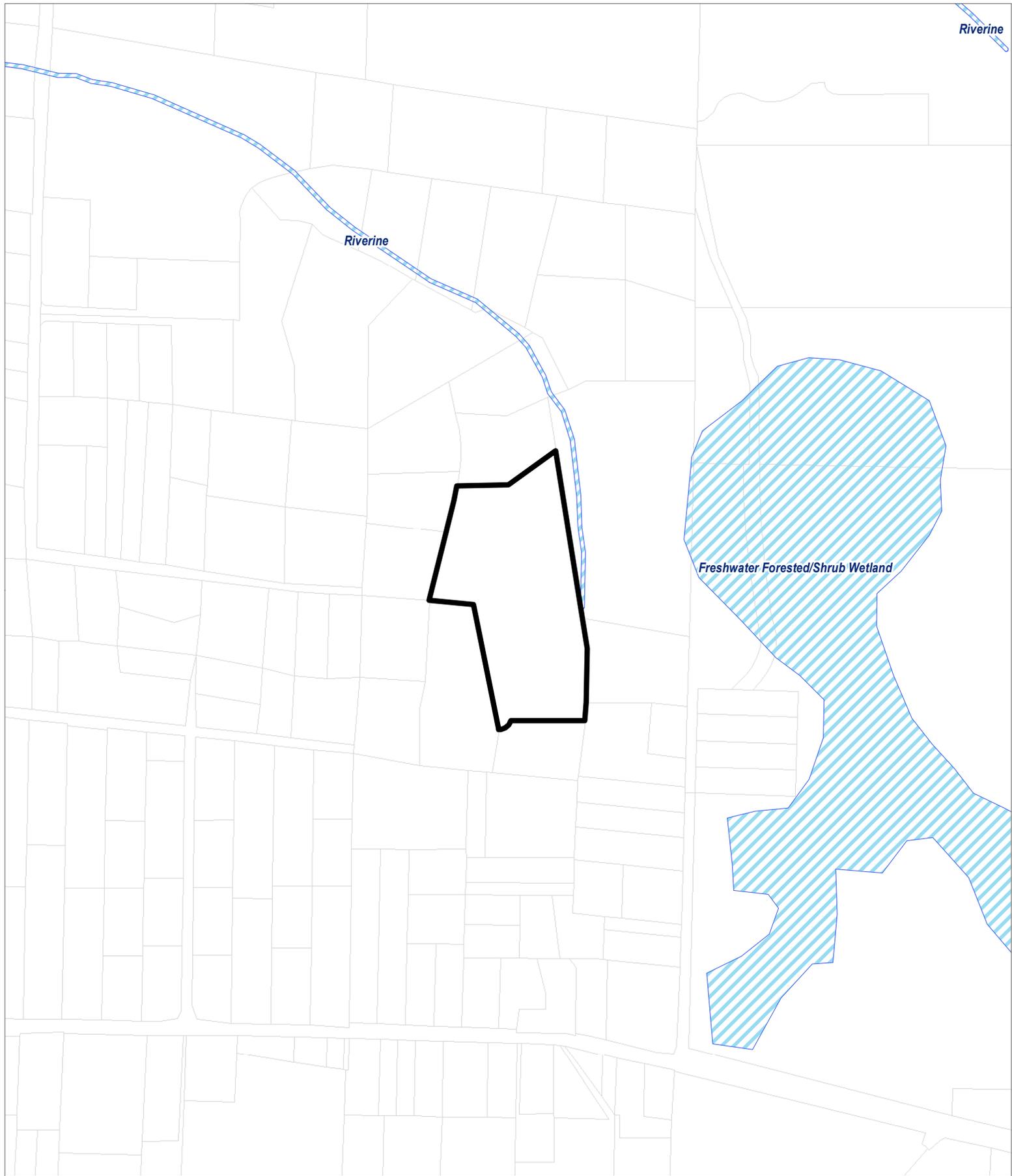
CASE: MS 2018-0001  
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WILDLAND-URBAN INTERFACE ZONES

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ATTACHMENT I

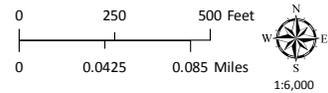


Riverine

Riverine

Freshwater Forested/Shrub Wetland

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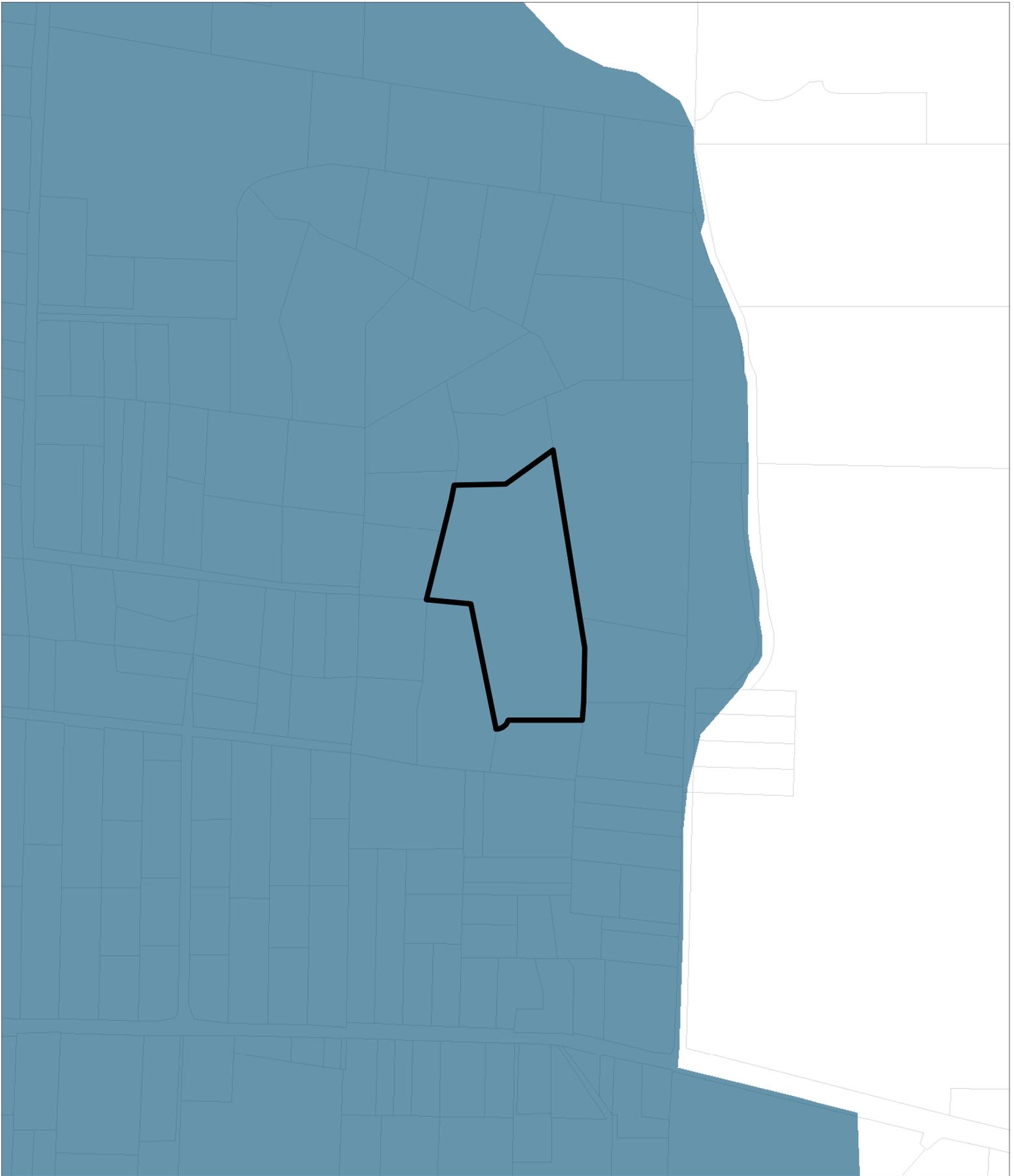


 National Wetlands Inventory

WETLANDS

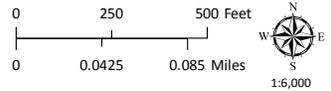
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ATTACHMENT J



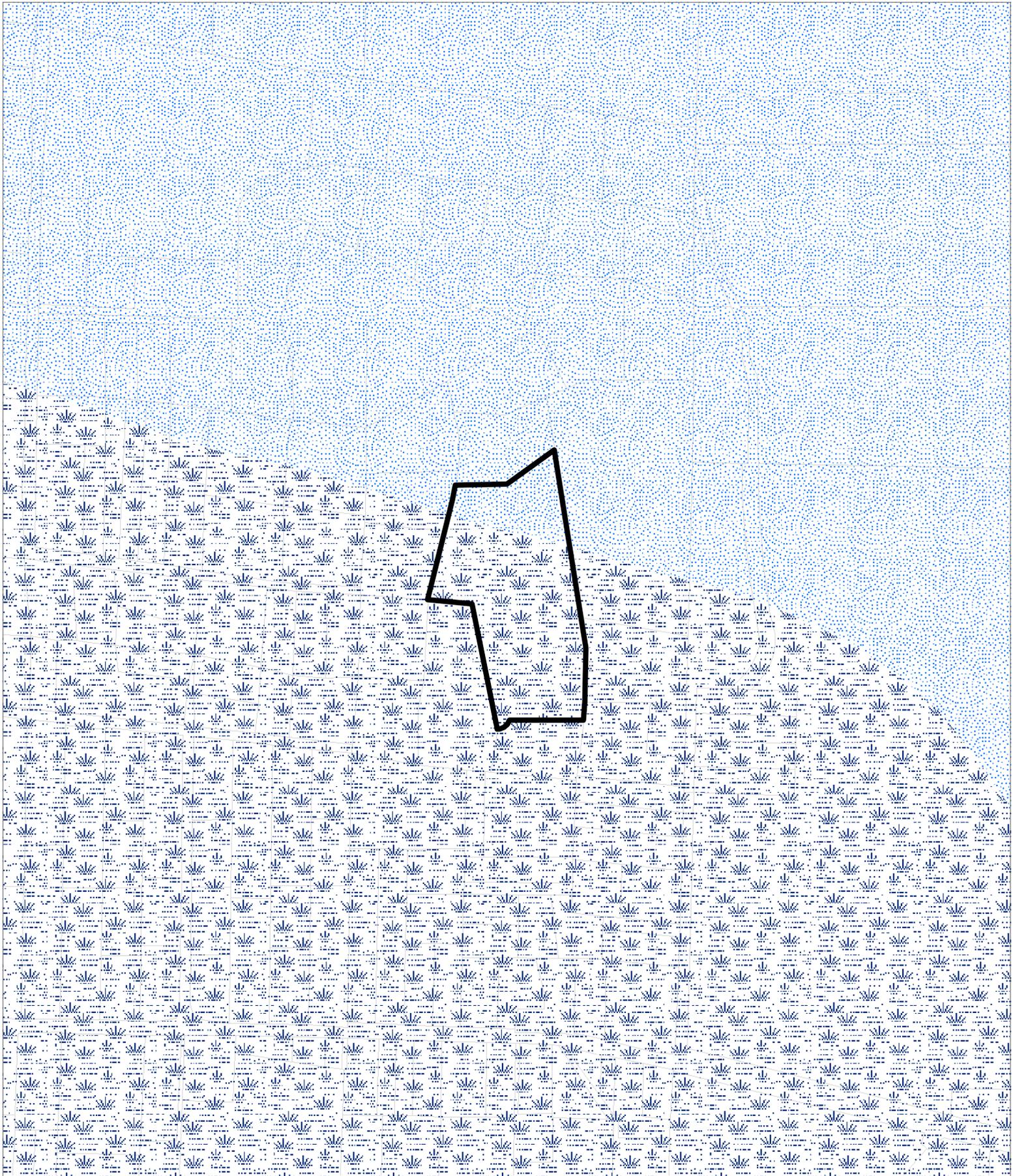
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 Fort Bragg Stormwater Areas



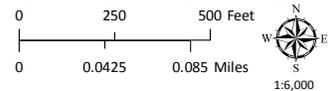
STORMWATER PERMITTING ZONES  
ATTACHMENT K

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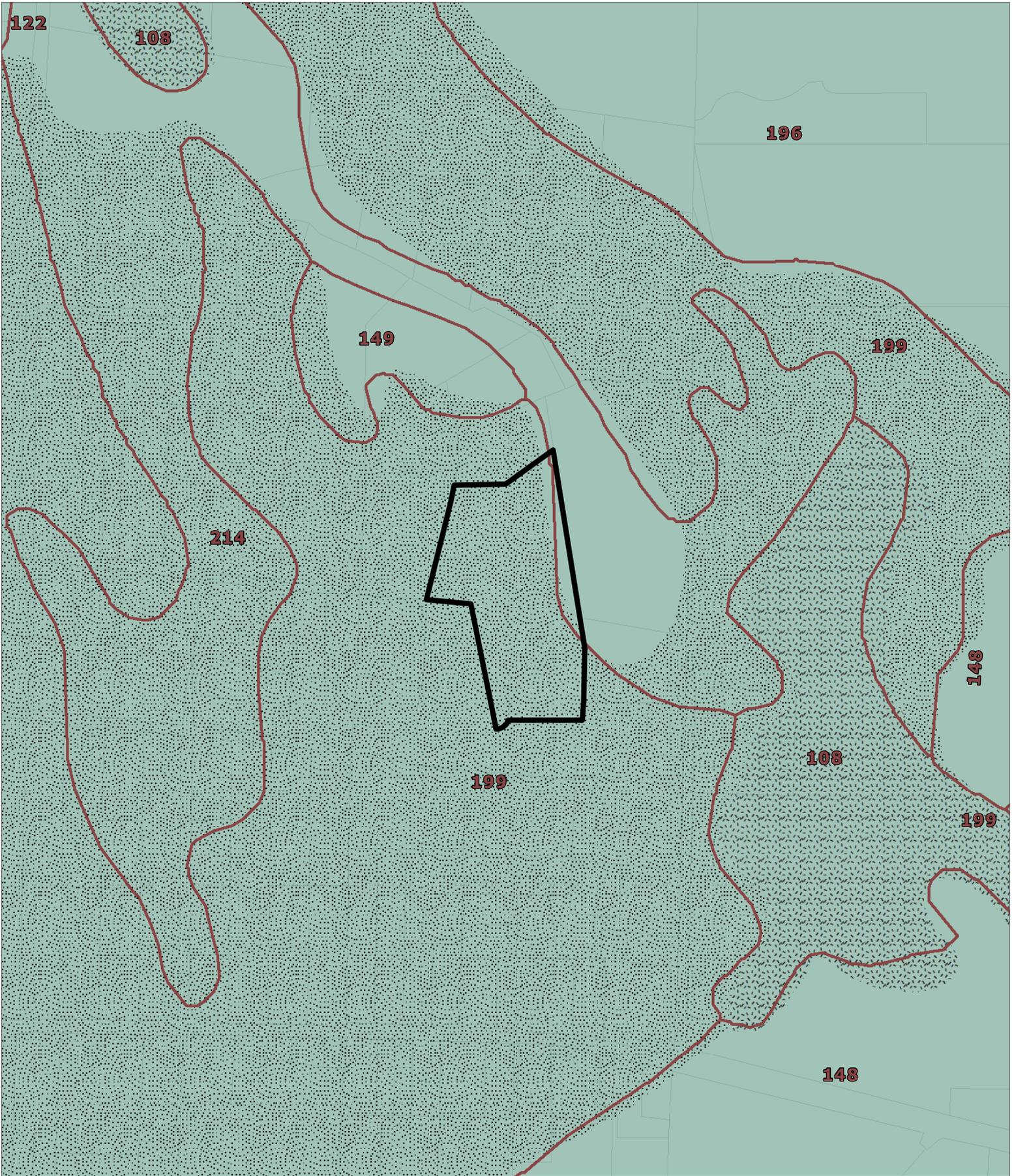
-  Sufficient Water Resources
-  Marginal Water Resources



COASTAL GROUND WATER RESOURCES

ATTACHMENT L

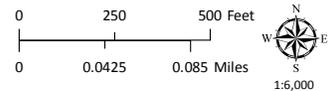
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-  Western Soil Classes
-  Blacklock & Aborigine
-  Shinglemill-Gibney Complex

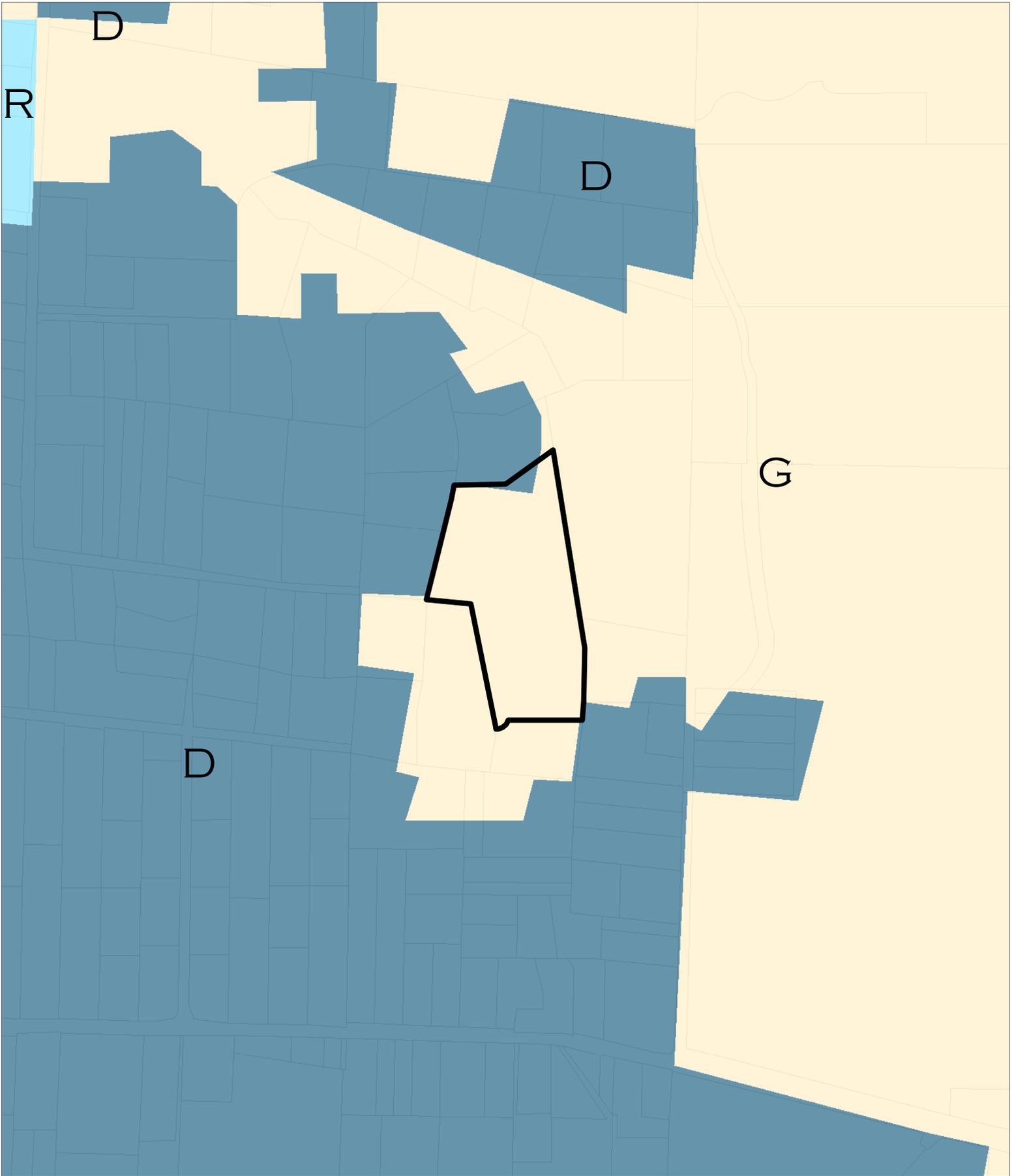
 Bishop Pine



LOCAL SOILS

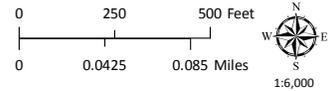
ATTACHMENT M

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- Urban & Built-Up Land (D)
- Grazing Land (G)
- Rural Residential & Rural Commercial (R)

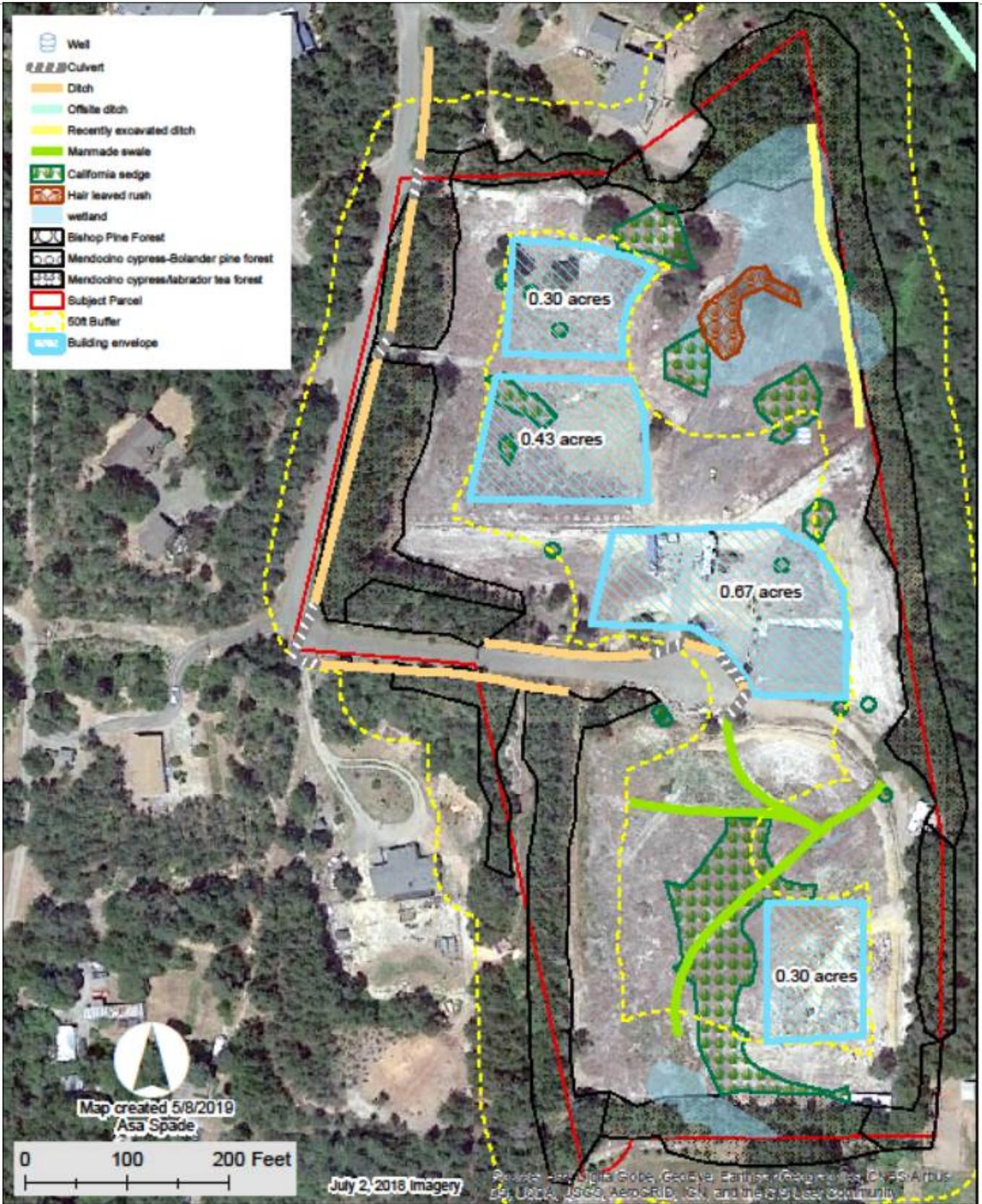


IMPORTANT FARMLAND

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ATTACHMENT N

-  Well
-  Culvert
-  Ditch
-  Offsite ditch
-  Recently excavated ditch
-  Manmade swale
-  California sedge
-  Hair leaved rush
-  wetland
-  Bishop Pine Forest
-  Mendocino cypress-Bolander pine forest
-  Mendocino cypress/labrador tea forest
-  Subject Parcel
-  50ft Buffer
-  Building envelope



OWNER: Brown, Scott  
 APN: 019-333-18-00  
 ADDRESS: 31120 Thomas Lane Fort Bragg CA 95437

## 50ft Buffer Map with Building Envelopes

CASE: MS 2018-0001  
 OWNER: BROWN, Scott  
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NO SCALE

Tentative Building Envelopes

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ATTACHMENT O

<b>Section I</b>	<b>Description Of Project.</b>
<p><b>DATE:</b> May 31, 2019  <b>CASE#:</b> MS_2018-0001  <b>DATE FILED:</b> 1/4/2018  <b>OWNER/APPLICANT:</b> SCOTT BROWN  <b>REQUEST:</b> Subdivision of 10.3± acre parcel into 3 parcels of 2±, 2±, and 6.3± acres  <b>ENVIRONMENTAL DETERMINATION:</b> Mitigated Negative Declaration  <b>LOCATION:</b> 2.5± southeast of Fort Bragg center, on the north side of Thomas Lane (private), 0.3± mile east of its intersection with Benson Lane (CR 415E). Located at 31120 Thomas Lane, Fort Bragg (APN 019-333-18)  <b>STAFF PLANNER:</b> Sam "Vandy" Vandewater</p>	
<b>Section II</b>	<b>Environmental Checklist.</b>
<p><i>"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).</i></p> <p><i>Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.</i></p>	

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

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

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

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

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

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

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

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

<b><u>I. AESTHETICS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-c) **No Impact:** The proposed project is not located on a scenic state highway, thus there is no potential for the project to damage any scenic resources or have adverse effects on any scenic vistas. Additionally, the project will not require the removal of any natural elements such as trees or rocks, thus there is no impact to those resources. Furthermore, there is no visual character or site quality that would be impacted, even with potential future development.

d) **Less Than Significant Impact:** While the proposed project itself would not entail any additional sources of light, potential development in the future could create new sources of light that may have an impact on day and night-time views. However, a standard condition is included to ensure impacts remain at less than significant levels.

<b><u>II. AGRICULTURE AND FORESTRY RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>II. AGRICULTURE AND FORESTRY RESOURCES.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) **No Impact:** The land on which the proposed project will be located is considered to be “Grazing Land” per the *Important Farmland Map* attachment, thus there will be no conversion of Prime, Unique, or state farmland to a non-agricultural use. Additionally, the lack of important or unique farmland means there is little to no conflict with any Williamson Act contract or other agricultural use. Furthermore, there are no nearby parcels that are within a Williamson Act contract. The project does not entail the removal of any tree species and it is not considered part of a ‘forestland’, thus there is no impact to timber resources.

<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) **No Impact:** The proposed project was referred to the Mendocino County Air Quality Management District, who provided “No comment at this time” feedback in their response dated August 29, 2018; however a condition has been included to help reduce any impacts the project and potential future development might have on the subject parcel(s). The proposed project does not entail any activity that would create substantial pollution, or damage air quality in any way, thus the project would not conflict with any air quality plan, nor would it violate any air quality standards. Subsequently, there will be no considerable net increase of pollutants due to the project. Aside from potential future development that would be standard for this zoning district, the project would not expose any sensitive receptors to pollution, nor would any objectionable odors be created by the project.

<u>IV. BIOLOGICAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, c) **Less Than Significant Impact with Mitigation Incorporated:** The subject parcel hosts a number of sensitive species and wetland habitat. A Preliminary Biological Scoping Letter, performed by Asa Spade of Wynn Coastal Planning (2018), identified four rare plant species: Mendocino cypress, Bolander pine, California sedge and hair leaved rush. A subsequent wetland delineation report (Wynn Coastal Planning, 2019) also identified roughly 0.7 acres of wetland as defined by the Army Corp of Engineers. Prior to the submission of the project application, the applicant had removed a majority of this vegetation on the subject parcel and altered wetland topography, thus impacting local sensitive species. However, when the applicant submitted their application for a minor subdivision, the vegetation removal had ceased, the wetland had been modified, and the remaining site conditions became the baseline for this CEQA review.

While the current conditions do not reflect past vegetation and wetland occurrences, the proposed subdivision has the potential to further impact these biological resources. Development of the parcels could result in substantial alterations to the remaining wetlands and additional impacts on rare plants. As such, the establishment of building envelopes has become a condition of approval to provide a balance of property owner rights and environmental protection. Noted in the Key Issues section of the Staff Report, the building envelopes provide a 50 foot buffer from wetlands and the identified sensitive plant species, with an exception to California sedge, the ranking of which indicates it is the least threatened of the four identified species. Furthermore, the California sedge located in the building envelopes is minimal compared to larger areas of the plant outside the designated building areas.

To complement the building envelopes, a number of additional conditions have been included to mitigate the impacts of potential future development as a result of the subdivision. These include restrictions on tree and vegetation removal, as well as preventing further wetland alterations.

- b) **Less Than Significant Impact:** The applicant had removed a majority of the vegetation and altered federally defined wetlands. After an initial complaint regarding the vegetation removal, a number of agencies performed a site visit to determine the impacts of the land modifications which subsequently resulted in a wetland delineation report (Wynn Coastal Planning, 2019). The report did not identify any rivers or streams on the subject parcel, though there is 0.7 acres of wetland. Due to the lack of riparian habitat, the impact to such resources is considered to be less than significant.
- d) **Less Than Significant Impact:** The proposed subdivision does not directly interfere with any wildlife migration corridors or general movement, however, future development does have the potential to disrupt these patterns. The inclusion of building envelopes, which are intended to mitigate aforementioned issues potentially resulting from the proposed project, helps to reduce future development and provide open space that can be utilized by wildlife for migratory and movement patterns, thus the impact is considered less than significant.
- e) **Less Than Significant Impact with Mitigation Incorporated:** The proposed subdivision does not conflict with any ordinances intended to protect biological resources, but it does have the potential to conflict with several General Plan policies including those that promote the protection of special species and wetlands (General Plan Policies RM-28 and RM-29, respectively). However, conditions have been included to restrict vegetation removal and wetland alterations, and with building envelopes incorporated, the impact is less than significant. The conditions also entail replanting of vegetation should the removal restrictions be violated.
- f) **No Impact:** Mendocino County has not adopted any Habitat Conservation Plan or Natural Community Conservation Plan that involves biological occurrences on the subject parcel, thus there is no impact with regards to this concern.

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

- a-d) **Less Than Significant Impact:** While archaeological surveys are typically required of subdivision, the applicant performed major vegetation removal and land alterations prior to the submission of the project application. During this time no archaeological resources were discovered. As such, staff determined the need for an archaeological survey was less significant than with undisturbed lands and therefore an archaeological survey was not required from the applicant. Per their June 11, 2018 letter, the Northwest Information Center indicated a previous study (Benson, 1978) had been performed over the entire subject parcel and had not discovered any cultural or tribal resources. The County’s “Discovery Clause” applies.

<u>VI. GEOLOGY AND SOILS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) **No Impact:** The proposed project is not located near any terrain that would expose any people or structures to any substantial adverse geological effect, or that would allow for soil erosion or loss of topsoil. Regardless of the proposed subdivision not being located on a fault, the project would not trigger any issues such as a landslide or liquefaction, thus there is no impact in this regard. Furthermore, the soil on which the proposed project is located is not identified as expansive or incapable of supporting a septic system, thus these issues are considered to have no impact. It should be noted that surrounding parcels are able to utilize septic systems or alternative waste water systems when septic cannot be supported.

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

a-b) **No Impact:** The proposed project does not entail any activities that would generate any greenhouse gases, thus there is no impact in this regard. There are no identified plans, policies, or regulations that would be violated through any of the project activities, thus there is considered to be no impact.

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

- a-b) **No Impact:** As the proposed project does not include the use of any hazardous materials, there will be no transportation of such materials to or from the subject parcel. Additionally, the lack of hazardous material use means there will be no possibility of accidents involving such materials.
- c) **No Impact:** The closest school is located roughly one (1) mile away from the subject location and the project does not propose any activities that would emit any hazardous emissions or use any hazardous materials, thus there is no impact in this regard.
- d) **No Impact:** The project site has not been identified as a hazardous materials site, thus there will be no significant hazard to the public or the environment in terms of exposure to on-site hazardous materials.
- e-f) **No Impact:** The proposed project is not located within an airport land use plan, the closest airport being Little River Airport, roughly 11 miles to the south, thus there are no concerns regarding airstrips.
- g) **No Impact:** The proposed project gains access from Thomas Lane and allows for on-site parking and circulation, thus there will no physical interference with an emergency response or evacuation plan.

- h) **Less Than Significant Impact:** The proposed project is located in a “Medium Density Interface” area per the *Wildland-Urban Interface Map* attachment, thus there is the potential for wildland fires to affect the subject property. However, the subject parcel is located within the Fort Bragg Rural Fire Protection District, as well as CalFire, thus the impact is considered to be less than significant if developed in conformance with the conditions of approval.

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) Have a potentially significant impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<u>IX. HYDROLOGY AND WATER QUALITY.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
m) Impact aquatic, wetland or riparian habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a, f) **No Impact:** The project will not violate any water quality standards or degrade water quality itself as there are no aspects of the proposed project that would affect water quality.
- b) **No Impact:** The proposed project does not require the intensive use of any water resources, thus no substantial depletion of water resources will occur and therefore there is considered to be no impact. With regards to future development, standards conditions from the Department of Environmental Health have been included to ensure any applicable requirements and/or standards are adhered.
- c-d) **Less Than Significant Impact:** As previously mentioned, there are no rivers or streams located on the subject parcel, however, wetlands do occur on the north and south extremes of the property. The northern wetland is potentially connected to an off-site riverine habitat and thus conditions have been incorporated to ensure protection of wetland and stream resources.
- e) **Less Than Significant Impact:** The proposed subdivision is not located in stormwater management area therefore there are no impacts to any drainage systems. The natural contours of the parcel allow for drainage into wetlands or riverine systems, thus the impact is considered less than significant.
- g-j) **No Impact:** The proposed subdivision is not located in any flood plain, flood hazard area, or dam inundation zone, thus there are no impacts with regards to these concerns. The presence of wetlands is addressed by other components of this Initial Study.
- k-l) **No Impact:** The proposed project does not entail any large water discharging that would result in pollutant discharges or any activities that would significantly impact groundwater quality, thus there is no impact in terms of these issues.
- m) **Less Than Significant Impact with Mitigation Incorporated:** As previously mentioned, the subject parcel had undergone major vegetation removal and wetland modification prior to the submittal of the project application. While those impacts cannot be considered by this CEQA review, future development will potentially have further impacts on the remaining wetland habitat. Building envelopes have been established to assist in avoiding additional impacts to the wetland areas. Conditions have been included to ensure wetland habitats are not substantially impacted by future development. A condition has been included to ensure the applicant adheres to the regulations and requirements of any local, state, or federal agency.

<u>X. LAND USE AND PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact:** The proposed project is not located within any established community, thus the project would not physically divide any established community.

- b) **No Impact:** There are no land use plans, policies, or regulations, established by a jurisdictional agency to mitigate environmental impacts, with which the proposed project conflicts.
- c) **No Impact:** There are no identified habitats or natural community conservation plans for the project location, thus there is no possibility for the project to conflict with any such plans.

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

- a-b) **No Impact:** The proposed project is not located on or within any identified mineral resource lands, thus it will not result in the loss of any available mineral resource.

<b><u>XII. NOISE.</u></b> <b>Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **No Impact:** The proposed subdivision and subsequent development will not exceed standard noise levels. Additionally, the proposed subdivision will not expose persons to excessive groundborne vibration as there are no nearby businesses or activities to create such a disturbance.
- c-d) **Less Than Significant Impact:** While the subdivision itself would not increase any ambient noise levels, an increase in intensity, such as new residences, could permanently and/or temporarily increase ambient

noise levels. However, the zoning district allows the development of single-family residences thus the impact is considered less than significant.

- e-f) **No Impact:** The proposed project is not located near any airport zone or within any airport land use plan, thus it would not be exposing people to any level of noise regarding aircrafts or airstrips.

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

- a-c) **No Impact:** As the proposed project does not entail any new homes or housing infrastructure, it is unlikely that direct substantial population growth would occur. Though the proposed project is a subdivision, the number of proposed parcels and their subsequent development would not entail substantial population growth. This lack of substantial development also means that no housing or people will be displaced because of the proposed project.

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

- a) **No Impact:** The proposed project does not create any barrier for public service delivery as the parcel gains access from Thomas Lane, thus there is no impact.

<b><u>XV. RECREATION.</u></b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) **No Impact:** The proposed project is not located near state or regional parks, thus it would be unlikely that recreational facilities would deteriorate from usage due to the proposed project. Additionally, the proposed project does not entail the creation of any recreational spaces, thus it would be unnecessary to expand recreational facilities.

<b><u>XVI. TRANSPORTATION/TRAFFIC.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-f) **No Impact:** There are no identified policies, plans, regulations, or programs which would be violated by the proposed project, thus these concerns are considered to be less than significant. The project does not entail any obstructions to emergency access. Additionally, the proposed project would not alter any movement patterns, nor increase traffic hazards to others within the surrounding area. A condition has been included to ensure the applicant works with the Mendocino County Department of Transportation (DoT), as well as conditions prescribed by DoT to ensure compliance with their standards.

<b><u>XVII. TRIBAL CULTURAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant</b>	<b>Less Than Significant with</b>	<b>Less Than Significant</b>	<b>No Impact</b>
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	Impact	Mitigation Incorporated	Impact	
a) cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-b) **Less Than Significant Impact:** While archaeological surveys are typically required of subdivision, the applicant performed major vegetation removal and land alterations prior to the submission of the project application. During this time no archaeological resources were discovered. As such, staff determined the need for an archaeological survey was less significant than with undisturbed lands and therefore an archaeological survey was not required from the applicant. Per their June 11, 2018 letter, the Northwest Information Center indicated a previous study (Benson, 1978) had been performed over the entire subject parcel and had not discovered any cultural or tribal resources. The County's "Discovery Clause" applies.

<b><u>XVIII. UTILITIES AND SERVICE SYSTEMS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

needed?				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a-b) **No Impact:** The proposed project does not entail the use of any water, though future development does, thus no wastewater will be created. Future development would not exceed the capacity of any treatment facility as the proposed project is not located within a wastewater sanitation district. Conditions have been included to ensure on-site wastewater removal through septic systems or appropriate alternatives.
- c) **No Impact:** The project will not create substantial enough stormwater to establish a new drainage facility, thus there is considered to be no impact. There is sufficient undeveloped land on and around the subject parcel that stormwater drainage will not be an issue.
- d) **No Impact:** A condition from the Department of Environmental Health has been included to ensure adequate water supplies are available.
- e-g) **No Impact:** The proposed project is not located within any wastewater district, thus there are no impacts with regard to these issues. Additionally, there are a transfer station and solid waste removal businesses within a 5 mile proximity, thus there will be no impacts with regards to solid waste. As the project is a subdivision, it will not generate any solid waste and therefore no impact is anticipated.

<b><u>XIV. MANDATORY FINDINGS OF SIGNIFICANCE.</u></b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Less Than Significant Impact:** The proposed project does not directly have an impact on the environment, but future development could degrade the existing habitat and rare plant species that are

found on the subject parcel. A number of conditions are recommended to help reduce any impacts to these resources, including the establishment of building envelopes, a prohibition on tree and vegetation removal, and a prohibition on wetland alteration.

- b) **Less Than Significant Impact with Mitigation Incorporated:** Due to the vegetation removal and wetland alterations that occurred prior to the application for a subdivision, the proposed project does have the potential to have impacts that are cumulatively considerable. Further removal or degradation of the land would result in almost ten (10) acres of disturbed habitat that had hosted a number of rare plant species. While it would not have been completed through any discretionary permit, the clearing of the parcel can be considered a "past project" and thus any future development of the proposed parcels would cumulatively have an impact on the remaining habitat and wetlands. Therefore a variety of mitigation measures have been incorporated into the conditions of approval to prevent further cumulative impacts.
- c) **No Impact:** The proposed project would not have an effect on the environment that would have adverse impacts on human beings due to the insignificant or mitigated impacts on the environment, as indicated through this Initial Study. Impacts occurring on the parcel are more harmful to the natural environment.

**DETERMINATION:** On the basis of this initial evaluation:

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

5-31-19

DATE

  
SAM VANDEWATER  
PLANNER II

found on the subject parcel. A number of conditions are recommended to help reduce any impacts to these resources, including the establishment of building envelopes, a prohibition on tree and vegetation removal, and a prohibition on wetland alteration.

- b) **Less Than Significant Impact with Mitigation Incorporated:** Due to the vegetation removal and wetland alterations that occurred prior to the application for a subdivision, the proposed project does have the potential to have impacts that are cumulatively considerable. Further removal or degradation of the land would result in almost ten (10) acres of disturbed habitat that had hosted a number of rare plant species. While it would not have been completed through any discretionary permit, the clearing of the parcel can be considered a "past project" and thus any future development of the proposed parcels would cumulatively have an impact on the remaining habitat and wetlands. Therefore a variety of mitigation measures have been incorporated into the conditions of approval to prevent further cumulative impacts.
- c) **No Impact:** The proposed project would not have an effect on the environment that would have adverse impacts on human beings due to the insignificant or mitigated impacts on the environment, as indicated through this Initial Study. Impacts occurring on the parcel are more harmful to the natural environment.

**DETERMINATION:** On the basis of this initial evaluation:

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

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DATE

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SAM VANDEWATER  
PLANNER II

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
July 18, 2019

MS\_2018-0001

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

WHEREAS, the applicant, SCOTT BROWN, filed an application for a minor subdivision with the Mendocino County Department of Planning and Building Services to subdivide a 10.3± acre parcel into 3 parcels of 2±, 2±, and 6.3± acres, located 2.5± southeast of Fort Bragg center, on the north side of Thomas Lane (private), 0.3± mile east of its intersection with Benson Lane (CR 415E), at 31120 Thomas Lane, Fort Bragg (APN 019-333-18); General Plan RR; Zoning RR:2; Supervisorial District 4; (the "Project"); and

WHEREAS, a Mitigated Negative Declaration was prepared for the Project and noticed and made available for agency and public review on June 13, 2019 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, July 18, 2019, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. **General Plan and Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of Rural Residential (RR) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Rural Residential with a 2-acre lot size minimum (RR:2) and the Project is consistent with the Zoning Code per MCC Sections 20.048; and
2. **Division of Land Findings:** The Project is consistent with Chapter 17 of the Mendocino County Code, Division of Land Regulations per the review by the Subdivision Committee; and
3. **Biological Resource Findings:** The Project could potentially impact biological resources, such as the rare plant species identified in the Preliminary Biological Scoping Letter, and has therefore been conditioned to mitigate these impacts; and
4. **Hydrology Findings:** The Project has the potential to impact wetland habitats as identified by a wetland delineation report, therefore conditions have been incorporated to mitigate such impacts; and
5. **Environmental Protection Findings:** The CEQA Initial Study completed by staff identified the Project to have less than significant to no impact on the environment, with mitigation incorporated, and any concerns are adequately addressed through the conditions of approval so

that no adverse environmental impacts will result from the Project; therefore a Mitigated Negative Declaration is recommended for adoption.

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: James F. Feenan  
Commission Services Supervisor

By: \_\_\_\_\_

BY: BRENT SCHULTZ  
Director

MARILYN OGLE, Chair  
Mendocino County Planning Commission

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## EXHIBIT A

### CONDITIONS OF APPROVAL MS\_2018-0001 – SCOTT BROWN JULY 18, 2019

**APPROVED PROJECT DESCRIPTION:** Subdivision of 10.3± acre parcel into 3 parcels of 2±, 2±, and 6.3± acres.

**CONDITIONS OF APPROVAL:** For a Minor Subdivision which has been approved according to the Mendocino County Code, the following “Conditions of Approval” shall be completed prior to filing a Parcel Map.

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

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

##### **Aesthetics**

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

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

##### **Air Quality**

2. A notation shall appear on the Parcel Map stating:

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

3. A note shall appear on the Parcel Map stating:

*The access road, driveway and interior circulation routes shall be maintained in such a manner as to insure minimum dust generation subject to Air Quality Management District Regulation 1 Rule 430. All grading must comply with Air Quality Management District Regulations Rule 430. Any rock material, including natural rock from the property, used for surfacing must comply with Air quality Management District regulations regarding asbestos content.*

##### **Biological Resources**

- \*\*4. Subdivider shall submit to the Department of Planning and Building Services, an Exhibit Map defining building envelopes which will avoid rare plant communities in accordance with the Botanical Survey prepared by Wynn Coastal Planning, dated September 10, 2018, and subsequent buffer map, dated May 8, 2019.

A note shall be placed on Parcel Map stating:

*Development will be confined to the building envelopes as described on the Exhibit Map on file in the Department of Planning and Building Services.*

- \*\*5. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or

authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,404.75 OR CURRENT FEE shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to July 23, 2019 (within 5 days of the end of any action taken). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

- \*\*6. The removal of Mendocino Cypress – Bolander Pine Forest, Mendocino Cypress – Labrador Tea Forest, and Bishop Pine Forest shall be prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such species if necessary to address safety or disease concerns. Removal of the species for safety or disease concerns shall be determined by a certified arborist or registered professional forester. The certified arborist or registered professional forester shall submit a final report of their findings to the Department of Planning and Building Services. The findings shall include the reason for removal, methods of removal and adherence to the conditions of this subdivision, and impacts to surrounding vegetation and habitats due to the removal and removal methods. Any violation of this condition, as determined by County staff, shall result in a 4-fold replanting of the same species for each removed plant.
- \*\*7. The removal of vegetation, excluding trees, outside the building envelope shall require a certified biologist to monitor any such activity. The biologist shall submit a final report of their findings to the Department of Planning and Building Services demonstrating avoidance of impacts to the four rare plant species identified in the Preliminary Biological Scoping Letter (Wynn Coastal Planning, 2019). This prohibition shall not include the pruning of any such vegetation for maintenance, or the removal of such vegetation if necessary to address safety or disease concerns. Removal of the vegetation for safety or disease concerns shall be determined by a certified biologist. The certified biologist shall submit a final report of their findings to the Department of Planning and Building Services. The findings shall include the reason for removal, methods of removal and adherence to the conditions of this subdivision, and impacts to surrounding vegetation and habitats due to the removal and removal methods. Any violation of this condition, as determined by County staff, shall result in the replanting of the removed vegetation to pre-violation conditions.
- \*\*8. The removal of any tree with a diameter of more than 6 inches at chest height (approximately 3.5 feet) shall be prohibited. This prohibition shall not include the pruning of any such trees for maintenance, or the removal of such trees if necessary to address safety or disease concerns. Removal of the tree(s) for safety or disease concerns shall be determined by a certified arborist or registered professional forester. The certified arborist or registered professional forester shall submit a final report of their findings to the Department of Planning and Building Services. The findings shall include the reason for removal, methods of removal and adherence to the conditions of this subdivision, and impacts to surrounding vegetation and habitats due to the removal and removal methods. Any violation of this condition, as determined by County staff, shall result in a 4-fold replanting for each tree removed.
9. Native vegetation shall be reestablished in all areas of disturbed soil outside of the building envelopes. A revegetation plan specifying methods, materials, plant species, and schedule shall be submitted to the Department of Planning and Building Services within 60 days of approval by the Planning Commission or subsequent hearing body. All disturbed areas outside the building envelopes shall be seeded, and mulched if necessary, to prevent erosion.

## Cultural Resources

10. A note shall appear on the Parcel Map stating:

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

## Geology & Soils

11. The subdivider shall acknowledge in writing to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". The applicant shall submit to the Department of Planning and Building Services an acknowledgement of these grading and site preparation standards.
- a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
  - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
  - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
  - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
  - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1<sup>st</sup>.
  - f. All earth-moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
  - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
    - h. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
    - i. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to
12. The subdivider shall comply with those recommendations in the *California Department of Forestry* letter (*CalFire# 204-18*) or other alternatives as acceptable to the *Department of Forestry*. Written verification shall be submitted from the *Department of Forestry* to the Department of Planning and Building Services that this condition has been met to the satisfaction of the *Department of Forestry*.

13. The subdivider shall comply with those recommendations of the *Fort Bragg Rural Fire District* or other alternatives as acceptable to the *Fire District*. Written verification shall be submitted from *Fire District* to the Department of Planning and Building Services that this condition has been met to the satisfaction of the *Fire District*.

### Hydrology & Water Quality

14. The applicant shall provide the Division of Environmental Health adequate advance written notice (minimum of 15 days) of the date and time any field soil testing procedures for any proposed on-site sewage systems to allow the Division of Environmental Health staff to be present for soil testing.
15. The applicant shall submit to the Division of Environmental Health an acceptable site evaluation report (DEH FORM # 42.04) for all parcels completed by a qualified individual demonstrating compliance with the North Coast Regional Water Quality Control Board's Basin Plan Policy for On-site Waste Treatment and Disposal and Mendocino County Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).
16. The applicant shall submit to the Division of Environmental Health an acceptable site development plan at a scale of not more than 1 inch = 50 feet showing all adjacent parcels on one sheet completed by a qualified individual showing the location and dimensions of the initial sewage disposal system(s), 100% replacement area(s), acceptable setback distances to water wells and other pertinent setback distances which may impact project site development. The applicant shall submit to the Division of Environmental Health acceptable water quantity evaluation(s):

- 1200 gallon Proof of Water Test Form 26.05 per current requirements. Inland Areas  
 17 Hour Proof of Water Test. Coastal Areas  
 Hydrological Study including a Proof of Water Test. Coastal Areas

(DEH FORM # 26.05) completed by a qualified individual of a water source located on parcel 2 of the subdivision demonstrating an adequate water supply in compliance with the Division of Environmental Health's Land Division Requirements (DEH FORM # 26.09).

17. The applicant shall submit to the Division of Environmental Health an acceptable standard mineral analysis performed by a certified public health laboratory from an identified source on the subdivision. Compounds to be tested for, at a minimum are: Calcium, Iron (total), Magnesium, Manganese (total), Potassium, Sodium, Bicarbonate, Carbonate, Corrosivity (pH), Alkalinity (total), Total dissolved solids, Turbidity, Chloride, Fluoride, Nitrate, Sulfate, Calcium hardness, Magnesium hardness and Total hardness.
- \*\*18. The applicant shall obtain all authorizations required by and comply with all regulations established by the California Department of Fish and Wildlife prior to any wetland alteration.
- \*\*19. No material shall be placed into or where it may pass into any wetland in quantities which would be deleterious to fish, wildlife, or other beneficial uses.

### Transportation

20. There shall be provided an access easement of 60 feet in width from a publicly maintained road to each parcel being created. Documentation of access easement(s) shall be provided to the Mendocino County Department of Transportation for their review prior to final approval.
21. If a Parcel Map is filed, all easements of record shall be shown on the parcel map. All utility lines shall be shown as easements with widths as shown of record or a minimum of ten (10) feet, whichever is greater.

22. Subdivider shall improve Thomas Lane, from Hanson Road (CR 415H) to the terminus of Parcel 2, with a single layer chip seal surfacing. Prior to applying the chip seal, cracks shall be sealed and potholes shall be patched with hot mix asphalt.
23. If approval of the tentative map is conditioned upon certain improvements being made by the subdivider, the subdivider shall notify the Mendocino County Department of Transportation when such improvements have been completed. Prior to the filing of the parcel map, required road improvements must be inspected and approved by the Department of Transportation. Current inspection fees apply.
24. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation..

**Subdivision Conditions**

25. The subdivider shall pay into the County Affordable Housing Trust Fund (per County Code Section 20.238.035) an amount equaling 5% of the County-wide median sales price of a single family residence as determined by the County Assessor. Said fee shall be collected prior to the recording of the Parcel Map.
  - 2% (3 pcl division)
  - 5% (4-5 pcl division)
  - 20% (6 pcls and over)
26. Building/Development Setbacks indicating Front/Rear/Side to all property boundary's (existing and proposed) and roadway/easements shall be designated on the Parcel Map.
27. Pursuant to Government Code Section 66492 & 66493, prior to recordation of the Parcel Map, the subdivider must: (1) Obtain a Certificate from the Mendocino County Tax Collector stating that all current taxes and any delinquent taxes have been paid and; (2) Pay a security deposit (or bond) for taxes that are a lien, but not yet due and payable.
28. The permit shall become effective on the 11<sup>th</sup> day after Planning Commission approval and shall expire and become null and void at the expiration of two years after the effective date except where use of the property in reliance on such permit has been initiated prior to its expiration.
29. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division I of Title 20 of the Mendocino County Code.
30. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
31. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
32. The applicant shall secure all required permits from the Building Inspection Division of the Department of Planning and Building Services for all construction, structural modifications, establishment of signs and compliance with handicapped accessibility for the facility if required.
33. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.

- b. One or more of the conditions upon which the permit was granted have been violated.
- c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
- d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited, or the operation of one or more such conditions.

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

**\*\*Deletion of any of these conditions may affect the issuance of a Mitigated Negative Declaration.**